

EN BANC

[G.R. No. 230642, September 10, 2019]

OSCAR B. PIMENTEL, ERROL B. COMAFAY, JR., RENE B. GOROSPE, EDWIN R. SANDOVAL, VICTORIA B. LOANZON, ELGIN MICHAEL C. PEREZ, ARNOLD E. CACHO, AL CONRAD B. ESPALDON, ED VINCENT S. ALBANO, LEIGHTON R. SIAZON, ARIANNE C. ARTUGUE, CLARABEL ANNE R. LACSINA, KRISTINE JANE R. LIU, ALYANNA MARL C. BUENVIAJE, IANA PATRICIA DULA T. NICOLAS, IRENE A. TOLENTINO AND AUREA I. GRUYAL, PETITIONERS, VS. LEGAL EDUCATION BOARD, AS REPRESENTED BY ITS CHAIRPERSON, HON. EMERSON B. AQUENDE, AND LEB MEMBER HON. ZENAIDA N. ELEPAÑO, RESPONDENTS;

ATTYS. ANTHONY D. BENGZON, FERDINAND M. NEGRE, MICHAEL Z. UNTALAN; JONATHAN Q. PEREZ, SAMANTHA WESLEY K. ROSALES, ERIKA M. ALFONSO, KRYS VALEN O. MARTINEZ, RYAN CEAZAR P. ROMANO, AND KENNETH C. VARONA, RESPONDENTS-IN-INTERVENTION;

APRIL D. CABALLERO, JEREY C. CASTARDO, MC WELLROE P. BRINGAS, RHUFFY D. FEDERE, CONRAD THEODORE A. MATUTINO AND NUMEROUS OTHERS SIMILARLY SITUATED, ST. THOMAS MORE SCHOOL OF LAW AND BUSINESS, INC., REPRESENTED BY ITS PRESIDENT RODOLFO C. RAPISTA, FOR HIMSELF AND AS FOUNDER, DEAN AND PROFESSOR, OF THE COLLEGE OF LAW, JUDY MARIE RAPISTA-TAN, LYNNART WALFORD A. TAN, IAN M. ENTERINA, NEIL JOHN VILLARICO AS LAW PROFESSORS AND AS CONCERNED CITIZENS, PETITIONERS-INTERVENORS;

[G.R. No. 242954]

FRANCIS JOSE LEAN L. ABAYATA, GRETCHEN M. VASQUEZ, SHEENAH S. ILUSTRISMO, RALPH LOUIE SALAÑO, AIREEN MONICA B. GUZMAN, DELFINO ODIAS, DARYL DELA CRUZ, CLAIRE SUICO, AIVIE S. PESCADERO, NIÑA CHRISTINE DELA PAZ, SHEMARK K. QUENIAHAN, AL JAY T. MEJOS, ROCELLYN L. DAÑO,* MICHAEL ADOLFO, RONALD A. ATIG, LYNNETTE C. LUMAYAG, MARY CHRIS LAGERA, TIMOTHY B. FRANCISCO, SHEILA MARIE C. DANDAN, MADELINE C. DELA PEÑA, DARLIN R. VILLAMOR, LORENZANA L. LLORICO, AND JAN IVAN M. SANTAMARIA, PETITIONERS, VS. HON. SALVADOR MEDIALDEA, EXECUTIVE SECRETARY, AND LEGAL EDUCATION BOARD, HEREIN REPRESENTED BY ITS CHAIRPERSON, EMERSON B. AQUENDE, RESPONDENTS.

DECISION

REYES, J. JR., J.:

On the principal grounds of encroachment upon the rule-making power of the Court concerning the practice of law, violation of institutional academic freedom and violation of a law school aspirant's right to education, these consolidated Petitions for Prohibition (G.R. No. 230642) and *Certiorari* and Prohibition (G.R. No. 242954) under Rule 65 of the Rules of Court assail as unconstitutional Republic Act (R.A.) No. 7662,^[1] or the Legal Education Reform Act of 1993, which created the Legal Education Board (LEB). On the same principal grounds, these petitions also particularly seek to declare as unconstitutional the LEB issuances establishing

and implementing the nationwide law school aptitude test known as the Philippine Law School Admission Test or the PhiLSAT.

