

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1572

Introduced by Hon. Marcelino C. Libanan



EXPLANATORY NOTE

Almost eight years after Republic Act No. 7662 was approved into law on December 23, 1993, people concerned about the quality of legal education in this country have yet to see its implementation. Organizations like the Philippine Association of Law Schools and the Philippine Association of Law Professors have initiated moves towards the constitution of the Legal Education Board which Republic Act No. 7662 has created. However, the road to the law's implementation appears to have been beset by stumbling blocks that are ingrained in the law itself.

The law was enacted primarily to give flesh to the declared State policy to uplift the standards of legal education. And yet, a reading of the law would reveal certain provisions that go beyond the ambit of education of aspiring lawyers and into the sphere of education of persons duly licensed to practice the law profession. These provisions do not only expand the purpose of the law - these also impinge on matters that might render their implementation constitutionally infirm.

Thus, under the declaration of policies in Section 2 of Republic Act No. 7662, the State "shall undertake appropriate reforms in the legal education system, require the proper selection of law students, maintain quality among law schools and require apprenticeship and continuing legal education." The concept of continuing legal education encompasses education not only of law students but also of members of the legal profession. Its inclusion in the declaration of policies implies that the Legal Education Board shall have jurisdiction over the education of persons who have finished the law course and are already licensed to practice law. Viewed in the light of Section 5, paragraph 5 of Article VIII of the Constitution that vests the Supreme Court with powers over the Integrated Bar of the Philippines, said portion of Section 2 of Republic Act No. 7662 risks a declaration of constitutional infirmity.

In the same vein, Section 3 provides as one of the objectives of legal education increasing "awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of the society." Such objective should not find a place in the law that primarily aims to upgrade

the standards of schools of law as they perform the task of educating aspiring lawyers. Section 5, paragraph 5 of Article VIII of the Constitution also provides that the Supreme Court shall have the power to promulgate rules on "legal assistance to the underprivileged" and hence, implementation of Republic Act No. 7662 might give rise to infringement of a constitutionally mandated power.

Apparently in consonance with said expressed, albeit offensive, policy and objective of Republic Act No. 7662, Section 7 thereof includes the following as functions of the Legal Education Board: (a) prescribing minimum standards of law admission [paragraph e] and (b) adopting "a system of continuing legal education" and, for that purpose, "the Board may provide for the mandatory attendance of practicing lawyers in such courses and for such duration as the Board may deem necessary" [paragraph h]. Again, these functions encroach upon the Supreme Court's powers under Section 5, paragraph 5 of Article VIII of the Constitution. Aside from its power over the Integrated Bar of the Philippines, the Supreme Court is constitutionally mandated to promulgate rules concerning admission to the practice of law.

These provisions that, in the implementation of the law, may meet constitutional objections, should be removed. Otherwise, the law's enforcement may needlessly be derailed.

There are provisions regarding the composition of the Legal Education Board, particularly with respect to the law students' sector representatives that need correction. As worded, the third paragraph of Section 4, of the law may be construed as doing away with the citizenship requirement as far as the representative of the law sector is concerned. The law could not have conceived of a foreigner sitting in that Board although he or she is only a law student. All members of the Legal Education Board must fulfill the citizenship requirement and hence, there is a need to rephrase that particular provisions of the law. Similarly, under Section 5, the term of office of all the members of the Legal Education Board is "five (5) years without reappointment." Although the course may be completed in four (4) years, Section 5 grants a law students' sector representative the authority to hold office even after he or she shall have finished the law course. The provision on the term of office of the law students' sector representative should thus be amended along the line of giving as many law students as possible the opportunity to serve in the Board.

Events have likewise overtaken the implementation of the law. On May 18, 1994, Republic Act No. 7722 ('Higher Education Act of 1994') was approved into law. Section 18 of that law provides the jurisdiction of the Department of Education, Culture and Sports (DECS) over tertiary institutions has been transferred to the Commission on Higher Education (CHED). Since Section 4 of Republic Act No. 7662 provides that the Legal Education Board shall be "attached solely for budgetary purposes and administrative support" to the DECS, this provision of law must be amended as a consequence of the transfer of jurisdiction over law schools from the DECS to the CHED. All provisions of Republic Act No. 7662 that mention the DECS should thus be amended by substituting the DECS with the CHED.

Section 13 of Republic Act No. 7662 authorizes that 1,000,000.00 shall be "charged against the current year's appropriation of the Contingent Fund for the initial expenses of the Board." The almost eight - year period that has elapsed since the enactment of Republic Act No. 7662 has seen the rise in inflation rate and increases in the salary of government employees. There is thus need to adjust the amount appropriated for the initial expenses of the Legal Education Board.

