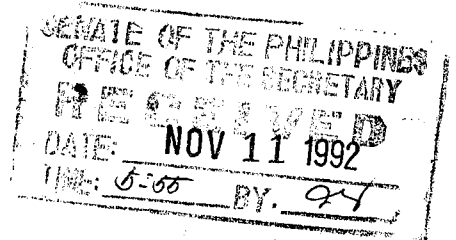


Congress of the Philippines )  
First Regular Session )



S E N A T E

COMMITTEE REPORT NO. 32

Submitted by the Committee on Education, Arts and Culture on  
NOV 11 1992

Re: S. B. No. 100

Sponsor: Senator Angara

Recommending its approval with amendments.

Mr. President:

The Committee on Education, Arts and Culture, to which was referred S. B. No. 100, introduced by Senator Angara entitled:

AN ACT  
PROVIDING FOR REFORMS IN LEGAL EDUCATION, CREATING FOR THE  
PURPOSE A LEGAL EDUCATION COUNCIL AND FOR OTHER PURPOSES

has the honor to report it back to the Senate with the recommendation that it be approved with the following amendments:

1. The Title of the bill should be amended to read as follows:

"An Act Providing For Reforms In Legal Education, Creating For The Purpose A Legal Education [Council] BOARD And For Other Purposes"

2. On page 1, lines 19 - 21, paragraph (b) should be amended to read as follows:

"(b) to increase awareness among members of the legal profession of the needs of deprived and oppressed sectors of society;"

3. On page 2, lines 10 - 13, paragraph (b) should be amended to read as follows:

14

"(b) 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 wholistic approach to legal problems and issues;"

4. On page 2, line 22, delete the letter "s" from the word "self-improvements" ;

5. On page 2, line 28, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

6. On page 2, line 30, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

7. On page 2, line 30, delete the word "herein" and in lieu thereof insert the word "HEREINAFTER" ;

8. On page 2, line 31 delete the word "Council" and in lieu thereof insert the word "BOARD" ;

9. On page 2, line 31, between the words "attached" and "for" insert the word "SOLELY" ;

10. On page 3, delete lines 2 - 16 starting from the words "The Council" on line 2 up to the word "association." on line 16 and in lieu thereof insert a new paragraph which will read as follows:

"THE BOARD SHALL BE COMPOSED OF A CHAIRMAN AND THE FOLLOWING AS 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) AND A REPRESENTATIVE FROM THE PRIVATE SECTOR.

THE CHAIRMAN AND 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 THE TEACHING OF LAW IN A DULY AUTHORIZED OR RECOGNIZED LAW SCHOOL. THE CHAIRMAN MUST PREFERABLY BE A FORMER JUSTICE OF THE SUPREME COURT OR COURT OF APPEALS."

11. On page 3, Section 5 should be amended to read as follows:

"SEC. 5. Term of Office; Compensation. - The Chairman and 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 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 years, the representative of the PALS and the PALP for three (3) years, and the representative of the private sector for one (1) year, without reappointment. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor.

The Chairman and members of the Board shall have the rank of Chairman and members, respectively, of the Constitutional Commissions and shall receive the same salary which shall not be decreased during their term of office."

12. On page 4, line 5, delete the word "Council" and in lieu thereof insert the word "BOARD";

13. On page 4, line 7, delete the word "Council" and in lieu thereof insert the word "BOARD";

14. On page 4, line 11, delete the word "Council" and in lieu thereof insert the word "BOARD";

15. On page 4, line 28, delete the word "summer" before the word "and" and insert the word "SUMMERS" and place a period (.) after the word ;

16. On page 4, starting on line 28 up to line 31, delete the words "and the intervening period of two academic summer and the intervening period between the bar examination month and the month when the result of the bar examination is released." ;

