



Introduction to Legal Profession (Chapter I)

- *ignorantia legis non excusat*
- rule of law

Legal profession – a branch of the administration of justice whose main purpose is to aid in the doing of justice according to law between state and the individual and between a man and a man.

- Legal profession as a noble profession
- Lawyers as “persons in authority”

x x x In applying the provisions of articles 148 and 151 of this Code, teachers, professors, and persons charged with the supervision of public or duly recognized private schools, colleges and universities, shall be deemed persons in authority. (Art. 152 of Revised Penal Code, as amended by P.D. No. 299, September 19, 1973 and B.P. Blg. 873, June 12, 1985)

Implications of Law Profession

- Life, liberty and property entrustment
- Dependence of other professions
- Prestige of being a lawyer
- 2nd level Civil Service eligibility (R.A. No. 1080)
- Advancement of career

Misconceptions on Legal Profession

- “Big mouthed crocodiles” waiting for prey
- “Judas” willing to sell his master for silver coins
- Too many lawyers, a blank wall for progress

On around 50,000 members in the Rolls of Attorneys:
10%-15% engaged in private practice

1. Nature of an Attorney

Attorney – sometimes called an advocate or counsel, is one who aids in the administration of justice.

- Generally understood as having reference to a class of persons who are by license constituted officers of the courts;
- One whom peculiar duties, responsibilities and liabilities are devolved by law in consequence;
- A person set apart by the laws of the land relating to the high interest of property, liberty and life;
- An inherent element in our judicial system.

Four-Fold Duties of a Lawyer

- To the court
- To the Bar
- To the client
- To the public

2. Legal Profession as a Subject

Introduced by Department of Education Culture and Sports (refer to timeline 1989 in the table of No.4 below)

3. Brief History of Legal Education in the Philippines

Year	Timeline/Events
1733	Establishment of the Faculty of Civil Law at University of Santo Tomas
1734-1800	Out of 3,360 students: 29 graduated in Bachelor of Civil Law 8 graduated in Licentiate in Civil Law 3 graduated in Doctor of Civil Law
1898	Universidad Literaria Filipinas was established in Malolos, Bulacan (later moved to Tarlac)
1899	Escuela de Derecho de Manila was founded by Don Felipe Calderon
1910	College of Law of the University of the Philippines was established
1911	Education requirement for a law profession were a high school degree as a pre-law and as three year law course
1915	Philippine Law School was established
1918	University of Manila College of Law was established
1924	Escuela de Derecho de Manila was renamed as Manila Law School

1934	Far Eastern University Institute of Law was established
1935	Southern College of Law was established
1938	Arellano Law College was established
1940	Francisco Law School was established
1960	Sec.6 of Rule 138 of the Rules of Court was amended by the Supreme Court increasing the pre-law requisite to a four-year bachelor's degree in arts and science and the law course to four years of legal studies
1964	R.A. No. 3870 created the University of the Philippines Law Center
1989	Department of Education Culture and Sports were added in the new law curriculum <ul style="list-style-type: none"> - Legal Profession - Legal Counseling - Problem Areas in Legal Ethics
1990	Effectivity of new law curriculum, 51 subjects (approximately 124 units)
1993	R.A. No. 7662 or the Legal Education Act was enacted; the Legal Education Board was created
2000	Bar Matter No. 850 was issued by Supreme Court re: Mandatory Continuing Legal Education (MCLE)

Meeting the Challenges: Philippine Legal Education in a Changing Environment (March 14, 2004)

In his paper, then College of Law Dean Mariano F. Magsalin Jr. cited “the need for a paradigm shift to force schools to embrace and implement major reforms to address the need to be, and remain, competitive”. The study recommended that “the law curriculum/program be improved and developed so as to produce competent world-class lawyers with proper sense of ethical values in exercising their profession and that “the new policy standards on the law program take into account several major developments in the field of law during the last decade and the trend towards globalization of the practice of the profession.”

R.A. No. 7662 “Legal Education Act”

Section 4. Legal Education Board; Creation and Composition. - To carry out the purpose 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 Department of Education, Culture and Sports.

The Board shall be composed of a Chairman, who shall preferably be a former justice of the Supreme Court or Court of Appeals, and the following as regular members: a representative of the Integrated Bar of the Philippines (IBP); a representative of the Philippine Association of Law Schools (PALS); 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, or his representative, shall be an ex officio member of the Board.

With the exception of the representative of the law students' sector, the Chairman and regular members of the Board must be natural-born citizen 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 in the teaching of law in a duly authorized or recognized law school.

Nature of the Legal Profession (Chapter III)

Profession – refers to a group of men pursuing a learned art as a common calling in the spirit of public service.

Practice of law is a profession, a branch of the administration of justice, a form of public trust, the performance of which is entrusted only to those who are qualified and who possess good moral character.

