There is a need to regulate temporary shutdowns, permanent closures, retrenchments, and layoffs. Under existing laws, a mere 30 days notice to the Department is required. Preventive mediation must be encouraged and if no settlement is reached by the parties, the Department of Labor must be allowed to determine the validity of the temporary layoff or shutdown.

On lockouts, temporary or permanent closures during the pendency of a labor dispute must be looked into by the Department of Labor. In certain cases, closures are used by unscrupulous employers to bust the union or to evade payment of money claims to the workers.

Under present laws, the employer has absolute prerogative to close its establishment at anytime and for whatever reason.

One of the most significant laws to be passed by the present Congress is Republic Act 6640, which increased the mandated minimum wage by P10 and P11 affecting workers receiving less than P100 per day. In real terms, however, not much, if at all, is given to the workers – with the daily soaring price of commodities.

THE NEED FOR CHANGE IN LABOR AND SOCIAL LEGISLATION

There is an urgent need to set policy directions that will embody the worker's rights and welfare, to encourage greater participation in production and hasten economic development. Along set policy directions, laws, guidelines and measures should be made to bring about the ultimate goal of achieving industrial peace and economic development for the vast majority of the Filipino people.

Government must listen to the strong clamor of labor for the repeal of repressive laws and measures which originated from the Marcos rule. The effort to pave the way for alternative laws should be initiated now. The change must be significant so as to alter the oppressive structure that has caused labor problems and unrest.

The 20 years of Marcos misrule have taught us that labor repression will not bring about industrial peace, nor is the absence of strikes synonymous to industrial peace. We hope that this government will take this lesson to heart. It must recognize that only social justice – not the military, not the police – – will do the job.

THE MODEL LAW CURRICULUM

Eduardo de los Angeles*

Almost 25 years ago several jurists, law deans and professors endorsed a law curriculum designed to achieve a more efficient teaching of law and a more fundamental knowledge of law (De Veyra, "Curriculum for Effective Legal Education", 1963 Conference on Legal Education). On June 6, 1963, the Department of Education, through Memorandum No. 30, approved and prescribed that law curriculum for all law schools under its jurisdiction.

Sadly, the approval of the 1963 law curriculum has not improved the teaching of law. Neither has it educated the majority of law students with the basic principles of law. Eloquent proof of this is the yearly 78% mortality rate in the Bar examinations since 1963.

Further, students who successfully hurdled the Bar have found the 1963 law curriculum inadequate in familiarizing them with the peculiarities of law practice. Thus, on November 17, 1967, the Department of Education issued Circular No. 18 directing legal internship to revitalize the law curriculum and improve the quality of instruction in the law schools. The legal internship, as a six unit subject in the fourth year, was supposed to be undertaken in a well-established private law office of government office. Unfortunately, Circular No. 18 was not implemented by a substantial majority of the law schools.

Changing Conditions

Meanwhile, laws and decisions continued to multiply. Bureaucracy grew. The needs of the profession and society changed. Law practice became highly competitive and client-oriented.

The 1963 law curriculum did not have the flexibility to address these changes. Obviously the students could not possibly read all the relevant decrees, executive orders, letters of instruction and Supreme Court decisions. Yet the 1963 curriculum which is subservient to the Bar exams, demanded absorption of these laws. This means that law schools and professors would not have the time to teach new and developing subjects such as the laws on intellectual creation, banking and investment. There would be no time to familiarize the students with the proceedings before the Department of Labor, the NLRC, the SEC, the BOI or the Patent Office – offices which now play an important role in legal practice.

The reported corruption of some judges and the unethical behavior of some practitioners also blemish the law profession. Evidence are fabricated or suppressed. Thus, justice thwarted. Yet, law students are not properly imbued with ethi-

* *Dean, Ateneo College of Law; Notes and Development Editor, Ateneo Law Journal, 1966.*

cal principles, civic courage and moral character. The 1963 curriculum devoted only 2 units to Legal Ethics in the last semester of fourth year. As Justice JBL Reyes aptly noted: "Hitherto, the law schools appear to have failed to kindle in the hearts of their wards a resolute dedication to the rule of law and fair play, as well as the conviction that every lawyer is, and must remain, an integral part of the administration of justice." (Reyes, 'Objectives of Legal Education in Present-Day Philippine Society, 1963 Conference on Legal Education).

