

**INROADS**  
ALG Study Series



Baseline Study of Law Schools:  
Human Rights Offerings and Programs

Curriculum Review and Development  
Towards Alternative Lawyering

Atty. Ma. Ngina Teresa V. Chan-Gonzaga



Ateneo Human Rights Center

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The Alternative Law Groups (ALG), Inc. is a coalition of eighteen non-governmental organizations that are engaged in alternative or developmental legal practice. Each member organization has its own priority programs and concerns, and operates within selected areas of operation. Despite the differences in the ALG members' programs, activities and strategies, their work covers the following major components: Education, Policy Reform Work, Direct Legal Services, Research and Publication, and Test Case Litigation.

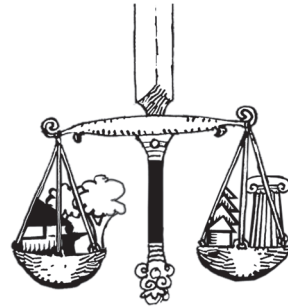
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# INROADS

The word “inroads” can mean two things. First, it may refer to an invasion or encroachment into enemy territory. Second, it may refer to small pathways to the mainstream, or a movement from the margins to the middle-of-the-road. In both meanings, the term “inroads” signifies a major impact, a significant change. Thus, “making inroads,” in turn, means starting to have a direct and noticeable effect on something.

As a coalition of legal resource organizations that are engaged in developmental lawyering with the poor and marginalized, the Alternative Law Groups, Inc. (ALG) seeks to make inroads. In its dual work of empowering the poor and marginalized groups and effecting access to justice reforms, the coalition wants to make an impact on the lives of the people and communities it works with. The coalition also wants to achieve significant changes in public policy.

As part of its advocacy, the ALG presents this publication as a venue for various studies on justice issues affecting the poor and marginalized. Since genuine policy reform must indispensably be rooted in realities on the ground, this publication attempts to put forward issues of the poor and marginalized into the policy arena.

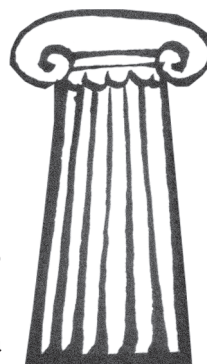
This study series serves as paths that enable views from the margins to make their way into discussions and debates about policies. In a sense, it is also an invasion, albeit neither forcible nor destructive, an encroachment of sorts where ideas and voices from the grassroots penetrate unfriendly territory.

May this publication serve as one of many inroads that will ultimately give the poor and marginalized greater access to justice.

MARLON J. MANUEL  
Project Director  
ALG  
JURIS Project

# Baseline Study of Law Schools: Human Rights Course Offerings and Programs

Atty. Ma. Ngina Teresa V. Chan-Gonzaga



## INTRODUCTION

AS PART OF the JURIS Project for the formation of students in law schools towards alternative lawyering, the Ateneo Human Rights Center (AHRC) conducted this baseline study between January and April 2003 to provide data to the Alternative Law Groups (ALGs) on the situation in law schools regarding human rights course offerings and legal aid/internship programs.

## SIGNIFICANCE AND OBJECTIVES

The ALGs have identified the internship program (as well as curriculum development) as a priority project as they recognize that while focusing on the justice reform agenda, they must also devote equal attention to efforts at ensuring the sustainability of their work.

One approach to ensure such sustainability is through the formation and training of students in law schools around the country, particularly those schools with legal aid units.

This study aims to provide information which will be useful to the ALGs in formulating their plans to tap law students and law schools across the country.

The basic objective of this baseline study is to see which law schools in the country presently have subjects or electives in human rights as well as programs on legal aid, internship and human rights. It also aims to establish which law schools have clinical legal education course offerings which, even if not geared at present

towards alternative lawyering, may later be tapped as a venue for such.

## SCOPE AND LIMITATIONS

“Human rights subject or elective” in the context of this study means a course offering on human rights in general or on specific aspects of it, e.g., gender, children’s rights, etc.

“Clinical legal education subject” is operationally defined as any course offering which integrates an academic and theoretical course with clinical or practical applications, i.e., court appearances, etc.

“Internship program” may be a compulsory requirement or of the voluntary kind. Courses like Practice Court, Practicum, Legal Internship and the like are treated either as clinical legal education subjects when involving active participation in case handling or as mandatory internships when serving a requisite number of hours at a law office and the like is required.

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Although this study aimed not only at establishing which schools had subjects in human rights and which had programs in place for legal aid, internship and human rights advocacy, but also to check into alumni of law schools who are into alternative and public interest lawyering, this second aim was rendered unfeasible since none of the schools had records of current work placements of its alumni. While some schools could name a few alumni in alternative law, such information was neither verified, official, nor comprehensive.

It is also unfortunate that a veritable trove of information could have been the records of the Commission on Higher Education but such government agency proved to be most unforthcoming.

As reflected below, another limitation is the fact that although all the schools were contacted, there were law schools which failed to provide the data requested despite ample time and constant follow-up.

Lastly, it was quite alarming to note just how many lawyers, even law deans at that, were ignorant about what alternative law is. The data gathering phase of this study also became a learning opportunity for the respondents as there was a frequent need to explain the concept of alternative law to them.

## METHODOLOGY

During the course of this study, a discovery was made that there is no complete and comprehensive up-to-date list of law schools in the country. Hence, at the beginning of the data gathering, such a list was drawn up – a composite of those obtained from the Philippine Association of Law Schools, the Commission on Higher Education, and the Office of the Bar Confidant.

To obtain the data from the individual law schools, an information sheet was drafted to cull the pertinent information. The information sheet basically asked the following questions:

- Does the school offer human rights electives? If yes, please supply the titles and a short description of the said electives.
- Does the school have a Clinical Legal Education subject? If yes, please supply the official course title and a short description of the subject.
- Does the school have a Legal Aid Program? If yes, please supply the formal name and a description (or a brochure, if any) of the program.
- Does the school have an Internship Program? If yes, please supply the formal name and a description (or a brochure, if any) of the program.
- Does the school have a Human Rights Program? If yes, please supply the formal name and a description (or a brochure, if any) of the program.

The information sheet also included a request for the school's course outline/curriculum and a list of the electives being offered by it.

The information sheets were personally delivered and followed up when possible, or faxed or mailed through courier service depending on the preference of the contact person in the area or in the school.

A letter to the dean of the law school almost invariably accompanied the information sheet as he/she was the preferred respondent. The dean could, of course, refer the matter to another individual, be it administrator, faculty or student, of his/her choice.



## BASELINE STUDY OF LAW SCHOOLS



While this was the case in most instances, certain factors (e.g., absence, non-cooperation, vague information) dictated resorting to other respondents to augment the information gathered. Such secondary respondents were usually other students, alumni or professors.

The year-end reports of the ALG Internship clusters were also invaluable in verifying certain information.

## ORGANIZATION OF THE STUDY

The law schools are taken up by Philippine administrative regions. Data gathered are presented in tabular form although a narrative section usually follows to include information shared by respondents whether such information was given as a clarification of their programs or a justification for the lack thereof. A synthesis of the study in tabular and graphical form is included.





**TABLE 1:**  
**REGION I. ILOCOS REGION**

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Don Mariano Marcos Memorial State University	x	x	x	x
Lyceum Northwestern University	x	x	x	x
PAMETS	x	x	x	x
Northwestern University	x	x	x	x
St. Louis College	x	x	x	x
University of Northern Philippines	x	x	x	x
University of Pangasinan	x	x	x	x
Virgen Milagrosa University Foundation	x	x	x	x



**Lyceum Northwestern University's** law school is quite new and its very first graduates just took the bar examinations in 2003.

It bears pointing out that **PAMETS** in Agoo, La Union is only on its 1st year of operation under a CHED temporary permit.

The **University of Pangasinan** does not have human rights electives; they admit that their electives are focused on Remedial Law subjects. Even their Practice Court involves court observation only and not participation.

The law school of the **University of Northern Philippines** is only on its 3rd year of operation.

**Virgen Milagrosa University Foundation (VMU)** used to have a university-based Human Rights Committee but this is no longer active. Based on its catalogue, the VMU College of Law will require its students to undergo apprenticeship training in the actual practice of law aside from the regular classroom work as soon as the Supreme Court approves its application for a Clinical Legal Education Program pursuant to Rule 138-A of the Rules of Court. Under this program, students who have completed the 3rd year of the four-year law course will engage in student practice by handling civil, criminal and administrative cases before a trial court, tribunal or board on behalf of indigent litigants, without compensation, under the supervision of a duly accredited member of the Integrated Bar of the Philippines.

While none of the schools have a school-based internship program, it bears noting that the Northern Luzon cluster of the ALG Juris Internship Program was able to tap three schools to send students to attend the Basic Orientation Seminar on Human Rights and the Environment in February 2004, namely: Lyceum Northwestern University, University of Pangasinan and Virgen Milagrosa University.

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While included in the lists of law schools compiled by the Commission on Higher Education (CHED) and the Office of the Bar Confidant (OBC), the Divine Word College of Laoag does not offer a law degree.

TABLE 2:  
REGION II. CAGAYAN VALLEY

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Cagayan Colleges Tuguegarao	x	✓	x	x
Cagayan State University	✓	x	x	x
Isabela State University	x	x	x	x
Northeastern College	x	x	x	x
St. Ferdinand College	x	✓	x	x
St. Mary's University	x	✓	✓	x
University of La Salle	x	x	x	x



The **Cagayan Colleges Tuguegarao** offers an LLB-MBA Program. Students enrolled in Practicum 6 are required to go to court and assist in cases coming from IBP Cagayan.

**Cagayan State University** offers courses on Women, Children and the Law (2nd year) and on Human Rights (3rd year). It doesn't appear to have a separate clinical legal education subject although the respondent noted that such was incorporated in Legal Profession. It does not have a legal aid or human rights program and what the school considers as "internship" appears to be only a court observation project of sorts but no active participation from the students.

**Isabela State University's** pioneer batch is only in its 2nd year. And while the respondent's answer to the query of whether the school offered a clinical legal education subject was: "Yes, incorporated in

many ways in Legal Profession and Ethics”, this does not appear to be truly a clinical subject offering.

Northeastern College’s law offering is new; it produced its first batch of lawyers only in 2001.

St. Ferdinand College (SFC) was established only in 2000. While the school does not have a formal SC-approved clinical legal education subject, their seniors appear in the MTC court and handle cases. SFC coordinates with the MTC and has started such program this year as part of Practice Court 1 and 2. However, they do not have a systematized form of monitoring yet.

Currently, St. Mary’s University (SMU) has a Legal Assistance and Information Clinic where people may inquire regarding their legal problems and are given advice. It doesn’t have an official internship or human rights program although some students do work informally on IBP legal aid cases. Legal Rights and Natural Resources Center – Kasama sa Kalikasan/Friends of the Earth – Philippines (LRC) Luzon, however, has commenced endeavors to introduce law students in SMU to the concept of alternative lawyering by holding a Basic Orientation Seminar in line with the ALG JURIS Internship Program during the summer of 2004. LRC representatives have met with the law dean and introduced the program. The dean agreed with the idea of an orientation seminar on the condition that a pre-orientation meeting be conducted with the students to clarify the activity and to enlist their help in conducting the activity.

University of La Salette’s law school is a new one with its first batch only in 4th year. It is still in the process of refining its curriculum. While they do not have an internship program, the administration is very open to the idea of one when the ALG Juris Internship Program was discussed.



**TABLE 3:**  
CORDILLERA ADMINISTRATIVE REGION

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Abra Valley College	x	x	x	x
Baguio Colleges Foundation	x	✓	x	x
Cordillera Career Dev't College	x	✓	x	x
Saint Louis University	x	✓	x	x
University of Baguio	x	x	x	✓

**Abra Valley College** has a population of only 23 students as its pioneer batch is only in its 2nd year. It does not have a legal aid program although one is in the planning stage when the students reach 3rd year.

**Baguio Colleges Foundation (BCF)** has a clinical legal education subject in the form of an integrated Legal Profession and Practice Court.

**Cordillera Career Development College (CCDC)** is new, its 1st batch having just taken the bar in 2003. It has the same practicum requirements as SLU (see below) except that the academic subjects integrated with legal practicum are as follows: Legal Research, Legal Writing, Land Titles and Deeds, Legal Counseling, Legal Forms, and Practice Court.

