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[A.C. No. 1928. August 3, 1978.]

In the Matter of the IBP Membership Dues Delinquency of Atty. MARCIAL A. EDILLON (IBP Administrative Case No. MDD - 1).

R E S O L U T I O N

CASTRO, *C.J* :

The respondent Marcial A. Edillon is a duly licensed practicing attorney in the Philippines.

On November 29, 1975, the Integrated Bar of the Philippines (IBP for short) Board of Governors unanimously adopted Resolution No. 75-65 in Administrative Case No. MDD-1 (In the Matter of the Membership Dues Delinquency of Atty. Marcial A. Edillon) recommending to the Court the removal of the name of the respondent from its Roll of Attorneys for "stubborn refusal to pay his membership dues" to the IBP since the latter's constitution notwithstanding due notice.

On January 21, 1976, the IBP, through its then President Liliano B. Neri, submitted the said resolution to the Court for consideration and approval, pursuant to paragraph 2, Section 24, Article III of the By-Laws of the IBP, which reads:

> ". . . . Should the delinquency further continue until the following June 29, the Board shall promptly inquire into the cause or causes of the continued delinquency and take whatever action it shall deem appropriate, including a recommendation to the Supreme Court for the removal of the delinquent member's name from the Roll of Attorneys. Notice of the action taken shall be sent by registered mail to the member and to the Secretary of the Chapter concerned."

On January 27, 1976, the Court required the respondent to comment on the resolution and letter adverted to above; he submitted his comment on February 23, 1976, reiterating his refusal to pay the membership fees due from him.

On March 2, 1976, the Court required the IBP President and the IBP Board of Governors to reply to Edillon's comment: on March 24, 1976, they submitted a joint reply.

Thereafter, the case was set for hearing on June 3, 1976. After the hearing, the parties were required to submit memoranda in amplification of their oral arguments. The matter was thenceforth submitted for resolution.

At the threshold, a painstaking scrutiny of the respondent's pleadings would show that the propriety and necessity of the integration of the Bar of the Philippines are in essence conceded. The respondent, however, objects to particular features of Rules of Court 139-A (hereinafter referred to as the Court Rule) [1] — in accordance with which the Bar of the Philippines was integrated — and to the provisions of par. 2, Section 24, Article III of the IBP By-Laws (hereinabove cited).

The authority of the IBP Board of Governors to recommend to the Supreme Court

the removal of a delinquent member's name from the Roll of Attorneys is found in par. 2 Section 24, Article III of the IBP By-Laws (*supra*), whereas the authority of the Court to issue the order applied for is found in Section 10 of the Court Rule, which reads:

> "SEC. 10. *Effect of non-payment of dues*. — Subject to the provisions of Section 12 of this Rule, default in the payment of annual dues for six months shall warrant suspension of membership in the Integrated Bar, and default in such payment for one year shall be a ground for the removal of the name of the delinquent member from the Roll of Attorneys."

The all-encompassing, all-inclusive scope of membership in the IBP is stated in these words of the Court Rule:

> "SECTION 1. *Organization*. — There is hereby organized an official national body to be known as the 'Integrated Bar of the Philippines,' composed of all persons whose names now appear or may hereafter be included in the Roll of Attorneys of the Supreme Court."

The obligation to pay membership dues is couched in the following words of the Court Rule:

> "SEC. 9. *Membership dues*. — Every member of the Integrated Bar shall pay such annual dues as the Board of Governors shall determine with the approval of the Supreme Court. . . . ."

The core of the respondent's arguments is that the above provisions constitute an invasion of his constitutional rights in the sense that he is being compelled, as a pre-condition to maintaining his status as a lawyer in good standing, to be a member of the IBP and to pay the corresponding dues, and that as a consequence of this compelled financial support of the said organization to which he is admittedly personally antagonistic, he is being deprived of the rights to liberty and property guaranteed to him by the Constitution. Hence, the respondent concludes, the above provisions of the Court Rule and of the IBP By-Laws are void and of no legal force and effect.