Response to problem

Last year, the Association of Law Schools and of Law Professors finally passed the "Policies and Standards for Legal Education" which recognized the following specific objectives of legal education:

(a) To impart to the law students a broad knowledge of law and its various fields, and of legal institutions;

(b) To develop their ability to search for the law and to analyze, articulate and apply it effectively as well as to enable them to gain a total approach to legal problems and issues;

(c) To prepare law students for advocacy, counselling and decision-making, and their ability to deal with recognized legal problems of the present as well as the anticipated problems of the future;

(d) To develop competence in the law students in a chosen field of law for gainful employment, or 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;

(e) To inculcate in them the ethics and responsibilities of the legal profession; and

(f) To produce lawyers who pursue the lofty goals of their profession conscientiously and adhere to its ethical norms faithfully.

As a means to attain these objectives, the Policies and Standards stipulated that "subject to the approval of the Bureau of Higher Education, the law school may design its own curriculum, provided that it complies with the requirements of the Rules of Court." (Sec. 1, Art. V, Policies & Standards for Legal Education).

Thus, while each law school has the autonomy to prepare its own curriculum, such prerogative is circumscribed by (a) the authority of the Supreme Court to promulgate rules for admission to the practice of law (Sec. 5, Art. VIII, 1986 Constitution); (b) the administrative supervision of the Bureau of Higher Education as regards the continuing requirements for the operation of law schools (Romero, "The Challenges of Legal Education in the Philippines", Philippine Law Journal Vol. 52 No. 5 December 1977 p. 488) and (c) the necessity of having uniform core subjects with other law schools.

To assist law schools in the preparation of their respective curriculum, the Associations of Law Schools and Law Professors drafted a Model which uses the inter-disciplinary approach in responding to the problems facing legal education. The use of the word "Model" does not mean that it is the ideal. Rather, it means "pattern", or basic framework which could be modified to suit each school's needs and resources. The subjects are classified into (a) perspective, (b) basic or core (c) specialized or elective and (d) practicum.

The perspective subjects are: Introduction to Law, Roman Law, Legal History; Legal Philosophy, Logic and Legal Accounting. Ideally, these should be taught in the preparatory courses. However, law schools may offer these subjects, to those who were unable to take them, during the first semester of first year. This is the reason why the Model curriculum allots only 14 units for that semester – to provide time for the introductory, though not mandatory, perspective subjects.

The basic or core subjects are those generally prescribed by the Supreme Court as Bar subjects, namely; "Civil Law; Labor & Social Legislation; Mercantile Law; Criminal Law; Political Law (Constitutional Law; Public Corporations and Public Officers); International Law (Private and Public); Taxation; Remedial Law (Civil Procedure; Criminal Procedure, and Evidence); Legal Ethics and Practical Exercises (in Pleading and Conveyancing)." (Sec. 9, Rule 138, Rules of Court). These are more specifically defined in Supreme Court circulars distributed annually to the law schools announcing the coverage of the Bar exams.

The coverage is extensive and normally evokes complaints from the law deans. But because these subjects are supposed to be covered by the Bar exams, law schools have to include them as curricular subjects or part thereof.

As Dean (now Justice) Irene Cortes quipped: "(even) the University of the Philippines (which) enjoys a measure of autonomy on curricular matters x x x has to incorporate the subjects required by the Supreme Court because its law graduates must also qualify for the Bar examinations. This circumscribes the school's area for innovation." (Cortes, "The Law Curriculum" Phil. Law Journal Vol. XLVII No. 3, July 1972, p. 449).

Nevertheless, inspite of the known difficulty of excluding matters from the coverage of the bar exams we have ventured to "demote" the following core subjects into electives under the model curriculum:

a. Law on Municipal/Public Corporation
b. Election Law
c. Social Legislation
d. Laws on Public Officers

with the hope of gaining Supreme Court approval therefor.

The specialized or elective subjects are those left to the discretion of the law schools. Suggested electives are: Banking law, Advanced Taxation, Election law, Agrarian law, Social Legislation, Law on Municipal Corporations and Public Officers, Investment law, Admiralty, Law on Intellectual Property.

The practicum subjects are envisaged to be mandatory because they expose the students to the practical aspects of the law. They are: Legal Research, Statutory Construction, Legal Writing, Legal Counselling, Practice Court or Corporate Practice and Clinical Legal Education.

