

HOUSE OF REPRESENTATIVES

*Introduced by Representative Maximo B. Rodriguez, Jr.*

House Bill No. **4258**

**EXPLANATORY NOTE**

The Legal Education Board (*hereinafter* "LEB") was established by law to introduce and produce genuine and meaningful reforms in the legal education sector. Although the law creating it, Republic Act No. 7662, was enacted in 1993, the LEB was only constituted in 2009.

**1. Section 4, R.A. No. 7662**

**A. Omission of preference**

While the Undersigned recognizes that the purpose for including the preference that the Chairperson of the Board must be a retired Justice of the Supreme Court or Court of Appeals was to give prestige to the LEB as a regulatory body of law schools all over the Philippines, it is more prudent and, in fact, beneficial to the entire legal education sector to omit such "preference" because of the following reasons:

1. It discriminates against justices (or those who have similar ranks) from other judicial and/or quasi-judicial bodies such as, but not limited to: Senators, Members of the House of Representatives, Justices of the Sandiganbayan and Court of Tax Appeals, Solicitor-General, and President of the University of the Philippines, etc.).
2. It discriminates against law professors or other persons more competent and well-versed with the disciplines of education and pedagogy, and cognitive sciences who can all the more bring in the much-needed reforms in Philippine legal education.

It is, however, conceded that the inclusion of such "preference" will not bar the above-mentioned individuals from applying to the position of Chairperson. However, to the knowledge of the Undersigned, the mere inclusion of the phrase gave birth to the practice and recognition in the Judicial and Bar Council (*hereinafter* "JBC") and also among the legal education sector that only justices from the Supreme Court or Court of Appeals can be Chairperson. Furthermore, the inclusion of the "preference" automatically gives, to some extent, an undue advantage to these classes of persons. Thus, as among nominees, one of which is a former justice and the others are not, there is a guidepost, unfortunately statutory, to give preference to the former. Although it is not mechanical to the nominating and appointing offices, yet such is a powerful one for them.

It begs stressing that the Father of American legal education who introduced the innovative modified Socratic and case methods was characterized by the following as follows:

Born in 1826, [Langdell] had come to study at the [Harvard] Law School in 1851. He was then already a lawyer in his native state of New Hampshire. Recognized as a 'book worm if there ever was one,' he was made librarian and research assistant to Professor Theophilus Parsons, working on the Parsons text on Contracts. He remained for three years, twice the usual time, and won recognition among younger fellow students as a genius... Langdell



practiced law in New York for 14 years. He was not successful as a litigator and attracted few if any clients of his own. He did win a reputation as 'the best read lawyer in New York,' and became a partner to other lawyers who met with clients, adversaries, and courts, while Langdell wrote their legal briefs and memoranda. A recluse then without family, he slept close to his work."<sup>1</sup>

Dean Christopher Columbus Langdell was never a judge. Although he was a litigator before his appointment to Harvard Law School, he was not a successful practitioner. What enabled him to introduce his innovative reforms in Harvard Law School, which became the gold standard in American legal education and later adopted in several countries, are his passion for reading and love for genuine research. To the mind of the Undersigned, the best qualification for a Chairperson and, even, for other members of the LEB is being knowledgeable to the modern developments of cognitive sciences, trends in legal education and pedagogy in other countries, and the openness and willingness to adopt, innovate, or apply these to the Philippines.

Furthermore, the primary role of the Chairperson and the other Regular Members is policy-making and not administration or operation. Proposed amendments for the latter will be discussed later. As such, the Undersigned respectfully submits that this phrase calling for a "preference" be omitted.

**B. Exemption to the prohibition provided by the Code of Conduct and Ethical Standards for Public Officials and Employees**

The words "x x x law practice, especially x x x" is added, thus the proviso reads: "*provided, however, that appointment to the board shall not be a bar to any regular member's engaging in law practice, especially the teaching of law, during his/her term of office.*"

This provides an express exemption to the Code of Conduct and Ethical Standards for Public Officials and Employees. This broad exemption, subject, of course, to the special dispensation discussed below, would further increase the applicants to by making the positions in the LEB more enticing. Thus, the representative from the IBP or from the PALS, may be allowed to continue his litigation practice, albeit in a limited sense.

**C. Requirement of special dispensation**

The phrase "**subject to the special dispensation, in writing, from the Board Chairperson**" is proposed to improve the provision semantically. This clarifies that the "special dispensation" will always be subject to the sound discretion of the Chairperson and will not be purely mechanical on his part. This will be a safeguard to conflict of interests that members of the Board may possibly confront.