Republic Act No. 7662 was enacted in answer to the call of the improvement of the system of legal education in this country on account of the poor performance of law students, and law schools, in the Bar Examinations. For the past five years, the percentage of those who passed the Bar Examinations in relation to the number of persons admitted to take the same examinations has been consistently low. Thus: 1996 - 31.21%; 1997 - 18.11%; 1998 - 39.63%; 1999 - 16.59% and 2000 - 20.84%. Although the percentage of passing in the 1998 examinations was one of the highest in years, it in no way reflects an upscale standard of legal education. In 1999, the percentage of passing dropped by 23.04% and in 2000, it improved by 4.25% only.

As it is, the necessity for the constitution of the Legal Education Board that shall oversee the system of legal education in this country as envisioned by the authors of Republic Act No. 7662 remains. However, for a smooth implementation of the law, its objectionable provisions must be corrected. Immediate amendment of Republic Act No. 7662 bodes well for the attainment of the aims for which it was enacted.



HON. MARCELINO C. LIBANAN

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AN ACT
AMENDING SECTIONS 2,3,4,5,6,7,12 AND 13 OF REPUBLIC ACT NO. 7662 ENTITLED "AN ACT PROVIDING FOR REFORMS IN LEGAL EDUCATION, CREATING FOR THE PURPOSE A LEGAL EDUCATION BOARD, AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Section 2 of Republic Act No. 7662 is hereby amended
2 to read as follows:

3 "Sec. 2. *Declaration of Policies.* - It is hereby declared the
4 policy of the State to uplift the standards of legal education in
5 order to prepare law students for advocacy, counseling,
6 problem solving, and decision-making; to infuse in them the
7 ethics of the legal profession; to impress upon them the
8 importance, nobility and dignity of the legal profession as an
9 equal and indispensable partner of the Bench in the
10 administration of justice; and, to develop socially-committed
11 lawyers with integrity and competence.

12 Towards this end, the State shall undertake appropriate
13 reforms in the legal education system, require proper selection
14 of law students, [maintain quality among law schools, and]

1 PROVIDE FOR legal apprenticeship, and (continuing legal
2 education) MAINTAIN QUALITY AMONG LAW SCHOOLS.”

3 **SEC. 2.** Section 3 of the same law is hereby amended to read as
4 follows:

5 “Sec. 3. *General and Specific Objectives of Legal*
6 *Education.* - a) Legal Education in the Philippines is geared to
7 attain the following general objectives:

8 1) to prepare students for the practice of law;

9 2) to increase awareness among [members of the legal
10 profession] LAW STUDENTS of the needs of the poor, deprived
11 and oppressed sectors of society;

12 3) to train persons for leadership, and

13 4) to contribute towards the promotion and
14 advancement of justice and the improvement of its
15 administration, the legal system and legal institutions in the
16 light of the historical and contemporary development of law in
17 the Philippines and in other countries.

18 b) Legal education shall aim to accomplish the following
19 specific objectives:

20 1) to impart among law students a broad knowledge of
21 law and its various fields, and of legal institutions;

22 2) to enhance their legal research abilities to enable
23 them to analyze, articulate and apply the law effectively, as
24 well as to allow them to have a holistic approach to legal
25 problems and issues;

26 3) to prepare law students for advocacy, counseling,
27 problem solving and decision making, and develop their ability

1 to deal with recognized legal problems of the present and the
2 future;

3 4) to develop competence in any field of law as is
4 necessary for gainful employment or sufficient as a foundation
5 for future training beyond the basic professional degree, and to
6 develop in them the desire and capacity for continuing study
7 and self-improvement;

8 5) to inculcate in them the ethics and responsibilities
9 of the legal profession; and

10 6) to produce lawyers who conscientiously pursue the
11 lofty goals of their profession and faithfully adhere to its
12 ethical norms.”

13 **SEC. 3.** Section 4 of the same law is hereby amended to read as
14 follows:

15 “Sec. 4. *Legal Education Board; Creation and*
16 *Composition.* - To carry out the purposes of this Act, there is
17 hereby created the Legal Education Board, hereinafter referred
18 to as the Board, attached solely for budgetary purposes and
19 administrative support to the [Department of Education,
20 Culture and Sports] COMMISSION ON HIGHER EDUCATION
21 (CHED).