**Saint Louis University (SLU)** requires 320 hours of Legal Practicum (40 hours per semester) which is integrated in various academic subjects, namely: Legal Research and Writing, Statutory Construction, Election Law, Public International Law, Land Titles and Deeds, Advanced Legal Writing and Legal Forms, Practice Court 1 and 2. The respondent for SLU stated that 1st year students get assigned to



the katarungang pambarangay, 2nd year students to government offices/NGOs, 3rd year students to law offices, and 4th year students to courts, under the supervision of a senior attorney.

SLU does not have a concrete legal aid program yet. The only time they conduct legal aid is during University Week. However, 19 students completed the Court Appointed Special Advocate/Guardian Ad Litem (CASA/GAL) Volunteer's Training in 2003 which equips them for work with children. It also gives the law students a chance to make a contribution to the community, to experience hands-on learning about the situation or work area, and to be given an avenue where exchange of ideas with other people is achieved.

**University of Baguio (UB)** does not offer any human rights elective yet but there are human rights seminars which have been scheduled in coordination with FLAG and which students are required to attend. The school does not have a clinical legal education subject yet; the course that comes closest [to it] is Legal Profession.

UB does not have any human rights program although the respondent states that there are plans for one. Neither does it have a formal legal aid program although it has joined other law schools for legal aid missions twice during the second semester of school year 2003-2004 where students went on a voluntary basis. Furthermore, University Days celebration usually includes an activity where legal assistance is provided. As for internship, Practice Court 1 to 3 involves exposure to law offices and court observation supervised by the clerk of court.

It bears mentioning that there is an organization in the general area called the Cordillera Paralegal Volunteers Organization (CPVO). The ALG Internship Cluster operating in Northern Luzon, through ALTERLAW and PANLIPI, has sought to make the members of the CPVO capable of becoming effective paralegals for People Living With HIV AIDS (PLWHA), Children In Conflict with the Law (CICL) and abused children in Baguio City. In October 2003, a Paralegal Training for law students in Baguio City was held for the CPVO to become effective paralegals for CICL in Baguio City. There were 12 participants representing four universities, namely: BCF, CCDL, SLU and UB.



TABLE 4:  
REGION III. CENTRAL LUZON

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Araullo University	x	x	✓	x
Fernandez College of Arts & Technology	x	✓	x	x
Harvardian Colleges	✓	x	x	x

**Araullo University**, for its part, does have a legal aid program but the cases of indigent clients referred to the school are not handled by students but by selected law professors. A radio program, “Alamin ang Batas”, at DWNE is likewise hosted by law professors who are assisted by law students.

**Fernandez College of Arts & Technology** requires Legal Practicum 1 and 2 which involve practical work in various trial courts. While the school does not have a formal legal aid program, it does render legal aid to nearby barangays.

The law school at **Harvardian Colleges** offers a human rights “elective” which is more of a mandatory subject than a real elective since all 4th year students are required to take it.<sup>1</sup>

While included in the lists of law schools compiled by the Commission on Higher Education (CHED) and the Office of the Bar Confidant, the following schools no longer offer a law degree:

- East Central Colleges
- Wesleyan University
- Virgen de los Remedios College

<sup>1</sup>No description of this subject could be provided as the professor was on leave and the dean had no record of course descriptions.



## BASELINE STUDY OF LAW SCHOOLS

TABLE 5:  
NATIONAL CAPITAL REGION

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Adamson University	✓	x	✓	x
Arellano University (main)	✓	✓	✓	✓
Ateneo de Manila University	✓	✓	✓	✓
Far Eastern University	x	x	✓	x
Jose Rizal University	x	x	x	x
Lyceum of the Philippines	x	x	x	x
Manuel L. Quezon University	x	x	x	x
New Era University	x	x	✓	✓
Pamantasan ng Lungsod ng Maynila	x	x	✓	✓
Philippine Christian University	✓	x	x	x
Philippine College of Criminology (Manila Law College)	✓	x	x	x
Philippine Law School Lacson College	-	-	-	-
San Beda College	✓	✓	x	x
San Sebastian College-Recoletos	x	✓	✓	✓
University of Manila	✓	x	x	x
University of Sto. Tomas	x	✓	✓	✓





Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
University of the East	x	✓	✓	✓
University of Perpetual Help-Rizal	✓	x	x	✓
University of the Philippines	✓	✓	✓	✓

**Adamson University** offers electives on Human Rights in general as well as on Women’s and Children’s rights. The University’s Legal Aid Clinic was organized in 1967 with the aim of helping destitute litigants and to help ameliorate their lot by securing justice for them. It is staffed by the law faculty and students and extends free legal services and assistance to poor litigants in all courts in Metro Manila and nearby places. The Legal Aid Clinic has been duly recognized by the Supreme Court since 1991.



The Human Rights elective of **Arellano University** is a 2-unit subject focused on the aspects of protecting, defending and seeking redress for violations of human rights in the Philippines. It includes a discussion on the Commission on Human Rights, international agreements relating to human rights like the UN Declaration on Human Rights, the Genocide Convention, and the Torture Convention. It also includes current events involving human rights violations.

As for Arellano’s 2-unit course on Clinical Legal Education, this is basically supervised student practice under Rule 138-A of the Rules of Court including conference with clients, preparation of pleadings and motions, appearance in court, handling of trial, and the preparation of memoranda. Additionally, Practicum I includes practical work like exposure to interviews, police and other investigations, out-of-court settlements, pre-trial negotiations and plea bargaining in criminal cases. The school also has a Legal Aid Office that is in charge of supervising the actual courtroom practice of 4th year law students. Likewise, it renders free legal assistance to indigents in adjoining communities.

**Ateneo de Manila University** offers various human rights and alternative law electives to its juniors and seniors, namely: Human Rights, Gender and the Law, Environmental Law, Indigenous Peoples and the Law, Refugee Law, and Humanitarian Law in Armed Conflicts. It also offers Clinical Legal Education I and II to 3rd year and 4th year students.

The Ateneo Human Rights Center (AHRC) was established in 1986 and is one of the first university-based institutions in the Philippines engaged in the promotion and protection of human rights. Attached to the law school, the AHRC has the following objectives: 1) to form human rights lawyers and advocates; 2) to make justice more accessible to victims of human rights violations; 3) to monitor government compliance with human rights instruments; and 4) to educate the public on laws and human rights. AHRC is engaged in providing legal assistance, research and publication, law and policy reform advocacy, education and training, institution building, law school curriculum development and values formation, and has a fully-developed desk on children's rights and special desks on the rights of women, migrant workers, and indigenous peoples. The Internship Program is the pioneer program of AHRC. It aims to introduce students nationwide to grassroots life and to human rights advocacy. The program was conceptualized to address the need for more peace and human rights advocates who are knowledgeable in the law and the Philippine legal system. AHRC also administers the Legal Aid Program of the Ateneo Law School. Its lawyers handle cases under the program with the support of student interns. Volunteer lawyers, mainly alumni interns and graduates of the Ateneo Law School, also render service for free. *[Editor's Note: Beginning school year 2004-2005, the legal aid program of the Ateneo Law Schools is now administered by the Ateneo Legal Services Center (ALSC).]*

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**Far Eastern University** has no clinical legal education subject, just Practice Court I and II that usually involves mere simulation although the professor is not prohibited from requiring actual court work. The school does have the Legal Aid Bureau which has an agreement with Glen Foundation to provide legal assistance to the Manila City Jail decongestion project.

**New Era University** started only in 2000 but has already applied for the accreditation of its legal aid program. It already has an informal Legal Aid Office with a faculty member assigned to supervise



the legal aid clinic and the student volunteers, to entertain clients and to evaluate case problems. Most, if not all, of the cases the Office handles are cases of indigent members of the Iglesia ni Cristo referred by the Church administration and the Church's legal department since the latter handles mostly church cases like land registration.

**Pamantasan ng Lungsod ng Maynila** is still awaiting the SC's resolution on its application for a clinical legal education program. While it does not have a formal legal aid program which assists in litigation of indigents' cases, the school does have the Alternative Lawyering Center (ALC) which gives paralegal advice to the different barangays particularly the urban poor in the City of Manila. The ALC also operates an internship program by conducting a Basic Orientation Seminar during the semestral break for interested law students who want to be aware of the plight of the marginalized and which students are then sent to the different NGOs in Manila who serve the marginalized sectors of society.

**Philippine Christian University** requires 2nd year students to take a one-unit course on Human Rights Advocacy during the first semester.

The **Philippine College of Criminology [Manila Law College]** requires 2nd year students to take up a course on Human Rights. This subject takes up the definition of human rights, the theories as to the sources of human rights, the Universal Declaration of Human Rights, civil and political rights, the Bill of Rights, economic, social and cultural rights, discrimination and the situation of vulnerable sectors.

The SC has just approved the Clinical Legal Education Program of the **San Beda College of Law (SBC)**. While SBC does not offer a human rights elective, the required Seminar 3 (1st semester, 2nd year) deals with the definition and analysis of justice as well as related concepts such as human dignity, freedom, rights, nationalism and development.

**San Sebastian College-Recoletos'** clinical legal education offering comes in the form of Practice Court I which involves the actual preparation and drafting of complaints, petitions, answers, motions, briefs and other pleadings before tribunals and exercise in the art of effective oral advocacy based on actual cases handled by the Sebastianian Office of Legal Aid (SOLA) which also oversees the legal



aid program where 4th year law students are allowed to appear in courts and other administrative bodies as law interns. SOLA currently has a Memorandum of Agreement with the Department on Social Welfare and Development so most of the cases involve adoption. SOLA also manages the internship program which students in Practice Court 2 undertake.

While a human rights elective is offered at the **University of Manila**, the dean noted that no one ever enrolls and the class is invariably dissolved every year.

The **University of the East's** clinical legal education offering is embodied in its Practice Court. Its legal aid program is administered by the University of the East Legal Aid Clinic (UELAC) which is a duly organized legal aid organization accredited by the SC and which primarily aims to provide free legal assistance to qualified indigent clients and, at the same time, allows qualified law students to handle legal controversies which include actual court cases under the supervision of a practicing lawyer. The UELAC operates under an Executive Director with the support of volunteer lawyers from the UE Law Faculty and/or from the UE Law Alumni Association as well as 4th year law students enrolled in Practice Court. The targeted beneficiaries of UELAC are the indigents residing in the Sampaloc/ University Belt area and whose legal controversies are within the territorial jurisdiction of the courts in Manila.

**University of Perpetual Help in Rizal (UPHR)** requires all 3rd year law students to take Human Rights during the 1st semester. This subject is a study of the law and jurisprudence on the protection of human rights including the functions of the Commission on Human Rights. UPHR also requires graduating students to complete not less than 50 hours of apprenticeship in a court or office where, without any financial obligation on the latter's part, the student will assist in the trial of at least one case and perform such other legal services as may be assigned to him or her.

**University of the Philippines (UP)** offers human rights electives such as Women's rights, Environmental Law, and Law and Society (which, according to the UP respondent, is taught from an alternative and developmental perspective). Law and Society in fact incorporates a month-long internship with an NGO in the summer as part of the course requirements.



UP's Office of Legal Aid (OLA) was established in July 1974. As it developed, its objectives were expanded into the following: (1) to provide free legal services to those who cannot afford it; (2) to provide law interns practical experience and learning opportunities from actual handling of legal problems, albeit, confined to those faced by the poor; (3) to conscientize them to the plight of the poor and oppressed sectors in society; (4) to help improve the administrative disciplinary proceedings against erring members of the Bar, and (5) to assist in law reform activities. Students are required to render a specified number of hours of service to the OLA. The Institute of Human Rights (IHR), on the other hand, is concerned with the protection and promotion of human rights, including the political, civil, economic, social and cultural rights of the people, especially those of indigenous cultural communities, the urban poor, the working class, and the peasantry. The research assistants of the IHR are mostly law students.



**TABLE 6:**  
REGION IV-A CALABARZON

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Manuel S. Enverga University Foundation	-	-	-	-
San Pablo Colleges	✓	x	x	x
University of Batangas	x	✓	✓	✓
University of Perpetual Help-Laguna	x	x	x	x

**San Pablo Colleges** offers a “mandatory” elective of Human Rights for 2nd year students during the 1st semester. The study focuses on the aspects of protecting, defending and seeking redress for violations of human rights in the Philippines.