**2. Section 5, R.A. No. 7662**

The statutory powers of the LEB are enormous. However, there are three factors that greatly impeded the Board from exercising such and realizing its mandate, namely: (a) lack of quorum among the Regular Members due to dismal turn-out in application; (b) lack of staff support in the agency's administration and operation; and (c) lack of funds. As such, to this date, the LEB has been limited, in its operation, to the accreditation of law schools.

To address the first problem, the Undersigned respectfully submits the following proposals:

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<sup>1</sup> Sucgang JD Thesis, citing B Kimball, *The Langdell Problem: Historicizing the Century of Historiography, 1906-2000s*, Law and History Review, Vol. 22, No. 2 (2004).

#### A. Longer term

With the influx of technological and scientific advancements, the positions of Chairperson and Regular Members call for effective policy-making and efficient strategic planning skills. These will ensure a more stable implementation of long-term solutions to problems confronting Philippine legal education. Thus, the term of six (6) years.

#### B. Clear duration and computation of term

The qualification that the term of the Chairperson and other members of the Board shall be "five (5) years from their assumption of office" will present a clearer and easier computation of the period of their term on the part of the JBC and the appointing authority.

Currently, the practice with the JBC is to compute the term on the basis of the date of commencement of the agency, i.e., 2009 in the case of LEB. Thus, the Chairperson, currently the first one, ended his term in January, 2014. This resulted to an unintended yet serious consequence of lack of representation of the different sectors intended to be represented in the LEB. Add to this are the lack of applicants and the slow process of vetting and appointment in the Office of the President, thus, it is no wonder that the Board has repeatedly failed to reach a quorum. What happened was to amend the internal rules to reduce the number of quorum from five (5) to three (3).

To illustrate, the first full-term representative of the law students' sector, was only appointed last October 30, 2013 and assumed office last November 26, 2013. The term of the first appointee, since under R.A. No. 7662, his was only for one (1) year ended 2010. Thus, for more than three (3) years, there was nobody representing the interests of Filipino law students. Fortunately, upon his assumption of office, the Board reached a quorum of three (3), together with the current Chairperson and the CHED Chairperson's representative. However, upon the end of the term of Chairman Hilarion L. Aquino, the Board, again, failed to muster the quorum. Ironically, because of this unfortunate circumstance, the Undersigned served concurrently as a Regular Member and Acting Officer-in-Charge. Although, it is both an honor and challenge for him to serve in this dual capacity, considering the fact that he was then a senior student and currently a Bar Examination reviewee, to his mind, however, this scenario was never the intended by our lawmakers. Moreover, he surmises that Congress, when it enacted the law, never thought that this circumstance may even happen.

This amendment will, therefore, forbid the happening of a scenario where the most junior member will head the Board, albeit in an acting capacity.

#### C. Hold-over capacity

To prevent lack of representation resulting from the circumstances above-discussed, unless the reason is death, disqualification by law, or incapacity by law or fact, the Chairperson or any Regular Member, whose term has ended, shall serve in a hold-over capacity. This will ensure that the Board will always have a quorum for continuous operation. Currently, because there are only two (2) members in the Board, namely: the Undersigned and the CHED Chairperson's representative to the LEB, the agency is apparently paralyzed. All issuances, orders, and resolutions are provisional in nature and will be submitted if and when the Board attains a quorum.

#### D. Exemption of the representatives of the PALS, PALP and IBP from undergoing the JBC process

To further facilitate effective and continuous representation, the Undersigned proposes that applicants for the positions of Regular Members representing the PALS, PALP and IBP will be exempted from the JBC nomination process. Besides, these associations are highly organized that they can establish internal mechanisms for the nomination and vetting process of their prospective representatives. Through this amendment, these organizations will be empowered since they, on their own, can recommend to the President who they think will best represent their ranks.

Such exemption shall not be applicable to the position of Chairperson and Representatives of the law students' sector and active law practitioners. The role of the JBC is all the more required for the position of the Chairperson since he will set the vision for the LEB. Likewise, the role of the JBC is important for the positions of Regular Members representing law students' sector and active law practitioners since there is no other way to screen them.

### **3. Section 6, R.A. No. 7662**

The problem with lack of manpower hounds not only the policy-making body of the LEB but also its administrative and operational services.

As early as January 28, 2011, the LEB, through the CHEd, has requested the Department of Budget and Management to create 29 regular positions<sup>2</sup> as initial manpower complement. Said request was reiterated in letters dated August 6, 2013 and December 9, 2013. However, of the requested positions, only five (5) positions were created, notwithstanding the fact that they are tasked to implement the policies of the LEB among the 119 law schools all over the country. Furthermore, these staff members are, to this date, hired on a *contract of service basis*, thus, without government benefits.

