

A Review of Legal Education in the Philippines

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Cite as 55 ATENEO L.J. 567 (2010).

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I. INTRODUCTION

Globalization has significantly altered the direction of our times, affecting the very economy and quality of life around the world. The effect of globalization, however, goes beyond mere economic development; it permeates every sector of society, one of which is the legal profession. Its impact may not be quite apparent, but its effects are clearly felt in the way law schools struggle to prepare their students to become lawyers with a global mindset. Indeed, the growing trend of cross-border practice of law and the transnational nature of most transactions today have resulted in the expansion of legal practice. The growing demands of a globalized world have placed pressure on law schools in the Philippines to transform and revitalize their legal education curriculum in order to meet the standards being set in the international arena. In this age of globalization, it therefore becomes imperative to analyze how the pedagogy of legal education has evolved and how it must continue to do so, arising from the necessity of reconciling the traditional legal education curriculum with emerging global trends.

This Article shall analyze how globalization and the very state of the Philippine economy have helped shape the legal profession as we currently know it and how they play a role in the future direction of the legal profession. The first part of this Article gives an overview of the development of legal education around the world and in the Philippines, while discussing in detail the beginnings of legal education in the country and how it has evolved throughout the years. The second part, meanwhile, discusses the development of legal education from the traditional legal education curriculum offering to the global trends that have sprouted in the wake of globalization. It also provides a look into the different reforms in legal education that are being implemented around the world. The third part

of the Article explores the emerging areas of law practice in the Philippines, namely corporate law, public service in the government, and alternative lawyering. The fourth part, meanwhile, analyzes the current state of legal education in the country and discusses its future direction. A connection is drawn between the state of the economy and the reforms and changes being made in the country and around the world. It is the objective of this Article to shed light on the important but often ignored struggles of law schools to offer the best legal education system and what is required of them if they want to successfully mold the lawyers of tomorrow.

II. HISTORICAL DEVELOPMENT OF LEGAL EDUCATION

A. *International Development*

1. Europe

The legal education curriculum in Europe has a long history, tracing its roots back to the medieval period. In Germany, for instance, the legal education system offered in universities was first established in the 14th century, “[emerging] from the teaching of Roman Law at the University of Bologna, Italy.”¹ Graduates of law from Italian universities sought employment at the emperor’s court and the courts of the German princes of various territorial states.² Afterwards, these same princes established universities in their own territories as knowledge in the field of law was perceived to be of fundamental necessity by German universities.³ In 1455, the legal education system in Germany required students to study the law for five years at a university then gain practical knowledge of the law by apprenticing under judges, where afterwards, the candidates were tested to determine their fitness for judicial offices.⁴ This type of examination, later on, became a prototype for examinations conducted in Prussia, who in 1693, required judges to take state examinations and write advisory opinions to determine if they possess sufficient theoretical and practical knowledge of the law.⁵ Since graduates were discovered to be lacking in the necessary skills that is required of someone working in a public or judicial office, the State required students to undergo practical education after university studies.⁶ In 1749, Prussia established the structure for “state examinations and preparatory services for

1. Juergen R. Ostertag, *Legal Education in Germany and the United States — A Structural Comparison*, 26 VAND. J. TRANSNAT’L L. 301, 306 (1993).

2. *Id.*

3. *Id.* at 306-07.

4. *Id.* at 307.

5. *Id.* at 307-08.

6. *Id.* at 308.

judges,” and later on, “reorganized and unified the legal education for all legal careers” in the country.⁷ It was not until 1877, when the Judiciary Constitutional Act was enacted, that a framework for legal education system was established, involving the consolidation of diverse state regulations and the creation of a two-phase legal system in Germany.⁸ More than a hundred years later, this two-phase legal education system in Germany still exists “as framed by the Federal Judicial Office and regulated in detail by the states.”⁹ Today, students of law in Germany are required to take up law studies for at least three years at a university and then take the First State Bar examinations; afterwards, they are required to take a two and a half year preparatory service and then take a Second State Bar examinations.¹⁰

The legal education system in England, on the other hand, emerged far earlier than its other counterparts in Europe. It is said to have emerged primarily “as a creature of the legal profession and ... institution of the Inns of Court in England.”¹¹ In 1234, King Henry III enacted a statute barring Civil Law from being taught in London schools, mainly to protect Oxford University and Cambridge University from the arrival of newer universities.¹² During this period, the London schools, or what was considered to be the early Inns, conducted an informal training of “barristers, solicitors, and attorneys.”¹³ The process of training in the Inns, however, left much to be desired. For years, the quality of education and training declined.¹⁴ It was not until 1846 when concrete steps were taken by the Parliament to study the deteriorating quality of legal education in England.¹⁵ Its recommendations, however, were not adopted, and it took years before the legal education system improved.¹⁶ It was even more of an uphill battle trying to increase the number of students studying the law and the number of teachers and courses. From this period until after the Second World War, changes in the legal education system in England were slow and looked

7. Ostertag, *supra* note 1, at 308.

8. *Id.* at 309.

9. *Id.*

10. *Id.* See Dr. Rainer Grote, *Comparative Law and Teaching Through The Case Method in the Civil Law Tradition — A German Perspective*, 82 U. DET. MERCY L. REV. 163, 170 (2005).

11. Andrew Boon & Julian Webb, *Legal Education and Training in England and Wales: Back to the Future?*, 58 J. LEGAL EDUC. 79, 82 (2008).

12. *Id.*

13. *Id.* at 82-83.

14. *Id.* at 83.

15. *Id.*

16. *Id.*

upon unfavorably.¹⁷ For instance, between 1884 and 1904, attempts by the University of London were made to establish a school of law in conjunction with the Inns of Court.¹⁸ These efforts, however, were rejected despite plans to hand over control of the curriculum to the Inns.¹⁹ In the 1950's, the construction of the British welfare state heralded in the expansion of higher education in England.²⁰ When the state started to pay for the undergraduate course fees, more students participated in higher education, specifically law students.²¹ The rising popularity of the field of law coincided with the significant expansion of the state-funded legal aid scheme, proving that the development of legal education was largely as a result of socio-political changes in the country.²² Today, before one becomes a barrister,²³ the present legal education system in England requires students to complete a three-year qualifying law degree or its equivalent and take up the prescribed law subjects. After this three-year period, students must pass a vocational course and fulfill a period of employment training under the supervision of a qualified practitioner in a process called pupillage.²⁴

2. United States (U.S.)

Most of the legal education curriculum implemented in countries around the world has its roots in the U.S. legal education system. The U.S. legal education, in turn, has for its basis, England's legal education curriculum and its apprenticeship legal education system.

The beginnings of legal education in the U.S. began in 1779, when "the College of William and Mary founded the professorship of law and policy."²⁵ The legal education at the College of William and Mary involved "a university-based model of legal education that [dealt with] private law[,] ... [C]onstitutional [L]aw[,] and [S]tatutory [L]aw."²⁶ This broad model for

17. Boon & Webb, *supra* note 11, at 88.

18. *Id.* at 87.

19. *Id.*

20. *Id.* at 88.

21. *Id.* at 89.

22. *Id.* at 88.

23. A barrister is defined as "a lawyer who is admitted to plead at the bar and who may argue cases in superior courts." BLACK'S LAW DICTIONARY 171 (Bryan A. Garner ed., 2009).

24. A pupillage is "the last element of training for a barrister before he becomes fully qualified." Oxford University Press | Online Resource Centre | Online Glossary, available at http://www.oup.com/uk/orc/bin/9780199556625/01stu_dent/glossary/online/#pupillage (last accessed Nov. 7, 2010).