3 Ideas involved in the profession:

1. Organization – group of men
2. Learning – learned art
3. Spirit of public service – common calling



Legal Profession – a privilege and a right

Membership in the legal profession is a privilege granted by the state only to those deserving individuals. It is in the nature of a franchise conferred only for merit which must be earned by hard study, learning and good conduct. (*In Re: Sycip, 92 SCRA 1*)

The ancient and learned profession of law exacts from its members the highest standard of morality. (*Barrientos vs. Daarol, 218 SCRA 30*)

Good moral character is a condition which precedes admission to the Bar and is not dispensed with upon admission thereto. It is a continuing qualification which all lawyers must possess. (*People vs. Tuanda, 181 SCRA 682*)

The members are in fact, enjoined to aid in guarding the Bar against the admission of candidates unfit, unqualified or deficient in either moral character or education. (*In Re: Puno, 19 SCRA 439*)

The law as a profession precedes from the basic premise that membership in the Bar is a privilege burdened with conditions and carries with it the responsibility to live up to its exacting standards and honored traditions. (*Ledesma vs. Climaco, 57 SCRA 473*)

Standards of the legal profession

(according to Justice Vicente Mendoza)

1. Independence

It means getting immersed in the case of one's client and then withdrawing from the emotional experience as a necessity for maintaining one's independence.

2. Accessibility

It means not only maintenance of legal clinics for indigent persons, but just as deserving are those are financially capable to pay in full for the services of a lawyer.

3. Learning

- A lawyer must serve his client with competence and diligence. (Canon 18)
- A lawyer shall keep abreast of the legal developments, participate in the continuing legal education program and support efforts to achieve high standards in law schools as well as in the practical training of law students and assist in the dissemination of information regarding the law and jurisprudence. (Canon 5)

The Study of Law (Chapter II)

Basic skills and qualities required in the study of law:

a) Dreams/Ambitions

A student should dream to become a lawyer. There is no place for half-heartedness in the law school.

b) Perseverance

A law student must be determined to hurdle the bar even if it will take great degree of sacrifice for his part. Time management will help.

c) Patience

Studying law requires a great degree of patience, reading and analyzing each provision of law, and in long years of study.

3-L's to pass the bar (according to Dean Fortunato Gupit)

a) Language

Language is the tool of the law. It is already presumed to be inherent with the student. Otherwise to be effective, it must be a matter of habit.

b) Logic or Critical analysis

Together with language, logic is expected to be possessed by the law student. It is not about intelligence or brilliancy but accurately evaluating the facts.

c) Law

It is not expected for a law student to know this but a lot of reading is.

>>> LAWYERS ARE MADE, NOT BORN. <<<

Practical Tips for Law Students (Chapter XV)

Other Schools	Law School
Professor gives all assignments and tasks	Student assumes all assignments and tasks
Professors prescribe a particular method of analysis to be employed	Professors merely guide students in proper course of analysis
Spoon-feeding discussion – all topics and lessons being discussed by the professor	Socratic method – question and answer (recitation) as a way of discussion
Students rely on the inputs of the professor	Students are trained to be self-dependent

Techniques in the Study of Law

1. Improve language skills and use dictionary
2. Learn to love reading
3. Improve study habits
4. Start building up a library
5. Improve penmanship
6. Observe common sense

Law Student's Practice (Chapter VII)

Basis: Rule 138-A of the Rules of Court

Appearance may be in any civil, criminal or administrative case.

Requirements:

1. Must have successfully completed 3rd year of 4-year curriculum, or completed 4th year of a 5-year curriculum;
2. Must be enrolled in the clinical legal education program approved by the SC in a recognized school;
3. Must appear *pro bono* (without compensation);
4. Must serve indigent clients accepted by the legal clinic of the law school;
5. Must always be under "direct supervision and control" of a supervising attorney accredited by the law school concerned

3-Fold Rationale

(in consonance with "direct supervision and control" clause)

1. To ensure that there will be no miscarriage of justice as a result of incompetence or inexperience of law students, who, not having as yet passed the test of professional competence, are presumably not fully equipped to act as counsels on their own;
2. To provide mechanism by which accredited law school clinic may be able to protect itself from any potential vicarious liability arising from some culpable action by their law students; and
3. To ensure consistency with the fundamental principle that no person is allowed to practice a particular profession without possessing the qualifications, particularly a license, as required by law.

Exception: When a law student appears as counsel in inferior courts under Sec.34 of Rule 138, ROC.



Bar Examinations (Chapter VI)

Bar examinations is required in order to test one's learning and proficiency in law to avoid social danger.