#### **A. Secretariat positions statutorily established**

To prevent the unintended circumstance that a junior member of the Board will serve as the officer-in-charge, in an acting capacity, the Undersigned respectfully submits that there be statutorily-provided regular Secretariat positions, namely: (a) Executive Director; (b) Director for Accreditation and Admission Standards; (c) Director for Finance and Accounting; and (d) Director for Human Resources. Thus, regardless of the attainment or non-attainment of quorum in the Board, the LEB's operation will not be hampered. These positions will, of course, be subject to "x x x national compensation and position classification plan x x x."

#### **B. Other statutory guarantees to the LEB**

The Executive Director shall be granted, statutorily, the power to recommend the fixing of the secretariat's staffing pattern, determination of their duties, qualifications, responsibilities and functions, as well as the compensation scheme, subject to the Board's approval.

To ensure realization of the LEB's functions, it is now expressly mentioned that the Board is mandated to establish "x x x regional officers for a more efficient discharge of its powers and functions.x x x." Currently, all applications, requests, and other correspondence from the 119 law schools in the country are forwarded to the lone office located in the City of Manila. If there can be offices not only for Metro Manila law schools but also those from Luzon, Visayas, and Mindanao, then administration of legal education will be more efficient.

Also, the CHEd is mandated to provide technical support to the LEB since it has more experience in administration of higher education. Although the Legal Education Reform Act

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<sup>2</sup> Including the Chairperson and Regular Members



was enacted a year prior to the Higher Education Act, the LEB was only constituted in 2009 and became operational in 2010.

#### **4. Sections 11 and 13, R.A. No. 7662**

As identified by the Undersigned, the lack of funds is part of the three-fold problems that hamper the LEB from fully realizing its mandate.

##### **A. Extension of the government subsidy as primary source of budget**

Section 13 of R.A. No. 7662 as it now stands provides that the National Government, through the DECS (now CHED), should appropriate P10,000,000 “for a period of ten (10) years effective Fiscal Year 1994.” However, since the LEB was only constituted in 2009, the period for government subsidy is reckoned from that year.

However, to the mind of the Undersigned, in order for the National Government to completely and realistically assist the LEB, it is submitted that the period for government subsidy be extended for another ten years from date of effectivity. This shall be the primary source of budget for the LEB.

##### **B. Immediate availability for disbursement of the Legal Education Fund to sustain operations and secure further expansion of the LEB**

Section 11 of R.A. No. 7662 provides for a special endowment fund called the Legal Education Fund. However, to this date, the fund is still unavailable. Thus, the amendment “[t]he *Legal Education Fund shall be immediately available, and in no case later than two (2) years*” to compel the government agencies concerned to immediately constitute such endowment fund.

The Legal Education Fund will sustain the operations of the LEB even beyond the period of National Government subsidy, above-proposed to be amended. Furthermore, it will ensure that the LEB will effectively and full realize its mandate since it can be used for “faculty development grants, professorial chairs, library improvements and similar programs for the advancement of law teaching and education in accredited law schools.”

Just to illustrate how significant the amount is, the annual Professional Tax Receipt (PTR) is pegged at PhP300.00. With more than 25,000 lawyers in the Philippines, the annual amount that will revert to the Legal Education Fund is more or less PhP4,500,000.00. This will grow exponentially as the number of lawyers increase. Thus, the interest coming from this special endowment fund can, to a great extent, aid the LEB in the realization of its mandate.

Through this, the LEB can now raise the standards of accreditation and admission similar to that of the American Bar Association, making our law graduates globally competitive, considering the fact of globalization and the eventual economic integration of the Association of Southeast Asian Nations.<sup>3</sup> Likewise, the LEB can now provide for scholarship programs to poor and indigent students, children of military members, to senior citizens,<sup>4</sup> and all other deserving students who desire to have a law degree. The LEB can now provide for meaningful seminars on trends in law teaching and clinical legal education,<sup>5</sup> a more and scientifically sound pedagogical approaches and an accurate assessment methods of law students.

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<sup>3</sup> For a more detailed discussion of the effects of globalization and ASEAN Economic Community to the Philippine legal professions, see Chapters IV (B) and VII of Sugang JD Thesis, *supra* note 1.

<sup>4</sup> R.A. No. 9994, § 4 (g).