25. Ostertag, *supra* note 1, at 310.

26. *Id.*

legal education influenced other universities and “culminated in David Hoffman’s course of legal studies in 1817.”²⁷ David Hoffman promoted the study of statutes, legal forms, codification, and genuine practice courts, and gave importance to learning about the ethics of the legal profession.²⁸

The university-based model introduced by the College of William and Mary was later on challenged by the Litchfield School, which was founded in 1783.²⁹ The school refined the apprenticeship model of legal education, using for its basis the Blackstone Commentaries,³⁰ which resulted in a more defined and focused approach to legal education.³¹ This inevitably led to a competition between the university-based model and the apprenticeship model of legal education; however, in the end, the refined apprenticeship model was deemed more of a success and was adopted at Harvard Law School (HLS) by Justice Story.³² It was Christopher C. Langdell, the first dean of HLS and widely known as the originator of the Socratic Dialogue Case Method for teaching legal theory, who completed the implementation of the refined apprenticeship model at HLS.³³ Langdell’s school of thought placed “emphasis on formal knowledge by presenting law as a science in the making.”³⁴ He believed that an analysis of judicial decisions would lead to a clear establishment of general principles and doctrines.³⁵

After the Civil War, the American educational system needed to adopt a more practical approach due to the westward expansion taking place and the

27. *Id.*

28. The University of Maryland School of Law, David Hoffman and the Science of Jurisprudence, *available at* <http://www.law.umaryland.edu/marshall/hoffman/biosketch.html> (last accessed Nov. 7, 2011).

29. Ostertag, *supra* note 1, at 310-11.

30. Sir William Blackstone authored the *Commentaries on the Laws of England*, which is commonly known as the Blackstone Commentaries. This was published between 1765 and 1769. It is considered to be “one of the most complete, consistent, and humanly authored expositions of the Judeo-Christian worldview of law ever written,” and the principles it espoused have greatly influenced the American jurisprudence. Blackstone Institute — Sir William Blackstone, *available at* <http://www.blackstoneinstitute.org/sirwilliamblackstone.html> (last accessed Nov. 7, 2010).

31. Ostertag, *supra* note 1, at 311.

32. *Id.* at 313-14.

33. *Id.*

34. WILLIAM M. SULLIVAN, ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 5 (2007).

35. *Id.* at 5-6.

arrival of industrialization.³⁶ The Morrill Act, which was signed by President Lincoln in 1862, established “public land grant universities with a mandate to offer instruction in agriculture and the mechanical arts.”³⁷ During later years, however, curriculum quality suffered, and as a response to this, the Association of American Universities (AAU) was formed. Its primary goal was “to certify for European universities which American colleges offered an undergraduate education strong enough to allow graduates to be admitted to European universities to pursue doctoral studies.”³⁸ Later on, institutionalized law schools were established due to the growing interest in the legal profession.³⁹ This interest was brought about by factors such as the economic expansion and social restructuring that was widespread during this period in American history.⁴⁰ The legal profession then became a flourishing industry, resulting in the increase of the number of lawyers in the U.S. from about 24,000 in 1850 to over 64,000 in 1880.⁴¹

There was still some discontent over the way the legal education system worked in the U.S. It was not until the 1970’s when the U.S. decided to change their legal education curriculum to better equip students to deal with the changing face of the legal profession. Before the 1970’s, the degree awarded to lawyers in the U.S. was the Bachelor of Laws degree or the LL.B.⁴² degree. Because of the perceived need to transform their legal education system, the U.S. instituted the Juris Doctor (J.D.) program, becoming the only common law country to do so. The J.D. degree then became the required degree for the practice of law in the U.S. until now.

3. Asian Region

Legal education system in the Asian region, although comparatively younger than its counterparts in Europe and in the U.S., has also undergone a gradual evolution throughout the years. The evolution is clearly a result of the shifting dynamics and booming economy of the region.

In some parts of Southeast Asia, legal education did not begin until after the Second World War. For instance, legal education in Singapore did not

36. Patrick R. Hugg, *Comparative Models for Legal Education in the United States: Improved Admission Standards and Professional Training Centers*, 30 VAL. U. L. REV. 51, 61 (1995).

37. *Id.*

38. *Id.*

39. Matthew J. Wilson, *U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 CARDOZO J. INT’L & COMP. L. 295, 302 (2010).

40. *Id.*

41. *Id.*

42. LL.B. stands for *Legum Baccalaureus* in Latin. It is the traditional degree that has to be earned before becoming a lawyer.

formally begin until 1957, where it was first established at the University of Malaya and had an independent Department of Law.⁴³ Before law schools were established in Singapore, “virtually all of its lawyers were educated in England.”⁴⁴ Singapore until now continues to “recognize at least some English law schools for purposes of entry into the legal profession.”⁴⁵ Today, the National University of Singapore (NUS) offers LL.B. degrees with tie-up programs with New York University (NYU) in the U.S. and East China University in Shanghai, China.⁴⁶

One country whose legal education system reflects its development as a major economic force in the world is China. After the Cultural Revolution in the 1970’s, the policy of “Socialism with Chinese characteristics” was instituted by Chinese leader Deng Xiapoing as an avenue for the Communist Party to establish its foothold and control over market-oriented economic policies.⁴⁷ During this period, “law and legal education were not recognized as important factors in the drive towards a market-based economy.”⁴⁸ Two decades later, it soon became clear that in order for the market economy of China to develop and grow, emphasis must be made on furthering legal training in the country as law would play a significant part in the progress and market expansion of China.⁴⁹ Legal training also became an integral factor within the judiciary where “legal education was required for new judges,” which began in 1995.⁵⁰ During this period, people’s perception about the legal profession was that becoming a lawyer was a “potentially lucrative career, especially in providing services to China’s rapidly growing private sector.”⁵¹ Around this time, improvements were made in the infrastructures and resources of law departments around the country.⁵² Instead of the previous paucity of resources, there were “new buildings, renovated classrooms, library improvements, and installation of modern telecommunications equipment.”⁵³ In 1997, China established a National

43. Tan Cheng Han, Legal Education in ASEAN, *available at* http://www.aseanlawassociation.org/9GAdocs/w2_Singapore.pdf (last accessed Nov. 7, 2010).

44. *Id.*

45. *Id.*

46. New York University of Law, LL.M. Singapore, *available at* <http://www.law.nyu.edu/llmjsd/llmsingapore/index.htm> (last accessed Nov. 7, 2010).

47. Charles R. Irish, *Reflections on the Evolution of Law in Legal Education in China and Vietnam*, 25 WIS. INT’L L.J. 243, 246 (2007).

48. *Id.*

49. *Id.* at 249.

50. *Id.*

51. *Id.*

52. *Id.*

53. Irish, *supra* note 47, at 249–50.

Guidance Commission for Higher Legal Education to “develop and oversee the implementation of reforms in higher education, including legal education.”⁵⁴ One such reform is the development of a Juris Master program which utilizes a more practical approach to teaching legal education as well as doctrinal instruction.⁵⁵ Clearly, changes were being ushered in as China prepared itself to enter the 21st century.

B. *Philippine Development*

1. Early Years

In 1734, the Pontifical University of Santo Tomas offered the first law courses in the Philippines.⁵⁶ Spanish was the chosen language of instruction and the curriculum included subjects within the various fields of Civil Law.⁵⁷ Since religion was inseparable from the everyday part of life, Canon Law, ecclesiastical discipline, and elements of Natural Law were part of the academic offerings at the same time as studies in finance, statistics, and economics.⁵⁸ In 1911, the University of the Philippines (U.P.) College of Law was established and its first graduates were comprised of students who studied at the Manila Young Men’s Christian Association (YMCA), which was the first institution that conducted first law courses in the English language.⁵⁹ The curriculum adopted by the U.P. College of Law eventually became the model of the legal education curriculum of all the other law schools in the country.⁶⁰ The legal education curriculum since then did not greatly change over the years.

