HOUSE OF REPRESENTATIVES
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Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 1530

Introduced by HON. MUJIV S. HATAMAN of Anak Mindanao (AMIN) Party List

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EXPLANATORY NOTE

The uproar caused by the scandal of the 2003 Bar Examination has revealed one basis problem of the Administration of Justice in our country. In addition, it is the integrity of the legal profession specifically in the system of the admission of our country's lawyers.

Yet that is only a tip of the iceberg. Cheating has become a practice of many Bar Examination and their cohorts and in many occasions in the past it has been the subject of national scandal, if committed without being exposed has been within the knowledge of the legal profession and the public as well.

The negative effect of said practice to our nation cannot be discounted. It did not only allow incompetent and undeserving examinees to be admitted to the noblest and most respected profession. It has inflicted much damage to the respect of the people to the credibility and integrity of our justice system and the rule of law.

The Supreme Court was not aloof on the problem. It has conducted investigation and imposed sanctions in some instances. However, due to legal limitations, such actions were not able to curb the practice. Instead of being contained, it has been repeatedly committed. Worse is that persons responsible were even students and group of students and fraternities, well connected persons, who are products of excellent academic preparation in respected law schools of the country who are supposed to lead the example of honesty and integrity in the profession.

In fact, it is even one reason why such practice continues to defy the honesty of the system of admission to the legal profession even as the Bar, and the public has already been made aware of it.

Since no other effective system of admission to the practice of law has been recognized in our legal system, the state is bound to protect and preserve its integrity and

honesty. For allowing its sanctity to be eroded by the proliferating practice of cheating and dishonest acts in the conduct of Bar Examination will amount to allowing our ailing justice system and rule of law to be totally destroyed by irresponsible and malicious persons.

There is therefore an urgent need to deter and discourage such acts by legislating the criminalization and imposing stiff penalties of such condemnable practice, in so doing we can at least for the moment help to contribute to preserve justice and the rule of law in our country.

MUJIV S. HATAMAN

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AN ACT CRIMINALIZING CHEATING AND OTHER DISHONEST ACTS RELATIVE TO THE CONDUCT OF BAR EXAMINATIONS AND IMPOSING STIFF PENALTIES THEREOF.

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled.

Section 1. Declaration of Policy. The integrity of the legal profession, which deserves prime concern of the state as it is the basis of the effectivity of the administration of justice is shaken by occurrence of and complaints about scandals, cheating and dishonest acts during Bar Examination. Such integrity must be preserved by the state at all cost in order to maintain public respect to the rule of law and the sincerity of the people operating the administration of justice. Toward this end, the state hereby declares a strict policy against cheating and dishonesty acts in the conduct of Bar examinations, and heretofore imposes stiff punishments for its commission.

Section 2. It shall be unlawful for any person to gain access to the preparation of questionnaire, or prepared questionnaire for any Bar examination;

Section 3. It shall be unlawful for any examiner, or any Officer or person tasked to prepare, or assist in the preparation, submission, transmission and distribution of such Bar questionnaire to allow any person to have access, read, copy, or reproduced such questionnaire, or any portion of part thereof, or divulge to any person the contents or any portion of the contents of such questionnaires.

Section 4. It shall be unlawful for any person to posses any copy, extract, or recital of any copy or part of a copy of any questionnaire or portion thereof intended for a Bar examination yet to be conducted;

Section 5. It shall be unlawful for any examinee to read, use, or refer to any such copy, extract, recital, of any Bar questionnaire or any portion thereof in his review and preparation for the Bar examinations;

Section 6. It shall be unlawful for two or more persons or any groups of persons to conspire or fro any person to propose to commit any of the acts and omission enumerated in the preceding sections;

Section 7. Possession of any documents, papers, diskettes, compact disc, video or any object containing, any copy, recital, or any Bar questionnaire or a portion thereof by any person without valid authority to posses the same is prima facie evidence of the violation of this act.

Section 8. Violation of section 2,3,4,5 and 7 of this act shall be punished by the penalty of prison mayor in its minimum and medium period;

Section 9. If the offender is a member of the Bar, the maximum period of prison mayor shall be imposed upon him without prejudiced to the administrative sanction that may be imposed by the Supreme Court.

Section 10. Violation of Section 6 shall be punished by prison correctional in its maximum period.

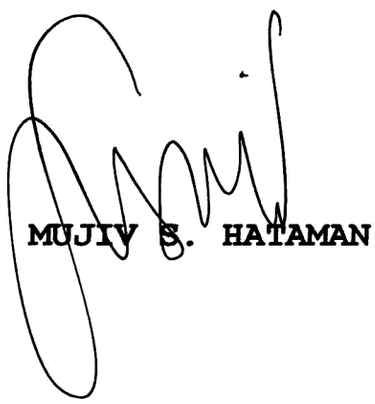
Section 11. If a violator is an examinee, the results of his Bar examination will be nullified and he will not allowed perpetually to take the Bar examination.

Section 12. Separability clause. If any portion of this law will be declared unconstitutional, the remainder shall remain valid and effective.

Section 13. Repealing clause. All laws, presidential decrees, executive orders, rules and regulations, other issuance, and parts thereof, which are inconsistent with the provisions of this act are hereby repealed or modified accordingly.

Section 14. Effectivity clause. This act shall take effect two weeks from its publication of a newspaper of general circulation.

Approved.



MUJIV S. HATAMAN