<sup>5</sup> See Chapters II (B[2]), III, IV (C), V (C), and VII of Sugang JD Thesis (*supra* note 5) for an in-depth discussion on teaching methods applicable to law schools.

## 5. Section 7, R.A. No. 7662

After addressing the structural and financial problems experienced by the LEB, the Undersigned deemed it best to propose amendments that will further increase the quality of legal education, through express statutory provisions. Thus, he proposes the express mention in the statute of the following reforms: (a) Mandatory National Law Aptitude Test; and (b) Mandatory National Law Internship Program, implemented by the LEB through a National Legal Apprenticeship Center.

### A. Statutory mandate to implement a National Law Aptitude Test

It is conceded that having a mandatory National Law Aptitude Test (*hereinafter* "NLAT") is already within the powers of the LEB in the exercise of its function to "prescribe minimum standards for law school admission." However, in order to compel the LEB to fully use this power, the Undersigned respectfully submits that such must be mandated by the statute itself. Therefore, inaction on its part to implement this reform will be compellable through a petition for mandamus.

Mandating a national law aptitude test will solve two most important problems plaguing Philippine legal education: (a) low passing rate in the Bar Examinations; and (b) undue proliferation of law schools.

As it now stands, the Bar Examination is the sole screening process to weed out, ideally and theoretically, those who are incompetent to practice law. By providing a mechanism, through a statute passed by Congress itself, only those who have the aptitude for legal studies and, ultimately, to practice law will be allowed admission to any duly accredited law school. Thus, this will ensure that only the competent will study law and, after a rigorous training and screening process in law school, shall take the Bar Examination.<sup>6</sup>

This amendment adopts the screening process *a priori* for prospective law students in the United States of America (i.e., Law School Aptitude Test) and prospective medical students in the Philippines (i.e., National Medical Admission Test).

Lastly, a mandatory NLAT will prevent the brazen proliferation of law schools since prospective law students who only are interested to having a law degree for professional development will be lessened. The Undersigned has observed, although there are available articles and essays from legal minds, that many law schools which perform dismally are those who have this kind of law students as their main clientele. Thus, they become a mere diploma mill and not genuine institutions for legal studies.

### B. Statutory mandate to implement a National Law Internship Program

A mandatory National Law Internship Program (*hereinafter* "NLIP") ensures that those who will be admitted to law practice not only have knowledge but also proficiency in the practice of law. This is the clinical legal education paradigm which has already adopted in the United States of America as early as 1960s. Through the NLIP, the oft-repeated concern of employers of lawyers that Bar passers are not really prepared for practice shall be answered.

Although the 2011 J.D. Model Curriculum<sup>7</sup> requires for an internship program, how it is carried out is left to the discretion of law schools. As such, a number of law schools and

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<sup>6</sup> For a more detailed discussion, see Chapter VI (A [1]) and (C[1]) of Sugang JD Thesis (*supra* note 1)

<sup>7</sup> LEB Memorandum Order No. 1, § 55.2

internship/practicum providers would carry this out for the sake of compliance.<sup>8</sup> Assuming *arguendo* that law schools and internship/practicum providers are serious in the attainment of their objectives, there is a need to centralize the efforts in order to establish a more meaningful curricular and pedagogical design for this internship requirement. Thus, the Undersigned respectfully proposes that the LEB establish a National Legal Apprenticeship Center (*hereinafter* "NLAC") to serve as a policy-making and coordinating body. The establishment of NLAC will produce the following intended results: (a) institutionalize the clinical legal education paradigm among Philippine law schools; (b) designing a curriculum wherein law students, as a requirement for graduation, shall be able to experience the different aspects of law practice (e.g., government, private, and non-governmental/advocacy organizations); (c) coordinate the efforts of law schools with adjunct legal aid clinics; (d) establish centers for legal aid for poor and indigent clients that will supplement the legal aid desks of the Integrated Bar of the Philippines.

Currently, since the most popular legal aid clinic is that of the University of the Philippines Office of Legal Aid (*hereinafter* "OLA"), hundreds of clients flock to it, even if there are legal aid clinics nearby. This led to the unintended results of burdening OLA with cases beyond its capacity and shortages of cases in other legal aid clinics. Through the NLAC, the cases can be distributed or shared among legal aid clinics, thereby providing law students with meaningful yet pedagogically-sound experience and equipping them with practical skills for a future law practice.

