

CURRICULUM FOR EFFECTIVE LEGAL EDUCATION*

Jesus de Veyra**

Legal Education

The proposed curriculum is calculated to bring about two fundamental purposes: more efficient teaching of law and secondly, the more fundamental knowledge of law for the students so as to better prepare them for the career of law. It has been the experience of those of us who teach law that when we meet students only once or twice a week, the interval of time between meetings is so great that the students lose track of the subject, especially its continuity. So much so that a great deal of time is lost every class day, recalling what went on before and connecting it with the matter at hand. We feel that meeting the students three times a week would more adequately meet his problem, hence our proposal of merging some subjects so that the least number of units for any given subject is three. The only exception to this is Legal Medicine, which we cannot merge with any other subject.

This proposed curriculum presupposes that the student is adequately prepared to express himself orally as well as in writing. The lawyer makes his living by the spoken and written word. Where a lawyer is lacking in these facilities, he does not deserve to be in the legal profession. We do not expect Shakespeares in our profession, but we do demand that he who presents himself as a lawyer not only knows what he is talking about but that we can understand what he is saying. This proposed curriculum also presupposes that the lawyer has had proper training in philosophy, especially in logic, for there is no doubt that when we reduce legal problems to their lowest terms we find that the lawyer must know the facts—analyze them—as a minor premise to a syllogism and then the law itself or decided cases as the major premise—so that his conclusion will be the logical result of these two premises.

Finally, this proposed curriculum will only succeed if law students are rigidly trained from the first semester of first year in the fundamentals of the law—and by fundamentals, I mean that they must be trained to look up the law at its source. Rare is the student today who reads Philippine Reports in the original—and much rarer is he who will look up Manresa

* Paper read at the Second Session.
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or Sanchez Roman when he has any problem in Civil Law. The study of law has been made too easy by prepared case digests and textbooks so that the student has not been trained into the habit of study. This lack of the habit of study, his deficiency in the written and spoken word as well as his lack of ability to think logically, account for the greater portion of flunkers in the bar examinations. For the present there is no remedy—so long as the backlog of defective students take the bar examinations, we must necessarily have a high mortality. Although it may sound cruel to suggest it, the new rule that after three failures, a candidate must take a one-year refresher course would not solve the problem—it would only prolong the agony. We suggest that a two-year course in Logic and English, with a refresher course in law would be a happier solution.

The proposed curriculum seeks to prepare the law student in law in its fundamentals. But sad to state, when the law student passes the bar and begins the practice of law, he is completely lost for he does not know how to ask questions during trial, how to make objections, how to present evidence. We propose that before a student will be allowed to graduate he present a certification from the clerk of court of any Justice of the Peace or Municipal Court to the effect that he has appeared as *de officio* defense counsel in a least five cases. This requirement can be fulfilled by a third year student after he has finished third year law—and he can appear in these courts during vacation.

The proposed curriculum furthermore presupposes that some notion of law has been given to the future law students in the preparatory AB course perhaps as their point of concentration. Introduction of Law with emphasis on the various legal terms and their meanings as well as legal Spanish with emphasis on Spanish legal terminology will help in a very great way the students when tackling subjects in law proper.

PROPOSED CURRICULUM Introduction to Law — Pre-Law

FIRST YEAR

<i>First Semester</i>		<i>Second Semester</i>	
Persons & Family Relations	4	Obligations & Contracts	6
Philippine Political Law	3	Criminal Law	6
Philosophy of Law (Jurisprudence, Legal History)	3	Seminar Workshop	4
Statutory Construction, Legal Bibliography and Legal Reasoning	3		16
Roman Law	3		

SECOND YEAR

<i>First Semester</i>		<i>Second Semester</i>	
Property	4	Mercantile Law and Insurance	5
Torts & Damages and Transportation	4	Credit Transactions and Mortgages ..	4
Administrative & Election Laws and Public Corporations	4	Constitutional Law	3
Sales and Lease	3	Partnership and Agency	3
Criminal Procedure	3	Land Titles & Natural Resources ..	3
	18		18

THIRD YEAR

<i>First Semester</i>		<i>Second Semester</i>	
Civil Procedure	5	Private Corporations	4
Wills & Succession	4	Evidence	3
Labor Laws and Social Legislation ..	5	Taxation & Legal Accounting	5
Legal Medicine	2	Special Proceedings	3
Legal Forms & Conveyancing	2	International Law & World Organizations	3
	18		18

FOURTH YEAR

<i>First Semester</i>		<i>Second Semester</i>	
Civil Law Review I	4	Civil Law Review II	5
Criminal Law Review	4	Remedial Law Review	5
Political Law Review	4	Mercantile Law Review	5
Conflict of Laws	3	Practice Court & Moot Court	3
Trial Technique and Legal Ethics	3		
	18		18