After World War II, Filipino lawyers “[struggled to fight] against the imposition of American neo-colonial structures and policies such as ‘parity rights’ for American interests.”⁶¹ They were also at the forefront of legal battles arising from the “rural resistance to the re-imposition of state-backed

54. Roy T. Stuckey, *Preparing Students to Practice Law: A Global Problem In Need of Global Solutions*, 43 S. TEX. L. REV. 649, 677 (2002).

55. *Id.*

56. IRENE R. CORTES, *ESSAYS ON LEGAL EDUCATION* 5 (1994).

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.*

61. GILL H. BOEHRINGER, HANDOUT, *PEOPLE’S LAWYERING: THE FILIPINO MODEL — A PRELIMINARY REPORT* (2007), available at <http://www.iadllaw.org/files/Gill%20H.%20Boehring%20PEOPLE%E2%80%99S%20LAWYERING%20THE%20FILIPINO%20MODEL-%20A%20PRELIMINARY%20REPORT.doc> (last accessed Nov. 7, 2010).

landlord exploitation in the wake of the Japanese defeat.”⁶² During this period, there was increasing discontent over the “repressive state” of land ownership by the elite, who were assisted by the “neo-colonial power” in place.⁶³

It was during the early years of Martial Law that the face of the legal profession took a dramatic turn.⁶⁴ The country was amidst despair and facing a crisis as majority of the population was living below poverty line.⁶⁵ Hundreds of people were being deprived of their constitutional rights. The depressing state of the country challenged those in the legal profession to help face the crisis and use the law as an instrument or tool of social policy and development of the Filipino society.⁶⁶ It was then that legal assistance was born.

The Integrated Bar of the Philippines (IBP) took up the cudgels of helping those in need by creating a legal aid office in each of its 77 chapters.⁶⁷ It realized the need to assist people with their legal problems and educate them on their legal rights and responsibilities. Subsequently, expansion of legal aid programs helped develop a high social consciousness among those lawyers, resulting in the increase of *pro bono* work.⁶⁸ In 1983, the assassination of Benigno C. Aquino, Jr. generated wide-spread riots and rallies, with participation from students, the business sector, religious groups, women’s groups, and more. Among these groups were the Free Legal Assistance Group (FLAG), Brotherhood of Nationalistic, Involved and Free Attorneys to Combat Injustice and Oppression (BONIFACIO), and several other groups composed mostly of young lawyers and law students.⁶⁹

This chaotic period in history paved the way for the introduction of legal assistance in law schools, where law students, as part of their legal education training, were exposed to the underprivileged social groups, urban poor communities, and marginalized sectors of society. Today, these legal assistance programs are still very much in existence with examples such as the Office of Legal Aid in the U.P. College of Law, the Ateneo Law School Legal Services Center in the Ateneo de Manila University School of Law (ALS), and the legal aid programs of University of San Carlos College of Law, Ateneo de Davao University School of Law (AddU-Law), Arellano

62. *Id.*

63. *Id.*

64. *Id.*

65. CORTES, *supra* note 56, at 19.

66. *Id.*

67. *Id.* at 20.

68. *Id.* at 21.

69. *Id.* at 22.

University, University of Sto. Tomas, New Era University, San Sebastian College-Recoletos, University of Batangas, and Palawan State University.

2. Legal Education Reform Act of 1993

In December 1993, the Legal Education Reform Act of 1993⁷⁰ was enacted to introduce legal reforms in the country. It had the following objectives: (1) “to uplift the standards of legal education in order to prepare law students for advocacy, counselling, problem-solving, and decision-making;” (2) “to infuse in them the ethics of the legal profession;” and (3) “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.”⁷¹

The enactment of the Legal Education Reform Act arose from the need to properly regulate law schools at a time when law schools in the country were facing financial problems.⁷² This was due to the fact that the increase in the number of student population required the hiring of “competent teachers” and addition of “adequate facilities.”⁷³ Unfortunately, the need for funding resulted in lax screening procedures and poor quality of legal education offered.⁷⁴ The Act also called for the creation of a Legal Education Board composed of the following —

[A] Chairman, who shall preferably be a former justice of the Supreme Court or Court of Appeals, and the following regular members: a representative of the [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.⁷⁵

Lastly, the “Secretary of the Department of Education, Culture and Sports (DECS), shall be an *ex officio* member of the Board.”⁷⁶

The Legal Education Reform Act continues to govern the legal education system in the country with the primary goal of ensuring that the

70. An Act Providing for Legal Reforms in the Legal Education, Creating for the Purpose, A Legal Education Board and for Other Purposes [Legal Education Reform Act of 1993], Republic Act No. 7662 (1993).

71. *Id.* § 2.

72. Ramoncito E. Santos, *Legal Education Reform Act of 1993: Permissible Delegation or Judicial Veto?*, 48 ATENEO L.J. 670, 673 (2003) (citing Antonio R. Bautista, *Image and Reality in Philippine Legal Education*, 2 LAW REV. 2 (1998)).

73. *Id.*

74. *Id.*

75. Legal Education Reform Act of 1993, § 4.

76. *Id.*

standards for educating the lawyers of tomorrow are of the highest quality and its objectives for legal education, as embodied therein,⁷⁷ are met.

III. THE PATH TO MODERN LEGAL EDUCATION

A. *Traditional Legal Education System*

77. *Id.* § 3. This Section provides —

Section 3. General and Specific Objectives 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, counselling, 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.

Id.

The traditional legal education system in the Philippines involves undertaking a four-year LL.B. program in an accredited law school in the country. Under the Legal Education Reform Act of 1993, the supervision and administration of law schools in the country is done by the Legal Education Board.⁷⁸ Law students are taught the basic courses in Civil Law, Commercial Law, Remedial Law, Public and Private International Law, Political Law, Labor and Social Legislation, Medical Jurisprudence, Taxation, and Legal Ethics.⁷⁹ Under the LL.B. Model Curriculum,⁸⁰ students are required to take at least 132 units of law subjects in four years.⁸¹ Law schools also have to comply with the regulations set forth in the Manual of Regulations of the Bureau of Private Schools.

Law schools in the country adopt the Socratic Dialogue Case Method (Case Method), pioneered by Christopher Langdell, the first dean of HLS. In the Case Method, the mind of a law student is prepared for professional practice by letting him focus on analytical reasoning and legal doctrine, as opposed to utilizing mere memorization skills to remember the law. This pedagogy ideally enhances the ability of law students to think on their feet and enables them to foster “analytical development by simultaneously engaging in Socratic [D]ialogue with every student in the class.”⁸² The Case Method consists in the assignment of a list of cases to be read by students before they come to class. The selection of cases provides students with an idea of the development of the doctrine involving the subject matter at hand. During class session, the teacher poses a question to the student about the case and draws from him a discussion analyzing the decision in the case. It is not a simple recital of facts and identification of issues but a way to test the student’s ability to grasp the proper application of the law.⁸³ Under the traditional legal education curriculum, focus is given on honing a student’s ability to dissect a case and analyze the application of the law. His knowledge on the basics of the law serves as a good groundwork for his future legal practice. This knowledge, however, is merely theoretical and not supported by any practical training under the traditional legal education system. Over the past few years, criticisms regarding the Case Method have sprung up. First, critics claim that the Case Method does not teach values or skills that are necessary for the practice of law. It limits students because they are only engaging with one type of material and is incapable of developing a

78. Legal Education Reform Act of 1993, § 7.

79. LEGAL ETHICS, rule 138, § 5.

80. Department of Education, Culture and Sports, Policies and Standards for Legal Education, DECS Order No. 27, Series of 1989 [DECS Order No. 27] (Mar. 30, 1989).

81. *Id.* art. V, § 8.

