MANDATORY CONTINUING LEGAL EDUCATION

Bar Matter No. 850. October 02, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Considering the Rules on the Mandatory Continuing Legal Education (MCLE) for members of the Integrated Bar of the Philippines (IBP), recommended by the IBP, endorsed by the Philippine Judicial Academy, and reviewed and passed upon by the Supreme Court Committee on Legal Education, the Court hereby resolves to approve, as it hereby approves, the following Revised Rules for proper implementation:

Rule 1. PURPOSE

SECTION 1. Purpose of the MCLE. — Continuing legal education is required of members of the Integrated Bar of the Philippines (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.

Rule 2. MANDATORY CONTINUING LEGAL EDUCATION

SECTION 1. Commencement of the MCLE. — Within two (2) months from the approval of these Rules by the Supreme Court En Banc, the MCLE Committee shall be constituted and shall commence the implementation of the Mandatory Continuing Legal Education (MCLE) program in accordance with these Rules.

SEC. 2. Requirements of completion of MCLE. — Members of the IBP not exempt under Rule 7 shall complete every three (3) years at least thirty-six (36) hours of continuing legal education activities approved by the MCLE Committee. Of the 36 hours:

(a) At least six (6) hours shall be devoted to legal ethics equivalent to six (6) credit units.

(b) At least four (4) hours shall be devoted to trial and pretrial skills equivalent to four (4) credit units.

(c) At least five (5) hours shall be devoted to alternative dispute resolution equivalent to five (5) credit units.

(d) At least nine (9) hours shall be devoted to updates on substantive and procedural laws, and jurisprudence equivalent to nine (9) credit units.

(e) At least four (4) hours shall be devoted to legal writing and oral advocacy equivalent to four (4) credit units.

(f) At least two (2) hours shall be devoted to international law and international conventions equivalent to two (2) credit units.

(g) The remaining six (6) hours shall be devoted to such subjects as may be prescribed by the MCLE Committee equivalent to six (6) credit units.

Rule 3. COMPLIANCE PERIOD

SECTION 1. Initial compliance period. — The initial compliance period shall begin not later than three (3) months

from the adoption of these Rules. Except for the initial compliance period for members admitted or readmitted after the establishment of the program, all compliance periods shall be for thirty-six (36) months and shall begin the day after the end of the previous compliance period.

SEC. 2. Compliance Groups. -- Members of the IBP not exempt from the MCLE requirement shall be divided into three (3) compliance groups, namely:

(a) Compliance group 1. — Members in the National Capital Region (NCR) or Metro Manila are assigned to Compliance Group 1.

(b) Compliance group 2. -- Members in Luzon outside NCR are assigned to Compliance Group 2.

(c) Compliance group 3. — Members in Visayas and Mindanao are assigned to Compliance Group 3.

Nevertheless, members may participate in any legal education activity wherever it may be available to earn credit unit toward compliance with the MCLE requirement.

SEC. 3. Compliance period of members admitted or readmitted after establishment of the program. -- Members admitted or readmitted to the Bar after the establishment of the program shall be assigned to the appropriate Compliance Group based on their Chapter membership on the date of admission or readmission.

The initial compliance period after admission or readmission shall begin on the first day of the month of admission or readmission and shall end on the same day as that of all other members in the same Compliance Group.

(a) Where four (4) months or less remain of the initial compliance period after admission or readmission, the member is not required to comply with the program requirement for the initial compliance.

(b) Where more than four (4) months remain of the initial compliance period after admission or readmission, the member shall be required to complete a number of hours of approved continuing legal education activities equal to the number of months remaining in the compliance period in which the member is admitted or readmitted. Such member shall be required to complete a number of hours of education in legal ethics in proportion to the number of months remaining in the compliance period. Fractions of hours shall be rounded up to the next whole number.

RULE 4. COMPUTATION OF CREDIT UNITS(CU)

SECTION 1. Guidelines. — CREDIT UNITS ARE EQUIVALENT TO CREDIT HOURS. CREDIT UNITS measure compliance with the MCLE requirement under the Rules, based on the category of the lawyer's participation in the MCLE activity. The following are the guidelines for computing credit units and the supporting documents required therefor:

PROGRAMS/ACTIVITY CREDIT UNITS SUPPORTING DOCUMENTS

1. SEMINARS, CONVENTIONS, CONFERENCES, SYMPOSIA, IN-HOUSE EDUCATION PROGRAMS, WORKSHOPS, DIALOGUES, ROUND TABLE DISCUSSIONS BY APPROVED PROVIDERS UNDER RULE 7 AND OTHER RELATED RULES

1.1 PARTICIPANT/
ATTENDEE

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1 CU PER HOUR OF ATTENDANCE CERTIFICATE OF ATTENDANCE WITH NUMBER OF HOURS