17. On page 4, line 31 delete the word "Council" and in lieu thereof insert the word "BOARD" ;

18. On page 5, line 5, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

19. On page 5, line 6, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

20. On page 5, line 12, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

21. On page 5, line 14, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

22. On page 5, lines 21 - 22, put a colon (:) after the word "collections" and delete the words "to be called Legal Education Fund:" ;

23. On page 5, line 27, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

24. On page 6, line 3, delete the word "like" and in lieu thereof insert the word "SIMILAR" ;

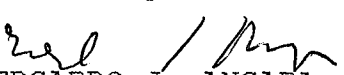
25. On page 6, line 6, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

26. On page 6, line 8, delete the word "Council" and in lieu thereof insert the word "BOARD" ;

27. On page 6, between lines 10 and 11, insert a new Section and renumber the succeeding Sections accordingly. The Section will thus read as follows:

SEC. 9. COVERAGE. - THE PROVISIONS OF THIS ACT SHALL APPLY TO ALL SCHOOLS AND COLLEGES OF LAW WHICH ARE PRESENTLY UNDER THE SUPERVISION OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS."

Respectfully submitted:

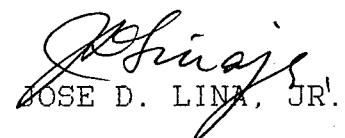
  
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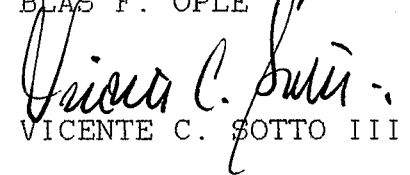
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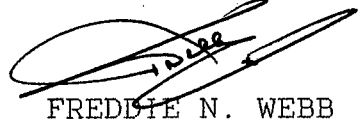
  
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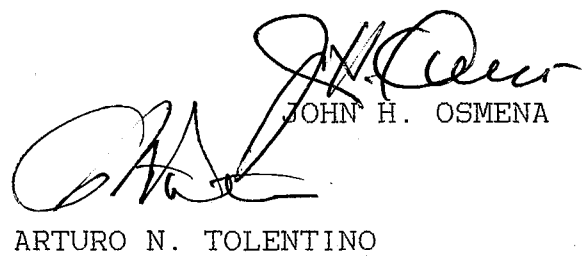
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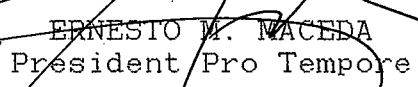
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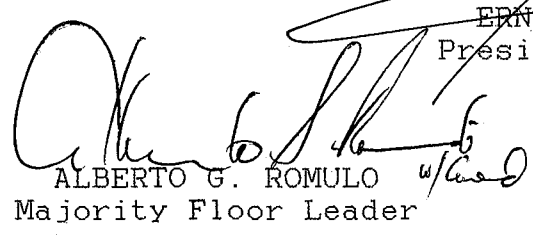
  
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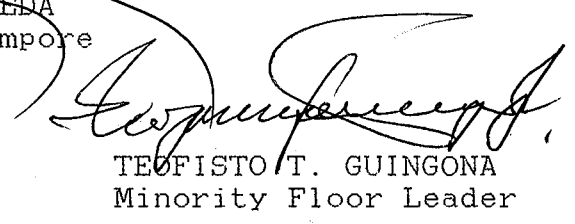
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Minority Floor Leader

SENATE

S. No. 100

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Introduced by Senator Angara

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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 the House of  
Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Title.* - This Act shall be known as the  
2 Legal Education Reform Act of 1993.

3 SEC. 2. *Declaration of Policies.* - It is hereby  
4 declared the policy of the State to uplift the standards of  
5 legal education in order to prepare law students for  
6 advocacy, counselling, problem-solving, and decision-making;  
7 to infuse in them the ethics of the legal profession; TO  
8 IMPRESS UPON THEM THE IMPORTANCE, NOBILITY AND DIGNITY OF  
9 THE LEGAL PROFESSION AS AN EQUAL AND INDISPENSABLE PARTNER  
10 OF THE BENCH IN THE ADMINISTRATION OF JUSTICE; and, to form  
11 socially-committed lawyers with integrity and competence.