22 The Board shall be composed of a Chairman, who shall
23 preferably be a former justice of the Supreme Court or Court
24 of Appeals, and the following as regular members: a
25 representative of the Integrated Bar of the Philippines (IBP); a
26 representative of the Philippine Association of Law Schools
27 (PALS); a representative of the Philippine Association of Law

1 Professors (PALP); a representative [from the ranks of active
2 law practitioners] OF THE PHILIPPINE JUDICIAL ACADEMY
3 (PHILJA); and a representative from the law students' sector.
4 The [Secretary of the Department of Education, Culture and
5 Sports] CHAIRMAN OF THE COMMISSION ON HIGHER
6 EDUCATION, or his representative, shall be an *ex-officio*
7 member of the Board."

8 [With the exception of the representative of the law
9 students' sector, the Chairman and regular members of the
10 Board must be natural born citizens of the Philippines and
11 members of the Philippine Bar, who have been engaged for at
12 least (10) years in the practice of law, as well as in the teaching
13 of law in a duly authorized or recognized law school.]

14 **SEC. 4.** Section 5 of the same law is hereby amended to read as
15 follows:

16 "Sec. 5. *Term of Office; Compensation.* - [The Chairman
17 and regular members of the Board shall be appointed by the
18 President for a term of five (5) years without reappointment
19 from a list of at least three (3) nominees prepared, with prior
20 authorization from the Supreme Court, by the Judicial and Bar
21 Council, for every position or vacancy, and no such
22 appointment shall need confirmation by the Commission on
23 Appointments. Of those first appointed, the Chairman and
24 representative of the IBP shall hold office for five (5) years; the
25 representatives of the PALS and the PALP for three (3) years;
26 and the representative from the ranks of active law
27 practitioners and the representative of the law students' sector

1 for one (1) year, without reappointment. Appointments to any
2 vacancy shall be only for the unexpired portion of the term of
3 the predecessor.] THE CHAIRMAN AND REGULAR MEMBERS
4 OF THE BOARD SHALL BE APPOINTED BY THE PRESIDENT
5 FROM A LIST OF AT LEAST THREE (3) NOMINEES FOR
6 EVERY VACANCY. THE LIST SHALL BE PREPARED BY THE
7 JUDICIAL AND BAR COUNCIL WITH THE AUTHORIZATION OF
8 THE SUPREME COURT. NO SUCH APPOINTMENTS SHALL
9 NEED CONFIRMATION BY THE COMMISSION ON
10 APPOINTMENTS.

11 THE CHAIRMAN AND REGULAR MEMBERS OF THE
12 BOARD SHALL HOLD OFFICE FOR A TERM OF FIVE (5)
13 YEARS WITHOUT REAPPOINTMENT: *PROVIDED, HOWEVER,*
14 *THAT THE REPRESENTATIVE OF THE LAW STUDENTS'*
15 *SECTOR SHALL SERVE A ONE YEAR TERM ONLY. OF THOSE*
16 *FIRST APPOINTED, THE CHAIRMAN AND THE*
17 *REPRESENTATIVE OF IBP SHALL HOLD OFFICE FOR FIVE*
18 *YEARS; THE REPRESENTATIVES OF THE PALS AND THE*
19 *PALP FOR THREE (3) YEARS; AND THE REPRESENTATIVES*
20 *OF THE PHILJA AND THE LAW STUDENTS' SECTOR FOR*
21 *ONE YEAR, WITHOUT REAPPOINTMENT. OTHERWISE,*
22 *APPOINTMENT TO A VACANCY SHALL BE ONLY FOR THE*
23 *UNEXPIRED PORTION OF THE TERM OF THE*
24 *PREDECESSOR.*

25 The Chairman and regular members of the Board shall
26 have the same salary and rank as the Chairman and
27 members, respectively, of the Constitutional Commissions:

1 *Provided, That* their salaries shall not be diminished during
2 their term of office.”

3 **SEC. 5.** Sec. 6 of the same law is hereby amended to read as follows:

4 “Sec. 6. *Office and Staff Support.*- The [Department of
5 Education, Culture and Sports] COMMISSION ON HIGHER
6 EDUCATION shall provide the necessary office and staff
7 support to the Board, with a principal office to be located in
8 Metropolitan Manila.

9 The Board may appoint such other officers and
10 employees AS it may deem necessary in the performance of its
11 powers and functions.”