While the **University of Batangas** opened in 1951, it was closed in the 1970s and only reopened in 1993. The school’s clinical legal education program was accredited in 2002 by the Supreme Court. It

requires the seniors enrolled in Practice Court 1 and 2 to work with the Prosecutor’s Office and the Public Attorney’s Office (PAO). The University also has a Legal Aid Office which was created in 1999 and which used to coordinate with PAO but which now works with the Integrated Bar of the Philippines (IBP) for legal aid referrals.

While included in the lists of law schools compiled by the CHED and the OBC, the International Harvardian University does not offer a law degree.

TABLE 7:  
REGION IV-B MIMAROPA

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Luna-Goco Medical Center & College	-	-	-	-
Palawan State University	✓	✓	✓	✓

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The administration of **Luna-Goco Medical Center and College** could not offer any assistance nor divulge any information without the consent of their Dean who in turn was inaccessible during the period of the research.

**Palawan State University (PSU)** offers a 3-unit course in Human Rights Law which is a study of the general principles of Human Rights and the aspects of protecting, defending and seeking redress for violations of human rights. The course includes the study of national and international instruments promoting and protecting human rights. PSU also offers a course entitled Rights of Women, Children and Indigenous Peoples which is a study of the basis of discrimination and of national and international laws promulgated to combat all forms of discrimination.

As for clinical legal education, PSU requires students to enroll in Practicum 2 which involves student participation in trial work, including the preparation of trial briefs and methods of presenting evidence, under faculty supervision.

PSU School of Law Developmental Law Center focuses on environmental protection, women, youth and children's rights, and indigenous peoples' rights. It provides free legal assistance to indigent litigants on cases which involve the sectors mentioned. The Center also serves as the legal laboratory for law students where they are able to apply theoretical knowledge to actual cases under the supervision of a faculty member.

While the school does not have an internship program in place yet, it proposes to have a Summer Internship Program where the incoming 4th year students will be required to undergo a month-long summer internship in governmental and non-governmental offices dealing with legal matters accredited by the school. The school also intends to have a Human Rights Program. At the moment, it has an annual Neil Montejo Human Rights Award for the best paper or project by law students in Human Rights in honor of the first donor for a human rights undertaking. PSU intends to have a full program for the study, promotion and protection of human rights.

While included in the lists of law schools compiled by the CHED and the OBC, Holy Trinity College and Abada College do not offer a law degree.



TABLE 8:  
REGION V. BICOL REGION

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Aemilianum Institute	✓	x	x	x
Aquinas University of Legazpi	-	-	-	-
Bicol College	x	x	x	x
Masbate College	✓	✓	x	x
Tabaco College	x	x	x	x
University of Northeastern Philippines	x	x	x	x
University of Nueva Caceres	x	x	✓	x

20



**Aemilianum Institute** is a new school with no graduates yet. While they do have a human rights elective which the freshmen are required to take, they have had no time to put up other programs yet.

[Editor’s Note: It has come to the attention of the editor that **Aquinas University** has started to offer a mandatory human rights elective. At the moment, it is a 1-unit subject taught in seminar-type sessions but the dean is studying the feasibility of upgrading it to two units. While its application for a formal clinical legal education program is still pending with the Supreme Court, the school is accepting legal aid cases already on a limited scale.]

**Bicol Colleges** has no clinical legal education subject but is in the process of developing one.

**Masbate Colleges (MC)** offers Advanced Constitutional Law Seminar as an elective. This seminar course takes up human rights. Clinical legal education subjects are offered in the form of Practicum 1, 2 and 3 which deal with formulation of legal theories, practice procedures, pleadings, client interviews, etc. MC does not have a legal aid program as yet but it is seriously considering instituting one.



**Tabaco College** was only established in 1996.

While the respondent for the **University of Northeastern Philippines** (UNEP) answered that the school maintains a Legal Internship course as one of the regular subjects in the College of Law, this is not reflected in the syllabus provided. UNEP does not have a formal legal aid program but all law professors including the Office of the Dean are regularly requested by the UNEP Administration to extend their legal services to residents of the RINCONADA district.

The **University of Nueva Caceres** (UNC) College of Law has only very recently set up its Legal Aid Office. This is in keeping with its objective to immerse students in the mechanics and pursuit of the legal aid program in cooperation with the local chapter of the Integrated Bar of the Philippines.

At present, while there is no formal school-based internship program, some UNC students volunteer with Saligan Bicol. In a recent meeting with the UNC Dean, the ALG Internship Bicol cluster offered to submit a project proposal outlining the possible engagement of ALG interns in the College's Legal Aid Office. The Dean was very open to the idea and to the suggestion that the participation of the students in the internship program be recognized as their practicum.

As to the subject of a clinical legal education course, while the respondent answered that UNC has no such offering, it bears noting that the syllabus mentions Practicum I (PAO Office Procedure), Practicum II (Prosecutor's Office Procedure), and Practicum III (Office of the Clerk of Court and Court Procedure).



TABLE 9:  
REGION VI. WESTERN VISAYAS

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Aklan College	x	x	x	x
Central Philippine University	x	x	x	✓
Collegio de la Purisima Concepcion	x	x	x	x
University of Iloilo	x	x	x	x
University of Negros	x	x	x	x
Occidental-Recoletos	x	x	x	x
University of Saint La Salle	x	x	✓	✓
University of San Agustin	✓	x	✓	✓

**Central Philippine University (CPU)** requires its incoming seniors to register for Practicum (3 units) during the summer. The students are deployed to the PAO and law firms for observation. Some students do get to assist in handling cases but this is not often the case.

**University of Negros Occidental-Recoletos's** student organization in the College of Law is affiliated with PANLIPI but there is no formal internship or legal aid program.

**University of Saint La Salle** has a legal aid program run by the Law Center. It handles cases involving women and children, illegal fishing, illegal logging and other interest group cases. The Human Rights Program is also under the Law Center in coordination with the University's Community Extension Program (CEP-Balayan) with focus on children's rights and issues of armed conflict. The Legal Internship Program is run by the students under a Student-Convenor. It has sent students to intern with AHRC, the Environmental Legal Assistance Center (ELAC), Saligan, and local NGOs.



**University of San Agustin (USA)** requires that students take up Natural Law II which has Human Rights as the main component of the course.

USA also has the Martin de Rada Human Rights Desk which is a special section of the University's Institute for Social Development Issues and Initiatives. It is committed to the promotion and protection of human rights in the Western Visayas region. The Desk engages in massive and extensive human rights education and advocacy activities, undertakes research on and documentation of human rights and other related cases in Western Visayas, and facilitates the provision of legal aid and other related support services to indigent clientele through the University's Center for Alternative Law (CAL) and other support institutions. The Desk also has a volunteer group called the Augustinian Advocates for Justice and Peace which functions as the main arm of the Desk in its HR advocacy work.

In the law school of the University itself, it is the CAL which endeavors to address the growing concerns on alternative law specifically focused on the advocacy and promotion of the rights and privileges of the special sectors in society. It caters to activities focusing on trainings and continuing legal education in areas of alternative law, establishes and responds to collaborative efforts with other alternative law groups in providing legal expertise and training for special interest sectors in society, organizes paralegal trainings and deployment of law student volunteers with aptitude for alternative lawyering, and develops alternative disciplines to be offered as elective subjects in the law curriculum. Its concerns include human rights, policy advocacy, people empowerment, indigenous peoples, environmental concerns, local government, political reforms, international humanitarian laws, gender issues, etc. Some of its partner institutions include the ALG and the IBP.



TABLE 10:  
REGION VII. CENTRAL VISAYAS

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Bohol Institute of Technology	-	-	-	-
Foundation University	x	x	x	x
Holy Name University	x	x	x	✓
Silliman University	x	x	✓	x
Southwestern University	x	✓	x	✓
University of Bohol	x	x	x	x
University of Cebu	x	x	x	x
University of San Carlos	✓	✓	✓	✓
University of San Jose Recoletos	x	x	✓	x
University of Southern Philippines	✓	x	x	x
University of the Visayas	x	x	x	x



**Holy Name University** requires students to take up Legal Internship which involves court observation among other things.

**Silliman University** does not have a formal human rights offering although the Silliman respondent was quick to point out that their Environmental Law as well as Agrarian Law and Social Legislation have human rights implications. As the University is at the forefront of the environmental movement, it has established the Legal Environmental Advocacy Program (LEAP) which is a legal research and extension program specializing in the legal foundation and implications of a community-based resources management system. It also caters to the needs of indigents who have been displaced or adversely affected by the degradation of the environment.

Introduction to Law (Law 111) and Legal Counseling (Law 306) provide the students with an avenue for practical work as they are assigned to different courts, government agencies and law offices to render services for a required number of hours. LEAP also serves as a legal laboratory for the students to hone their skills in legal counseling, advocacy, negotiations, and conflict resolution. LEAP emphasizes environmental protection, particularly of the coastal environment, through legal research, legal education, legal and paralegal advocacy and community involvement. *(Editor's Note: Subsequent to the period covered by this study, the dean of Silliman Law announced plans of offering a human rights course beginning 2005.)*

Southwestern University's legal aid office, the Legal Aid Center (LACE), is but a paralegal arm of the Society of Law Students (SOLAS). It does have clinical legal education offerings, CLE I (Law 417) and CLE II (Law 427), which provide the students with an avenue to handle actual cases, observe court proceedings, interview clients, draft pleadings and learn other areas for alternative lawyering. CLE I is offered to senior law students in the first semester as an initial program for internship and is designed to provide a venue for students to handle actual cases pending in court and any tribunal or quasi-judicial agency and, in the process, apply their theoretical knowledge in law and the rules of procedure. CLE II is offered in the second semester as a continuation program for internship. It is interesting to note that the CLE course outline incorporates not only the usual trial techniques but also a section on alternative lawyering. At present, the University has tapped PAO and ELAC for a limited internship program.

University of Cebu is only on its second year.

University of San Carlos requires all freshmen to enroll in the 2-unit Human Rights of the Child course which is a study of the Convention on the Rights of the Child as it relates to the Philippine legal system. This offering is intended to raise consciousness among law students on the rights of the child under the Convention and the Philippine legal system and ultimately develop lawyers who can provide adequate protection urgently needed by children, whether in terms of direct legal aid before the courts, legislation or policy formulation, or advocacy work.



USC's clinical legal education program was just approved by the SC in February 2004 subject to the adjustments recommended by the sub-committee on Clinical Legal Education.

The USC – Center for Legal Aid Work (CLAW) is the College of Law's Community Extension Program and is in charge of their legal aid, internship and human rights program.

**University of San Jose-Recoletos (USJR)** has very clear ideas as to what it wants its graduates to be. In its statement of objectives, the law school explicitly provides that it expects its students to “be involved with community projects which provide legal assistance to indigent families, non-formal education programs in matters relating to law and order, and other activities which call for legal expertise.” This is why its students are highly encouraged to participate in the University's Community Outreach Program (COP). Moreover, the law school recently launched the Legal Aid Rights Advocacy (LARA) Center. LARA Center has conducted legal aid clinics and has been approached by the Parish Pastoral Council of Mt. Carmel Parish Church to team up and engage in a joint activity in jail visits and other legal aid works.

**University of Southern Philippines** requires first year students to take up LS 118 (Human Rights) which is a study of human rights as enshrined in the Universal Declaration of Human Rights, and Rights of the Child as provided in the European Convention as well as the Philippine Constitution.

While the **University of the Visayas** does not have a formal legal aid program, its students act as paralegals occasionally.

Noteworthy is the fact that the Central Visayas cluster of the ALG Juris Internship Program has had initial talks with the deans of Siliman University and Foundation University in Dumaguete City and both expressed willingness to send students for the Summer Internship Program. They are likewise open to the idea of introducing the concept of alternative lawyering in their schools through a forum or talk especially during the orientation conducted at the commencement of the school year.



**TABLE 11:**  
REGION VIII. EASTERN VISAYAS

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Christ the King College of Calbayog	x	✓	x	x
Don Vicente Orestes Romualdez Educational College	x	x	x	x
Eastern Samar State College	-	-	-	-
Leyte Colleges	x	x	x	x
Our Lady of Mercy College	x	x	x	x
University of Eastern Philippines	✓	x	✓	x



**Christ the King College of Calbayog’s** 4th year students take up Practice Court 1 and 2, and help out in cases except for heinous ones. Under faculty supervision, students participate in trial court proceedings, including the preparation of trial briefs and methods of presenting evidence. While they may not have a formal legal aid program, the school is part of the Bantay Abuso Network [along with the Western Samar Development Program (WESADEP)]. The official organization of the law school, the Lex Circle, has an independent Human Rights Committee and assists in cases involving child victims, rape cases, and battered wives. The school does not have an Internship Program but does send students to law schools or NGOs who invite interns. For instance, students were sent to ELAC in Cebu and Tacloban in the summer of 2003.