Because of its important role in the future practice of law, many jurisdictions have adopted this condition,<sup>9</sup> among them are: the 12-month pupillage in **Hong Kong**, 12-month internship in **Israel's** Chamber of Advocates, two-year legal apprenticeship in **Japan**, **Pakistan's** six-month apprenticeship under a Chamber of an advocate of not less than ten years, six-month training period in **Sri Lanka**, three-year post-bar training requirement in **Belgium**, three-year training as **Concipient** under an advocate in **Czech Republic**, three-year vocational training in **Denmark**, four-year apprenticeship in **Finland**, 18-month apprenticeship period in **Greece**, 18-month in-house at the Law Society of **Ireland**, 18-month training period in **Italy**, three-year training as advocaat-stagiaire in the **Netherlands**, three-year public service requirement in **Sweden**, two-year articling in a canton in **Switzerland**, one-year pupillage in the **United Kingdom**, a varying articling requirement in different provinces of **Canada**, and a six-month post-graduate professional practice requirement in the Corporación de Asistencia Judicial of **Chile**.

The statutory requirement of mandatory NLIP will not run against the constitutionally-provided power of the Supreme Court to "[p]romulgate rules concerning... the admission to the practice of law..."<sup>10</sup> since the NLIP will be a pre-requisite to graduation to any duly accredited law schools and not for law admission.

For these reasons, the expeditious passage of this Bill is earnestly sought.



MAXIMO B. RODRIGUEZ, JR.

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<sup>8</sup> Suggang JD Thesis, *supra* note 1 at 206

<sup>9</sup> *Id.* at 204-205.

<sup>10</sup> CONST. art. VIII, § 5 (5)

HOUSE OF REPRESENTATIVES

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*Introduced by Representative Maximo B. Rodriguez, Jr.*

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House Bill No. **4258**

AN ACT

STRENGTHENING THE LEGAL EDUCATION BOARD, THEREBY AMENDING  
REPUBLIC ACT NO. 7662, OTHERWISE KNOWN AS THE "LEGAL EDUCATION  
REFORM ACT OF 1993" AND APPROPRIATING FUNDS THEREFOR

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

**SECTION 1.** Section 2 of Republic No. 7662, otherwise known as the "Legal Education  
Reform Act of 1993," is hereby amended to read as follows:

"SEC. 2. *Declaration of Policies.* - xxx

Towards this end, the State shall undertake appropriate reforms in the legal  
education system, require proper selection of law students, maintain quality among  
law schools, and require legal apprenticeship AND CONTINUING LEGAL  
EDUCATION.

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

"SEC. 3. *General and Specific Objectives of Legal Education.* - a) Legal education in  
the Philippines is geared to attain the following objectives:

- (1) To prepare students for the practice of law;
- (2) To increase awareness among [members of the legal profession] LAW  
STUDENTS of the needs of the poor, deprived and oppressed sectors of society;
- (3) To train persons for leadership;
- (4) To contribute towards the promotion and advancement of justice and the  
improvement of its administration, the legal system and legal institutions in the  
light of the historical and contemporary development of law in the Philippines and  
in other countries.

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

- (1) to impart among law students a broad knowledge of law and its various fields  
and of legal institutions;
- (2) to enhance their legal research abilities to enable them to analyze, articulate  
and apply the law effectively, as well as to allow them to have a holistic  
approach to legal problems and issues;
- (3) to prepare law students for advocacy, counselling, problem-solving and  
decision-making, and to develop their ability to deal with recognized legal  
problems of the present and the future;
- (4) to develop competence in any field of law as is necessary for gainful  
employment or sufficient as a foundation for future training beyond the basic



- professional degree, and to develop in them the desire and capacity for continuing study and self-improvement;
- (5) to inculcate in them the ethics and responsibilities of the legal profession; and
  - (6) to produce lawyers who conscientiously pursue the lofty goals of their profession and to fully adhere to its ethical norms."

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

"SEC. 4. *Legal Education Board; Creation and Composition.* – To carry out the purposes of this Act, there is hereby created the Legal Education Board, hereinafter referred to as the Board, attached solely for budgetary purposes [and administrative support] to the COMMISSION ON HIGHER EDUCATION, HEREINAFTER REFERRED TO AS THE COMMISSION.

The Board shall be composed of a [chairman] CHAIRPERSON [who shall preferably be a former justice of the Supreme Court or Court of Appeals,] and the following as regular board members: a representative of the Integrated Bar of the Philippines (IBP); a representative of the Philippine Association of Law Schools (PALS); a representative of the Philippine Association of Law Professors (PALP); a representative from the ranks of active law practitioners; and [,] a representative from the law students' sector. The [Secretary of the Department of Education, Culture and Sports] CHAIRPERSON of the COMMISSION, or his/HER representative, shall be an *ex officio* member of the Board.