The respondent similarly questions the jurisdiction of the Court to strike his name from the Roll of Attorneys, contending that the said matter is not among the justiciable cases triable by the Court but is rather of an "administrative nature pertaining to an administrative body."

The case at bar is not the first one that has reached the Court relating to constitutional issues that inevitably and inextricably come up to the surface whenever attempts are made to regulate the practice of law, define the conditions of such practice, or revoke the license granted for the exercise of the legal profession.

The matters here complained of are the very same issues raised in a previous case before the Court, entitled "Administrative Case No. 526, In the Matter of the Petition for the Integration of the Bar of the Philippines, Roman Ozaeta, et al., Petitioners." The Court exhaustively considered all these matters in that case in its Resolution ordaining the integration of the Bar of the Philippines, promulgated on January 9, 1973. The Court there made the unanimous pronouncement that it was.

> ". . . . fully convinced, after a thoroughgoing conscientious study of all the arguments adduced in Adm. Case No. 526 and the authoritative materials and the mass of factual data contained in the exhaustive Report of the Commission on Bar Integration, that the integration of the Philippine Bar is 'perfectly

constitutional and legally unobjectionable' . . ."

Be that as it may, we now restate briefly the posture of the Court.

An "Integrated Bar" is a State-organized Bar, to which every lawyer must belong, as distinguished from bar associations organized by individual lawyers themselves, membership in which is voluntary. Integration of the Bar is essentially a process by which every member of the Bar is afforded an opportunity to do his share in carrying out the objectives of the Bar as well as obliged to bear his portion of its responsibilities. Organized by or under the direction of the State, an integrated Bar is an official national body of which all lawyers are required to be members. They are, therefore, subject to all the rules prescribed for the governance of the Bar, including the requirement of payment of a reasonable annual fee for the effective discharge of the purposes of the Bar, and adherence to a code of professional ethics or professional responsibility breach of which constitutes sufficient reason for investigation by the Bar and, upon proper cause appearing, a recommendation for discipline or disbarment of the offending member. [2]

The integration of the Philippine Bar was obviously dictated by overriding considerations of public interest and public welfare to such an extent as more than constitutionally and legally justifies the restrictions that integration imposes upon the personal interests and personal convenience of individual lawyers. [3]

Apropos to the above, it must be stressed that all legislation directing the integration of the Bar have been uniformly and universally sustained as a valid exercise of the police power over an important profession. The practice of law is not a vested right but a privilege, a privilege moreover clothed with public interest because a lawyer owes substantial duties not only to his client, but also to his brethren in the profession, to the courts, and to the nation, and takes part in one of the most important functions of the State — the administration of justice — as an officer of the Court. [4] The practice of law being clothed with public interest, the holder of this privilege must submit to a degree of control for the common good, to the extent of the interest he has created. As the U. S. Supreme Court through Mr. Justice Roberts explained, the expression "affected with a public interest" is the equivalent of "subject to the exercise of the police power" (Nebbia vs. New York, 291 U.S. 502).

When, therefore, Congress enacted Republic Act No. 6397 [5] authorizing the Supreme Court to "adopt rules of court to effect the integration of the Philippine Bar under such conditions as it shall see fit," it did so in the exercise of the paramount police power of the State. The Act's avowal is to "raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectivity." Hence, the Congress in enacting such Act, the Court in ordaining the integration of the Bar through its Resolution promulgated on January 9, 1973, and the President of the Philippines in decreeing the constitution of the IBP into a body corporate through Presidential Decree No. 181 dated May 4, 1973, were prompted by fundamental considerations of public welfare and motivated by a desire to meet the demands of pressing public necessity.

The State, in order to promote the general welfare, may interfere with and regulate personal liberty, property and occupations. Persons and property may be subjected to restraints and burdens in order to secure the general prosperity and welfare of the State (U.S. vs. Gomez Jesus, 31 Phil. 218), for, as the Latin maxim goes, "Salus populi est supreme lex." *The public welfare is the supreme law*. To this fundamental principle of government the rights of individuals are subordinated. Liberty

is a blessing without which life is a misery, but liberty should not be made to prevail over authority because then society will fall into anarchy (Calalang vs. Williams, 70 Phil. 726). It is an undoubted power of the State to restrain some individuals from all freedom, and all individuals from some freedom.