**Leyte Colleges** has expressed its immediate plans to submit a petition to the Supreme Court for the approval of its clinical legal education program.

The **University of Eastern Philippines (UEP)** used to offer a clinical legal education subject before 2002 but not subsequent

thereto due to curriculum revisions. The UEP Legal Aid Clinic offers legal aid to indigent Northern Samar constituents. The Clinic is administered by 4th year students under the supervision of the Dean and a regular faculty member.

TABLE 12:  
REGION IX. ZAMBOANGA PENINSULA

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Andres Bonifacio College	x	✓	✓	✓
Philippine Advent College	x	x	✓	x
Pagadian College of Criminology & Sciences	x	x	x	x
Western Mindanao State University	x	x	x	x



**Andres Bonifacio College (ABC)** has a clinical legal education program approved by the SC in 1988. Students who have completed their 3rd year in the law school can enroll in CLED (2 semesters) in lieu of Practice Court. Enrollees are exposed to every facet of litigation in handling cases accepted by the legal aid clinic under a law professor who acts as supervisor. Acceptance of cases by the legal aid clinic follows a certain criteria including financial inability of the client to employ the legal services of well-known lawyers or law firms and the necessity of extending legal services to the client lest injustice be suffered by him.

ABC also requires 4th year students to take 6 units of Legal Internship and Office Practice. This course offering is conducted in the legal aid clinic since the latter is a law office in itself. However, students may be allowed, for special reasons, to work as externs in accredited offices and agencies while under the supervision of a qualified supervisor similarly supervising the students in the clinical legal education program of the school.

**Philippine Advent College** just opened in 1999. It has an informal legal aid program which has been in existence for two years now and which is aided by the IBP – Zamboanga del Norte Chapter.



**Western Mindanao State University** may not have a formal clinical legal aid program but senior students are allowed to become paralegal volunteers to assist detainees under the supervision of the Bureau of Jail Management and Penology (BJMP) officers. Their work is credited in Practicum I and II.

**TABLE 13:**  
REGION X. NORTHERN MINDANAO

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Liceo de Cagayan University	x	x	✓	✓
Xavier University	x	x	✓	✓
Bukidnon State University	x	x	x	x
Medina College	x	x	x	x
Western Mindanao State University	x	x	x	x



**Liceo de Cagayan University** has a legal aid organization called Center for Alternative Lawyering at Liceo (CALL). This organization has been duly recognized and accredited by the school in August of 2003. The ALG JURIS Internship Cluster of Northern Mindanao, through BALAOD-Mindanao has been very active with regard to the formation and strengthening of CALL by providing the core group continuous guidance and support for its organizational strengthening. CALL requires its members to render voluntary services in the summer to the different NGOs in Cagayan de Oro so as to know the social problems and injustices occurring in Northern Mindanao.

**Xavier University (XU)** has a legal aid program overseen by the Xavier University Center for Legal Assistance (XUCLA). This is a legal aid institution primarily founded to serve the needs of justice and which has three programs, namely (1) the Formation Program which aims at the integral development of its members as advocates of human rights and development lawyering and which includes paralegal training, exposure, immersion, and internship; (2) the Legal Aid Program which involves the provision of legal and paralegal work for the disadvantaged individuals and sectors that have been subjected

to human rights violations and other pressing legal issues and which entails research, consultation, counseling, and litigation; and (3) the Advocacy Program which is primarily concerned with the raising of consciousness of the general public regarding human rights issues, through publication, conduct of symposia, conferences, roundtable discussions, and other forms of advocacy relating to the promotion and protection of human rights.

**Bukidnon State University (BSU)** opened only two years ago. However, even if BSU's law degree is a newly established one, the ALG Internship cluster wanted to prioritize the establishment of a legal aid institution in this school as Bukidnon is one of the areas of both LRC and BALAOD. Meetings have been held with Dean Estrada and students. A general orientation on the internship program has already been conducted with the students and some professors in attendance.

TABLE 14:  
REGION XI. DAVAO REGION

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Ateneo de Davao University	x	✓	✓	✓
Cor Jesu College	x	x	x	x
University of Mindanao	✓	✓	✓	✓

According to its dean, **Ateneo de Davao University (AddU)** used to have a human rights course but this was taken out three years ago at the suggestion of the professor teaching it. AddU's clinical legal education offerings are officially called Practicum I and II. Students are given hands-on experience in the practice of law where they are assigned cases and are made to interview clients and prepare pleadings. The Ateneo Legal Aid Services Office is the unit which represents indigent litigants in courts and administrative bodies. It has two lawyers and serves as a forum for both legal aid program and CLED program. The Internship program is on a voluntary basis and volunteers are absorbed by the legal aid program. They also prepare pleadings and appear in courts and administrative bodies under the supervision of lawyers. There is no structured human rights program but the legal aid office gives preference to human rights cases.



There is also an organization of Ateneo de Davao law students called AddLaw which, while not recognized or accredited by the school, also conducts activities aimed at introducing students to grassroots life and human rights advocacy. This group participates in the ALG Internship Program.

**Cor Jesu College** used to have a legal aid program which was abolished five years ago as a cost cutting measure.

The **University of Mindanao (UM)** in Davao City has a number of human rights electives, namely:

- Human and Cultural Minority Rights
- Women’s and Children’s Rights
- Environmental Rights and Conservation

UM’s clinical legal education subjects are Practice Court 1 and 2. As for legal aid, the UM Legal Aid Program extends legal services to indigent litigants and provides an avenue for students to volunteer as interns.

While included in the lists of law schools compiled by the CHED and the OBC, the Tagum extension of the University of Mindanao does not offer a law degree.



**TABLE 15:**  
REGION XII. SOCSARGEN

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Mindanao State University - General Santos	x	x	x	x

The General Santos City campus of the Mindanao State University College of Law is but an extension, the main one being located in Marawi City (see Table 17).

TABLE 16:  
REGION XIII. CARAGA

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
San Sebastian College - Surigao	x	x	✓	x
Urios College	x	x	x	x

The legal aid program of the **San Sebastian College – Recoletos Institute of Law [Surigao City Extension]** is being administered through the Sebastianian Office of Legal Affairs (SOLA). The SOLA is fairly new as it has only started in school year of 2002-2003. The school being operated by the IBP, SOLA is connected with the IBP Free Legal Aid Program.

Even if no legal aid or internship program is in place yet at **Urios College**, the ALG Internship cluster working in Northern Mindanao has reported very promising progress. The ALG first visited the College in 20 February 2004. The purpose was just to establish contact and to meet with Dean Josefe Sorretera-Ty who was very open to the idea of an internship program and who shared that she has already initiated an Outreach Program for the 4th year law students. This program gives students the chance to visit rural areas, be exposed to the rural life and impart skills and knowledge to barangay officials as well as the community on Katarungang Pambarangay, Local Government Code, and other relevant laws. The ALG representative was also able to talk to students and to distribute the teaser for the [ALG] Summer Internship Program 2004 and some brochures of ALG, CALL and XUCLA.



TABLE 17:  
ARMM. AUTONOMOUS REGION OF MUSLIM MINDANAO

Law School	Human Rights Elective/Subject	Clinical Legal Education Subject	Legal Aid/ Human Rights Program	Internship Program
Mindanao State University - Iligan	x	x	x	x
Mindanao State University - Marawi	x	x	x	x
Notre Dame University	✓	x	x	✓

The **Mindanao State University** College of Law operates out of three campuses. The main one is located in Marawi City while there are two extensions in Iligan City and General Santos City. It does not have a clinical legal education subject although it is waiting for the Supreme Court to approve its application for one. Nor does the school have a legal aid program. Aside from the practical work in Practicum I and II, students are not required to render any hands-on work outside of the classroom as internship requirements. However, there is a loose organization headed by an Ad Hoc Committee called Husay-Mindanaw which is engaged in human rights works such as education of the communities on basic human rights and which extends assistance to some lupons in selected barangays in Iligan City.

It is also interesting to note that the ALG Internship cluster operating in Northern Mindanao has had meetings in 2004 with Dean Bashari Mapupuno who has shown interest in the internship program and who even allowed ALG to conduct room-to-room orientation in the schools.

The curriculum of **Notre Dame University** includes a compulsory 2-unit subject on Human Rights and International Law in the 1st semester of junior year. During the same semester, students are required to take Law Internship which is equivalent to 3 units. This subject requires the student to render 100 hours in a law firm/office doing any of the following: writing pleadings, researching, digesting jurisprudence, giving legal advice, formulating affidavits, etc.

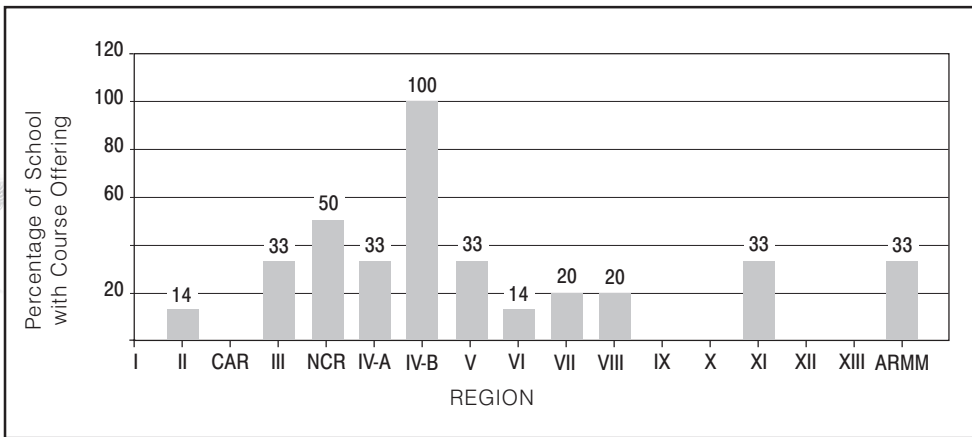


**HUMAN RIGHTS COURSE OFFERINGS**

Out of 90 schools which were considered and examined, only 21 schools, or 23%, reported having human rights course offerings, whether as electives or mandatory course requirements.

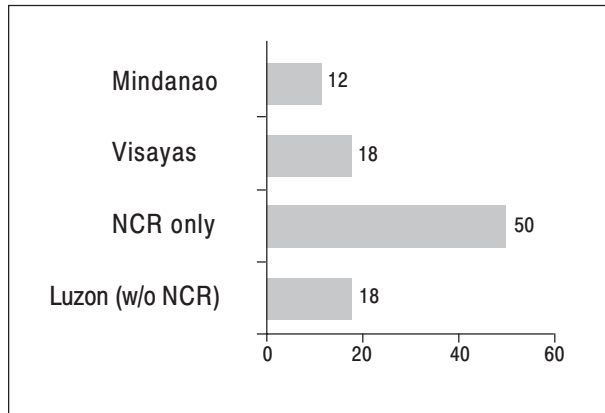
Note that the National Capital Region (NCR) had the most schools (9 out of 18) with this kind of offering. Six regions, on the other hand, did not have a single school offering a human rights subject. Note further that the 100% figure representing Region IVB in Figure 1.1 is misleading as only one law school for that region was considered.

FIGURE 1.1:  
HUMAN RIGHTS ELECTIVE/SUBJECT BY REGION



It may also be gleaned from Figure 1.2 that NCR alone has more schools offering a human rights subject than any of the three major island groups. NCR schools in fact make up 43% of the total number of schools with human rights course offerings.

FIGURE 1.2:  
HUMAN RIGHTS ELECTIVE/SUBJECT BY ISLAND GROUP



**CLINICAL LEGAL EDUCATION SUBJECTS**

Out of 90 schools, 23 schools, or 26%, reported having clinical legal education offerings. For the purpose of this study, “clinical legal education subject” was operationally defined as any course offering which integrated an academic and theoretical course with clinical or practical applications, i.e., court appearances, etc.

The NCR still had the most schools offering clinical legal education subjects. Six regions again did not have a single school offering such subject. Note further that the observation made in the foregoing section regarding the misleading 100% figure representing Region IVB in Figure 2.1 still holds true.