82. Wilson, *supra* note 39, at 306.

83. CORTES, *supra* note 56, at 141-42.

theoretical understanding of the law.⁸⁴ Some consider it to be an outmoded method of learning as it was conceived during an era dominated by the principle of national sovereignty, where countries were searching for order, consistency, and certainty in their national policies and systems.⁸⁵

Today, a majority of law schools in the country have remained stagnant as most still adhere to the type of legal education curriculum set in the last decade, namely the DECS Model Law Curriculum.⁸⁶ There have only been a few small and incremental changes, such as the introduction of law-related course offerings, establishment of legal aid programs, and continuing legal education. Other than those changes, there have been no major overhauls of the legal education in the country.

B. Global Trends

With the onset of globalization, cross-border transactions have been on the rise, resulting in the need to address legal issues and challenges that take place. Lawyers scramble to keep up with the growing complexities and demands of such commercial dealings, thus necessitating the institution of cross-border practice of law. Law firms today are establishing foreign branch offices and are constantly upgrading their telecommunications capacity in order to be able to communicate with anyone anywhere in the world instantaneously.⁸⁷ Lawyers are also traveling abroad much more than in the past on a temporary basis.⁸⁸ Not to mention the fact that lawyers must also study the laws of other countries in order to address legal issues as to the application of these countries' laws. Law firms are also forming regional and worldwide alliances with firms in other countries, ranging from loose affiliations of independent firms to more exclusive relationships, including joint ventures and are diversifying the qualifications of their professional staff so that they can function effectively in more legal systems and in a greater variety of cultural settings.⁸⁹

Aside from the developing cross-border practice of law, changes in the economic landscape of countries have led to the expansion of the market for legal services. With the opening of trade relationships between countries, lawyers are faced with the challenge of addressing the legal issues that come

84. Claudio Grossman, *Building the World Community Through Legal Education*, THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION 24 (Jan Klabbers & Mortimer Sellers eds., 2008).

85. *Id.* at 29.

86. DECS Order No. 27.

87. Bernard L. Greer, Jr., *The Challenge of Globalization*, 15 INT'L L. PRACTICUM 101, 102 (2002).

88. *Id.*

89. *Id.*

with it. For instance, private transactions involving exports and imports are often mired with legal issues as to which law should apply between contract disputes. Lawyers are also faced with the daunting task of learning not just their own country's laws but also that of another country's laws; thus, knowledge of international law is deemed imperative. Specializations in different fields have also been formed as lawyers needed to be proficient in certain areas, such as Tax Law, Intellectual Property Law, Information Technology Law, Banking Law, and more. Furthermore, there is an increase in interaction between lawyers from different countries possessing different legal background and training.

These changes led to the modification of legal education curriculum in law schools around the world. Law schools acknowledged the fact that reforms must be made in order to produce lawyers who will be able to compete in a global arena. Across the world, major overhauls of their respective legal education systems were formulated and implemented by countries, upon the realization that lawyers will need to be educated in such a way as to make "it easy [for them] to move across jurisdictions, across specializations, and to move across employment opportunities."⁹⁰ After all, most lawyers do not remain with one employer throughout their whole career. Instead, most lawyers today hone their legal skills and knowledge by transferring from one firm to another, exposing themselves to different practices and legal environment.

C. Legal Education Overhaul

1. LL.B. Program v. J.D. Program

The Bachelor of Laws program or the LL.B. is an undergraduate or bachelor degree in law. In some countries, it is already considered as a university course degree, while in others, such as Canada and the Philippines, the LL.B. is considered to be a post-graduate course. Historically, the LL.B degree has been held in high regard by both legal and non-legal employers. The core analytical skills involved in attaining this degree is seen as strong and unique to it. The rigors of completing an LL.B. have also contributed to the general perception that a law degree is one of the more difficult degrees that a student can take. It has been effective for so long because it concentrates on teaching students the legal knowledge and core analytical skills required of a lawyer.

Times, however, have changed. Given the legal landscape of today, the strengths of the LL.B. degree have become its very weakness. The focus

90. Jan Klabbbers, *Reflections on Globalization and University Life*, THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION 17 (Jan Klabbbers & Mortimer Sellers eds., 2008).

given to the core legal subjects is no longer sufficient to prepare law students to practice law in the real world. What is required nowadays is a law student who is not only knowledgeable about the law, but also has the ready skills to apply that knowledge. In fact, the waning attractiveness and insufficiency of an LL.B. degree have already been pointed out. According to Roger Burrige, Director of the United Kingdom Centre for Legal Education, “[i]ndeed there are strong indications that the traditional [LL.B.] is an endangered species. The alternative route to qualification has long been eroding the primacy of the [LL.B].”⁹¹ The declining popularity of an LL.B. degree in some countries has become more apparent. Some Asian countries, such as Japan and Korea, have also taken notice and have both modeled their legal education system after the U.S. model.⁹²

The shift in the J.D. program signals the growing emphasis on quality higher education. As a result, universities around the world are starting to adopt the U.S. model of legal education which is to complete a J.D. degree before being allowed to practice law. In fact, in Canada, five of the country’s 21 law schools have now begun to confer J.D. degrees to its law school graduates.⁹³ The primary reason for this is the international recognition of a much superior legal education.⁹⁴ Furthermore, in most parts of the world, universities offer an LL.B. degree as an undergraduate degree.⁹⁵ This means that young people take the course and in four years graduate as lawyers.⁹⁶ A J.D., meanwhile, is an advanced degree, and the people who complete it already have undergraduate degrees and even post-graduate degrees.⁹⁷ Today, the J.D. degree is the dominant law degree in Canada.⁹⁸

91. Roger Burrige, More Imagination, less dogma: the role of the LLB, *available at* <http://www.ukcle.ac.uk/resources/directions/previous/issue9/editorial/> (last accessed Nov. 7, 2010).

92. Tom Ginsburg, Transforming Legal Education in Japan and Korea, at 2, *available at* http://www2.law.columbia.edu/course_00S_L9436_001/LegaleducationinJAandKOREvisedversion.pdf (last accessed Nov. 7, 2010).

93. Terrence Belford, Why Change to a JD degree?, *available at* <http://www.globecampus.ca/in-the-news/globecampusreport/why-change-to-a-jd-degree/> (last accessed Nov. 7, 2010). These law schools are as follows: The University of Toronto Law School, Osgoode Hall, the University of British Columbia Law School, the University of Western Ontario Law School, and Queen’s University.

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.*

Only a few countries in Asia offer the J.D. program, namely, the Philippines, Japan, Australia, and Hong Kong.⁹⁹ These J.D. programs, however, co-exist together with the LL.B. In the Philippines, the J.D. program was first introduced by the ALS.¹⁰⁰ Its J.D. program model was later on adopted by other law schools in the country such as the U.P., University of Batangas, *Pamantasan ng Lungsod ng Maynila*, *Pamantasan ng Lungsod ng Pasay*, Silliman University, Far Eastern University, De La Salle University College of Law, and Central Philippine University, and San Sebastian College-Recoletos.¹⁰¹ Out of 116 registered law schools in the country,¹⁰² only 10 offer the J.D. program. The remaining 106 law schools still offer the LL.B. program. Today, there is a discussion among members of the Philippine Association of Law Schools (PALS) to convert their LL.B. programs into J.D. programs.¹⁰³

2. Bologna Process

99. Difference Between L.L.B and JD, *available at* <http://www.differencebetween.net/miscellaneous/difference-between-l-l-b-and-jd/> (last accessed Nov. 7, 2010).

100. Ateneo de Manila University School of Law, *available at* http://law.ateneo.edu/?page_id=8 (last accessed Nov. 7, 2010).