Significant in the model curriculum is the emphasis on legal ethics. While in the 1963 curriculum, there were only two units of legal ethics taught in the last semester of 4th year, in the model curriculum, there are 7 units of legal ethics or related subjects such as legal profession, legal counselling and problem areas in legal ethics, strategically spread in the 4 years of law school. Law schools and professors are therefore encouraged to underscore, whenever relevant, the ethical element and the ultimate goal of the legal profession in the study and discussion of each subject.

There are other salient features which distinguish the model curriculum from the 1963 curriculum. First, Roman Law is made a perspective subject best taken up in the undergraduate course. **Second,** criminal law is divided into 3 subjects to be studied in 3 semesters. **Third,** the skill courses like legal research and legal writing are taught in the very first year of law school. **Fourth,** Labor Law is classified into Labor Standards and Labor Relations. And responding to the current situation, an additional unit is added to Labor Relations to enable the students to delve deeply into unions, collective bargaining, strikes, pickets and lock-outs. Labor Law Review is also introduced in 4th year. **Fifth,** Credit Transaction is renamed Security Transactions to include both the traditional as well as the modern security schemes. **Sixth,** the students are taught the art of counselling as a specific subject. **Seventh,** partnership, agency and trust are studied together as Business Organization I, while corporation is studied in Business Organization II. **Eighth,** special proceedings is integrated in Persons (for guardianship, adoption and change of name, etc.), Succession (for settlement of estate) and Constitutional Law (for habeas corpus and escheats). The incorporation of the procedural aspect in the study of the substantive laws facilities its understanding by the students and makes the method of instruction wholistic. **Ninth,** with practicum subjects, the model curriculum attempts to bridge the gap between theory and practice. **Tenth,** the review subjects shall be taught through an integration/correlation of books/laws under such review subjects, instead of through a detailed restudy of all the provisions. For this reason most of the review subjects are reduced by one unit. Students will not suffer, because after graduation, there is still the Bar review and the pre-week review. **Eleventh,** at least six undetermined elective subjects with a total of 11 units are prescribed to enable law school to "personalize" its own curriculum. We say "at least", because the total number of electives in the model curriculum is the minimum requirement. With the prior approval of the Bureau of Higher Education, each law school may increase the total number of units to meet the needs of its program.

The introduction of electives is significant because it will provide law schools the opportunity to prescribe subjects, which in the opinion of the law schools will (a) complement the study of law (b) cause some degree of specialization, and (c) investigate and study a law-related social or administrative problem. For instance,

a nagging problem which confronts us today is the clogging of court dockets. Lawyers must therefore turn to extrajudicial processes of solving conflicts. Through an elective subject – Alternative Dispute Resolution – the law schools can familiarize students with negotiation, compromise and arbitration techniques.

If desired, a law school may also assemble all its elective subjects along a particular field of law to which a law school may want to be identified with. Thus, Far Eastern University may want to specialize in labor law, or Jose Rizal College may want to be known for its business law. Every law school will therefore have its own strength and students can select their school on the basis of their intended specialization.

Problems and Recommendations

It is, of course, recognized that the model curriculum will not answer all the problems of legal education. In fact, its strengths occasion flaws. Thus, because each law school may have a different set of electives, a transferring student may encounter enrolment problems. It is therefore proposed that insofar as *electives* are concerned, each law school recognize and credit the number of units taken, rather than the subject of the elective. Some law schools may also require more units for certain core subjects than other law schools. A transferring law student may therefore encounter again a problem when transferring schools. It is suggested that insofar as *core* subjects are concerned, the law schools should look at the course description, rather than the number of units. Thus, if the content or coverage is the same, then, with the approval of the Bureau of Higher Education, a law school where a student transfers may be allowed to adjust the number of units to suit its curriculum. For instance, a law school allots one unit for Land Titles and Deeds and the student passes such subject. When he transfers to another law school which requires 2 units of Land Titles and Deeds, the student may be deemed to have complied wth the latter school's requirement, provided that the content and coverage of the subject Land Titles & Deeds are the same as in both schools.

Conclusion

A more meaningful law curriculum can be prepared if the Bar examination limits itself to testing fundamental knowledge of the law and the acquired skills of the students. For it is virtually impossible to know all the laws and decisions. As long as the student is properly trained to research, computers will enable him to search and find laws and decisions necessary for his case. The Clinical Legal Education Program which trains students in the actual practice of law is also a gauge to his ability to practice. By limiting the coverage of the Bar exams, the law schools will have more curricular time to design more relevant and meaningful law subjects. But it has always been difficult to initiate change, and this model curriculum is a positive step towards that direction.