FIGURE 2.1:  
CLINICAL LEGAL EDUCATION SUBJECT BY REGION

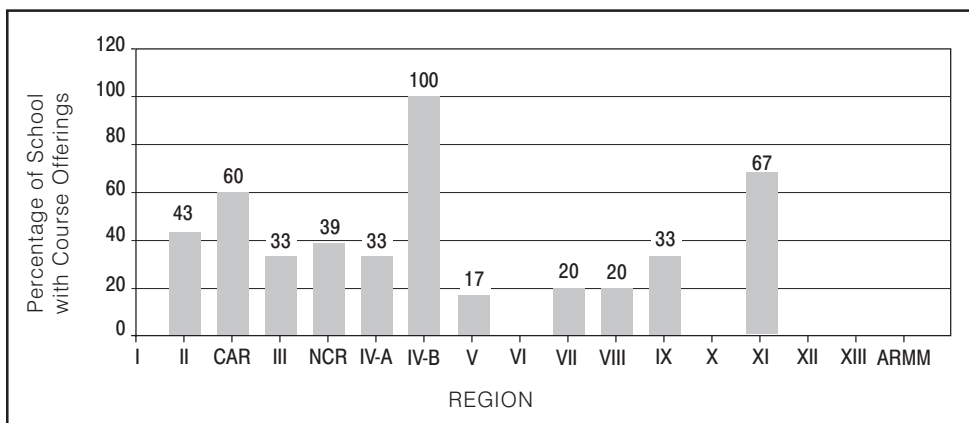
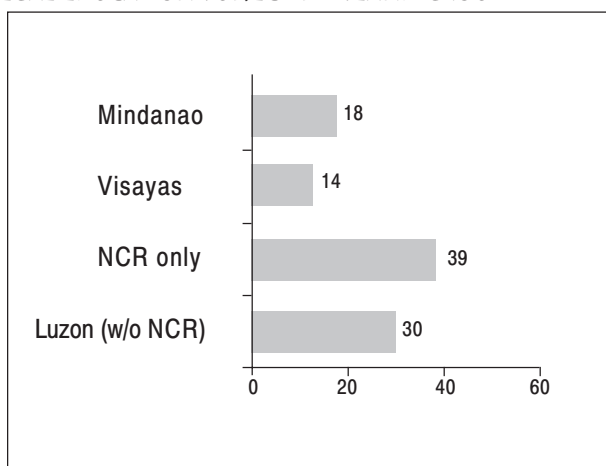


Figure 2.2 shows that NCR still has the most schools offering clinical legal education subjects than any of the three major island groups.

FIGURE 2.2:  
CLINICAL LEGAL EDUCATION SUBJECT BY ISLAND GROUP



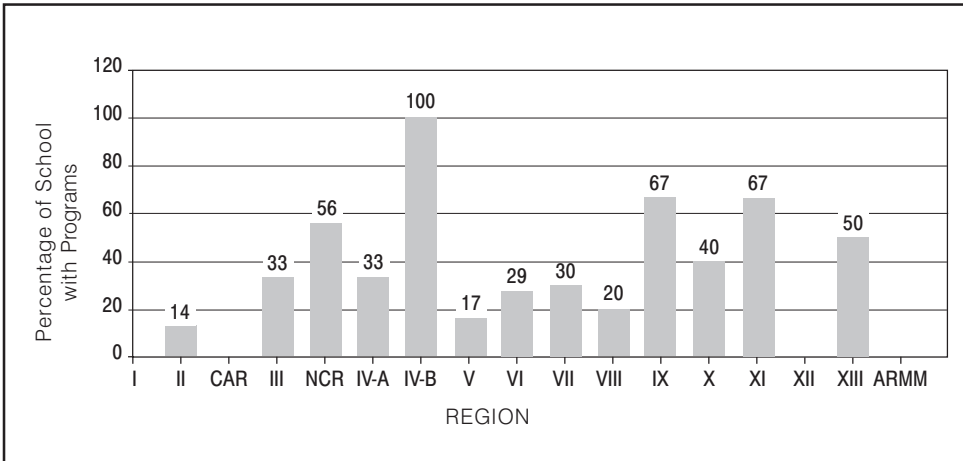
**LEGAL AID/HUMAN RIGHTS PROGRAM**

As for programs on legal aid and human rights, a number of schools had informal programs in place while others had legal aid programs approved by the Supreme Court as a venue for clinical legal education.

A good 31% of the law schools considered actually have legal aid programs in place. However, four regions did not have a single school with such a program in place.

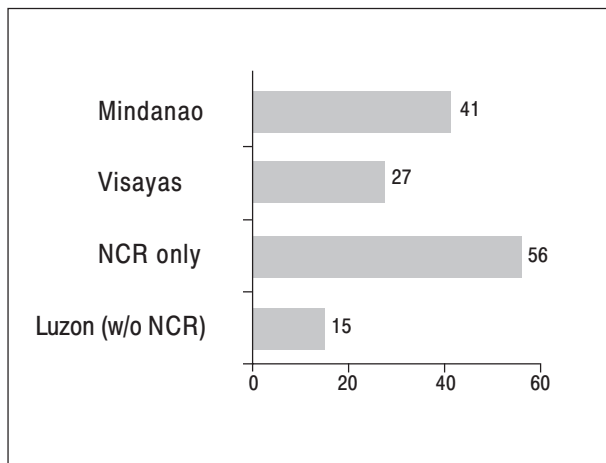


**FIGURE 3.1:**  
LEGAL AID/HUMAN RIGHTS PROGRAM



NCR still had the most schools with legal aid/human rights programs although the major island groups did have good numbers.

**FIGURE 3.2:**  
LEGAL AID/HUMAN RIGHTS PROGRAM BY ISLAND GROUP



It bears noting that most schools in this tabulation had *legal aid* programs. Only a few had a strictly separate human rights program.



**INTERNSHIP PROGRAM**

Twenty-seven percent of the schools considered had “internship programs”. These may be of the voluntary kind or a compulsory requirement. For purposes of this study, courses like Practice Court, Practicum, Legal Internship and the like were treated as a mandatory internship when it required serving a requisite number of hours at a law office and the like.

As may be gleaned from Figure 4.1, about half of the administrative regions making up the country did not have a single school with an internship program.

FIGURE 4.1:  
INTERNSHIP PROGRAM BY REGION

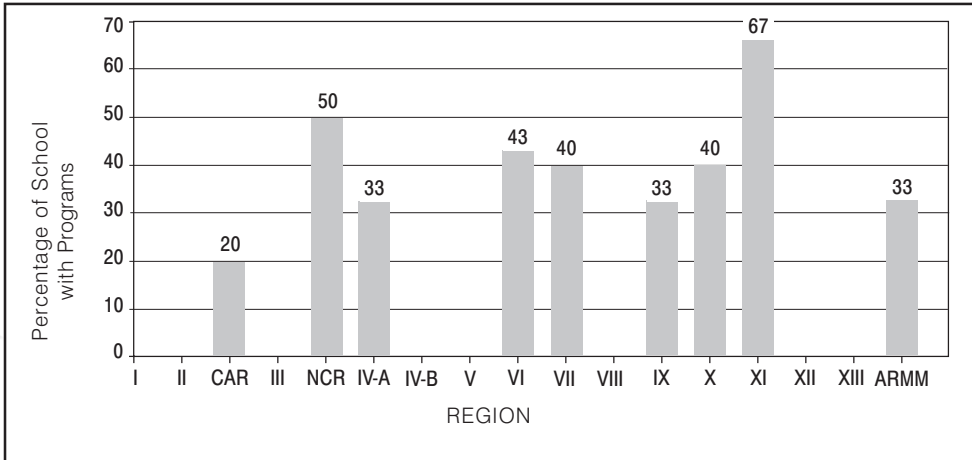
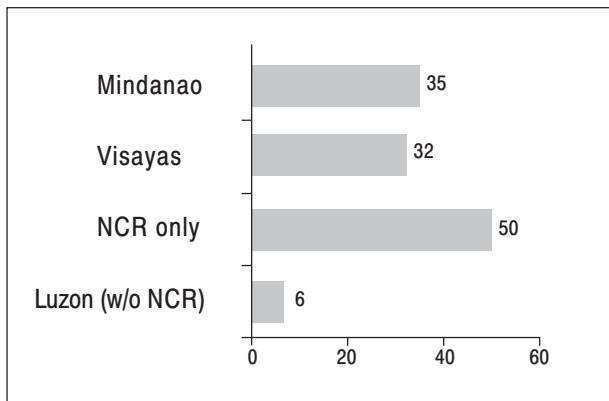


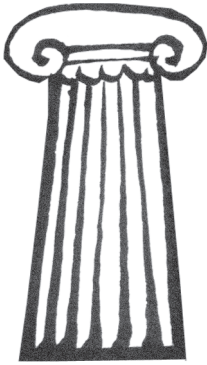
FIGURE 4.2:  
INTERNSHIP PROGRAM BY ISLAND GROUP



BASELINE STUDY OF LAW SCHOOLS

Various reasons given by schools for not having such an internship program, or legal aid for that matter, include the fact that most of the students are working and therefore the schools chooses not to institutionalize such programs as the majority of their students do not have the time to spend on such practicum requirements. Other reasons proffered were the necessity for concentrating on the bar, the lack of contacts, and the fact that a number of schools are very new ones.





# Curriculum Review and Development Towards Alternative Lawyering

Atty. Ma. Ngina Teresa V. Chan-Gonzaga

## INTRODUCTION

### BACKGROUND OF THE PROJECT

40 In support of the Supreme Court's Action Program for Judicial Reform (APJR), the Canadian International Development Agency (CIDA) approved a five-year "Justice Initiatives Support Project in the Philippines" (JURIS). JURIS' aim is to attend to those aspects of the APJR that concentrates on strengthening the capacity of the judicial system to provide quality judicial services and access to justice, particularly by the poor and marginalized groups.<sup>1</sup> The Alternative Law Groups, Inc. (ALG)<sup>2</sup> has been identified as one of the major CIDA partners for JURIS.

This study on curriculum review and development towards alternative lawyering is undertaken pursuant to the goal of the ALGs to ensure the sustainability of their work. The ALG has identified Internship Program and Curriculum Development in Law Schools as a priority project on the recognition that the ALGs, while focusing on the justice reform agenda, must also devote equal attention to efforts at ensuring their sustainability. One approach to ensure such sustainability is through formation and training of students in law schools around the country.

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<sup>1</sup>Alternative Law Groups, Inc., *From the Grassroots: The Justice Reform Agenda of the Poor and Marginalized* 9 (2004). [Hereinafter *From the Grassroots*].

<sup>2</sup>"ALG" in the singular form refers to Alternative Law Groups, Inc. "ALGs" in the plural form refers to the various legal NGOs which make up ALG, Inc. and which is being referred to in the collective.



This study aims to help the ALGs in the development of the curriculum in law schools where courses on human rights in general, and possibly women’s rights, children’s rights, and rights of other vulnerable sectors in particular could be proposed. The introduction of such courses would expose students not only to relevant concepts but also to opportunities in work involving marginalized groups and at justice reform. Even before they graduate, law students shall become more exposed to human rights issues. Such offerings, especially if complemented by a practical aspect, shall give the students the option to try the alternative lawyering path. They will also become familiar with the work of ALGs, thereby becoming encouraged hopefully to join the ranks of alternative lawyers, which will benefit the marginalized groups and society in the long run.

It is also apropos to point out that one of the key reform issues identified at regional consultation conferences<sup>3</sup> held in 2003 is the lack of legal education on the part of members of the bar and the bench, and other stakeholders, on issues affecting the marginalized groups. The need to address the general lack of awareness of members of the legal profession and law students on issues affecting the poor and marginalized groups, and the special laws concerning these issues is something which must be undertaken as early as the lawyer’s formative years in law school.<sup>4</sup>



RATIONALE

The SC’s Action Program for Judicial Reform (APJR), under the component “Access to Justice by the Poor”, itself speaks of the lack of understanding by judges and law practitioners of the cases involving the poor and how in fact such lack disadvantages the poor in more ways than one. Because of such observation, the APJR recommends, among others, (1) the training of judges and lawyers on cases

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<sup>3</sup>These regional consultation conferences were held to provide venues for the discussion of current justice reforms and to generate interest in the reform initiatives being undertaken by the ALG and the Supreme Court among the broad base of non-governmental and people’s organizations, government officials and other stakeholders in the justice system.