101. University of the Philippines College of Law, Admission Requirements, *available at* http://law.upd.edu.ph/index.php?option=com_content&view=category&id=36&Itemid=56 (last accessed Nov. 7, 2010); University of Batangas, College of Law, *available at* http://www.ub.edu.ph/academics_colleges_claw.aspx (last accessed Nov. 7, 2010); Pamantasan ng Lungsod ng Maynila, The Graduate Schools, *available at* <http://www.plm.edu.ph/grad-schools.html> (last accessed Nov. 7, 2010); Silliman University, College of Law History, *available at* http://www.su.edu.ph/suapw/_HTMLVERSION_/Law/mainFrame.htm (last accessed Nov. 7, 2010); Far Eastern University Institute of Law, Juris Doctor-Masters of Business Administration, *available at* <http://www.feu.edu.ph/institute-of-law/Juris%20Doctor%E2%80%93Master-of-Business-Administration-JD-MBA> (last accessed Nov. 7, 2010); De La Salle University College of Law, *available at* <http://law.dlsu.edu.ph/> (last accessed Nov. 7, 2010); Central Philippine University, *available at* <http://www.cpu.edu.ph/news.php?newsid=1285813248> (last accessed Nov. 7, 2010); & San Sebastian College, News Archive, *available at* <http://www.sscrmnl.edu.ph/article/archive/159/20> (last accessed Nov. 7, 2010).

102. Commission on Higher Education, Performance of Higher Education Institutions (HEIs) in the Bar Examination by Year: New Takers Only (2009). The data for the report was taken from the Supreme Court records and covers the bar results from 1999-2008.

103. Cesar L. Villanueva, Philippine Leadership Crisis and the J.D. Program, *available at* <http://ateneolaw.ateneo.edu/index.php?p=93&PHPSESSID=3de3cb420701c7a80495dc713ea2679c> (last accessed Nov. 7, 2010).

On the occasion of the 800th anniversary of the Sorbonne University, the German, Italian, French, and British ministers in charge of higher education called on the European Union (EU) member countries as well as non-EU member countries to join them in improving European student's mobility and make European higher education attractive.¹⁰⁴ From this gathering was born the much debated Bologna Process.¹⁰⁵

The Bologna Process, which began in 1998, is an inter-governmental agreement between EU countries and non-EU countries which has for its primary purpose the creation of a European Higher Education Area.¹⁰⁶ The Bologna Process, although involving all areas of higher education, does have a great impact in the legal education system of Europe.¹⁰⁷ This came about as an answer to the growing problems of legal education in Europe, namely, the lack of transparency, mobility, and competitiveness in comparison with the legal education model in the U.S.¹⁰⁸ It became apparent that unless reforms were made, the quality of legal education would continue to deteriorate and the standards would not be sufficient to meet the demands of an "ever-changing international, professional, and academic environment."¹⁰⁹

The basic idea behind it is to institutionalize the same standards for getting a higher education degree in the participating European countries. It has for its action plan the following objectives:

- (1) Adoption of a system of easily readable and comparable degrees;
- (2) Adoption of a system essentially based on two cycles, undergraduate and graduate;
- (3) Establishment of a system of credits;
- (4) Promotion of mobility;
- (5) Promotion of European cooperation in quality assurance;
- (6) Promotion of the European dimension in higher education;
- ...
- (7) Lifelong learning;
- (8) The partnership of higher education institutions and students;

104. Laurel S. Terry, *The Bologna Process and its impact on Europe: It's so much more than degree changes*, 41 VAND. J. TRANSNAT'L L. 107, 156 (2008).

105. *Id.* at 157.

106. *Id.* at 158.

107. *Id.* at 196.

108. Norbert Reich, *Recent Trends in European Legal Education: The Place of the European Law Faculties Association*, 21 PENN ST. INT'L L. REV. 21, 28 (2002).

109. *Id.*

- (9) Promoting the attractiveness of the European Higher Education Area (EHEA); and
- ...
- (10) Doctoral studies and the synergy between the EHEA and the European Research Area (ERA). In addition to these ten action lines, the Bologna Secretariat has stated that ‘the social dimension of higher education might be seen as an overarching or transversal action line.’¹¹⁰

One of the goals of the Bologna Process is to standardize university studies in Europe. The first phase is an initial three-year undergraduate type of study, which would be useful in obtaining entry into the European labor market. The second phase is a two-year graduate study program, which would result in a masteral or doctorate degree. In the case of legal education, the five-year program would be a prerequisite for admission to the practice of law.¹¹¹

The Bologna Process is much more than a perceived solution to addressing the quality issues of higher education in Europe. It is actually a reflection of a growing trend of cross-border movement and mobility of people not just in Europe but in the whole world. In the realm of the legal profession, the establishment of the Bologna Process is recognition of the changing complexities of the profession, one that European law schools must acknowledge in order to meet the demanding standards of globalized world and be more competitive. If proven to be successful in the future, it would greatly influence the future of inter-regional relationships.

3. Inter-Country and Double Degree Programs

Another trend in legal education that is on the rise is the introduction of inter-country and double degree programs. On the one hand, inter-country programs are much like apprenticeship programs except that the requisite practical application of the law takes place in another country. Countries today are establishing inter-country legal education programs that allow the schools’ students to spend an internship in another country as a requirement for graduation. This allows students not only to learn but also to immerse themselves in the law of that particular country. Double degree programs, on the other hand, allow students to take not just the core law subjects, but also subjects that specialize in certain fields, such as management or philosophy.

One example of such inter-country program is the Japan and China-Focused MBA Program (JEMBA and CHEMBA) of the Japan-America Institute of Management Science (JAIMS) in coordination with the

110. Terry, *supra* note 104, at 115 (citations omitted).

111. *Id.*

University of Hawaii College of Business.¹¹² This program “requires each of its students to spend an internship in either of those countries as a requirement for graduation.”¹¹³ This pedagogical approach has gained popularity and is already underway in several prominent law schools, including the Asian Law program at the University of Washington in Seattle, and the Chicago–Kent Law School’s exchange program with Shenzhen University.¹¹⁴ Another prestigious program is the Hauser Global Law School Program, which is under the New York University (NYU) School of Law.¹¹⁵ Hong Kong University has also developed an “English for Law” program, and City University has developed a Master of Arts in Language and Law and a comparative law program.¹¹⁶ Other programs include the Warwick degrees, the University of Buffalo program in Comparative and Global Studies in Education, and the SOAS law and language program.¹¹⁷ The primary goal of these inter-country legal education programs is to remove students from the mere exercise of memorization skills to intellectual practical pursuit and application of the law. It teaches them to not only learn about the law of other countries, but also to immerse themselves in a totally new environment. This pedagogical approach to legal education has become popular in recent years as more law schools, in efforts to make their programs more competitive and challenging, establish programs in other countries to expose their students to other legal systems.

Double degree programs, meanwhile, take on a variety of forms. Some universities offer LL.B. degrees concurrently with a degree in another major discipline, such as management or philosophy. Other universities offer double degrees that combine LL.B. and J.D. programs, allowing students to finish the LL.B. program then take on a short program to complete their J.D. degree. One such example is that of the NUS. In Singapore, the NUS

112. Robert J. Morris, *Globalizing & De-Hermeticizing Legal Education*, 2005 B.Y.U. EDUC. & L.J. 53, 66 (2005).

113. *Id.*

114. *Id.* (citing University of Washington School of Law, *Educating Lawyers for a Changing World*, available at <http://www.law.washington.edu/asianlaw/> (last accessed Jan. 24, 2004) & Shenzhen University, available at <http://www.szwotc.com/kente2.htm> (last accessed Jan. 24, 2004)).

115. *Id.* (citing New York University School of Law, Hauser Global Law School Program, available at <http://www.law.nyu.edu/programs/globallawschool/> (last accessed Jan. 24, 2004)).