With the exception of the representative of the law students' sector, the [Chairman] CHAIRPERSON and regular members of the Board must be natural-born citizens of the Philippines and members of the Philippine Bar, who have been engaged for at least ten (10) years in the practice of law, [as well as] AND ALSO ENGAGED FOR AT LEAST FIVE (5) YEARS in the teaching of law in a duly authorized or recognized law school[.]: *PROVIDED, HOWEVER, THAT APPOINTMENT TO THE BOARD SHALL NOT BE A BAR TO ANY REGULAR MEMBER'S ENGAGEMENT IN LAW PRACTICE AND THE TEACHING OF LAW, DURING THE TERM OF OFFICE, SUBJECT TO THE SPECIAL DISPENSATION, IN WRITING, FROM THE BOARD CHAIRPERSON UNLESS THERE IS A DIRECT CONFLICT OF INTEREST INVOLVED: PROVIDED, FURTHER, THAT APPOINTMENT TO THE BOARD SHALL NOT BE A BAR TO THE CHAIRPERSON'S ENGAGEMENT IN THE TEACHING OF LAW IN A DULY AUTHORIZED OR RECOGNIZED LAW SCHOOL UNLESS THERE IS A DIRECT CONFLICT OF INTEREST INVOLVED.*"

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

"SEC. 5. *Term of Office; Compensation.* – The [Chairman] CHAIRPERSON and regular members of the Board shall be appointed by the President for a term of [five (5) years without reappointment from a list of at least three (3) nominees prepared, with prior authorization from the Supreme Court, by the Judicial and Bar Council, for every position or vacancy, and no such appointment shall need confirmation by the Commission on Appointments. Of those first appointed, the Chairman and the representative of the IBP shall hold office for five (5) years the representative of the PALS and the PALP for three (3) years; and the representative from the ranks of active law practitioners and the representative of the law students' sector for one (1) year, without reappointment. Appointments to any vacancy shall be only for the unexpired portion of the term of the predecessor.] SIX (6) YEARS FROM THEIR ASSUMPTION OF OFFICE WITHOUT REAPPOINTMENT.

WITH THE EXCEPTION OF THE REPRESENTATIVES OF PALS, PALP, AND THE IBP, THE CHAIRPERSON AND REGULAR MEMBERS OF THE BOARD SHALL BE CHOSEN BY THE PRESIDENT OF THE PHILIPPINES FROM A LIST OF AT LEAST THREE (3) NOMINEES PREPARED, WITH PRIOR AUTHORIZATION FROM THE

SUPREME COURT, BY THE JUDICIAL AND BAR COUNCIL, FOR EVERY POSITION OR VACANCY, AND NO SUCH APPOINTMENT SHALL NEED CONFIRMATION BY THE COMMISSION ON APPOINTMENT.

THE TERM OF OFFICE OF THE CHAIRPERSON AND REGULAR MEMBERS OF THE BOARD SHALL BE RECKONED FROM THEIR ASSUMPTION OF OFFICE.

UNLESS THE REASON IS DEATH, DISQUALIFICATION OR INCAPACITY, THE CHAIRPERSON OR ANY REGULAR MEMBER OF THE BOARD WHOSE TERM HAS ENDED, SHALL SERVE IN HOLD-OVER CAPACITY PENDING THE APPOINTMENT OF THE SUCCESSOR IN CONSONANCE WITH JURISPRUDENTIAL DOCTRINE.

The [Chairman] CHAIRPERSON and regular members of the Board shall have the same salary, [and] rank, PRIVILEGES, AND RETIREMENT AND OTHER BENEFITS as the [Chairman] CHAIRPERSON and members, respectively, of the Constitutional Commissions: *Provided*, That their salaries shall not be diminished during their term of office."

**SEC. 5.** Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. *Office and [StaffSupport] STAFF SUPPORT.* The [Department of Education, Culture and Sports] BOARD SHALL ORGANIZE A SECRETARIAT WHICH SHALL BE HEADED BY AN EXECUTIVE DIRECTOR, COMPLEMENTED BY OFFICERS FOR ACCREDITATION AND ADMISSION STANDARDS, FINANCE AND ACCOUNTING, AND HUMAN RESOURCES, SUBJECT TO THE NATIONAL COMPENSATION AND POSITION CLASSIFICATION PLAN. IT SHALL FIX THE SECRETARIAT'S STAFFING PATTERN, DETERMINE THE DUTIES, QUALIFICATIONS, RESPONSIBILITIES AND FUNCTIONS, AS WELL AS THE COMPENSATION SCHEME FOR THE POSITIONS TO BE CREATED UPON THE RECOMMENDATION OF THE EXECUTIVE DIRECTOR. IT SHALL ALSO PREPARE AND APPROVE ITS BUDGET."