<sup>4</sup> Carolina S. Ruiz-Austria, Magistrado A. Mendoza, and Marlon J. Manuel, *The Alternative Law Groups’ Institutional Framework for Judicial Reform in From the Grassroots* 45, supra note 1.

involving the poor, (2) widening and deepening their knowledge and understanding of the circumstances of the poor and the specific context of their involvement in the conflict, (3) the application of laws in the resolution of cases involving the poor; and (4) instituting subjects on criminality, conflicts and the judicial system, involving the poor, in the law curriculum.

The APJR also recognized that access to justice by the poor is influenced by several factors, including the availability and quality of lawyers and that forging links with alternative groups is an initiative which must be strengthened.

When we speak of access to the poor, it is undeniable that alternative law groups count among the most viable of access points. ALGs are proactive in their use of the law to assist marginalized sectors and their advocacy make them necessary for reform in general. Yet, no matter which way one cuts it, there are just not enough alternative lawyers. Of the tens of thousands of practicing lawyers in the Philippines today, only a handful practice developmental or alternative law. To effectively work for human rights and social justice, there is a real need for more than the 80 or more who are currently working full-time with the ALGs.<sup>5</sup>

Is there really still a need for alternative lawyers? Chief Justice Hilario Davide answered this question when he remarked that:

[I]t is troubling that the lawyers who advocate such worthy causes, often without certainty of remuneration, are called the alternative. An alternative is a second choice. You should be considered the mainstream, the first choice, the true and ideal lawyers. Better yet, the conscience of the legal profession. I urge you to continue in your chosen path, not because there is a shortage of “alternative lawyers,” but because your work elevates the standards of the profession.<sup>6</sup>

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<sup>5</sup>Raissa H. Jajurie, *Alternative Lawyering: An Invitation to Law Students*.

<sup>6</sup>Keynote Address, *First Alternative Law Conference: Lawyering for the Public Interest*, University of the Philippines College of Law (8 November 2000).



METHODOLOGY

Under the project, the curricula of the various law schools around the country were compiled and studied. Pertinent laws and Supreme Court resolutions as well as reports and studies conducted by government agencies and private individuals were also reviewed.

Where possible, deans and faculty members from the various law schools from different regions were also interviewed regarding their peculiar situations and their views on curriculum review and development towards alternative lawyering.

A consultation involving approximately 100 law students involved in various internship programs was also conducted on the occasion of the first National Conference on Legal Education and Alternative Lawyering.

Points for discussion during this consultative process included the following questions:

- a. Does your law school curriculum have HR course offerings?
  - *If yes, and you've taken it, how helpful was it?*  
Was it taught the way you envisioned a human rights course being taught? Was it inspiring? How different was the treatment from other subjects? If it were an elective, would you recommend it to others?
  - *If yes, but you haven't taken it, what is the feedback?*  
Do students who've taken it recommend it?
  - *If no, do you think the curriculum will benefit from the inclusion of such a subject?*  
Why or why not?
  
- b. Do you think a general course on HR is necessary or would you rather see a course on a specific issue or sector? (e.g., gender rights, children's rights, etc.)
  - *Explain the preference.*
  - *If a specific thematic course is preferred, what subject would you want?*  
Why?
  
- c. Do you think the inclusion of a HR course offering in your curriculum is probable in the next 2 years? 5 years?
  - *If yes, what makes you think so?*
  - *If no, what obstacles do you perceive?*





- Do you expect/foresee resistance on the part of the administration? Faculty? General student populace?
- What could possibly be done by the student body to expedite the inclusion of an HR course offering?

d. If a HR elective/course were to be offered, do you want one with a clinical aspect?

- *Why or why not?*

e. Do you think a course with a practical aspect is feasible considering your school's situation?

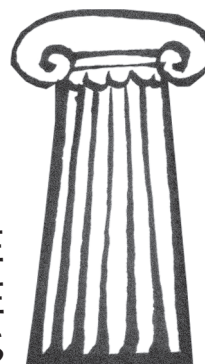
- *Why or why not?*

Through these methods, the viability of proposing the inclusion of courses involving human rights issues was explored and the foreseeable impediments to such revisions in the light of the current state of legal education were examined.





# HUMAN RIGHTS COURSE OFFERINGS IN PHILIPPINE LAW SCHOOLS



IN 2004, AS part of the JURIS Project, the Ateneo Human Rights Center (AHRC) conducted a baseline study which was designed to provide data on the current situation in law schools regarding human rights course offerings and legal aid/internship programs.

Results of the 2004 Baseline Study of Law Schools and subsequent data obtained during the various interviews conducted for this study, shows that out of 91 schools which were considered and examined, only 23 schools, roughly a quarter of the base, reported having human rights course offerings, whether as electives or mandatory course requirements.

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A tabulation of such schools is as follows:

TABLE 1

Region I. Ilocos Region	Human Rights Elective/Subject
Don Mariano Marcos Memorial State University	X
Lyceum Northwestern University	X
PAMETS	X
Northwestern University	X
St. Louis College	X
University of Northern Philippines	X
University of Pangasinan	X
Virgen Milagrosa University Foundation	X
<hr/>	
Region II. Cagayan Valley	
Cagayan Colleges Tuguegarao	X
Cagayan State University	✓
Isabela State University	X

## CURRICULUM REVIEW AND DEVELOPMENT

Region II. Cagayan Valley	Human Rights Elective/Subject
Northeastern College	X
St. Ferdinand College	X
St. Mary's University	X
University of La Salle	X
<hr/>	
Cordillera Administrative Region (CAR)	
Abra Valley College	X
Baguio Colleges Foundation	X
Cordillera Career Dev't College	X
Saint Louis University	X
University of Baguio	X
<hr/>	
Region III. Central Luzon	
Araullo University	X
Bulacan State University	-
East Central Colleges	-
Fernandez College of Arts & Technology	X
Harvardian Colleges	✓
Ramon Magsaysay Technological University	-
Virgen de los Remedios College	-
<hr/>	
National Capital Region (NCR)	
Adamson University	✓
Arellano University (main)	✓
Ateneo de Manila University	✓
Far Eastern University	X
Jose Rizal University	X
Lyceum of the Philippines	X
Manuel L. Quezon University	X
New Era University	X
Pamantasan ng Lungsod ng Maynila	X
Pamantasan ng Lungsod ng Pasay	-
Philippine Christian University	✓
Philippine College of Criminology (Manila Law College)	✓
Philippine Law School Lacson College	-
San Beda College	✓
San Sebastian College-Recoletos	X
University of Manila	✓
University of Sto. Tomas	X
University of the East	X
University of Perpetual Help-Rizal	✓
University of the Philippines	✓
<hr/>	
Region IV-A Calabarzon	
Manuel S. Enverga University Foundation	-
San Pablo Colleges	✓
University of Batangas	X
University of Perpetual Help-Laguna	X



**CURRICULUM REVIEW AND DEVELOPMENT**

Region IV-B Mimaropa	Human Rights Elective/Subject
Luna-Goco Medical Center & College	-
Palawan State University	✓
<b>Region V Bicol Region</b>	
Aemilianum Institute	✓
Aquinas University of Legazpi	✓
Bicol College	X
Camarines Norte School of Law and Arts and Sciences	-
Masbate College	✓
Southern Bicol Colleges	-
Tabaco College	X
University of Northeastern Philippines	X
University of Nueva Caceres	X
<b>Region VI Western Visayas</b>	
Aklan College	X
Central Philippine University	X
Collegio de la Purisima Concepcion	✓
University of Iloilo	X
University of Negros Occidental-Recoletos	X
University of Saint La Salle	X
University of San Agustin	✓
<b>Region VII Central Visayas</b>	
Bohol Institute of Technology	-
Foundation University	X
Holy Name University	X
Silliman University	X
Southwestern University	X
University of Bohol	X
University of Cebu	X
University of San Carlos	✓
University of San Jose Recoletos	X
University of Southern Philippines	✓
University of the Visayas	X
<b>Region VIII Eastern Visayas</b>	
Christ the King College of Calbayog	X
Don Vicente Orestes Romualdez Educational Foundation	X
Eastern Samar State College	-
Leyte Colleges	X
Our Lady of Mercy College	X
Samar College	-
University of Eastern Philippines	✓
<b>Region IX Zamboanga Peninsula</b>	
Andres Bonifacio College	X



Region IX Zamboanga Peninsula	Human Rights Elective/Subject
Philippine Advent College	x
Pagadian College of Criminology & Sciences	x
Western Mindanao State University	x
Region X Northern Mindanao	
Liceo de Cagayan University	x
Xavier University	x
Bukidnon State University	x
Medina College	x
Misamis University	x
Region XI Davao Region	
Ateneo de Davao University	x
Cor Jesu College	x
University of Mindanao	✓
Region XII Socsargen	
Mindanao State University - General Santos	x
Region XIII Caraga	
San Sebastian College - Surigao	x
Urios College	x
Autonomous Regio of Muslim Mindanao (ARMM)	
Mindanao State University - Iligan	x
Mindanao State University - Marawi	x
Notre Dame University	✓

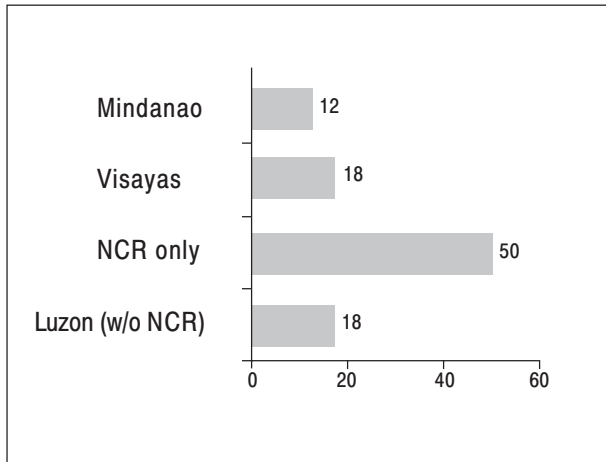


“Human rights subject or elective” in the context of this study was operationally defined as a course offering on human rights in general or on specific aspects of it, e.g., gender, children’s rights, etc.

As expected, the National Capital Region (NCR) has the most schools (9 out of 18) with this kind of offering. Six regions, on the other hand, do not have a single school offering a human rights subject.

It may also be gleaned from Figure 1 that NCR alone has more schools offering a human rights subject than any of the three major island groups. NCR schools in fact make up 43% of the total number of schools with human rights course offerings.

FIGURE 1



The human rights offerings ranged from courses general in nature to thematic ones and were either offered as real electives or as mandatory course requirements.

Schools which offered general human rights courses include the following:

**Aemilianum Institute**

- An “elective” which the freshmen are required to take.

**Aquinas University**

- An “elective” which the sophomores are required to take.

**Arellano University**

- A 2-unit subject focused on the aspects of protecting, defending and seeking redress for violations of human rights in the Philippines.

**Colegio de la Purisima Concepcion**

- Human rights is consolidated with Forensic Medicine.

**Harvardian Colleges**

- An “elective” which the seniors are required to take.

**Masbate Colleges**

- An elective called Advanced Constitutional Law Seminar which takes up human rights.





**Notre Dame University**

- A 2-unit “elective” called “Human Rights and International Law” which the juniors are required to take.

**Philippine Christian University**

- An “elective” called “Human Rights Advocacy” which the sophomores are required to take.

**Philippine College Of Criminology [Manila Law College]**

- An “elective” which the sophomores are required to take.

**San Beda College of Law**

- Strictly speaking, there is no human rights offering but the required Seminar 3 (1st semester, 2nd year) deals with the definition and analysis of justice as well as related concepts such as human dignity, freedom, rights, nationalism and development.

**San Pablo Colleges**

- An “elective” which the sophomores are required to take.

**University of San Agustin**

- Natural Law II is a required course which has human rights as the main component.

**University of Southern Philippines**

- LS 118 (Human Rights) is a required course which the freshmen are required to take.

**University of Perpetual Help in Rizal**

- An “elective” which the juniors are required to take.

Among the schools which have thematic offerings can be counted the following:

**University of Mindanao**

- Electives offered include (1) Human and Cultural Minority Rights; (2) Women’s and Children’s Rights; and (3) Environmental Rights and Conservation.