But the most compelling argument sustaining the constitutionality and validity of Bar integration in the Philippines is the explicit unequivocal grant of precise power to the Supreme Court by Section 5 (5) of Article X of the 1973 Constitution of the Philippines, which reads:

> "Sec. 5. The Supreme Court shall have the following powers:
>
> xxx xxx xxx
>
> "(5) Promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law and the integration of the Bar . . .",

and Section 1 of Republic Act No. 6397, which reads:

> "SECTION 1. Within two years from the approval of this Act, the Supreme Court may adopt rules of Court to effect the integration of the Philippine Bar under such conditions as it shall see fit in order to raise the standards of the legal profession, improve the administration of justice, and enable the Bar to discharge its public responsibility more effectively."

Quite apart from the above, let it be stated that even without the enabling Act (Republic Act No. 6397), and looking solely to the language of the provision of the Constitution granting the Supreme Court the power "to promulgate rules concerning pleading, practice and procedure in all courts, and the admission to the practice of law, " it at once becomes indubitable that this constitutional declaration vests the Supreme Court with plenary power in all cases regarding the admission to and supervision of the practice of law.

Thus, when the respondent Edillon entered upon the legal profession, his practice of law and his exercise of the said profession, which affect the society at large, were (and are) subject to the power of the body politic to require him to conform to such regulations as might be established by the proper authorities for the common good, even to the extent of interfering with some of his liberties. If he did not wish to submit himself to such reasonable interference and regulation, he should not have clothed the public with an interest in his concerns.

On this score alone, the case for the respondent must already fall.

The issues being of constitutional dimension, however, we now concisely deal with them *seriatim*.

1. The first objection posed by the respondent is that the Court is without power to compel him to become a member of the Integrated Bar of the Philippines, hence, Section 1 of the Court Rule is unconstitutional for it impinges on his constitutional right of freedom to associate (and not to associate). Our answer is: To compel a lawyer to be a member of the Integrated Bar is not violative of his constitutional freedom to associate. [6]

Integration does not make a lawyer a member of any group of which he is not already a member. He became a member of the Bar when he passed the Bar examinations. [7] All that integration actually does is to provide an official national

organization for the well-defined but unorganized and incohesive group of which every lawyer is already a member. [8]

Bar integration does not compel the lawyer to associate with anyone. He is free to attend or not attend the meetings of his Integrated Bar Chapter or vote or refuse to vote in its elections as he chooses. The only compulsion to which he is subjected is the payment of annual dues. The Supreme Court, in order to further the State's legitimate interest in elevating the quality of professional legal services, may require that the cost of improving the profession in this fashion be shared by the subjects and beneficiaries of the regulatory program — the lawyers. [9]

Assuming that the questioned provision does in a sense compel a lawyer to be a member of the Integrated Bar, such compulsion is justified as an exercise of the police power of the state. [10]

2. The second issue posed by the respondent is that the provision of the Court Rule requiring payment of a membership fee is void. We see nothing in the Constitution that prohibits the Court, under its constitutional power and duty to promulgate rules concerning the admission to the practice of law and the integration of the Philippine Bar (Article X, Section 5 of the 1973 Constitution) — which power the respondent acknowledges — from requiring members of a privileged class, such as lawyers are, to pay a reasonable fee toward defraying the expenses of regulation of the profession to which they belong. It is quite apparent that the fee is indeed imposed as a regulatory measure, designed to raise funds for carrying out the objectives and purposes of integration. [11]

3. The respondent further argues that the enforcement of the penalty provisions would amount to a deprivation of property without due process and hence infringes on one of his constitutional rights. Whether the practice of law is a property right, in the sense of its being one that entitles the holder of a license to practice a profession, we do not here pause to consider at length, as it clear that under the police power of the State, and under the necessary powers granted to the Court to perpetuate its existence, the respondent's right to practice law before the courts of this country should be and is a matter subject to regulation and inquiry. And, if the power to impose the fee as a regulatory measure is recognize, then a penalty designed to enforce its payment, which penalty may be avoided altogether by payment, is not void as unreasonable or arbitrary. [12]

But we must here emphasize that the practice of law is *not* a property right but a mere privilege, [13] and as such must bow to the inherent regulatory power of the Court to exact compliance with the lawyer s public responsibilities.