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WHEN THE NECESSITY ARISES, AS MAY BE DETERMINED BY THE BOARD, IT SHALL ESTABLISH ONE OFFICE IN THE VISAYAS AND ONE OFFICE IN MINDANAO FOR A MORE EFFICIENT DISCHARGE OF ITS POWERS AND FUNCTIONS.

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

"SEC. 7. *Powers and Functions.* For the purpose of achieving the objectives of this Act, the Board shall have the following powers and functions:

- (a) to administer the legal education system in the country in a manner consistent with the provisions of this Act;
- (b) to supervise law schools in the country, BOTH PRIVATE AND PUBLIC, UNLESS OTHERWISE PROVIDED BY LAW, consistent with its powers and functions as herein enumerated;
- (c) to set the standards of accreditation for law schools taking into account, among others, the size of enrollment, the qualifications of the members of the faculty, the library and other facilities, without encroaching upon the academic freedom of institutions of higher learning;
- (d) to accredit law schools that meet the standards of accreditation;
- (e) to prescribe minimum standards for law SCHOOL admission [and minimum qualifications and compensation of faculty members], INCLUDING A

MANDATORY NATIONAL LAW APTITUDE TEST WHICH A PROSPECTIVE LAW STUDENT SHALL TAKE AS A PRE-REQUISITE TO ENROLLMENT IN ANY DULY ACCREDITED LAW SCHOOL. FOR THIS PURPOSE, THE BOARD SHALL PRESCRIBE THE NECESSARY GUIDELINES FOR SUCH MANDATORY TEST WHICH SHALL BE IMPLEMENTED WITHIN TWO (2) YEARS FROM THE EFFECTIVITY OF THIS ACT;

- (f) to prescribe the [basic curricula for the course of study aligned to the requirements to the Bar, law practice and social consciousness, and such other courses of study as may be prescribed by the law schools and colleges under the different levels of accreditation status] MINIMUM QUALIFICATIONS AND COMPENSATION OF FACULTY MEMBERS;
- (g) to [establish a law practice internship as a requirement for taking the Bar which a law student shall undergo with any duly accredited private or public law office or firm or legal assistance group anytime during the law course for a specific period that the Board may decide, but not to exceed a total of twelve (12) months. For this purpose, the Board shall prescribe the necessary guidelines for such accreditation and the specifications of such internship which shall include the actual work of a new member of the Bar] PRESCRIBE THE BASIC CURRICULA FOR THE COURSE OF STUDY ALIGNED TO THE REQUIREMENTS FOR ADMISSION TO THE BAR, LAW PRACTICE AND SOCIAL CONSCIOUSNESS, AND SUCH OTHER COURSES OF STUDY AS MAY BE PRESCRIBED BY THE LAW SCHOOLS AND COLLEGES UNDER THE DIFFERENT LEVELS OF ACCREDITATION STATUS;
- (h) to [adopt a system of continuing legal education. For this purpose, the Board may provide for the mandatory attendance of [practising] practicing lawyers in such courses and for such duration as the Board may deem necessary; and] ESTABLISH A MANDATORY NATIONAL LAW INTERNSHIP PROGRAM FOR A PERIOD OF TWELVE (12) CONSECUTIVE MONTHS DURING THE LAW COURSE AS A REQUIREMENT FOR GRADUATION IN A DULY ACCREDITED LAW SCHOOL WHICH SHALL BE IMPLEMENTED WITHIN TWO (2) YEARS FROM THE EFFECTIVITY OF THIS ACT. FOR THIS PURPOSE, THE BOARD SHALL PRESCRIBE THE NECESSARY GUIDELIENS FOR THE ESTABLISHMENT OF A NATIONAL LEGAL APPRENTICESHIP CENTER, HEREINAFTER REFERRED TO AS THE CENTER, WHICH SHALL BE THE LEAD COORDINATING AGENCY FOR ALL ADJUNCT LEGAL AID CLINICS AND OFFICES OF LAW SCHOOLS. THE CENTER SHALL BE PRIMARILY RESPONSIBLE FOR THE ACCREDITATION OF PRIVATE OR PUBLIC LAW OFFICE OR FIRM OR LEGAL ASSISTANCE GROUP, INCLUDING LEGAL AID CLINICS, AND THE SPECIFICATIONS OF SUCH INTERNSHIP WHICH SHALL INCLUDE, IN ALL ASPECTS OF TRAINING, THE ACTUAL WORK OF A NEW MEMEBR OF THE BAR; AND
- (i) to perform such other functions and prescribe such rules and regulations necessary for the attainment of the policies and objectives of this Act."