Subject	%	Exam Day
Political Law	15	1 st Sunday (AM)
Labor Law	10	1 st Sunday (PM)
Civil Law	15	2 nd Sunday (AM)
Taxation	10	2 nd Sunday (PM)
Mercantile Law	15	3 rd Sunday (AM)
Criminal Law	10	3 rd Sunday (PM)
Remedial Law	20	4 th Sunday (AM)
Legal Ethics	5	4 th Sunday (PM)
TOTAL	100	

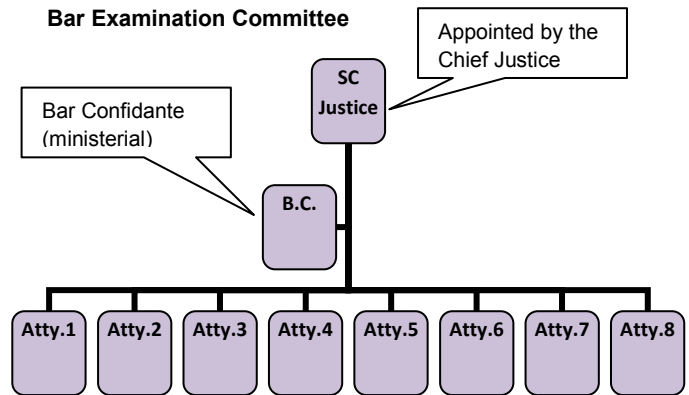
To pass the bar, examinee has to obtain an average of at least 75% in all subjects without however failing below 50% in any subject.

Coverage of Bar Examinations

(Syllabi of 2012 Bar Exams)

1. Political and International Law
 - a. Constitution
 - (1) General Considerations
 - (2) Legislative, Executive and Judiciary
 - (3) Constitutional Commissions
 - (4) Bill of Rights
 - (5) Citizenship
 - b. Law on Public Officers
 - c. Administrative Law
 - d. Election Law
 - e. Local Governments
 - f. National Economy and Patrimony
 - g. Social Justice and Human Rights
 - h. Academic Freedom
 - i. Public International Law
2. Labor and Social Legislation
 - a. Fundamental Principles and Policies
 - b. Recruitment and Placement
 - c. Labor Standards
 - d. Termination of Employment
 - e. Management Prerogative
 - f. Social Legislation
 - g. Labor Relation Law
 - h. Procedure and Jurisdiction
3. Civil Law
 - a. Effect and Application of Laws
 - b. Human Relations
 - c. Persons
 - d. Property
 - e. Prescription
 - f. Obligations
 - g. Contracts
 - h. Sales
 - i. Succession
 - j. Partnership
 - k. Agency
 - l. Compromise
 - m. Credit transactions
 - n. Lease
 - o. Land Titles and Deeds
 - p. Torts and Damages
4. Taxation
 - a. General Principles of Taxation
 - b. National Internal Revenue Code (NIRC) of 1997, as amended
 - c. Tariff and Customs Code
 - d. Republic Act No. 1125 Creating the Court of Tax Appeals
 - e. Provisions of Local Government Code on Taxation
5. Mercantile Law
 - a. Letters of Credit
 - b. Warehouse Receipts Law
 - c. Trust Receipts Law

- d. Negotiable Instruments Law
- e. Insurance Code
- f. Transportation Law
- g. Corporation Code
- h. Securities Regulation Code (R.A. No. 8799)
- i. Banking Laws
- j. Intellectual Property Law
- k. Special Laws
 - (1) Chattel Mortgage Law
 - (2) Real Estate Mortgage Law
 - (3) Truth in Lending Act
 - (4) Anti-Money laundering Law
 - (5) Foreign Investments Act
6. Criminal law
 - a. The Revised Penal Code (Book I and II including related special laws)
7. Remedial Law
 - a. The Rules of Court
 - b. The 1991 Rules on Summary Procedure
 - c. Katarungang Pambarangay
 - d. Rule of Procedure for Small Claim Cases
 - e. Rule of Procedure for Environmental Cases
8. Legal and Judicial Ethics & Practical Exercise
 - a. Legal ethics
 - b. Judicial Ethics
 - c. Code of Professional Responsibility
 - d. Legal Forms



In Taking the Bar Examinations

DO's	DON'T's
<ul style="list-style-type: none"> • Secure and bring Notice of Admission • Keep examinee's identity secret • Answer in own handwriting • Insert the name card with name, signature, school and right thumb mark at the back of examination notebook • Use fountain pen or sign pen in blue, blue-black or black ink • Secure approval from SC the use of noiseless typewriter in answering questions (Sec.10, Rule 138, ROC) • In correcting mistakes, simply draw a line across the word or words to be changed • [Observe logic in answers as well as neatness and proper margins at all times] 	<ul style="list-style-type: none"> • Carrying deadly weapons, cameras, tape recorders, radio, communication gadget, electronic devices • Missing to take any subject is a bar in taking subsequent subjects • Bringing of papers, books or notes • Variation in the color of the ink • Variation in the style of the handwriting • Communicating with other examinees • Any other form of erasures or tearing off any page of examination booklet • Writing the name of the examinee in the booklet or making any unnecessary marking or impression for identification • Examinee influencing any bar examiner