116. *Id.* (citing Hong Kong University, *English for Law*, available at <http://ec.hku.hk/law/> (last accessed Jan. 24, 2004) & City University Hong Kong, *Academic Programmes*, available at http://www.cityu.edu.hk/cityutoday/prospectus/pg/fhs/ctl/pg-002-ctl_01/pg-002-ctl_01.htm (last accessed Jan. 24, 2004)).

117. *Id.*

has a double degree program that allows NUS law students in the four-year LL.B. program to spend their fourth year, plus one additional year, at New York University School of Law in the U.S. and receive the J.D. degree.¹¹⁸ Students in the three-year graduate LL.B. program at NUS will be able to spend their third year, plus one additional year, at NYU and receive the J.D. degree.¹¹⁹ In the Philippines, the De La Salle Professional Schools and Far Eastern University MBA-J.D. Dual Degree Program (La Salle-FEU MBA-J.D. Program) is an example of the common double degree program.¹²⁰ Students take up the requisite core law subjects and at the same time, take up both preparatory and core MBA courses, namely, management statistics, business economics, property management, and more.¹²¹ The La Salle-FEU MBA-J.D. Program also offers students the opportunity to go abroad for a short period of time to enroll in partner law schools and attend special courses.¹²²

IV. EMERGING AREAS OF LAW PRACTICE IN THE PHILIPPINES

A. Corporate Law

The traditional idea of lawyers appearing only in court rooms during litigations on behalf of their clients is long gone. In fact, the definition of a practicing lawyer today has evolved to include the teaching of law and any activity, in or out of the court, where legal knowledge and skills are utilized. In fact, in *Philippine Lawyer's Association v. Agrava*,¹²³ the Court held that —

The practice of law is not limited to the conduct of cases or litigation in court; it embraces the preparation of pleadings and other papers incident to actions and special proceedings, the management of such actions and proceedings on behalf of clients before judges and courts, and in addition, conveying. In general, all advice to clients, and all action taken for them in matters connected with the law incorporation services, assessment and condemnation services contemplating an appearance before a judicial body, the foreclosure of a mortgage, enforcement of a creditor's claim in bankruptcy and insolvency proceedings, and conducting proceedings in attachment, and in matters of

118. National University of Singapore, Double Degree Programme in Law (LLB Hons) & Juris Doctor (JD), available at http://law.nus.edu.sg/student_matters/lb_prog/nyu_nus_llb_jd.html (last accessed Nov. 7, 2010).

119. *Id.*

120. Post-grad dual degree program now in RP, available at http://findarticles.com/p/newsarticles/manilabulletin/mi_7968/is_2003_April_30/post-grad-dual-degree-program/ai_n33458710/ (last accessed Nov. 7, 2010).

121. *Id.*

122. De La Salle MBA-JD students off to Europe, available at <http://www.mb.com.ph/node/93689> (last accessed Nov. 7, 2010).

123. *Philippine Lawyer's Association v. Agrava*, 105 Phil. 173, 176-77 (1959).

estate and guardianship have been held to constitute law practice, as do the preparation and drafting of legal instruments, *where the work done involves the determination by the trained legal mind of the legal effect of facts and conditions*.¹²⁴

What paved the way for this change is the existence of a global economy. Indeed, it has revolutionized the way Corporate Law is practiced. The reason for this is that the way businesses are run today entails specialized knowledge and skills to address various corporate concerns. Companies began to require services of lawyers to help them sort through the legal intricacies of business management. For instance, establishing a partnership or corporation involves the submission of legal documents and knowledge of legal procedure and policies of the Securities and Exchange Commission (SEC), while corporate finances require extensive Tax Law research and knowledge of Tax Law applications. With the globalization of capital and production, cross-boundary transactions are on the rise, necessitating the need to know the proper application of the laws of different countries concerning private transactions. Products are no longer made in just one country but in different ones, and services are outsourced from highly developed countries to developing countries. Both production processes and services are no longer confined by territorial limitations. In the process, issues of intellectual property ownership and trade agreement provisions come into play, all of which require familiarity and knowledge of the law. In addition, it becomes more difficult to accurately determine the nationality of corporate actors, not only because of instances of cross-ownership, but also because corporations are no longer bound to traditional restrictions of territoriality.¹²⁵ Lawyers and other professional groups are also “finding that understanding the major emerging trends in corporation law is indispensable to intelligent decision-making.”¹²⁶ In *Cayetano v. Monsod*,¹²⁷ the Court acknowledged this evolving idea of law practice and held that —

In a complex legal problem[,] the mass of information to be processed, the sorting and weighing of significant conditional factors, the appraisal of major trends, the necessity of estimating the consequences of given courses of action, and the need for fast decision and response in situations of acute danger have prompted the use of sophisticated concepts of information flow theory, operational analysis, automatic data processing, and electronic computing equipment. Understandably, an improved decisional structure must stress the predictive component of the policy-making process, wherein a ‘model’, of the decisional context or a segment thereof is

124. *Id.*

125. Lan Cao, *Law and Economic Development: A New Beginning?*, 32 TEX. INT’L L.J. 545, 558 (1997).

126. *Cayetano v. Monsod*, 201 SCRA 210, 218 (1991) (citing BUSINESS STAR, Corporate Finance Law, Jan. 11, 1989, at 4).

127. *Cayetano*, 201 SCRA 210.

developed to test projected alternative courses of action in terms of futuristic effects flowing therefrom.¹²⁸

Today, lawyers do more non-litigious work than litigious ones and are highly involved in every aspect of business management. There are lawyers specializing in the field of Tax Law, Contract Law, Intellectual Property Law, Information Technology Law, International Economic Law, and more. Some corporations even have in-house counsels to effectively handle transactions that involve legal issues and require application of the law.

These changes resulted in the need for law schools to modify their legal education curriculum in order to meet the demands of a growing global economy. Before, law schools were ill-equipped to prepare their students for tackling these challenges. Recently, graduated lawyers had to learn on the job, and it took them years to acquire the right set of skills to handle challenges brought about by globalization of the economy and internationalization of laws. To bridge the gap between theory and practice, law schools in the Philippines began to encourage their students to take on internship programs and apprentice in the government sector and law firms around the country or even render legal aid as part of their curriculum. Law schools, such as the U.P. College of Law requires its students to take eight units of practicum under the supervision of its faculty and lawyers in their Office for Legal Aid (OLA) to enable their students to render legal assistance to indigents.¹²⁹ The ALS, however, took it a step further and pioneered the first formal apprenticeship program in the country. It adopted the growing international practice of the best law schools in the world and made the apprenticeship program a part of its J.D. program, which began in 1991.¹³⁰ The apprenticeship program under the J.D. program, requires law students to undertake apprenticeship for a short period of time so that they are able to familiarize themselves with the landscape of law practice, hone their skills, and apply their legal knowledge beyond the four walls of a classroom.¹³¹ They have the option to take their apprenticeship not just in clinical legal education programs, but also in accredited law firms, government agencies or any agency in the public sector, and even in courts.¹³²

128. *Id.* at 218.

129. University of the Philippines College of Law, The Office of Legal Aid (OLA), available at http://law.upd.edu.ph/index.php?option=com_content&view=cate-gory&id=64:what-is-office-of-legal-aid-ola&Itemid=73&layout=default (last accessed Nov. 7, 2010).

130. Ateneo de Manila University School of Law, Apprenticeship Program, available at http://law.ateneo.edu/?page_id=84 (last accessed Nov. 7, 2010).

131. *Id.*

132. *Id.*

To prepare students to face the challenges of being a lawyer with a global mindset, some law schools offer courses or electives that expose them to such topics not covered by the traditional core subjects in law. Course offerings involving Intellectual Property, Information Technology Law, Banking Law, Alternative Dispute Resolution, International Economic Law, and Mergers and Acquisitions are just some of the subjects that are highly useful for newly graduate lawyers as knowledge in these fields prepares them for the new areas of law practice.