The Antecedents

Prompted by clamors for the improvement of the system of legal education on account of the poor performance of law students and law schools in the bar examinations,^[2] the Congress, on December 23, 1993, passed into law R.A. No. 7662 with the following policy statement:

SEC. 2. *Declaration of Policies.* - It is hereby declared the policy of the State to uplift the standards of legal education in order to prepare law students for advocacy, counselling, problem-solving, and decision-making, to infuse in them the ethics of the legal profession; to impress on them the importance, nobility and dignity of the legal profession as an equal and indispensable partner of the Bench in the administration of justice and to develop social competence.

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

R.A. No. 7662 identifies the general and specific objectives of legal education in this manner:

SEC. 3. *General and Specific Objective of Legal Education.* -

(a) Legal education in the Philippines is geared to attain the following objectives:

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

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

- (1) to impart among law students a broad knowledge of law and its various fields and of legal institutions;
- (2) to enhance their legal research abilities to enable them to analyze, articulate and apply the law effectively, as well as to allow them to have a holistic approach to legal problems and Issues;
- (3) to prepare law students for advocacy, [counseling], problem-solving and decision-making, and to develop their ability to deal with recognized legal problems of the present and the future;
- (4) to develop competence in any field of law as is necessary for gainful employment or sufficient as a foundation for future training beyond the basic professional degree, and to develop in them the desire and capacity for continuing study and self improvement;
- (5) to inculcate in them the ethics and responsibilities of the legal profession; and

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

For these purposes, R.A. No. 7662 created the LEB, an executive agency which was made separate from the Department of Education, Culture and Sports (DECS), but attached thereto solely for budgetary purposes and administrative support.^[3] The Chairman and regular members of the LEB are to be appointed by the President for a term of five years, without reappointment, from a list of at least three nominees prepared, with prior authorization from the Court, by the Judicial and Bar Council (JBC).^[4]

Section 7 of R.A. No. 7662 enumerates the powers and functions of the LEB as follows:

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

- (a) to administer the legal education system in the country in a manner consistent with the provisions of this Act;
- (b) to supervise the law schools in the country, consistent with its powers and functions as herein enumerated;
- (c) to set the standards of accreditation for law schools taking into account, among others, the size of enrollment, the qualifications of the members of the faculty, the library and other facilities, without encroaching upon the academic freedom of institutions of higher learning;
- (d) to accredit law schools that meet the standards of accreditation;
- (e) to prescribe minimum standards for law admission and minimum qualifications and compensation to faculty members;
- (f) to prescribe the basic curricula for the course of study aligned to the requirements for admission to the Bar, law practice and social consciousness, and such other courses of study as may be prescribed by the law schools and colleges under the different levels of accreditation status;
- (g) to establish a law practice internship as a requirement for taking the Bar which a law student shall undergo with any duly accredited private or public law office or firm or legal assistance group anytime during the law course for a specific period that the Board may decide, but not to exceed a total of twelve (12) months. For this purpose, the Board shall prescribe the necessary guidelines for such accreditation and the specifications of such internship which shall include the actual work of a new member of the Bar[;]
- (h) to adopt a system of continuing legal education. For this purpose, the Board may provide for the mandatory attendance of practicing lawyers in such courses and for such duration as the Board may deem necessary; and
- (i) to perform such other functions and prescribe such rules and regulations necessary for the attainment of the policies and objectives of this Act.

On the matter of accreditation of law schools, R.A. No. 7662 further elaborates:

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

SEC. 9. Withdrawal or Downgrading of Accreditation. - The [LEB] may withdraw or

downgrade the accreditation status of a law school if it fails to maintain the standards set for its accreditation status.