OUTLINE OF BAR EXAMS (Villareal)

1. Political and Public International Law
 - Political Law
 - Constitutional law
 - Administrative Law (excluding IRRs)
 - Laws on Public Officers
 - Public Corporations (including LGUs)
 - Election Laws
 - Public International law
2. Labor and Social Legislation
 - Labor standards
 - Labor relations
 - Social Legislation
3. Civil Law
 - Civil Code of the Philippines
 - The Family Code of the Philippines
 - Property Registration Decree
 - Conflict of Laws (Private International law)
4. Taxation
 - General Principles of taxation
 - National Internal Revenue Code
 - Tariff and Customs Code
 - Republic Act No. 1125 Creating the Court of Tax Appeals
 - Provisions of Local Government Code on Taxation
5. Mercantile Law
 - Code of Commerce
 - Bulk Sales Law
 - Warehouse Receipts Law
 - P.D. No. 115 on Trust Receipts
 - Negotiable Instruments Law
 - Insurance Code
 - Transportation laws
 - Corporation Law
 - Chattel Mortgage Law
 - Real Estate Mortgage Law
 - Law on Intellectual property
 - Insolvency Law
 - Truth in Lending act
6. Criminal law
 - The Revised Penal Code
 - Indeterminate Sentence Law
 - Probation Law
 - Anti-Graft and Corrupt Practices Act
 - Anti-Fencing Law
 - Bouncing Checks Law
 - Dangerous Drugs Act
 - Heinous Crimes (R.A. No. 7659)
7. Remedial Law
 - The Rules of Court
 - The 1991 Rules on Summary Procedure
 - Local Government Code on Conciliation Procedures
 - The Judiciary Reorganization Act, as amended
8. Legal Ethics and Practical Exercises
 - Legal ethics
 - Judicial Ethics
 - Code of Professional Responsibility
 - Grievance Procedure (Rule 139-B, ROC)
 - Legal Forms

In Re: Cunanan, 94 Phil 534

Facts: Congress enacted R.A. No. 972 "An Act to Fix the Passing Marks for bar Examinations from 1946 up to and including 1955" or the Bar Flunkers Act. Section 2 of the said act provided that "A bar candidate who obtained a grade of 75% in any subject shall be deemed to have already passed that subject and the grades shall be included in the computation of the general average in subsequent bar examinations.

Issue: Whether or not R.A. 972 is unconstitutional.

Held: YES. Portions stricken out were due to the following reasons:
 →The law itself admits that flunkers have inadequate preparation;
 →The law is, in effect, a judgment revoking the resolution of the court;
 →The law is an encroachment on the Court's primary prerogative to determine who may be admitted to practice law;
 →The pretended classification is arbitrary and amounts to class legislation.

Practice of Law (Chapter IV)

Practice of law, defined.

Rendition of services requiring the knowledge and the application of legal principles and technique to serve the interest of another with his consent. (*Black's Law Dictionary, 5th Ed.*)

CLASSICAL CONCEPT

Carrying on the calling of an attorney, usually for compensation, acting in a representative capacity and rendering service to another. (*People vs. Villanueva, 14 SCRA 109*)

In the dissenting opinion of Justice Padilla in the case of *Cayetano vs. Monsod* (G.R. No. 100113, September 3, 1991), the following criteria were enumerated:

1. Habituality

Practice is more than isolated appearance, for it consists in frequent or customary action, a succession of acts of the same kind, a habitual exercise.

2. Compensation

Practice of law implies that one must have presented himself in the active practice and that his professional services are available to the public for compensation, as a source of his livelihood or in consideration of his services.

3. Application of law

Application of legal principle, practice, or procedure which calls for legal knowledge, training and experience is within the term "practice of law".

4. Attorney-client- relationship

When a lawyer undertakes an activity which requires the knowledge of law but involves no attorney-client relationship, such as teaching law or writing law books or articles, he cannot be said to be engaged in practice of his profession as a lawyer

Admission to Practice (Chapter V)

The Supreme Court has the power, among others, to promulgate the rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. (*Par. 5, Sec. 5, Art. VIII of Constitution*)



MODERN CONCEPT

Any activity, in and out of the court, which requires the application of law, legal procedure, knowledge, training and experience. To engage in the practice of law is to perform those acts which are characteristics of the profession. (*Cayetano vs. Monsod, 201 SCRA 210*)

Dissenting Opinions

Justice Padilla

- Not just mere possession of knowledge
- Active, habitual and customary action
- Doctor of medicine performing habitually as nursing aide is not in the "practice of medicine"

Justice Cruz

- Uncomfortable that one need not be a lawyer to engage in the practice of law
- Stock broker and insurance adjuster and the realtor may fall under this definition
- A lawyer must earn from his profession
- Possible exception is a lawyer teaching ballroom dancing or escorting wrinkled ladies with pubescent pretensions

Justice Gutierrez

"A person may have passed the bar examinations but if he has not dedicated his life to the law, if he has not engaged in an activity where membership in the bar is a requirement, I fail to see how he can claim to have been engaged in the practice of law."