4. Relative to the issue of the power and/or jurisdiction of the Supreme Court to strike the name of a lawyer from its Roll of Attorneys, it is sufficient to state that the matters of admission, suspension, disbarment and reinstatement of lawyers and their regulation and supervision have been and are indisputably recognized as inherent judicial functions and responsibilities, and the authorities holding such are legion. [14]

In *In Re Sparks* (267 Ky. 93, 101 S.W. (2d) 194), in which the report of the Board of Bar Commissioners in a disbarment proceeding was confirmed and disbarment ordered, the court, sustaining the Bar Integration Act of Kentucky, said: The power to regulate the conduct and qualifications of its officers does not depend upon constitutional or statutory grounds. It is a power which is inherent in this court as a court — appropriate, indeed necessary, to the proper administration of justice . . . the argument that this is an arbitrary power which the court is arrogating to itself or

accepting from the legislative likewise misconceives the nature of the duty. It has limitations no less real because they are inherent. It is an unpleasant task to sit in judgment upon a brother member of the Bar, particularly where, as here, the facts are disputed. It is a grave responsibility, to be assumed only with a determination to uphold the ideals and traditions of an honorable profession and to protect the public from overreaching and fraud. The very burden of the duty is itself a guaranty that the power will not be misused or prostituted. . ."

The Court's jurisdiction was greatly reinforced by our 1973 Constitution when it explicitly granted to the Court the power to "promulgate rules concerning pleading, practice . . . and the admission to the practice of law and the integration of the Bar . . ." (Article X, Sec. 5(5) the power to pass upon the fitness of the respondent to remain a member of the legal profession is indeed undoubtedly vested in the Court.

We thus reach the conclusion that the provisions of Rules of Court 139-A and of the By-Laws of the Integrated Bar of the Philippines complained of are neither unconstitutional nor illegal.

WHEREFORE, premises considered, it is the unanimous sense of the Court that the respondent Marcial A. Edillon should be as he is hereby disbarred, and his name is hereby ordered stricken from the Roll of Attorneys of the Court.

Fernando, Teehankee, Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, Concepcion Jr., Santos, Fernandez *and* Guerrero, JJ., *concur.*

Footnotes

1. Adopted in the Supreme Court's Resolution, promulgated on January 9, 1973, ordaining the integration of the Bar of the Philippines.

2. 114 A.L.R. 101.

3. Memorandum of Authorities on the Constitutionality of Bar Integration, cited in the Report of the Commission Bar Integration on the Integration of the Philippine Bar, Nov. 30, 1972; see also Supreme Court Resolution of January 9, 1973, ordaining the integration of the Philippine Bar.

4. In re Integrating the Bar, 222 Ark. 35, 259 S. W. 2d 114; Petition of Florida State Bar Association, 40 So. 2d 902; Petition of Florida State Bar Association, 134 Fla. 851, 186 So. 280; In re Edwards, 45 Idaho 676, 266 P. 665; Commonwealth ex rel. Ward vs. Harrington, 266 Ky. 411 98 S. W. 2d 53; Ayres vs. Hadaway, 303 Mich. 589, 6 N. W. 2d 905; Petition for Integration of Bar of Minnesota, 216 Minn. 195; Petition for Integration of Bar of Minnesota, 216 Minn. 195, 12 N. W. 2d 515; Clark vs. Austin, 101 S. W. 2d 977; In Re Integration Of Nebraska State Bar Assn., 133 Neb. 283, 275 N. W. 265, 114 A.L.R. 151; In re Scott, 53 Nev. 24, 292 291; Baker vs. Varser, 240 N.C. 260, 82 S.E. 2d 90; In re Integration of State Bar of Oklahoma, 185 Okla. 505, 95 P. 2d 113; State ex rel. Rice vs. Cozad, 70 S. Dak. 193, 16 N. W. 2d 484; Campbell vs. Third District Committee of Virginia State Bar, 179 Va. 244, 18 S. E. 2d 883; Lathrop vs. Donohue, 10 Wis. 2d 230, 102 N. W. 2d 404.

