

Congress of the Philippines }
 Second Regular Session }

SENATE

S. No. 100

INTRODUCED BY SENATORS ANGARA AND SHAHANI

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. *Title.* - This Act shall be known as the "Legal
 2 Education Reform Act of 1993."

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

11 Towards this end, the State shall undertake appropriate reforms
 12 in the legal education system, require proper selection of law students,

1 maintain quality among law schools, and require legal apprenticeship
2 and continuing legal education.

3 SEC. 3. *General and Specific Objectives of Legal Education.*

4 - a) Legal Education in the Philippines is geared to attain the following
5 general objectives:

- 6 1) to prepare students for the practice of law;
- 7 2) to increase awareness among members of the legal profession
8 of the needs of the poor, deprived and oppressed sectors of society;
- 9 3) to train persons for leadership;
- 10 4) to contribute towards the promotion and advancement of justice
11 and the improvement of its administration, the legal system and legal
12 institutions in the light of the historical and contemporary development
13 of law in the country and in other countries.

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

- 16 1) to impart to law students a broad knowledge of law and its
17 various fields, and of legal institutions;
- 18 2) to enhance their legal research abilities to enable them to
19 analyze, articulate and apply the law effectively, as well as to allow
20 them to have a holistic approach to legal problems and issues;
- 21 3) to prepare law students for advocacy, counselling, problem-
22 solving and decision-making and develop their ability to deal with
23 recognized legal problems of the present and the future;
- 24 4) to develop competence in a chosen field of law for gainful
25 employment or as a foundation for future training beyond the basic

1 professional degree and to develop in them the desire and capacity for
2 continuing study and self-improvement;

3 5) to inculcate in them the ethics and responsibilities of
4 the legal profession; and

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

7 *SEC. 4. Legal Education Board; Creation and Composition.*

8 - To carry out the purposes of this Act, there is hereby created the
9 Legal Education Board, hereinafter referred to as the Board, attached
10 solely for budgetary purposes and administrative support to the
11 Department of Education, Culture and Sports.

12 The Board shall be composed of a Chairman and the following
13 as members: a representative of the Integrated Bar of the Philippines
14 (IBP), a representative of the Philippine Association of Law Schools
15 (PALS), a representative of the Philippine Association of Law Professors
16 (PALP), and a representative from the law students' sector.

17 With the exception of the representative of the law students' sector,
18 the Chairman and members of the Board must be natural born citizens
19 of the Philippines and members of the Philippine Bar, who have been
20 engaged for at least ten (10) years in the practice of law, as well as in
21 the teaching of law in a duly authorized or recognized law school. The
22 Chairman must preferably be a former justice of the Supreme Court or
23 Court of Appeals.

24 *SEC. 5. Term of Office; Compensation.* - The Chairman and
25 members of the Board shall be appointed by the President for a term of

1 five (5) years without reappointment from a list of at least three (3)
 2 nominees prepared, with prior authorization from the Supreme Court,
 3 by the Judicial and Bar Council, for every position or vacancy, and no
 4 such appointment shall need confirmation by the Commission on
 5 Appointments. Of those first appointed, the Chairman and the
 6 representative of the IBP shall hold office for five (5) years, the
 7 representatives of the PALS and the PALP for three (3) years, and the
 8 representative of the law students' sector for one (1) year, without
 9 reappointment. Appointment to any vacancy shall be only for the unexpired
 10 portion of the term of the predecessor.

11 The Chairman and members of the Board shall have the rank of
 12 undersecretary and assistant secretary, respectively, of a department
 13 and shall receive the same salary which shall not be decreased during their
 14 term of office.

15 **SEC. 6. Office and Staff Support.** - The Department of Education,
 16 Culture and Sports shall provide the necessary office and staff support
 17 to the Board, with a principal office to be located in Metropolitan Manila.

18 The Board may appoint such other officers and employees
 19 it may deem necessary in the performance of its powers and functions.