B. Public Service in the Government

Aside from the expansion of the practice of Corporate Law, another area of law practice that has dramatically changed is the field of public service. With the changes in the economic direction of the Philippines, the Executive and Legislative branches of government underwent a shift in their roles by increasing their services to the public. This resulted in the growth of law practice in the government.

Some developments in law practice in key government agencies are worth noting. For instance, the Office of the Solicitor General (OSG) has increased the number of its Assistant Solicitor Generals to 30 and hired more prosecutors to handle the burgeoning number of cases of the government, pursuant to the Republic Act (R.A.) No. 9417.¹³³ It is an autonomous and independent office attached to the Department of Justice (DOJ) whose primary task is to defend the government in legal matters.¹³⁴ In addition, the Public Attorney's Office (PAO), which is under the administration of the DOJ, continues to increase its number of public attorneys. Its primary goal is to give life to the constitutional right of the Filipinos embodied in Section 11, Article III of the 1987 Constitution, which states that, "free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty."¹³⁵ The service of PAO lawyers ensures that "the rule of law, truth, and social justice as components of the country's sustainable development."¹³⁶ Furthermore, an increasing number of lawyers are also involved in the quasi-judicial functions of administrative agencies. Their legal expertise combined with the technical knowledge

133. An Act to Strengthen the Office of the Solicitor General By Expanding and Streamlining its Bureaucracy, Upgrading Employee Skills and Augmenting Benefits, and Appropriating Funds Therefor and For Other Purposes, Republic Act No. 9417, § 2 (2006).

134. Department of Justice, Attached Agencies, *available at* <http://www.doj.gov.ph/index.php?id1=2&id2=4&id3=3> (last accessed Nov. 7, 2010).

135. PHIL. CONST. art. III, § 11.

136. Public Attorney's Office, PAO Mission, *available at* <http://www.pao.gov.ph/> (last accessed Nov. 7, 2010).

required by the administrative agency makes for effective exercise of quasi-judicial powers.

With the growing need for more lawyers in the government, law schools in the country are faced with the challenge of instilling in their students the desire to enter the realm of public service. Gone are the days when the legal profession is held in high esteem for its nobility. Most people perceive the legal profession today as an assured way of earning money because lawyers have for their clientele corporations and the elite of society. Since the traditional legal education curriculum merely focuses on teaching the core subjects of law, law students are no longer empowered to enter the public service sector. Neither does the traditional legal education curriculum include avenues wherein law students are exposed to service in the public sector or advocacy of social justice issues. Public service lawyering has sadly been reduced to being a second choice in the career path of most law students. To address this deficiency in traditional legal education curriculum, some law schools are offering elective subjects that allow law students to become aware of legal and social areas that will allow them to “realize the professional mission they set out for themselves.”¹³⁷

What is therefore required of legal education today is a way to expose students to a different practice of law, especially in the public sector. After all, purely learning the knowledge of law is insufficient to train law students to the realities of the legal practice where several fields of law continue to develop. Some law schools have already taken steps to provide venues for their students to be exposed to the practice of law in the public sector and are offering electives in public legal assistance. It is, however, understandable that there would be difficulty in implementing such a program as it requires funding for the implementation of the program and specialized knowledge of the professor in the electives to be offered.

Public service of lawyers in the government must be encouraged. Law schools in the country “must continue in their unrelenting pursuit of the objective to train students to become not mere technicians, but men of broad interests and sympathies ... [those who] learn to measure success not in material terms but in the quality of public service.”¹³⁸

C. *Alternative Lawyering*

An increasing number of lawyers today choose to take the road less travelled by being involved in alternative lawyering. Alternative lawyering is the practice of law in areas that involve “issues that are not the common concerns of typical lawyering.”¹³⁹ Most people perceive it to be human

137. Villanueva, *supra* note 103.

138. CORTES, *supra* note 56, at 61.

139. MARLON J. MANUEL, HANDOUT, LAWYERING WITH THE POOR (2009).

rights lawyering or simply rendering legal aid. It is, however, much more than that. It has moved beyond the conventional ideas of fighting for civil and political rights. Neither is it limited only to concerns of public interest and rendering of free legal assistance. Alternative lawyering is first and foremost lawyering for social justice.¹⁴⁰ Its work does not simply involve handling disputes between parties or representing them in litigations. The primary goal of alternative lawyers is to “contribute to the correction or elimination of deeply rooted unjust social structures and relations.”¹⁴¹ Second, alternative lawyering is lawyering for social change.¹⁴² It uses the law as an instrument or tool to effect social change both in the micro and macro level of the country. Third, alternative lawyering is for social development. Its objective is to “work for a holistic, sustainable development of persons and communities, in a society that is more just, more peaceful, and more humane.”¹⁴³

Although the idea of legal aid programs can be traced as far back as the 1900’s,¹⁴⁴ the idea of alternative lawyering only came into being during the dark days of Martial law in the 1970’s, when lawyers struggled to defend civil and political rights of people accused and detained.¹⁴⁵ Law groups were formed to address the concerns of political detainees, disappearances, extrajudicial killings, and human rights violations.¹⁴⁶ This eventually led to the creation of lawyer organizations geared towards addressing the concerns of marginalized sectors.¹⁴⁷ After Martial Law ended and a new era of the Republic began, the need to address the rights of marginalized sectors became even more apparent, so much so that the 1986 Constitutional Committee deemed it imperative to recognize such rights in the 1987 Constitution.¹⁴⁸

140. *Id.*

141. *Id.*

142. *Id.*

143. *Id.*

144. CORTES, *supra* note 56, at 20.

145. Alternative Law Groups, *Improving Access to Justice of the Poor and Marginalized: The Alternative Law Groups and the Philippine Justice System*, at 1, available at <http://www.alternativelawgroups.org/upimages/MAINSTREAMING%20THE%20ALTERNATIVE%20paper.pdf> (last accessed Nov. 7, 2010).

146. *Id.* at 2.

147. *Id.*

148. PHIL. CONST. art. XIII, §§ 1, 3, 5, & 14. These Sections provide:

Section 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove

The legal profession never quite forgot the lessons of the Marcos era. Law schools began to integrate legal aid programs as part of their legal education curriculum to extend free legal assistance to the marginalized sectors and indigents. In July 1974, the U.P. College of Law established the OLA program, where students are required to render a specific number of hours of service to OLA.¹⁴⁹ The ALS, meanwhile, offers clinical legal education I and II as part of their elective courses offering.¹⁵⁰ Outside of Metro Manila, there are also other universities that have established legal aid programs. In Central Visayas, the University of San Carlos College of Law offers a clinical legal aid program and has already established the Center for Legal Aid Work (CLAW), which is in charge of the University's legal aid, internship, and human rights program.¹⁵¹ The AdDU-Law, meanwhile, is a university in the Davao Region that offers a legal aid program which is

cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

...

Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

...

Section 5. The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services.

...

Section 14. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

Id.

149. Ma. Ngina Teresa V. Chan-Gonzaga, *Baseline Study of Law Schools: Human Rights Offerings and Programs, Curriculum Review and Development Towards Alternative Lawyering, A Part of the INROADS ALG Study Series 17*, at 16-17, available at http://www.alternativelawgroups.org/upimages/inroads_bk3%281%29.pdf (last accessed Nov. 7, 2010).

150. Ateneo de Manila University School of Law, *Apprenticeship Program*, available at http://law.ateneo.edu/?page_id=110 (last accessed Nov. 7, 2010).