12 **SEC. 6.** Section 7 of the same law is hereby amended to read as
13 follows:

14 “Sec. 7. *Powers and Functions.* - For the purpose of
15 achieving the objectives of this Act, the Board shall have the
16 following powers and functions:

17 a) to [administer] REGULATE the legal education
18 system in [the country in the manner consistent with the
19 provisions of this Act] ACCORDANCE WITH ITS POWERS AND
20 FUNCTIONS HEREIN UNUMERATED;

21 [b) to supervise law schools in the country, consistent
22 with its powers and functions as herein enumerated]

23 [c)] B) to [set] ESTABLISH [the] standards of
24 accreditation for law schools [taking into account, among
25 others, the size of enrollment, the qualifications of the member
26 of the faculty, the library and their facilities, without
27 encroaching upon the academic freedom of institutions of

1 higher learning] CONSISTENT WITH ACADEMIC FREEDOM
2 AND PURSUANT TO THE DECLARATION OF POLICY SET
3 FORTH IN SECTION 2 HEREOF;

4 [d]] C) to accredit law schools that meet the standards
5 of accreditation;

6 [e)] D) to prescribe minimum standards for [law
7 admission and minimum qualifications and compensation of
8 faculty members] ADMISSION TO LAW SCHOOLS INCLUDING
9 A SYSTEM OF LAW APTITUDE EXAMINATION;

10 E) TO PROVIDE FOR MINIMUM QUALIFICATIONS FOR
11 FACULTY MEMBERS OF LAW SCHOOLS;

12 [f) to prescribe the basic curricula for the course of study
13 aligned to the requirements for admission to the Bar, law practice
14 and social consciousness, and such other courses of study as may
15 be prescribed by the law schools and colleges under the different
16 levels of accreditation status;]

17 [g) to establish law practice internship as a requirement for
18 taking the Bar which a law student shall undergo with any duly
19 accredited private or public law office or firm or legal assistance
20 group anytime during the law course for a specific period that the
21 Board may decide, but not to exceed a total of twelve (12) months.
22 For this purpose, the Board shall prescribe the necessary
23 guidelines for such accreditation and the specifications of such
24 internship which shall include the actual work of a new member
25 of the Bar;]

26 [h) to adopt a system of continuing legal education. For this
27 purpose, the Board may provide for the mandatory attendance of

1 practicing lawyers in such courses and for such duration as the
2 Board may deem necessary; and]

3 F) TO PRESCRIBE GUIDELINES FOR LAW PRACTICE
4 INTERNSHIP WHICH THE LAW SCHOOLS MAY ESTABLISH AS
5 PART OF THE CURRICULUM; AND

6 [i)] G) to perform such other ADMINISTRATIVE functions [and
7 prescribe such rules and regulations] AS MAY BE necessary for
8 the attainment of the policies and objectives of this Act.”

9 **SEC. 7.** Sec. 12 of the same law is hereby amended to read as
10 follows:

11 “Sec. 12. *Coverage.* - The provisions of this Act shall
12 apply to all schools and colleges of law [which are presently
13 under the supervision of the Department of Education, Culture
14 and Sports], PUBLIC OR PRIVATE: *PROVIDED THAT, THE*
15 *PROVISIONS OF THIS ACT SHALL NOT APPLY TO THE*
16 *COLLEGE OF LAW OF THE UNIVERSITY OF THE PHILIPPINES*
17 *SYSTEM. Hereafter, (said supervision) THE SUPERVISION OF*
18 *THE COMMISSION ON HIGHER EDUCATION shall be*
19 *transferred to the Board. Law schools and colleges which shall*
20 *be established following the approval of this Act shall likewise*
21 *be covered.”*

22 **SEC. 8.** Sec. 13 of the same law is hereby amended to read as
23 follows:

24 “Sec. 13. *Appropriation.* - The amount of [one] THREE
25 Million pesos ([P1,000,000.00] P3,000,000.00) is hereby
26 authorized to be charged against the current year’s

1 appropriation of the Contingent Fund for the initial expenses of
2 the Board.

3 To form part of the Legal Education Fund, there shall be
4 appropriated annually, under the budget of the [Department of
5 Education, Culture and Sports] COMMISSION ON HIGHER
6 EDUCATION, the amount of [ten] TWENTY Million Pesos
7 ([P10,000,000.00] P20,000,000.00) for a period of ten (10)
8 years effective Fiscal Year [1994] 2001”

9 **SEC. 9. *Repealing Clause.*** - All laws, presidential decrees and
10 issuances, executive orders, rules and regulations or part thereof
11 inconsistent with the provisions of this Act are hereby repealed or modified
12 accordingly.

13 **SEC. 10. *Separability Clause.*** If, for any reason or reasons, any part
14 of the provisions of this Act shall be held to be unconstitutional or invalid,
15 other parts or provisions hereof which are not affected thereby shall
16 continue to be in full force and effect.

17 **SEC. 11. *Effectivity.*** This Act shall take effect fifteen (15) days after
18 its publication in two national newspapers of general circulation. The
19 publication shall not be later than seven days after the approval hereof.

20 Approved,