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

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

- 20 1. to prepare students for the practice of law;  
21 2. TO INCREASE AWARENESS AMONG MEMBERS OF THE LEGAL  
22 PROFESSION OF THE NEEDS OF DEPRIVED AND OPPRESSED  
23 SECTORS OF SOCIETY;

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1 3. to train persons for national leadership;

2 4. to contribute towards the promotion and advancement  
3 of justice and the improvement of its administration,  
4 the legal system and legal institutions in the light of  
5 the historical and contemporary development of law  
6 in the country and in other countries of the world.

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

9 1. to impart to law students a broad knowledge of  
10 law and its various fields, and of legal institutions;

11 2. TO ENHANCE THEIR LEGAL RESEARCH ABILITIES TO ENABLE  
12 THEM TO ANALYZE, ARTICULATE AND APPLY THE LAW EFFECTIVELY,  
13 AS WELL AS TO ALLOW THEM TO HAVE A WHOLISTIC APPROACH TO  
14 LEGAL PROBLEMS AND ISSUES;

15 3. to prepare law students for advocacy, counselling  
16 and decision-making and their ability to deal with  
17 recognized legal problems of the present as well as the  
18 anticipated problems of the future;

19 4. to develop competence in law students in a  
20 chosen field of law for gainful employment or as a  
21 foundation for future training beyond the basic professional  
22 degree and to develop in them the desire and capacity for  
23 continuing study and self-improvement;

24 5. to inculcate in them the ethics and  
25 responsibilities of the legal profession; and

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

29 SEC. 4. Legal Education BOARD;  
30 Creation and Composition. - To carry out the purposes of  
31 this Act, there is hereby created the Legal Education

1 BOARD, hereinafter referred to as the BOARD,  
 2 attached SOLELY for administrative supervision to the  
 3 Department of Education, Culture and Sports.

4 THE BOARD SHALL BE COMPOSED OF A CHAIRMAN AND THE  
 5 FOLLOWING AS MEMBERS: A REPRESENTATIVE OF THE INTEGRATED BAR  
 6 OF THE PHILIPPINES (IBP), A REPRESENTATIVE OF THE PHILIPPINE  
 7 ASSOCIATION OF LAW SCHOOLS (PALS), A REPRESENTATIVE OF THE  
 8 PHILIPPINE ASSOCIATION OF LAW PROFESSORS (PALP), AND A  
 9 REPRESENTATIVE FROM THE LAW STUDENTS' SECTOR.

10 THE CHAIRMAN AND MEMBERS OF THE BOARD MUST BE NATURAL  
 11 BORN CITIZENS OF THE PHILIPPINES AND MEMBERS OF THE  
 12 PHILIPPINE BAR, WHO HAVE BEEN ENGAGED FOR AT LEAST TEN (10)  
 13 YEARS IN THE PRACTICE OF LAW, AS WELL AS IN THE TEACHING OF  
 14 LAW IN A DULY AUTHORIZED OR RECOGNIZED LAW SCHOOL. THE  
 15 CHAIRMAN MUST PREFERABLY BE A FORMER JUSTICE OF THE SUPREME  
 16 COURT OR COURT OF APPEALS.