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

- 23 a) to set the standards of accreditation for law schools taking into
- 24 account, among others, the size of enrollment, the qualifications of the
- 25 members of the faculty, the library and other facilities, without

1 encroaching upon the academic freedom of institutions of higher
2 learning;

3 b) to accredit law schools that meet the standards of accreditation;

4 c) to prescribe minimum standards for law admission and mini-
5 mum qualifications and compensation of faculty members;

6 d) to prescribe the basic curricula for the course of study aligned to
7 the requirements for admission to the Bar, law practice and social
8 consciousness, and such other courses of study as may be prescribed by the
9 law schools and colleges under the different levels of accreditation
10 status;

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

19 f) to adopt a system of continuing legal education. For this
20 purpose, the Board may provide for the mandatory attendance of
21 practising lawyers in such courses and for such duration as the Board
22 may deem necessary; and

23 g) to perform such other functions and prescribe such rules and
24 regulations necessary for the attainment of the policies and objectives of
25 this Act.

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1 SEC. 8. *Accreditation of Law Schools.* - Educational institutions
 2 may not operate a law school unless accredited by the Board. Accredita-
 3 tion of law schools may be granted only to educational institutions
 4 recognized by the Government.

5 SEC. 9. *Withdrawal or Downgrading of Accreditation.* - The
 6 Board may withdraw or downgrade the accreditation status of a law school
 7 if it fails to maintain the standards set for its accreditation status.

8 SEC. 10. *Effectivity of Withdrawal or Downgrading of*
 9 *Accreditation.* - The withdrawal or downgrading of accreditation status
 10 shall be effective after the lapse of the semester or trimester following
 11 the receipt by the school of the notice of withdrawal or downgrading
 12 unless, in the meantime, the school meets and/or upgrades the standards
 13 or corrects the deficiencies upon which the withdrawal or downgrading
 14 of the accreditation status is based.

15 SEC. 11. *Legal Education Fund.* - There is hereby created a Legal
 16 Education Fund, hereinafter referred to as the Fund, that shall be
 17 established out of, and maintained from, sixty percent (60%) of the
 18 privilege tax paid by every lawyer.

19 The Fund shall be under the control of the Board, but shall be
 20 administered as a separate fund by the Social Security System (SSS)
 21 which shall invest the same with due and prudent regard to the solvency,
 22 safety and liquidity of the Fund.

23 The Fund shall be used to support faculty development grants,
 24 professorial chairs, library improvements and similar programs for
 25 the advancement of law teaching and education in accredited law

1 schools.

2 The Fund shall also be used for the operation of the Board. For
3 this purpose, an amount not exceeding ten percent (10%) of the Fund shall
4 be utilized.

5 The Board, in consultation with the SSS, shall issue the necessary
6 rules and regulations for the efficient collection of the Fund.

7 SEC. 12. *Coverage.* - The provisions of this Act shall apply to all
8 schools and colleges of law which are presently under the supervision of
9 the Department of Education, Culture and Sports. Thereafter, said
10 supervision shall be transferred to the Board. Law schools and colleges
11 which shall be established following the approval of this Act shall likewise
12 be covered.

13 SEC. 13. *Appropriation.* - The amount of One million pesos
14 (P1,000,000.00) is hereby authorized to be appropriated out of the
15 savings of the Department of Education, Culture and Sports. Thereafter,
16 the necessary appropriations shall be included in the annual General
17 Appropriations Act under the budget of the Department of Education,
18 Culture and Sports.

19 SEC. 14. *Separability Clause.* - If any provision of this Act is
20 declared unconstitutional or the application thereof to any person,
21 circumstance or transaction is held invalid, the validity of the remaining
22 provisions of this Act and the applicability of such provisions to other
23 persons, circumstances and transactions shall not be affected thereby.

24 SEC. 15. *Repealing Clause.* - All laws, decrees, executive orders,
25 rules and regulations, issuances or parts thereof inconsistent with this Act

1 are hereby repealed or amended accordingly.

2 SEC. 16. *Effectivity.* - This Act shall take effect after fifteen
3 (15) days following the completion of its publication in the *Official*
4 *Gazette* or in any two (2) newspapers of general circulation.

Approved,