**University of San Carlos**

- All freshmen are required to enroll in the 2-unit Human Rights of the Child course which is a study of the Convention on the Rights of the Child as it relates to the



Philippine legal system. This offering is intended to raise the consciousness of law students on the rights of the child under the Convention and the Philippine legal system and ultimately develop lawyers who can provide adequate protection urgently needed by children, whether in terms of direct legal aid before the courts, or legislation or policy formulation or advocacy work.

**University of the Philippines**

- Human rights electives offered include Women’s rights, Environmental Law, and Law and Society (which, according to the UP respondent, is taught from an alternative and developmental perspective). In fact, the last incorporates a month-long internship with an NGO in the summer as part of the course requirements.

Schools which offer both thematic and general courses on human rights include the following:

**Adamson University**

- Electives include offerings on Human Rights in general as well as on Women’s and Children’s rights.

**Ateneo de Manila University**

- Electives include various human rights and alternative law electives, namely: Human Rights, Gender and the Law, Environmental Law, Indigenous Peoples and the Law, Refugee Law, and Humanitarian Law in Armed Conflicts.

**Cagayan State University**

- Electives include courses on Women, Children and the Law, and on Human Rights in general.

**Palawan State University**

- A 3-unit course on Human Rights Law is required. PSU also offers a course entitled Rights of Women, Children and Indigenous Peoples which is a study of the basis of discrimination and of national and international laws promulgated to combat all forms of discrimination.

Among the schools which professed to offer human rights courses, there were also those whose offerings are, at best, suspect. One dean decided to lump Human Rights with Forensics (2-unit course in all) as she believed that the discussion in both subject areas are intimately



related. At least two deans admitted offering it as a mandatory elective because it was the only subject the faculty member designated to teach an elective wanted to teach. The implication is, if such faculty member were to leave, or tire of the subject and opt to teach something else, the subject would be scrapped. Students from one Metro Manila school also shared that while the course description read “Human Rights”, it was more of a medium for the professor to regale the class with whatever suited his fancy. A number also reported that there was no set outline and the professors would conduct a freewheeling discussion on whatever was currently in the news which could pass as being “human rights violations”. There was also a professor handling an elective on Human Rights who admitted that he was only “coerced” to take it on and, being a full-time practicing lawyer, did not really have the time nor the inclination to prepare for it. He ended up discussing the Bill of Rights in class for that semester. It is also worthy of note that, according to the dean of the University of Manila, while a human rights elective is offered, no one ever enrolls and the class is invariably dissolved every year. Another dean recounted that their school used to have a human rights elective being taught by a professor with an LLM until said professor, after teaching it for 3 years, came to him and said that they should dispense with the elective as it was a repetition of Constitutional Law.

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A perusal of the human rights course outlines from the few schools which offer it and which actually had prepared course outlines would show that there are various ways of approaching the subject.

One outline basically just includes a discussion on the Commission on Human Rights, international agreements relating to human rights like the UN Declaration on Human Rights and the Genocide Convention, and current events involving human rights violations. Another takes up the definition of human rights, the theories of sources of human rights, the International Bill of Human Rights, the Universal Declaration of Human Rights, civil and political rights, the Bill of Rights, economic, social and cultural rights, discrimination and the situation of vulnerable sectors. Yet another discusses the philosophy and history of human rights, the interplay of its western conception and Asian values, as well as international, regional and national human rights norms and protection mechanisms.



There were also those which included methodologies such as exposure trips and guest lecturers from the relevant government entities and NGOs, as well as legal NGO internship as part of the course requirements.

As may be gleaned from the foregoing discussion, there is no uniformity in approach. This fact must be borne in mind when the ALG undertakes curriculum development and proposes a particular mindset and approach.

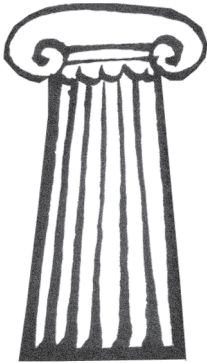
A human rights course outline formulated by some law professors and law deans after a series of workshops<sup>7</sup>, and considered ideal by them, proposed an externship for a given number of weeks where students will be assigned to local NGOs undertaking advocacy work for specific sectors with which the law school shall have a working agreement for the conduct of externships. Course requirements drawn up as to this clinical part included (1) periodic reports given by the students bi-monthly together with pleadings and other documentation showing active participation in the NGO's advocacy work; (2) a feedback report from the NGO where the students were assigned; (3) a peer evaluation report from among the members of the group to which the student is assigned; and (4) an end-of-semester report with self-evaluation, important lessons learned and skills acquired, compliance with the minimum requirements of the program, and some recommendations for the improvement of the program.

Such an outline bears thinking about especially in the light of the almost unanimous agreement of the law interns who participated in the consultation that they would prefer a course offering with a practical aspect if this can be designed around certain considerations like the working-student population.



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<sup>7</sup>Sponsored by the United Nations High Commissioner for Refugees in December 2003 and September 2004.



## CURRICULUM REVIEW

**MOST LAW SCHOOLS** in the country still follow the Model Law Curriculum embodied in DECS Order No. 27, s. 1989, otherwise known as the Policies and Standards for Legal Education, albeit with various deviations or slight modifications.

This model curriculum is reproduced below:

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1st Year 1st Semester	Units	1st Year 2nd Semester	Units
Persons and Family Relations	4	Obligations and Contracts	5
Constitutional Law 1	3	Constitutional Law 2	3
Criminal Law 1	3	Criminal Law 2	3
Legal Profession	1	Legal Writing	2
Legal Research	2	Legal Ethics	2
Statutory Construction	2		
<b>Total</b>	<b>15</b>	<b>Total</b>	<b>15</b>
2nd Year 1st Semester	Units	2nd Year 2nd Semester	Units
Property	4	Negotiable Instruments	3
Land Titles and Deeds	1	Credit Transactions	3
Sales	2	Administrative Law	2
Criminal Procedure	2	Civil Procedure	4
Labor Standards	2	Transportation	2
Elective/Practicum 1	2	Public International Law	2
Elective	2	Elective/Practicum 2	1
<b>Total</b>	<b>15</b>	<b>Total</b>	<b>17</b>
3rd Year 1st Semester	Units	3rd Year 2nd Semester	Units
Succession	4	Business Organization II	4
Legal Counselling	2	Evidence	4
Business Organization 1	3	Torts and Damages	2
Taxation 1	2	Legal Forms	1
Labor Relations	3	Taxation II	3
Insurance	2	Problem Areas in Legal Ethics	2
Elective/Practicum 3	2	Special Proceedings	2
<b>Total</b>	<b>18</b>	<b>Total</b>	<b>18</b>

4th Year 1st Semester	Units	4th Year 2nd Semester	Units
Civil Law Review 1	4	Civil Law Review 2	4
Constitutional Law Review	3	Remedial Law Review	4
Criminal Law Review	4	Commercial Law Review	4
Legal Medicine	1	Conflict of Laws	2
Labor Law Review	2	Practice Court 2	2
Elective/Practicum 4	2	Elective	2
Practice Court 1	2		
<b>Total</b>	<b>18</b>	<b>Total</b>	<b>18</b>

Human Rights is a suggested elective under DECS Order No. 27-89. However, electives which are considered as “bar helpful” have been traditionally more popular with law school administrations and are usually the ones they choose as “mandatory” electives to fill the unit requirements of the model curriculum. These popular electives would include the Law on Public Corporations, Election Laws, Banking Laws, Copyright and Intellectual Property, Lease, Natural Resources, and Special Penal Laws. An increasingly popular elective in recent years is Environmental Law. However, while the last can be taught from a human rights or alternative law perspective, it invariably focuses on the laws as well as legal processes and requirements.

Some examples of the deviations from the DECS Model Curriculum, not simply the addition of suggested electives, are as follows:<sup>8</sup>

School	Deviation/Modification
Aquinas University	Adds Law and Theology and 20 units of “electives”
Fernandez College of Arts and Technology	Adds Communication Skills [Mission is to establish an Asian Business Law Center where legal scholars from GATT countries could work to harmonize domestic business laws]
Liceo de Cagayan University	Adds subjects on emerging technologies and newly enacted legislations
Masbate College	Adds subjects of local significance in order to make the curriculum attuned to the needs of the locality; subjects include traditional law on local industries and fisheries

<sup>8</sup>Commission on Higher Education, Report on the Assessment/Visitation Activity Conducted by the Technical Panel on Legal Education on all the Law Schools, 14 January 2004. [Hereinafter the CHED Report.]

New Era University	Adds e-commerce law
St. Ferdinand College	Adds e-commerce law
University of Nueva Caceres	Offers several subjects to prepare law students for the bar, such as bar questions and answers, as electives.
University of the East	Curriculum made more “bar-oriented”, taking into consideration recent legislations, advances in science and technology and prevailing social political and economic conditions
Western Mindanao State University	Adds 8 units on Shariah law; courses slanted towards Islamic jurisprudence

MODES OF CHOOSING A CURRICULUM

While, as already mentioned, most law schools chose to stick very closely to the DECS Model Law Curriculum, there are quite a few schools which consciously tried to emulate another law school’s curriculum. San Sebastian College in Surigao City for instance patterned its curriculum after its mother school in Manila. As a state college, Eastern Samar State College used the UP course syllabi and professors are required to be familiar with each course syllabus as UP Law Library is often consulted on acquisitions.

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On the other hand, the University of La Salette in Isabela adopted a modified version of the DECS Model Curriculum but patterned its modifications after the curricula of the University of the Philippines as well as that of the Ateneo de Manila Law School. Manuel S. Enverga University Foundation in Quezon province, according to the CHED Report, “adopts the AdMU curriculum because it wishes to offer the degree of Doctor of Jurisprudence which is an attractive title”.

Cor Jesu College in Digos, Davao del Sur modeled its curriculum after that of Ateneo de Davao University in recognition that this nearby provincial school was holding its own against the Metro Manila schools in terms of bar performance. Bukidnon State University also used the curriculum of nearby Xavier University as a model.

PROCEDURES FOR CURRICULUM AMENDMENTS

To a very large extent, most law deans appear to be autonomous and independent of interference from the larger university

administrative community. Most ascribe it to the fact that the administration believes that the law dean is the most capable to address issues involving the law school.

Whatever the reason, the reality is that for the most part, the initiative for curriculum change and development comes from the dean or, if he is an absentee, from whosoever is left in charge.<sup>9</sup>

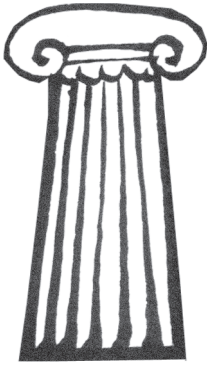
There is usually a consultation with faculty members, especially the professor who will be most affected, before any change is considered. When issues at the law faculty level have been threshed out, a draft of the revised curriculum is then presented or submitted by the dean to the powers that be, i.e., the governing board or president of the university. Most of the deans interviewed however agree that such submission is merely *pro forma* and is usually concurrent with the submission of the letter informing CHED and the SC as to the change.

While a number of schools do add the odd subject or make the occasional amendment, very few have undertaken radical curriculum redefinition. As already mentioned, most law schools still follow the model law curriculum embodied in DECS Order. No. 27-89, dated though it may be. While a good number think that it should be overhauled and its relevance reexamined, most are also waiting for a national agency (e.g., the Commission on Higher Education or the yet to be constituted Legal Education Board) to prescribe the minimum, rationalizing that it would not be practical to revise the curriculum if, after a short while, it will be required to revise it yet again.



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<sup>9</sup>This is, of course, subject to a few exceptions. There are some schools (e.g., Arellano Law Foundation and Urios College) which are mandated by their articles or the higher university authorities to undertake curriculum review every 4-5 years.



## FACTORS INFLUENCING RECEPTIVITY TO CHANGE

WHILE ALL DEANS who became respondents in this study expressed willingness to consider curriculum review and development, there are a number of players whose actuations will have a bearing on the receptivity of the different law schools to change and a number of variables which give rise to reservations or disinclination on the part of the law schools to seriously consider curriculum development towards alternative lawyering.

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### MAJOR PLAYERS

#### ■ THE SUPREME COURT

The 1987 Constitution gives the Supreme Court (SC) the power to, among others, promulgate the rules for *the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged*.<sup>10</sup>

It was pursuant to this constitutionally mandated power that the SC promulgated Bar Matter No. 1161 on 8 June 2004, entitled: Resolution on Reform in the Bar Examinations. This Resolution cited the following matters as being “for referral to the Legal Education Board”:

1. Accreditation and supervision of law schools.
2. Inclusion of a subject on clinical legal education in the law curriculum, including an apprenticeship program in the Judiciary, prosecution service, and law offices.