5. AN ACT PROVIDING FOR THE INTEGRATION OF THE PHILIPPINE BAR AND APPROPRIATING FUNDS THEREFOR, approved on September 17, 1971.

6. In re Unification of New Hampsire Bar, 248 A. 2d 709; In re Gibson, 35 N. Mex. 550, 4P 2d 643; Lathrop vs. Donohue, 10 Wis. 2d 230, 102 N. W. 2d 404; Lathrop vs. Donohue,

367 U.S. 820, 6 L. ed. 2d 1191, 81 S. Ct. 1826; Railways Employees' Dept. vs. Hanson, 351 U. S. 225, 100 L. ed. 1112, 76 S. Ct. 714.

7. Diokno, Jose W., "Bar Integration — A Sword and a Shield for Justice" (Manor Press, Q.C., 1962) p. 17.

8. Fellers, James, "Integration of the Bar — Aloha!", Journal of the Am. Judicature Society, Vol. 47, No. 11 (1964) p. 256.

9. Lathrop vs. Donohue, 10 Wis. 2d 230, 102, N.W. 2d 404; Lathrop vs. Donohue, 367 U.S. 820, 6 L. ed. 2d 1191, 81 S. Ct. 1826.

10. Hill vs. State Bar of California, 97 P. 2d 236; Herron vs. State Bar of California, 24 Cal. 53, 147 P. 2d 543; Carpenter vs. State Bar of California, 211 Cal. 358, 295 P. 23; In re Mundy, 202 La. 41, 11 So. 2d 398; In re Scott, 53 Nev. 24, 292 P. 291; In re Platz, 60 Nev. 24, 108 P. 2d 858; In re Gibson, 35 N. Mex. 550, 4 P. 2d 643; Kelley vs. State Bar of Oklahoma, 148 Okla. 282, 298 P. 623.

11. Petition of Florida State Bar Association, 40 So. 2d 902; In re Integration of Bar of Hawaii, 432 P. 2d 887; Petition for Integration of Bar of Minesota, 216 Minn. 195, 12 N. W. 2d 515; In re Scott, 53 Nev. 24, 292 P. 291; In re Unification of New Hampshire Bar, 248 A. 2d 709; In re Gibson, 35 N. Mex. 550, 4 P. 2d 643; State Bar of Oklahoma vs. McGhnee, 148 Okla. 219, 298 P. 580; Kelley vs. State Bar of Oklahoma, 148 Okla. 282, 298 P. 623; Lathrop vs. Donohue, 10 Wis. 2d 230, 102 N. W. 2d 404.

12. In re Gibson, 4 P. 2d 648.

    The following words of Justice Harlan are apposite: "The objection would make every Governmental exaction the material of a 'free speech' issue. Even the income tax would be suspect. The objection would carry us to lengths that have never been dreamed of The conscientious objector, if his liberties were to thus extended, might refuse to contribute taxes in furtherance of war or of any other end condemned by his conscience as irreligious or immoral. The right of private judgment has never yet been exalted above the powers and the compulsion of the agencies of Government." (Concurring opinion of Harlan, *J.,* joined by Frankfurter, *J.,* in Lathrop vs. Donohue, 367 U.S. 820, 6 L.ed. 2 1191, 81 S. Ct. 1826, citing Cardozo, *J.,* with Brandeis and Stone, *JJ.,* concurring, in Hamilton vs. Regents of Univ. of California, 293 U.S. 245, 79 Led. 343, 55 S. Ct. 197.)

13. In re Scott, 53 Nev. 24, 292 P. 291.

14. Bar Flunkers Case, 50 O.G. 1602; In re Aguas, 1 Phil. 1, and others.