NOT considered as Practice of Law:

- Gratuitous furnishing of legal aid to the poor and unfortunates who are in pursuit of any civil remedy
- Mere records of reality to ascertain what they may disclose without giving any opinion or advice as to legal effects of what they may be found
- Ordinary preparation and drafting of legal instruments which does not involve the determination by a trained legal mind of the effects and conditions
- If works involve clerical labor of filling in the blanks or a mere mechanical act of copying from a file copy or finished document which involved no legal thing.

Legal remedies for unauthorized practice of law:

1. Injunction
2. Declaratory relief
3. Contempt of court
4. Disqualification or complaints for disbursement

Duties and Privileges of a Lawyer (Chapter VIII)

RULE 138, Rules of Court

Section 20. Duties of attorneys. — It is the duty of an attorney:

- (a) To maintain allegiance to the Republic of the Philippines and to support the Constitution and obey the laws of the Philippines.
- (b) To observe and maintain the respect due to the courts of justice and judicial officers;
- (c) To counsel or maintain such actions or proceedings only as appear to him to be just, and such defenses only as he believes to be honestly debatable under the law.
- (d) To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth and honor, and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law;
- (e) To maintain inviolate the confidence, and at every peril to himself, to preserve the secrets of his client, and to accept no compensation in connection with his client's

business except from him or with his knowledge and approval;

- (f) To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;
- (g) Not to encourage either the commencement or the continuance of an action or proceeding, or delay any man's cause, from any corrupt motive or interest;
- (h) Never to reject, for any consideration personal to himself, the cause of the defenseless or oppressed;
- (i) In the defense of a person accused of crime, by all fair and honorable means, regardless of his personal opinion as to the guilt of the accused, to present every defense that the law permits, to the end that no person may be deprived of life or liberty, but by due process of law.

CANONS OF PROFESSIONAL RESPONSIBILITY

CHAPTER I. LAWYER AND THE SOCIETY

CANON 1 - A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND LEGAL PROCESSES.

CANON 2 - A LAWYER SHALL MAKE HIS LEGAL SERVICES AVAILABLE IN AN EFFICIENT AND CONVENIENT MANNER COMPATIBLE WITH THE INDEPENDENCE, INTEGRITY AND EFFECTIVENESS OF THE PROFESSION.

CANON 3 - A LAWYER IN MAKING KNOWN HIS LEGAL SERVICES SHALL USE ONLY TRUE, HONEST, FAIR, DIGNIFIED AND OBJECTIVE INFORMATION OR STATEMENT OF FACTS.

CANON 4 - A LAWYER SHALL PARTICIPATE IN THE DEVELOPMENT OF THE LEGAL SYSTEM BY INITIATING OR SUPPORTING EFFORTS IN LAW REFORM AND IN THE IMPROVEMENT OF THE ADMINISTRATION OF JUSTICE.

CANON 5 - A LAWYER SHALL KEEP ABREAST OF LEGAL DEVELOPMENTS, PARTICIPATE IN CONTINUING LEGAL EDUCATION PROGRAMS, SUPPORT EFFORTS TO ACHIEVE HIGH STANDARDS IN LAW SCHOOLS AS WELL AS IN THE PRACTICAL TRAINING OF LAW STUDENTS AND ASSIST IN DISSEMINATING INFORMATION REGARDING THE LAW AND JURISPRUDENCE.

CANON 6 - THESE CANONS SHALL APPLY TO LAWYERS IN GOVERNMENT SERVICE IN THE DISCHARGE OF THEIR OFFICIAL TASKS.

CHAPTER II. LAWYER AND THE LEGAL PROFESSION

CANON 7 - A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

CANON 8 - A LAWYER SHALL CONDUCT HIMSELF WITH COURTESY, FAIRNESS AND CANDOR TOWARD HIS PROFESSIONAL COLLEAGUES, AND SHALL AVOID HARASSING TACTICS AGAINST OPPOSING COUNSEL.

CANON 9 - A LAWYER SHALL NOT, DIRECTLY OR INDIRECTLY, ASSIST IN THE UNAUTHORIZED PRACTICE OF LAW.

CHAPTER III. THE LAWYER AND THE COURTS

CANON 10 - A LAWYER OWES CANDOR, FAIRNESS AND GOOD FAITH TO THE COURT.