1.2 LECTURER RESOURCE SPEAKER FULL CU FOR THE SUBJECT PER PLAQUE OR COMPLIANCE PERIOD PHOTOCOPY OF SPONSOR'S CERTIFICATION

1.3 PANELIST/REACTOR
COMMENTATOR/
MODERATOR/
COORDINATOR/
FACILITATOR

½ OF CU FOR THE SUBJECT
PERCOMPLIANCE PERIOD

CERTIFICATION FROM
SPONSORING ORGANIZATION

2. AUTHORSHIP, EDITING AND REVIEW

2.1 LAW BOOK OF NOT
LESS THAN 100 PAGES FULL CU FOR THE SUBJJECT
PER COMPLIANCE PERIOD PUBLISHED BOOK

2.2 BOOK EDITOR ½ OF THE CU OF AUTHORSHIP CATEGORY PUBLISHED BOOK WITH PROOF AS EDITOR

2.3 RESEARCH PAPER
INNOVATIVE PROGRAM/
CREATIVE PROJECT ½ OF CU FOR THE
SUBJECT PER COMPLIANCE PERIOD DULY CERTIFICATION/PUBLISHED
TECHNICAL REPORT/PAPER

2.4 LEGAL ARTICLE OF AT
LEAST TEN (10) PAGES OF CU FOR THE SUBJECT PER
COMPLIANCE PERIOD PUBLISHED ARTICLE

2.5 LEGAL NEWSLETTER/
LAW JOURNAL EDITOR 1 CU PER ISSUE PUBLISHED
NEWSLETTER/ JOURNAL

2.6 PROFESSIONAL CHAIR/
BAR REVIEW LECTURE
LAW TEACHING FULL CU FOR THE SUBJECT
PER COMPLIANCE PERIOD CERTIFICATION OF LAW DEAN OR
BAR REVIEW DIRECTOR

Rule 5. CATEGORIES OF CREDIT UNITS

SECTION 1. Classes of Credit units. — Credit units are either participatory or non-participatory.

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SEC. 2. Claim for participatory credit units. — Participatory credit units may be claimed for:

(a)

Attending approved education activities like seminars, conferences, conventions, symposia, in-house education programs, workshops, dialogues or round table discussion.

(b)

Speaking or lecturing, or acting as assigned panelist, reactor, commentator, resource speaker, moderator, coordinator or facilitator in approved education activities.

(c)

Teaching in a law school or lecturing in a bar review class.

SEC. 3. Claim for non-participatory credit units. — Non-participatory credit units may be claimed per compliance period for:

(a)

Preparing, as an author or co-author, written materials published or accepted for publication, e.g., in the form of an article, chapter, book, or book review which contribute to the legal education of the author member, which were not prepared in the ordinary course of the member's practice or employment.

(b)

Editing a law book, law journal or legal newsletter.

Rule 6. COMPUTATION OF CREDIT HOURS (CH)

SECTION 1. Computation of credit hours. — Credit hours are computed based on actual time spent in an education activity in hours to the nearest one-quarter hour reported in decimals.

Rule 7. EXEMPTIONS

SECTION 1. Parties exempted from the MCLE. — The following members of the Bar are exempt from the MCLE requirement:

(a) The President and the Vice President of the Philippines, and the Secretaries and Undersecretaries of Executive Departments;

(b) Senators and Members of the House of Representatives;

(c) The Chief Justice and Associate Justices of the Supreme Court, incumbent and retired members of the judiciary, incumbent members of the Judicial and Bar Council and incumbent court lawyers covered by the Philippine Judicial Academy program of continuing judicial education;

(d) The Chief State Counsel, Chief State Prosecutor and Assistant Secretaries of the Department of Justice;

(e) The Solicitor General and the Assistant Solicitors General;

(f) The Government Corporate Counsel, Deputy and Assistant Government Corporate Counsel;

(g) The Chairmen and Members of the Constitutional Commissions;

(h) The Ombudsman, the Overall Deputy Ombudsman, the Deputy Ombudsman and the Special Prosecutor of the Office of the Ombudsman;

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(i) Heads of government agencies exercising quasi-judicial functions;

(j) Incumbent deans, bar reviewers and professors of law who have teaching experience for at least ten (10) years in accredited law schools;

(k) The Chancellor, Vice-Chancellor and members of the Corps of Professors and Professorial Lecturers of the Philippine Judicial Academy; and

(l) Governors and Mayors.

SEC. 2. Other parties exempted from the MCLE. — The following Members of the Bar are likewise exempt:

(a) Those who are not in law practice, private or public.

(b) Those who have retired from law practice with the approval of the IBP Board of Governors.

SEC. 3. 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 requirements, including an extension of time for compliance, in accordance with a procedure to be established by the MCLE Committee.