I shall proceed to explain in detail our proposal:

FIRST YEAR

First Semester — Persons and Family Relations will retain its four units. Under the title of Philosophy of Law — 3 units — we propose to discuss law in general — its nature, its moral and rational basis; the history and development of law with emphasis on the sources of Philippine law from Roman, Spanish and American law; the general subdivision of law and their integration; the various legal systems and their co-relation—these are topics that were formerly covered by the subjects known as Jurisprudence and Legal History. Roman Law would retain its three units—omitting obsolete concepts. Statutory Construction, Legal Bibliography and Legal Reasoning will be merged and given three units. Legal Reasoning

will cover logic as more particularly concerned with law; the forms and practical principles of legal argumentation; style and practical exercises in legal reasoning. Statutory Construction and Legal Bibliography should put more emphasis on Philippine sources.

Second Semester — Obligations and Contracts is given 6 units, with emphasis on the fundamental reasons, for the civil law principles of this subject form the basis for most subjects under civil law. Criminal Law is given 6 units with emphasis on the fundamental principles of law and the elements that comprise each crime. Seminar Workshop—a new subject given 4 units—covers the nature, aims and trends of the law profession: Philippine socio-economic problems in the light of Christian principles; a study of the practical workings of the legislative, executive and judicial branches in relation to national problems; and, lastly, moral guidance to lawyers, judges, public officers and politicians.

SECOND YEAR

First Semester — Property retains its 4 units. Torts and Damages is merged in Transportation as the liability of common carriers is now an important feature of our law on damages — 4 units. Administrative Law, Election Law and Public Corporations are merged and given 4 units. Sales and Lease—two interrelated contracts in Civil Law are taken together and given 3 units—Criminal Procedure—retains its 3 units.

Second Semester—Mercantile Law and Insurance—which also covers negotiable instruments—5 units; Credit Transaction and Mortgages (real and chattel and pledge) is given 4 units; Constitutional Law retains its 3 units; Land Titles and Natural Resources—likewise for the similarity of their subject matter and principles—are merged and given 3 units.

THIRD YEAR

First Semester — Civil Procedure retains its 5 units; Wills and Succession—is given 4 units; Labor Laws and Social Legislation is given 5 units in view of its growing importance and the fact that it is now a separate subject in the bar. Legal Medicine, 2 units—Legal Forms and Conveyancing —2 units. These are the only subjects given 2 units, and the reason is they cannot be merged with any other subject.

Second Semester—Evidence 3 units; Taxation and Legal Accounting —5 units—due to the growth of these subjects and the further fact that Taxation is now a separate subject in the bar; Special Proceedings—3 units International Law and World Organizations —3 units.

FOURTH YEAR

First Semester — Civil Law Review — 4 units; Criminal Law Review — 4 units; Political Law Review — 4 units; Conflict of Laws — 3 units; Trial Technique and Legal Ethics — 3 units.

Second Semester—Civil Law Review—5 units; Remedial Law Review—5 units; Mercantile Law Review—5 units; Practice Court and Moot Court—3 units.

COMMENTS ON THE PAPER

DR. AMBROSIO PADILLA
Member, Philippine Senate

I agree with the recommendations of the proposed curriculum, particularly the merger of 1-unit-2-unit subjects to form a more integrated course. The suggestion that a professor handling a subject should meet his class at least three times a week is a happy reform. But this should not be carried to the extreme. More specifically, I do not agree with the system of finishing a subject by having it discussed everyday until it is finished—the so-called “end to end” system of the University of the Philippines.

Judge de Veyra bewails the use of textbooks and case digests in capsule form. He would have the students read the original sources. This proposition is good, but is objectionable in that it consumes too much time required for copying the materials desired. A good text would be a better substitute. It could unload the undue burden of students of having mere outlines and of copying the cases from the original.

On the proposal of the Judge to have students appear as *de officio* counsel in at least five (5) cases in the inferior courts, although it may not achieve the purpose intended, the idea is good to give the graduate the feel of court work. The present course on moot court is utterly inadequate to prepare a law graduate for trial work.

DEAN CRISPIN D. BAIZAS
Institute of Law, Far Eastern University

I agree with the statement of Judge de Veyra that the Curriculum he is proposing would bring about two fundamental purposes: first more efficient teaching of law and, second, better preparation of the student for the career of law. On the matter of preparing him in the skills of practice, he suggests more emphasis on practice court and some kind of apprenticeship training, whereby the student would be required to appear as *de officio* counsel in criminal cases before the interior courts. The suggested training would certainly provide the student with a lot of court experience, but I agree with Senator Padilla that appearance in five cases may not altogether be adequate.

In England they have what is called the *clerkship*, where the student, after finishing academic training, goes into clerkship in some law office. In

the United States and Canada they have what is called the *preceptorship*, where the student goes under some tutelage of a law firm. But I doubt whether these forms of apprenticeship training would be practical in the Philippines.