CANON 11 - A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

CANON 12 - A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

CANON 13 - A LAWYER SHALL RELY UPON THE MERITS OF HIS CAUSE AND REFRAIN FROM ANY IMPROPRIETY WHICH TENDS TO INFLUENCE, OR GIVES THE APPEARANCE OF INFLUENCING THE COURT

CHAPTER IV. THE LAWYER AND THE CLIENT

CANON 14 - A LAWYER SHALL NOT REFUSE HIS SERVICES TO THE NEEDY.

CANON 15 - A LAWYER SHALL OBSERVE CANDOR, FAIRNESS AND LOYALTY IN ALL HIS DEALINGS AND TRANSACTIONS WITH HIS CLIENTS.

CANON 16 - A LAWYER SHALL HOLD IN TRUST ALL MONEYS AND PROPERTIES OF HIS CLIENT THAT MAY COME INTO HIS POSSESSION.

CANON 17 - A LAWYER OWES FIDELITY TO THE CAUSE OF HIS CLIENT AND HE SHALL BE MINDFUL OF THE TRUST AND CONFIDENCE REPOSED IN HIM.

CANON 18 - A LAWYER SHALL SERVE HIS CLIENT WITH COMPETENCE AND DILIGENCE.

CANON 19 - A LAWYER SHALL REPRESENT HIS CLIENT WITH ZEAL WITHIN THE BOUNDS OF THE LAW.

CANON 20 - A LAWYER SHALL CHARGE ONLY FAIR AND REASONABLE FEES.

CANON 21 - A LAWYER SHALL PRESERVE THE CONFIDENCE AND SECRETS OF HIS CLIENT EVEN AFTER THE ATTORNEY-CLIENT RELATION IS TERMINATED

CANON 22 - A LAWYER SHALL WITHDRAW HIS SERVICES ONLY FOR GOOD CAUSE AND UPON NOTICE APPROPRIATE IN THE CIRCUMSTANCES.



Privileges of an attorney

1. He has both the right and privilege to practice law during good behavior before any judicial, quasi-judicial or administrative tribunal;
2. He enjoys presumption of regularity in the discharge of his functions;
3. He enjoys immunity from liability to third person, in the performance of his obligation to his client, in so far as he does not materially depart from his character as a quasi-judicial officer;
4. His statements, if relevant, pertinent or material to the subject of judicial inquiry are absolutely privileged;
5. He has the right to protest, in a respectful manner, any unwarranted treatment of a witness or any unjustified delay in the administration of justice; and
6. Passing the bar is equivalent to a first grade civil service eligibility for any position in the classified service in the government the duties of which require the knowledge of law, or a second level eligibility for any other government position.

→ **Constitutionality of Integration of the Bar**

“Because the practice of law is a privilege clothed with public interest, it is fair and just that the exercise of that privilege be regulated to assure compliance with the lawyer’s public responsibilities.” (*In re Integration of the Bar*)

a. Freedom of Association

Integration of the bar does not make a lawyer a member of any group which he is not already a member. He became a member of the bar when he passed the Bar examinations. All that integration actually does is to provide an official national organization for the well-defined but unorganized and incohesive group of which every lawyer is already a member.

b. Regulatory Fee

It does not mean that the Court levies a tax. A membership fee in the Integrated Bar is an exaction for regulation, while the purpose of a tax is revenue.

c. Freedom of speech

A lawyer is free, as he has always been, to voice his views on any subject in any manner he wishes, even though such views be opposed to positions taken by the Unified Bar.

d. Fair to all lawyer

[I]t will apply equally to all lawyers, young and old, at the time Bar integration takes effect, and because it is a new regulation in exchange for new benefits, it is not retroactive, it is not unequal, it is not unfair.

→ **Membership in the IBP**

All lawyers whose names were in the Roll of Attorneys of the Supreme Court on 16 January 1973 and all those whose names were included or are entered therein after the said date, are automatically and without exception members of the Integrated Bar.

→ **Organization**

- President of IBP – the Chief Executive of the organization with a term of two (2) years.
- Vice President – assumes a President in case of absence or inability.
- Board of Governors – composed of nine (9) representatives from regions.
- House Delegates – deliberative body of the IBP composed of not more than 120 members apportioned among all chapters by the Board of Governors according to the number of their respective members but each chapter shall have 1 representative.

→ **Administrative Supervision of SC**

The Supreme Court acquires administrative supervision over the IBP including its officers.

Bar Matter 2012: Rule on Mandatory Legal Aid Service for Practicing Lawyers

All practicing lawyers are required to render a minimum of sixty (60) hours of free legal aid services to indigent litigants in a year. Clerks of Court and the IBP Legal Aid Chairperson of the IBP Chapter are designated to coordinate with a lawyer for cases where he may render free legal aid service.