SEC. 4. Change of status.— The compliance period shall begin on the first day of the month in which a member ceases to be exempt under Sections 1, 2, or 3 of this Rule and shall end on the same day as that of all other members in the same Compliance Group.

SEC. 5. Proof of exemption. — Applications for exemption from or modification of the MCLE requirement shall be under oath and supported by documents.

Rule 8. STANDARDS FOR APPROVAL OF

EDUCATION ACTIVITIES

SECTION 1. Approval of MCLE program. — Subject to the implementing regulations that may be adopted by the MCLE Committee, continuing legal education program may be granted approval in either of two (2) ways: (1) the provider of the activity is an accredited provider and certifies that the activity meets the criteria of Section 2 of this Rule; and (2) the provider is specifically mandated by law to provide continuing legal education.

SEC. 2. Standards for all education activities. — All continuing legal education activities must meet the following standards:

(a) The activity shall have significant current intellectual or practical content.

(b) The activity shall constitute an organized program of learning related to legal subjects and the legal profession, including cross profession activities (e.g., accounting-tax or medical-legal) that enhance legal skills or the ability to practice law, as well as subjects in legal writing and oral advocacy.

(c) The activity shall be conducted by a provider with adequate professional experience.

(d) Where the activity is more than one (1) hour in length, substantive written materials must be distributed to all participants. Such materials must be distributed at or before the time the activity is offered.

(e) In-house education activities must be scheduled at a time and location so as to be free from interruption like telephone calls and other distractions.

Rule 9. ACCREDITATION OF PROVIDERS

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SECTION 1. Accreditation of providers. — Accreditation of providers shall be done by the MCLE Committee.

SEC. 2. Requirements for accreditation of providers. — Any person or group may be accredited as a provider for a term of two (2) years, which may be renewed, upon written application. All providers of continuing legal education activities, including in-house providers, are eligible to be accredited providers. Application for accreditation shall:

(a) Be submitted on a form provided by the MCLE Committee;

(b) Contain all information requested in the form;

(c) Be accompanied by the appropriate approval fee.

SEC. 3. Requirements of all providers. — All approved accredited providers shall agree to the following:

(a) An official record verifying the attendance at the activity shall be maintained by the provider for at least four (4) years after the completion date. The provider shall include the member on the official record of attendance only if the member's signature was obtained at the time of attendance at the activity. The official record of attendance shall contain the member's name and number in the Roll of Attorneys and shall identify the time, date, location, subject matter, and length of the education activity. A copy of such record shall be furnished the MCLE COMMITTEE.

(b) The provider shall certify that:

(1) This activity has been approved BY THE MCLE COMMITTEE in the amount of _____ hours of which _____ hours will apply in (legal ethics, etc.), as appropriate to the content of the activity;

(2) The activity conforms to the standards for approved education activities prescribed by these Rules and such regulations as may be prescribed by the MCLE COMMITTEE.

(c) The provider shall issue a record or certificate to all participants identifying the time, date, location, subject matter and length of the activity.

(d) The provider shall allow in-person observation of all approved continuing legal education activity by THE MCLE COMMITTEE, members of the IBP Board of Governors, or designees of the Committee and IBP staff Board for purposes of monitoring compliance with these Rules.

(e) The provider shall indicate in promotional materials, the nature of the activity, the time devoted to each topic and identity of the instructors. The provider shall make available to each participant a copy of THE MCLE COMMITTEE-approved Education Activity Evaluation Form.

(f) The provider shall maintain the completed Education Activity Evaluation Forms for a period of not less than one (1) year after the activity, copy furnished the MCLE COMMITTEE.

(g) Any person or group who conducts an unauthorized activity under this program or issues a spurious certificate in violation of these Rules shall be subject to appropriate sanctions.

SEC. 4. Renewal of provider accreditation. — The accreditation of a provider may be renewed every two (2) years. It may be denied if the provider fails to comply with any of the requirements of these Rules or fails to provide satisfactory education activities for the preceding period.

SEC. 5. Revocation of provider accreditation. — the accreditation of any provider referred to in Rule 9 may be revoked by a majority vote of the MCLE Committee, after notice and hearing and for good cause.

Rule 10. FEE FOR APPROVAL OF ACTIVITY AND ACCREDITATION OF PROVIDER

SECTION 1. Payment of fees. — Application for approval of an education activity or accreditation as a provider requires payment of the appropriate fee as provided in the Schedule of MCLE Fees.

Rule 11. GENERAL COMPLIANCE PROCEDURES

SECTION 1. Compliance card. — Each member shall secure from the MCLE Committee a Compliance Card before the end of his compliance period. He shall complete the card by attesting under oath that he has complied with the education requirement or that he is exempt, specifying the nature of the exemption. Such Compliance Card must be returned to the Committee not later than the day after the end of the member's compliance period.