The suggestion that a professor should meet his class more often is very desirable. Discontinuity of thought is a sad experience among professors. Too much time is always spent in bringing the students into focus every next meeting and in the process they learn very little of the subject. Frequent meetings, if not teaching of the subject in one continuous sweep, might solve the problem.

Judge de Veyra decries the student's deficiency in language. This is a sad fact to admit, but it cannot be denied. According to Justice Regala, it was the biggest problem in the mortality rate of the last bar. Indeed, the student must improve his language. It is a very important factor in the practice of his profession. Language is the lawyer's tool in trade.

I agree also that the lawyer must have a sound background in philosophy and, conformably to a suggestion made in a similar conference abroad, some training in the humanities. The law student must be trained not necessarily for the practice of law but to give him a good college education.

There is a suggestion made about the teaching of legal terminology. I had occasion to go over the catalogue of the University of Singapore and I was impressed by the emphasis laid on what they call tutorship in legal terminology. We should have it here.

There is one last point I would like to take up and that is the responsibility of the law teacher. It is a fact that lawyers after finishing school gravitate into positions of leadership in their communities. That being so, the law teacher must endeavor to inculcate in the student a proper sense of moral values and a responsible leadership, in addition to his training in the law. In fine, the mission of the law teacher, whatever the curriculum might be, is to produce good lawyers and good leaders.

DEAN RUPERTO G. MARTIN
College of Law, University of the East

I disagree with some of the proposals of Judge de Veyra.

He suggests the merger of 1-or-2 unit subjects into single integral courses to maintain continuity in the study of the subject. The proposal may be meritorious, but its implementation carries certain difficulties. Law schools in the country invariably divide the school calendar into at least two examination periods. This makes difficult the apportioning of the subjects merged as to coincide with the examination periods. The possibility of contending with two or more subject matters in a single examination is therefore great. This is decidedly not conducive to concentration in the study of the subject. I would even say that the proposal, compared

to the present system, affords lesser concentration. I believe that any defect in the present system lies in the method of instruction, not in the infrequency of meeting classes.

I share with Judge de Veyra's observation on the student's need for adequate preparation in both written and oral expression and training in philosophy, specially logic. But this should be made the concern of the preparatory courses, the law curriculum being crowded as it is. Admission to law proper should be made selective and more discriminating instead. Only those with high marks in philosophy and the political sciences and a full command of the English language should be admitted.

Judge de Veyra also suggests that students should be made to read the original sources and, for reference purposes, the treatises of known law commentators. The suggestion is laudable but would work adversely on working students who noticeably constitute the greater majority. It would burden their load and is, for that reason, impractical.

I interpose the same objection to the proposal of Judge de Veyra requiring the students to appear as counsel *de officio* in at least five cases. I suggest instead more hours in moot court and, for those who intend to practice law, after passing the bar and before being licensed, they should be required to undergo internship in a reputable law firm for one year.

THE BAR EXAMINATIONS AS AN INSTRUMENT OF LEGAL EDUCATION *

*Alejo Labrador***

The bar examinations has been designed primarily to screen and test the knowledge and intelligence of applicants for admission to the bar, to choose from among the applicants, the number of which has now reached that of a few thousands, those whom the examining board and the Court believe have the requisite knowledge of law and procedure in general as would guarantee their ultimate growth into competent legal practitioners or proficient public servants. The Court cannot guarantee that the examinations are a positive and exact test of future competence and capacity; instances there are where bar topnotchers become flops in practice, or bar flunkers grow up into famous practitioners and educators. But the examinations are the best so far that the Court has been able to devise to test prospective lawyers, especially when questionnaires demand answers involving knowledge of the law as well as its application to sets of facts and circumstances.

It does not readily appear that the bar examinations should have any influence in the legal education being given to those who have already finished the prescribed course in law schools. But upon reflection and observation it will be seen that its influence upon legal education is considerable and far reaching. Teachers in law schools preparing the students for the examinations have compiled the questions given in previous bar examinations, which they use as guides in the preparation of examinees. However, to us this is not the important use and value of the bar examinations in legal education. It is necessary in the sense that the examinations lay down basic standards which law schools seek to attain in the scope and quality of the instruction they give their students. Without such standards imagine how law schools would be, how many lives of years of study would be wasted by young men aspiring for a diploma in the hope of a future honorable livelihood, only to find themselves with a diploma but without a profession, and poorer by the thousands of pesos spent in eight years of toil and study!

Going further in the explanation of our point, we must state that there is absolutely no way by which the quality and extent of instruction given in law schools can be regulated. The Department of Public Education does not have the machinery to check the standards of instruc-

* Paper read at the Third and Closing Session.

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