17 SEC. 5. *Term of Office; Compensation.* - THE  
 18 CHAIRMAN AND MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE  
 19 PRESIDENT FOR A TERM OF FIVE (5) YEARS WITHOUT REAPPOINTMENT,  
 20 FROM A LIST OF AT LEAST THREE (3) NOMINEES PREPARED, WITH  
 21 PRIOR AUTHORIZATION FROM THE SUPREME COURT, BY THE JUDICIAL  
 22 AND BAR COUNCIL, FOR EVERY POSITION OR VACANCY, AND NO SUCH  
 23 APPOINTMENT SHALL NEED CONFIRMATION BY THE COMMISSION ON  
 24 APPOINTMENTS. OF THOSE FIRST APPOINTED, THE CHAIRMAN AND THE  
 25 REPRESENTATIVE OF THE IBP SHALL HOLD OFFICE FOR FIVE (5)  
 26 YEARS, THE REPRESENTATIVE OF THE PALS AND THE PALP FOR THREE  
 27 (3) YEARS, AND THE REPRESENTATIVE OF THE LAW STUDENTS'  
 28 SECTOR FOR ONE (1) YEAR, WITHOUT REAPPOINTMENT.  
 29 APPOINTMENT TO ANY VACANCY SHALL BE ONLY FOR THE UNEXPIRED  
 30 PORTION OF THE TERM OF THE PREDECESSOR.

31 THE CHAIRMAN AND MEMBERS OF THE BOARD SHALL HAVE THE  
 32 RANK OF UNDERSECRETARY AND ASSISTANT SECRETARY,



1 RESPECTIVELY, OF A DEPARTMENT AND SHALL RECEIVE THE SAME  
 2 SALARY WHICH SHALL NOT BE DECREASED DURING THEIR TERM OF  
 3 OFFICE.

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

8 The BOARD may appoint such other officers  
 9 and employees it may deem necessary in the  
 10 performance of its powers and functions.

11 SEC. 7. *Powers and Functions.* - For the purpose  
 12 of achieving the objectives of this Act, the BOARD  
 13 shall have the following powers and functions:

14 A) TO SET THE STANDARDS OF ACCREDITATION FOR LAW  
 15 SCHOOLS TAKING INTO ACCOUNT, AMONG OTHERS, THE SIZE OF  
 16 ENROLLMENT, THE QUALIFICATIONS OF THE MEMBERS OF THE  
 17 FACULTY AND THE NON-TEACHING PERSONNEL, THE LIBRARY AND  
 18 OTHER FACILITIES, WITHOUT ENCROACHING UPON THE ACADEMIC  
 19 FREEDOM OF HIGHER INSTITUTIONS OF LEARNING;

20 B) TO ACCREDIT LAW SCHOOLS THAT MEET THE STANDARDS  
 21 OF ACCREDITATION;

22 C) TO PRESCRIBE MINIMUM STANDARDS FOR LAW ADMISSION  
 23 AND MINIMUM QUALIFICATIONS AND COMPENSATION OF FACULTY  
 24 MEMBERS;

25 D) TO PRESCRIBE THE BASIC CURRICULA FOR THE COURSE OF  
 26 STUDY ALIGNED TO THE REQUIREMENTS FOR ADMISSION TO THE BAR,  
 27 AND SUCH OTHER COURSES OF STUDY AS MAY BE PRESCRIBED BY THE  
 28 LAW SCHOOLS AND COLLEGES UNDER THE DIFFERENT LEVELS OF  
 29 ACCREDITATION STATUS;

30 e) To establish a law practise internship AS A  
 31 REQUIREMENT FOR GRADUATION which a law student shall  
 32 undergo with any duly accredited private or public law

1 office or firm ANYTIME DURING THE LAW COURSE FOR  
 2 A SPECIFIC PERIOD THAT THE BOARD MAY DECIDE. For this  
 3 purpose, the BOARD shall prescribe the necessary guidelines  
 4 for such accreditation and the specifications of such  
 5 internship which shall include the actual works of a new  
 6 member of the Bar;

7 6. To adopt a system of continuing legal  
 8 education. For this purpose, the BOARD may provide  
 9 for the mandatory attendance of practising lawyers in  
 10 such courses and for such duration as the BOARD  
 11 may deem necessary; and

12 7. To perform such other functions and prescribe  
 13 such rules and regulations necessary for the attainment  
 14 of the policies and objectives of this Act.