**SEC. 7.** Section 11 of the same Act is hereby amended to read as follows:

"SEC. 11. *Legal Education Fund.* There is hereby created a special endowment fund, to be known as the Legal Education Fund, HEREINAFTER REFERRED TO AS THE FUND, which shall be under the control of the Board, and administered as a separate fund by the Social Security System (SSS) which shall invest the same with due and prudent regard to its solvency, safety and liquidity.

THE [Legal Education] Fund shall be established out of, and maintained from the amounts appropriated to paragraph 2, Section 13 hereof, and from sixty percent (60%) percent of the privilege tax paid by every lawyer effective Fiscal Year 1994, THE COLLECTIONS OF FEES FOR THE ISSUANCE OF GOVERNMENT PERMIT OR GOVERNMENT RECOGNITION, FEES FOR OFFICIAL CERTIFICATIONS AND REGISTRATION FEES IN SEMINARS CONDUCTED BY THE BOARD AND THE LIKE; and from such donations, legacies, grants-in-aid and other forms of contributions received by the Board for the purposes of this Act.

TO THIS END, THE BOARD IS EMPOWERED TO COLLECT SAID REASONABLE FEES SUBJECT TO GOVERNMENT AUDIT AND OTHER GOVERNMENT RULES.

IN A PROPER CASE AND WITH DUE OBSERVANCE OF DUE PROCESS, THE BOARD MAY IMPOSE REASONABLE FINES ON LAW SCHOOLS FOUND OPERATING THE LAW PROGRAM IN VIOLATION OF LAW OR THE RULES AND REGULATIONS OF THE BOARD.

Being a special endowment fund, only the interests earned on the [Legal Education] Fund shall be used exclusively for the purposes of this Act, including support for faculty development grants, professorial chairs, library improvements and similar programs for the advancement of law teaching and education in accredited law schools.

The Fund shall also be used for the operation of the Board. For this purpose, an amount not exceeding ten percent (10%) of the interest on the Fund shall be utilized[.]; UNLESS FOR GOOD REASON, THE BOARD DECIDES TO UTILIZE A BIGGER PERCENTAGE OF SAID INTEREST WHICH IN NO CASE SHALL EXCEED FIFTY PERCENT (50%).

THE FUND SHALL BE IMMEDIATELY AVAILABLE, AND IN NO CASE, LATER THAN TWO (2) YEARS. The Board, in consultation with the SSS, shall issue the necessary rules and regulations for the collection, administration and utilization of the Fund.

THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG) HAS THE PRINCIPAL RESPONSIBILITY OF ENSURING THE PROMPT REMITTANCE BY THE MUNICIPAL AND CITY TREASURERS NOT LATER THAN THE END OF EACH FISCAL YEAR THE SIXTY PERCENT (60%) OF THE PRIVILEGE TAX PAID BY LAWYERS IN THEIR RESPECTIVE JURISDICTIONS SUBJECT TO GOVERNMENT AUDIT AND OTHER PERTINENT RULES AND REGULATIONS.

THE DUTY OF THE SECRETARY OF THE AND/OR THE MUNICIPAL AND CITY TREASURERS UNDER THIS PROVISION IS COMPELLABLE BY MANDAMUS, IT BEING A DERELICTION OF DUTY."

**SEC. 8.** Section 13 of the same Act is hereby amended to read as follows:

"SEC. 13. *Appropriations.* The amount of [One] THREE million pesos [(P1,000,000.00) (P3,000,000.00)] is hereby authorized to be charged against the current year's appropriation of the Contingent Fund for the initial expenses of the Board.

To form part of the Legal Education Fund, there shall be appropriated annually, under the budget of the [Department of Education, Culture and Sports] COMMISSION, the amount of [Ten] FORTY million pesos [(P10,000,000.00)] (P40,000,000.00) for a period of ten (10) years [effective Fiscal Year 1994] FROM THE DATE OF EFFECTIVITY OF THIS ACT."



**SEC. 9. *Separability Clause.*** If any provision of this Act or any part thereof shall be declared invalid or unconstitutional, the other sections or provisions not affected shall remain in full force and effect.

**SEC. 10. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SEC. 11. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,