The Integrated Bar of the Philippines (Chapter IX)

→ **Concept of integration**

Integration of the Bar means the official unification of all the lawyers in the Philippines. This requires membership and financial support (in reasonable amount) of every attorney as conditions *sine qua non* to the practice of law and to the retention of his name in the Roll of Attorneys of the Supreme Court.

→ **Purpose of Integration**

1. **Assist** in the administration of justice;
2. **Foster** and maintain on the part of its members high ideals of integrity, learning, professional competence, public service and conduct;
3. **Safeguard** the professional interest of its members;
4. **Cultivate** among its members a spirit of cordiality and brotherhood;
5. **Provide** a forum for the discussion of law, jurisprudence, law reform, pleading, practice and procedure, and the relations of the Bar to the Bench and to the public, and publish information relating thereto;
6. **Encourage** and foster legal education;
7. **Promote** a continuing program of legal research in substantive and adjective law, and make reports and recommendations thereon; and
8. **Enable** the Bar to discharge its public responsibility effectively

→ **Power to Integrate the Bar**

The Constitution vests upon the Supreme Court the power to integrate the Philippine bar. Article VIII Section 5(5) gives the Supreme Court the power to “promulgate concerning ...pleadings, practice and procedure in all courts, the admission to the practice of law, the **integrated bar...**”



The following lawyers are excluded in the term “practicing lawyer”:

1. Government employees and incumbent elective officials not allowed by law to practice;
2. Lawyers who by law are not allowed to appear in court;
3. Supervising lawyers of students enrolled in law student practice in duly accredited legal clinics of law schools and lawyers of non-governmental organizations (NGOs) and peoples organizations (POs) like the Free Legal Assistance Group who by the nature of their work already render free legal aid to indigent and pauper litigants, and
4. Lawyers not covered under subparagraphs (1) to (3) including those who are employed in the private sector but do not appear for and in behalf of parties in courts of law and quasi-judicial agencies.

Choices of a New Lawyer (Chapter XI)

<i>Choices</i>	<i>Advantages</i>	<i>Disadvantages</i>
a) Solo private practice	1) independence of action 2) rushed to experience 3) projecting own image	1) lack of experience 2) lack of facilities 3) lack of confidence -very limited clientele -unstable income
b) Joining a law firm as an associate/ assistant;	1) receives proper advice from senior lawyers 2) template pleadings are available 3) never runs out of cases and constantly exposed	1) reduced to the status of merely an employee 2) sometimes tied up to given assignments 3) does not possess independent judgment 4) hardly establish names for themselves 5) losing cases are usually assigned to young lawyers
c) Forming a law partnership	Not advisable for young lawyers (partnership with financially capable peers)	
d) Joining the corporate law department	1) higher compensation 2) generous benefits and packages 3) sometimes allows private practice	1) sometimes restricted to practice outside office hours 2) tied up in fear of losing higher paying jobs
e) Government employment	Career advancement if already in service before admission to Bar	Relatively low compensation

Getting Started (Chapter XII)

➔ **Qualities a Young Lawyer Needs**

1. Tolerance for Pressure (Stress Management)

- a) Time management
- b) Always be calm and patient
- c) Try to consult others opinions
- d) Stay healthy
- e) Always smile/laugh
- f) Improve one’s communion with God
- g) Knowing your limitation

2. Self-Confidence

3. Ability to Build Clientele

4. Preventive Lawyering

- a) Proposals to the other side or party
- b) Counter-proposals
- c) Reconsiderations
- d) Compromise
- e) Advice to clients
- f) Clients instruction to counsel

Continuing Legal Education for Lawyers (Chap. XIV)

Purpose of Bar Matter 850 (Mandatory Continuing Legal Education)

Continuing legal education is required of members of the IBP to ensure that throughout their career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law.

Requirements

Requirements of completion of MCLE: Members of the IBP, unless exempted under Rule 7, shall complete every three (3) years at least thirty-six (36) hours of continuing legal education activities. The thirty-six (36) hours shall be divided as follows:

6 hours – Legal Ethics

4 hours – Trial and Pre-trial skills

5 hours – Alternative Dispute Resolution

9 hours – Updates on Substantive and Procedural Laws and jurisprudence

4 hours – Legal Writing and Oral Advocacy

2 hours – International Law and International Conventions

Remaining 6 hours – such other subjects as may be prescribed by the Committee on MCLE

TOTAL: 36 hours (or 36 units)



Classes of Credits

a. Participatory Credit

Attending approved education activities like seminars, conventions, symposia; speaking or lecturing, or assigned as panelist, reactor or commentator, etc. in approved education activities; teaching in law schools or lecturing in bar review classes.

b. Non-Participatory

Preparing, as author or co-author, written materials (article, book or book review) which contribute to the legal education of the author member, which were not prepared in the ordinary course of his practice or employment; editing a law book, law journal or legal news letter.