151. Chan-Gonzaga, *supra* note 149, at 25-26.

integrated into the curriculum.¹⁵² Under this program, students are required to render legal aid to indigent litigants and are given the opportunity to have hands-on experience in the practice of law.¹⁵³ In recent years, the program has expanded and moved to advocacy.¹⁵⁴

Other law schools, such as the Arellano University, University of Sto. Tomas, New Era University, San Sebastian College-Recoletos, University of Batangas, and Palawan State University also offer a similar internship program where students render clinical legal aid and free legal assistance to indigents and marginalized sectors, which include urban poor, migrant workers, and indigenous peoples community.¹⁵⁵ These clinical aid programs have been duly recognized by the Supreme Court. Major universities, such as U.P. College of Law and ALS did not stop at merely offering legal aid. These two universities also instituted a human rights center that addressed the promotion and protection of human rights. The U.P. College of Law established the Institute of Human Rights (IHR), an academic legal resource institute, which is concerned with issues involving political, civil, social, economic, and cultural rights of the people.¹⁵⁶ The research students of the IHR are mostly law students of U.P. College of Law. The ALS, on the other hand, established the Ateneo Human Rights Center (AHRC) in 1986 and is considered to be one of the first university-based institutions in the country that is involved with human rights issues.¹⁵⁷ It is engaged in providing legal assistance, research and publication, law and policy reform advocacy, education and training, and more. It also offers a special internship program that introduces students to human rights advocacy.¹⁵⁸

It is clear that law schools in the country are heeding the call to establish legal aid programs in their universities and are encouraging more of their students to take up the cudgels for the poor and marginalized who are rarely given the opportunity to fight freely for their rights. Promoting the field of alternative lawyering in the country is of paramount importance to the profession, lest one forgets that the legal profession is a noble one. Indeed, a lawyer “who advocate[s] this practice should be considered the mainstream, the first choice, the true and ideal lawyer; better yet, the conscience of the

152. *Id.* at 30.

153. *Id.*

154. *Id.*

155. *Id.* at 5-48.

156. University of the Philippines, Institute of Human Rights (IHR), *available at* http://law.upd.edu.ph/index.php?option=com_content&view=category&id=74&Itemid=88 (last accessed Nov. 7, 2010).

157. Chan-Gonzaga, *supra* note 149, at 14.

158. *Id.*

legal profession.”¹⁵⁹ Note that alternative lawyering is not just a passing trend. It is an area of law practice that is deeply ingrained in our history and is only now getting the recognition it deserves.

V. ANALYSIS

In a world that grows more complex everyday, there is a clear need to introduce reforms in the country’s legal education system. Based on the facts laid out, it is clear that the economy has been the driving force of change in the legal education of the Philippines as well as in other countries. Further development of the legal education system must therefore be prioritized if law schools in the country want to groom the kind of lawyers suited for the 21st century. This is best accomplished by tackling the five areas of the legal education system, namely, the curriculum, resources, faculty, pedagogy or teaching method, and studentry.¹⁶⁰

In changing the curriculum, law schools must be aware of best practices around the world and incorporate them to best suit the needs and purpose of the school. The changing markets dictate the direction of the legal profession as it develops the expanding areas of law practice. Students should learn how to apply the law in “a world that is trying to eliminate economic barriers while keeping existing political and cultural differences.”¹⁶¹ The curriculum should manage to instill in the students the knowledge and application of the law. Furthermore, it should focus on general principles and provide a broad understanding of the law rather than on detailed rules and rote memorization of doctrines.¹⁶²

The changes in the curriculum must be supported by adequate and sufficient resources. Change, however, comes with a price. Funding must be prioritized as the paucity of resources plays a factor in the performance of law schools and their ability to deliver quality education to students. Underfunding of law schools have led to the insufficient supply of books, lack of technology, and poor quality of programs or even lack of programs to be implemented. Students should be exposed to opportunities that will hone their legal skills in research and analysis of the law, such as mootings, law journals, research work, and more. Law schools can also sponsor research programs or establish centers of learning. For law schools without sufficient resources, partnership programs with those who have the resources may be established. Availability of resources is critical and crucial to the success of

159. Chief Justice Hilario G. Davide, Address given during the First Alternative Law Conference at U.P. Diliman, Quezon City (Nov. 8, 1999).

160. See CORTES, *supra* note 56, at 12-14 & 46-56.

161. Alberto Bernabe-Riefkohl, *Tomorrow’s Law Schools, Globalization and Legal Education*, 32 SAN DIEGO L. REV. 137, 157 (1995).

162. Klabbbers, *supra* note 90, at 17.

any legal education system as it directly impacts the faculty and the law programs.

The faculty in law schools also plays a big factor in the success of the legal programs of law schools. Professors must be diverse enough and possess the right amount of knowledge and experience to teach students. Introduction of courses and electives that focus on specific areas of law practice also help in attracting lawyers or judges that are experts in those areas.

Legal pedagogy in schools must not remain static. New techniques and innovations must be explored. Sticking only to the Case Method, while still effective, may not be enough to equip students to handle the challenges of cross-border practice of law. Programs and teaching methods should be implemented in a way that would best serve the students. Considering that most law students are part-time, a hybrid of teaching methods may best serve their interest, taking into consideration the resources of the school.

Lastly, the success of any legal education system lies within the students of the law school themselves. Law schools must screen their students and establish standards as to who shall be privileged enough to remain in the law school. After all, the studentry plays a significant role in shaping the way law schools perform over-all. They ultimately reflect the quality of education being offered in the law school they graduated from and is a testament to the effectiveness of the school's curriculum, faculty, and legal pedagogy.

In order to prepare law graduates to practice law in the new world conditions, legal education programs must be revised. In response to the globalization of the economy and the globalization of practice, legal educators will soon have to begin the globalization of legal education itself.¹⁶³ In an era of growing complexity and globalization, the rationale behind the need to transform our legal education system becomes even more obvious. The necessity of modifying the legal education system in law schools is not simply to catch up with the times or to be at par with the rest of the world, but the changes that should be made must also ensure that the purpose and nobility of the legal profession lives on.

VI. CONCLUSION

It is quite apparent that over the years, the direction and development of legal education systems around the world has been more in line with the changes that affect the economic state of that particular country and of the world. Globalization, in particular, is a driving force and a dominant influence in the way law schools transform their curriculum. This perhaps is of no surprise because the legal profession is indeed an important mechanism

163. *Id.*

for driving development in any economy. It is no different in our country where the country's history and economic state played such an important role in shaping the kind of legal education system the country has today.

Perhaps law schools are not to blame for lack of reforms given that legal education in the country is highly regulated and must conform to the regulations of the Legal Education Board. Since LL.B. and J.D. programs are post-graduate degrees, a lot of law students are merely part-time. This affords them little time to take on more units and undergo practical training in law firms or organizations and agencies. Not to mention the fact that only a few laws schools have the capacity or the funding to introduce such changes. This, however, is no excuse because "legal education in the age of globalization cannot afford to be dissociated from the world around it."¹⁶⁴

Resistance to the idea of reform and change is detrimental to the future of the legal profession in the country. It smacks of conservatism in a profession that glorifies in taking initiatives and changing the legal landscape of a nation. The challenge to law schools therefore is to provide a legal education system that meets the challenge of producing lawyers of the first caliber, those who do not merely know the law but can wield it with proficiency. Legal training can no longer be confined within the four walls of a classroom.¹⁶⁵ If law schools want to mold the ideal lawyer of tomorrow, then mere competence is not enough. Law schools must "connect themselves with the outside world and reconstruct their academic agendas to work with actors in the international community, such as non-governmental organizations, multinational corporations, governments, and the legal systems of other countries."¹⁶⁶ Reform of the country's legal education therefore must not be deemed as merely an academic exercise or a temporary change. It is an inevitable one.

164. Bernabe-Riefkohl, *supra* note 161, at 157.

165. Grossman, *supra* note 84, at 29.

166. *Id.*