SEC. 2. Member record keeping requirement. — Each member shall maintain sufficient record of compliance or exemption, copy furnished the MCLE Committee. The record required to be provided to the members by the provider pursuant to Section 3© of Rule 9 should be a sufficient record of attendance at a participatory activity. A record of non-participatory activity shall also be maintained by the member, as referred to in Section 3 of Rule 5.

Rule 12. NON-COMPLIANCE PROCEDURES

SECTION 1. What constitutes non-compliance. — The following shall constitute non-compliance:

(a) Failure to complete the education requirement within the compliance period;

(b) Failure to provide attestation of compliance or exemption;

(c) Failure to provide satisfactory evidence of compliance (including evidence of exempt status) within the prescribed period;

(d) Failure to satisfy the education requirement and furnish evidence of such compliance within sixty (60) days from receipt of non-compliance notice;

(e) Failure to pay non-compliance fee within the prescribed period;

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

SEC. 2. Non-compliance notice and 60-day period to attain compliance. — Members failing to comply will receive a Non-Compliance Notice stating the specific deficiency and will be given sixty (60) days from the date of notification to file a response clarifying the deficiency or otherwise showing compliance with the requirements. Such notice shall contain the following language near the beginning of the notice in capital letters:

IF YOU FAIL TO PROVIDE ADEQUATE PROOF OF COMPLIANCE WITH THE MCLE REQUIREMENT BY (INSERT DATE 60 DAYS FROM DATE OF NOTICE), YOU SHALL BE LISTED AS A DELINQUENT MEMBER AND SHALL NOT BE PERMITTED TO PRACTICE LAW UNTIL SUCH TIME AS ADEQUATE PROOF OF COMPLIANCE IS RECEIVED BY THE MCLE COMMITTEE.

Members given sixty (60) days to respond to a Non-Compliance Notice may use this period to attain the adequate number of credit units for compliance. Credit units earned during this period may only be counted toward compliance with the prior compliance period requirement unless units in excess of the requirement are earned, in which case the excess may be counted toward meeting the current compliance period requirement.

Rule 13. CONSEQUENCES OF NON-COMPLIANCE

SECTION 1. Non-compliance fee. -- A member who, for whatever reason, is in non-compliance at the end of the compliance period shall pay a non-compliance fee.

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SEC. 2. Listing as delinquent member. — A member who fails to comply with the requirements after the sixty (60) day period for compliance has expired, shall be listed as a delinquent member of the IBP upon the recommendation of the MCLE Committee. The investigation of a member for non-compliance shall be conducted by the IBP's Commission on Bar Discipline as a fact-finding arm of the MCLE Committee.

SEC. 3. Accrual of membership fee. — Membership fees shall continue to accrue at the active rate against a member during the period he/she is listed as a delinquent member.

Rule 14. REINSTATEMENT

SECTION 1. Process. — The involuntary listing as a delinquent member shall be terminated when the member provides proof of compliance with the MCLE requirement, including payment of non-compliance fee. A member may attain the necessary credit units to meet the requirement for the period of non-compliance during the period the member is on inactive status. These credit units may not be counted toward meeting the current compliance period requirement. Credit units earned during the period of non-compliance in excess of the number needed to satisfy the prior compliance period requirement may be counted toward meeting the current compliance period requirement.

SEC. 2. Termination of delinquent listing is an administrative process. — The termination of listing as a delinquent member is administrative in nature AND it shall be made by the MCLE Committee.

Rule. 15. COMMITTEE ON MANDATORY CONTINUING

LEGAL EDUCATION

SECTION 1. Composition. — The MCLE Committee shall be composed of five (5) members, namely, a retired Justice of the Supreme Court as Chair, and four (4) members respectively nominated by the IBP, the Philippine Judicial Academy, a law center designated by the Supreme Court and associations of law schools and/or law professors.

The members of the Committee shall be of proven probity and integrity. They shall be appointed by the Supreme Court for a term of three (3) years and shall receive such compensation as may be determined by the Court.

SEC. 2. Duty of committee. — The MCLE Committee shall administer and adopt such implementing rules as may be necessary subject to the approval of the Supreme Court. It shall, in consultation with the IBP Board of Governors, prescribe a schedule of MCLE fees with the approval of the Supreme Court.

SEC. 3. Staff of the MCLE Committee. — Subject to approval by the Supreme Court, the MCLE Committee shall employ such staff as may be necessary to perform the record-keeping, auditing, reporting, approval and other necessary functions.

SEC. 4. Submission of annual budget. — The MCLE Committee shall submit to the Supreme Court for approval, an annual budget [for a subsidy] to establish, operate and maintain the MCLE Program.

This resolution shall take effect on the fifteenth of September 2000, following its publication in two (2) newspapers of general circulation in the Philippines.

Adopted this 22[nd] day of August, 2000, as amended on 02 October 2001.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Kapunan, J., on official leave.

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