Persons exempt from the MCLE

- President, Vice-President, Secretaries and Undersecretaries of Executive Departments
- Senators and members of the House of Representatives
- Chief Justice and Associate Justices of the Supreme Court
- Incumbent and retired members of the judiciary, incumbent members of the Judicial and Bar Council, incumbent members of the Mandatory Continuing Legal Education Committee, incumbent court lawyers who have availed of the Philippine Judicial Academy programs of continuing judicial education. (Amendment to Bar Matter 850, Resolution of the Court En Banc, July 13, 2004)
- Chief State Counsel, Chief State prosecutor, and Assistant Secretaries of the Department of Justice
- Solicitor General and the Assistant Solicitor General
- Government Corporate Counsel, Deputy and Assistant Government Counsel
- Chairman and Members of the Constitutional Commissions
- Ombudsman, the overall deputy Ombudsman, Deputy Ombudsmen, and the Special Prosecutor of the Office of the Ombudsman
- Heads of Government Agencies exercising quasi-judicial functions
- Incumbent deans, bar reviewers, professors of law who have been teaching experience for the past 10 years in accredited law schools
- Chancellor, Vice Chancellor and members of the Corps of Professional and Professorial Lectures of the Philippine Judicial Academy
- Governors and Mayors

Other parties exempted:

- Those who are not in law practice, private or public
- Those who are retired from law practice with the approval of the IBP Board of Governors

May a member of the Bar not included in the enumeration ask for exemption?

Yes, if there is a good cause for exemption from or modification of requirement. A member may file a verified request setting forth good cause for exemption (such as physical disability, illness, post graduate study abroad, proven expertise in law, etc.) from compliance with or modification of any of the requirement, including the extension of time for compliance, in accordance with the procedure to be established by the Committee on MCLE.

Note: Applications for Exemption from or modification of the MCLE requirement shall be under oath and supported by documents.

What constitutes non-compliance of MCLE?

1. Failure to complete education requirement within the compliance period;
2. Failure to provide attestation of compliance to exemption;
3. Failure to provide satisfactory evidence of compliance (including evidence of exempt status) within the prescribed period;
4. Failure to satisfy the education requirement and furnish evidence of such compliance within 60 days from receipt of non-compliance notice;
5. Failure to pay non-compliance fee within the prescribed period;

6. Any other act or omission analogous to any of the foregoing or intended to circumvent or evade compliance with the MCLE requirements.

Note: Members failing to comply will receive a Non-compliance Notice stating the specific deficiency and will be given a 60 days from the date of notification to file a response.

What are the consequences of non-compliance?

A member who fails to comply with the requirements after the 60 day period shall be listed as a delinquent member by the IBP Board of Governors upon recommendation of the Committee on MCLE.

Note: The listing as a delinquent member is administrative in nature but shall be made with a notice and hearing by the Committee on MCLE.

B.M. No. 1922 which took effect on January 1, 2009, requires practicing members of the bar to indicate in all pleadings filed before the courts or quasi-judicial bodies, the number and date of the issue of their MCLE Certificate of Compliance or Certificate of Exemption, as may be applicable for the immediate preceding compliance period. Failure to disclose the required information would cause the dismissal of the case and the expunction of the pleadings from the records.

Disciplinary Proceedings (Chapter X)

Disbarment	Suspension*
Act of the court in withdrawing from an attorney the right to practice law.	Act of the court prohibiting an attorney from practicing law for a certain period.
Administrative proceedings instituted to revoke the license of the lawyer to practice his profession by reason of misconduct.	Intended to protect the court and the public from the misconduct of officers of the court and to protect the administration of justice by requiring that those who exercise this important function shall be competent, honorable and reliable men in whom courts and clients may repose confidence

*Suspension is sometimes referred to a qualified disbarment because the lawyer is temporarily deprived of his right to practice his profession.

Two Primary Objects of Disbarment and suspension

1. To compel the attorney to deal fairly and honestly with his clients
2. To remove from the profession a person whose misconduct has proved him unfit to be entrusted with the duties and responsibilities belonging to the office of an attorney

Common Grounds for Suspension or Disbarment

1. Deceit
2. Malpractice or other gross misconduct in office
3. Grossly immoral conduct
4. Conviction of a crime involving moral turpitude
5. Violation of Oath of Office
6. Willful disobedience of any lawful order of any superior court
7. Corrupt or willful appearance as an attorney for a party to a case without authority to do so

Moral Turpitude - "includes everything which is done contrary to justice, honesty, modesty, or good morals". It involves an act of baseness, vileness, or depravity in the private duties which a man owed his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals. *Barrios v. Martinez, 442 SCRA 324 (2004)*