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

Bar Matter No. 979-B
Re: Legal Education

In July 2001, the Court's Committee on Legal Education and Bar Matters (CLEBM), through its Chairperson, Justice Jose C. Vitug, noted several objectionable provisions of R.A. No. 7662 which "go beyond the ambit of education of aspiring lawyers and into the sphere of education of persons duly licensed to practice the law profession."^[5]

In particular, the CLEBM observed:

x x x [U]nder the declaration of policies in Section 2 of [R.A. No. 7662], the State "shall x x x require apprenticeship and continuing legal education." The concept of continuing legal education encompasses education not only of law students but also of members of the legal profession. [This] implies that the [LEB] shall have jurisdiction over the education of persons who have finished the law course and are already licensed to practice law[, in violation of the Supreme Court's power over the Integrated Bar of the Philippines].

x x x Section 3 provides as one of the objectives of legal education increasing "awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of the society." Such objective should not find a place in the law that primarily aims to upgrade the standard of schools of law as they perform the task of educating aspiring lawyers. Section 5, paragraph 5 of Article VIII of the Constitution also provides that the Supreme Court shall have the power to promulgate rules on "legal assistance to the underprivileged" and hence, implementation of [R.A. No. 7662] might give rise to infringement of a constitutionally mandated power.

x x x [Section 7(e) giving the LEB the power to prescribe minimum standards for law admission and Section 7(h) giving the LEB the power to adopt a system of continuing legal education and for this purpose, the LEB may provide for the mandatory attendance of practicing lawyers in such courses and for such duration as the LEB may deem necessary] encroach upon the Supreme Court's powers under Section 5, paragraph 5 of Article VIII of the Constitution. Aside from its power over the Integrated Bar of the Philippines, the Supreme Court is constitutionally mandated to promulgate rules concerning admission to the practice of law.^[6]

While the CLEBM saw the need for the LEB to oversee the system of legal education, it cautioned that the law's objectionable provisions, for reasons above-cited, must be removed.^[7]

Relative to the foregoing observations, the CLEBM proposed the following amendments to R.A. No. 7662:

SEC. 2. *Declaration of Policies.* - It is hereby declared the policy of the State to uplift the standards of legal education in order to prepare law students for advocacy, counseling, problem-solving, and decision-making; to infuse in them the

ethics of the legal profession; to impress upon them the importance, nobility and dignity of the legal profession as an equal and indispensable partner of the Bench in the administration of justice; and, to develop socially-committed lawyers with integrity and competence.

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

x x x x

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

x x x x

2.) to increase awareness among law students of the needs of the poor, deprived and oppressed sectors of society;

x x x x

SEC. 7. *Power and functions.* - x x x

(a) to regulate the legal education system in accordance with its powers and functions herein enumerated;

(b) to establish standards of accreditation for law schools, consistent with academic freedom and pursuant to the declaration of policy set forth in Section 2 hereof;

(c) to accredit law schools that meet the standards of accreditation;

(d) to prescribe minimum standards for admission to law schools including a system of law aptitude examination;

(e) to provide for minimum qualifications for faculty members of law schools;

(f) to prescribe guidelines for law practice internship which the law schools may establish as part of the curriculum; and

(g) to perform such other administrative functions as may be necessary for the attainment of the policies and objectives of this Act.^[8] (Underscoring supplied)

x x x x

In a Resolution^[9] dated September 4, 2001, the Court approved the CLEBM's explanatory note and draft amendments to R.A. No. 7662. The Senate and the House of Representatives were formally furnished with a copy of said Resolution. This, notwithstanding, R.A. No. 7662 remained unaltered.

LEB Issuances

In 2003, the Court issued a resolution authorizing the JBC to commence the nomination process for the members of the LEB. In 2009, the LEB was constituted with the appointment of Retired Court of Appeals Justice Hilarion L. Aquino as the first Chairperson and followed by the appointment of LEB members, namely, Dean Eulogia M. Cueva, Justice Eloy R. Bello, Jr., Dean Venicio S. Flores and Commission on Higher Education (CHED) Director Felizardo Y. Francisco. Despite the passage of the enabling law in 1993, the LEB became fully operational only in June 2010.