15 SEC. 8. ACCREDITATION OF LAW SCHOOLS. -  
 16 EDUCATIONAL INSTITUTIONS MAY NOT OPERATE A LAW SCHOOL UNLESS  
 17 ACCREDITED BY THE LEGAL EDUCATION BOARD. ACCREDITATION OF  
 18 LAW SCHOOLS MAY BE GRANTED ONLY TO EDUCATIONAL INSTITUTIONS  
 19 RECOGNIZED BY THE GOVERNMENT.

20 SEC. 9. WITHDRAWAL OF ACCREDITATION. - THE  
 21 LEGAL EDUCATION BOARD MAY WITHDRAW OR REDUCE THE  
 22 ACCREDITATION STATUS OF A LAW SCHOOL IF IT FAILS TO MAINTAIN  
 23 THE STANDARD SET FOR ITS ACCREDITATION STATUS.

24 SEC. 10. EFFECTIVITY OF WITHDRAWAL OF RECOGNITION.  
 25 - ACTION OF THE BOARD SHALL BE EFFECTIVE AFTER THE  
 26 LAPSE OF THE NEXT FOLLOWING SEMESTER OR TRIMESTER IF THE  
 27 SCHOOL, IN THE MEANTIME, FAILS TO UPGRADE OR TO CORRECT  
 28 THE DEFICIENCIES UPON WHICH THE WITHDRAWAL OR REDUCTION  
 29 OF THE ACCREDITATION WAS BASED.

30 SEC. 11. Legal Education Fund. - a) There  
 31 is hereby created a Legal Education Fund, hereinafter  
 32 referred to as the Fund, that shall be established and

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1 maintained from the following collections: five  
 2 percent (5%) of the total tuition and matriculation  
 3 fees of every law student in every semester to be  
 4 collected in addition to the regular tuition and  
 5 matriculation fees; and fifty percent (50%) of the privilege  
 6 tax paid by every lawyer.

7 b) The Fund shall be under the control of the  
 8 **BOARD**, but shall be administered as a separate fund  
 9 by the Social Security System (SSS) which shall invest  
 10 the same with due and prudent regard to the solvency,  
 12 safety and liquidity of the Fund.

13 c) the Fund shall be used to support  
 14 faculty development grants, professorial  
 15 chairs, library improvements and **SIMILAR** programs  
 16 for the advancement of law teaching and education  
 17 in accredited law schools.

18 The Fund shall also be used for the operation of  
 19 the **BOARD**. For this purpose, an amount not exceeding  
 20 ten percent (10%) of the Fund shall be utilized.

21 d) The **BOARD**, in consultation with the SSS,  
 22 shall issue the necessary rules and regulations for  
 23 the efficient collection of the Fund.

24 **SEC. 12. COVERAGE. - THE PROVISIONS OF THIS ACT**  
 25 **SHALL APPLY TO ALL SCHOOLS AND COLLEGES OF LAW WHICH ARE**  
 26 **PRESENTLY UNDER THE SUPERVISION OF THE DEPARTMENT OF**  
 27 **EDUCATION, CULTURE AND SPORTS.**

28 **SEC. 13. Appropriation. -** The amount of  
 29 One million pesos (P1,000,000.00) is hereby  
 30 authorized to be appropriated out of the savings of  
 31 the Department of Education, Culture and Sports.  
 32 Thereafter, the necessary appropriations shall be  
 33 included in the annual General Appropriations Act

1 under the budget of the Department of Education, Culture  
2 and Sports.

3 SEC. 14. *Separability Clause.* - If any  
4 provision of this Act is declared unconstitutional or the  
5 application thereof to any person, circumstance or  
6 transaction is held invalid, the validity of the  
7 remaining provisions of this Act and the applicability  
8 of such provisions to other persons, circumstances and  
9 transactions shall not be affected thereby.

10 SEC. 15. *Repealing Clause.* - All laws,  
11 decrees, executive orders, rules and regulations,  
12 issuances or parts thereof inconsistent with this Act are  
13 hereby repealed or amended accordingly.

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

Approved,