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<sup>10</sup>Philippine Constitution, art. VIII, § 5(5).

3. Imposition of sanctions on law schools that fail to meet the standards as may be prescribed by the Legal Education Board.
4. Mandatory Law School Admission Test.

While theoretically it is not the body with the power of supervision and control over the law schools, it is still, unarguably, the body which concerns law schools the most. It has, after all, the power to determine who will ultimately practice law.

■ THE LEGAL EDUCATION BOARD AND  
THE COMMISSION ON HIGHER EDUCATION

Republic Act No. 7662<sup>11</sup>, popularly known as the Legal Education Reform Act of 1993, provides that legal education in the Philippines is geared, not only to prepare students for the practice of law, but also to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society; and 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<sup>12</sup>.

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RA 7662 thus provided for the creation of the Legal Education Board (LEB) for the purpose of achieving such objectives. The Board was given the powers, among other things, to: (1) administer the legal education system in the country; (2) supervise the law schools in the country, consistent with its powers and functions as enumerated; (3) set the standards of accreditation for law schools taking into account, among others, the size of enrollment, the qualifications of the members of the faculty, the library and other facilities, without encroaching upon the academic freedom of institutions of higher learning; (4) to accredit law schools that meet the standards of accreditation; (5) prescribe the basic curricula for the course of study aligned to the requirements for admission to the Bar, law practice and social consciousness, and such other courses of study as may be prescribed by the law schools and colleges under the different level of accreditation status; and (6) establish a law practice internship as a

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<sup>11</sup>An Act Providing for Reforms in Legal Education, Creating for the Purpose a Legal Education Board, and for Other Purposes (1993).

<sup>12</sup>Republic Act No. 7662, §3.

requirement for taking the Bar which a law student shall undergo with any duly accredited private or public law office or firm or legal assistance group anytime during the law course for a specific period that the Board may decide, but not to exceed a total of twelve (12) months. For this purpose, the Board shall prescribe the necessary guidelines for such accreditation and the specifications of such internship which shall include the actual work of a new member of the Bar;

On the other hand, the Commission on Higher Education (CHED) was created pursuant to Republic Act No. 7722 in 1994, a year after RA 7662 was promulgated. It basically took over the supervisory and regulatory powers of the Department of Education, Culture and Sports over all public and private higher education institutions.

At the time the CHED came into being, the LEB was still to be constituted. Section 5 of RA 7662 provided that the Chairman and regular members of the Board shall be appointed by the President from a list of nominees prepared, *with prior authorization by the SC*, by the Judicial and Bar Council (JBC). As the SC had not given such prior authorization<sup>13</sup>, a case of judicial impoundment if you will, the creation of the LEB was deferred indefinitely.

So between 1994 and 2002<sup>14</sup>, the SC would refer requests for permit to operate and the issuance of C-2 permits required of law graduates before they are allowed to take the bar examinations to CHED. CHED took on the task amidst questions raised regarding its authority to do so, reasoning that in carrying out such functions, it was merely endeavoring to fill a gap caused by the LEB's non-constitution. Otherwise, it argued, there would be no governmental body acting upon the applications for such permits.

Suffice it to say that such state of affairs was far from idyllic. Former UP Law Dean Merlin M. Magallona had the occasion to comment that:

In the last eight years, a significant number of new law schools have been established on the basis of standards

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<sup>13</sup>Such authorization was finally given in September of 2003.

<sup>14</sup>CHED imposed a moratorium on the opening of new law programs in 2002.





applied by the CHED. The findings of the relevant TPLE [Technical Panel on Legal Education] reports indicate a substandard performance on the part of these schools in Bar Examinations. Even in terms of physical facilities, these schools operate on bare minimum conditions. The sad state of the library easily becomes a notable deficiency.

The peculiarity in the conditions of the new schools is that they have been established on prevailing standards applied by the CHED. The real problem then may point to the quality of the standards thus applied, thus giving a suggestive approach in the review of those standards. Such a review, however, would require an essential point of reference: What is the concept of a law school that comes into our vision as demanded by the felt necessities of the times? This is the threshold problem that must acquire consensus, as a starting point.<sup>15</sup>

Is it still necessary to consider the Commission on Higher Education as a force to reckon with? The cautious answer is in the affirmative. While hopes are high that the LEB may finally be created as the SC issued a Resolution endorsing the opening of nominations for the LEB to the JBC on 24 September 2003, a year and a half has passed since then and still without the constitution of the LEB. Various problems have been encountered not only with the nominations but also with the budgetary requirements. Although provided with a very specific mandate, the LEB is also supposed to be administratively attached to the CHED which in turn has the obligation to provide the LEB with adequate office space.

■ THE LAW SCHOOL ADMINISTRATION

Obviously, the law school administration is also a central player in curriculum development especially in the light of the observation made earlier that such administrations are usually highly independent, if not autonomous. Out of approximately 104 law schools in the country, only about 15 are public or state-run. The rest are private enterprises.




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<sup>15</sup>Merlin M. Magallona, Some Comments on the Assessment or Narrative Reports on Law Schools Prepared by the Technical Panel on Legal Education of the Commission on Higher Education, 21 January 2004.

Most law schools (with the exception of perhaps 2 or 3 schools) do not have a single full-time faculty member in their roster. In fact, most law schools do not have a full-time dean. A number of provincial schools also have deans who act in a purely administrative capacity and who do not even have a teaching load. Still graver than that, there are a number of provincial schools where the deans are but deans in name, preferring to continue residing in Metro Manila and leaving the reins of the law school to an associate dean, a college secretary, or a registrar.

Should law school administrations be viewed as allies or as entities still to be won over or, worse, overruled? While it is true that law school administrations, the deans and faculty members in particular, are traditionally pockets of resistance, the more progressive ones are staunch supporters of relevant change.

Furthermore, a perusal of the mission statements and objectives of these law schools show that most have highly ideal goals in mind. A sampling of mission statements and objectives follows:

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#### Adamson University

- To produce and develop well-trained, broad-minded, morally and ethically sound Vincentian lawyers who may be fittingly called guardians of the people's rights and liberties, and active participants in the nation and community building.

#### Aquinas University

- To bring forth an output of lawyers who can play the central role of providing guidance to the oppressed of the community. As protectors of law and justice, the graduates must know the law, the philosophy behind the law and the correct application of the law. Imbued with the proper legal training attained through higher standards of instruction, the graduate is expected to liberate the oppressed from the shackles of injustice and confusion.

#### Araullo University

- To pioneer in the countryside in making legal education accessible and affordable to the aspiring men and women, especially the underprivileged individuals, in order to mold them into lawyers and leaders who could not afford a legal education in Manila-based law schools.

- Objectives: to train students for the practice of law while adhering to the ethics and responsibilities of the law profession; to produce individuals who can excel or lead in various fields of service; and to develop persons capable of serving the needs of the country and people.

Arellano University

- To promote consciousness and sensitivity to the protection and preservation of the environment and ecosystem, respect for the law, unflinching commitment to justice and human rights, and service for the poor, the oppressed and the marginalized.

New Era University

- To prepare law students to become Christian lawyers in the service of the country and humanity and to meet the needs of progress and modern technology in the various aspects of the practice of law. These needs call for responsible and dedicated leadership in the development of the law and the administration of justice.

Philippine College of Criminology [Manila Law College]

- To make the graduates with divine guidance always ready to defend the constitutional and statutory rights of the citizens especially the poor to life liberty and property, never to be impaired without due process of law; To insure that law is never a business but an exceptional profession solely requiring the hard work and dedicated for the search of true justice for all men, women and children, inspiring competence and integrity, loyal to the lawyer's oath and pride of the MLC and the Republic whom money cannot buy.

Ramon Magsaysay Technological University

- To respond to the need for more competent lawyers who would practice law and help in the dispensation of justice in Zambales including the nearby provinces particularly Olongapo.

Silliman University

- To provide quality legal education within the framework of the university's basic commitment to the Christian faith. Law with a conscience, seeks to develop lawyers who would rather fear God than fear losing a client or a case.





St. Louis University

- To produce God-fearing, ethical, principled and competent lawyers as there seems to be a widespread perception that many lawyers are nothing more than legal mercenaries feeding on the misfortune of others.

St. Mary's University

- To prepare the students to be worthy members of the legal profession and society, committed to the unceasing quest for truth and the administration of justice, pure and unsullied.

University of Negros Occidental-Recoletos

- To provide a thorough comprehensive Catholic Christian legal education program that will enable the graduates to meet not only the requirements and professional standards of the LEB and SC but also the country.

University of Northeastern Philippines

- To mold the mind and character of the students to be serving nothing and to vow to no one except to the higher interests of justice.

University of Nueva Caceres

- The immersion of students in the mechanics and pursuit of the legal aid program in cooperation with the local chapter of the IBP.

University of San Agustin

- To focus attention to human dignity and human rights under the Rule of Law as the basis for positive laws; and to expose law students to the actual legal problems of the community, making the study of law more relevant and meaningful, so that the student who may shift to another discipline may use his acquired knowledge to greater advantage.

University of San Jose-Recoletos

- To develop students involved with community projects which provide legal assistance to indigent families, non-formal education programs in matters relating to law and order, and other activities which call for legal expertise.

University of Santo Tomas

- To develop men and women in the theory and practice of



law and so imbue them with Christian virtues and principles as to be worthy of the legal profession and the community, particularly in the pursuit of truth and the promotion of justice under a regime of liberty and democracy.

University of the East

- To hone and nurture men of ideas and values, not to be gladiators with razor-sharp arguments, but with wisdom that pierce to the soul, committed to be men of love, peace, truth and justice in the goal of making a difference in our world.

University of Perpetual Help-Rizal

- To inspire its students to pursue justice as an ideal of the free society, particularly for the underprivileged and the promotion of human rights as the special mission of the lawyer. Passing the bar examinations is also an objective but only as a means for the attainment of the above-stated higher purposes.

Virgen Milagrosa University Foundation

- To train its students to be well-informed, dedicated and service-oriented lawyers.

As may be gleaned from above, most law schools speak of objectives which dream of future lawyers fighting for justice reform and advocating the cause of the poor and marginalized. In fact, a very popular objective which at least 5 law schools share almost verbatim is: “to produce especially committed members of the legal profession of competence, integrity and awareness of the needs of the deprived and oppressed sectors of society”.

DISINCLINATION OR OPPOSITION OF MAJOR PLAYERS

Various reasons have been given by schools for not having any human rights course offering, or a legal aid program for that matter. These include (1) lack of resources and materials, (2) the fact that most of the students are working and therefore do not have time to spend on such practicum requirements, (3) the necessity for concentrating on the bar, (4) the lack of contacts, and (5) the fact that a number of schools are very new ones. These reasons, in all



probability, will be the same ones put forward as objections and reservations to any unpopular move for curriculum development.

#### ■ FINANCIAL RESOURCES

According to the CHED Report, most law schools are losing business enterprises. This sentiment has been echoed many times over by the various deans interviewed. Some law schools are seen by the university they belong to as white elephants whose operations they cannot shut down as these provide them with prestige or for sentimental reasons. In most cases, the law school shares the physical space with another college and is being subsidized by other undergraduate courses with more than ample enrollment. Such a scenario leads to these law schools' disinclination to improve as any form of improvement is perceived to entail cost. Other law schools compromise their standards to increase enrollment and thereby damn themselves in the long run as the quality of student diminish.

While most deans profess to be interested in offering a human rights course, they perceive such a move to be expensive. A new course will entail additional two units with a corresponding increase in the tuition fee of students. This will mean paying a professor and ensuring that reading materials and source books are available. If it is a course with a practical or clinical aspect, they will have to source the out-of-pocket expenses from somewhere. These are but a few of the arguments advanced.

#### ■ MANPOWER CONSTRAINTS

Corollary to financial constraints, some deans also point to the dearth of faculty members in their localities who have the expertise or the capability to handle such a course. Having no budget at all for faculty development, training a law professor is not a viable option for them.

It bears noting that a few of the deans who sent faculty members to certain trainings on Environmental Law and International Humanitarian Law are open to the idea of offering these subjects precisely because a faculty member has been trained and the sponsoring agencies (International Committee of the Red Cross, University of the Philippines – Institute for Human Rights, etc.) have committed to providing materials.



■ “BAR ORIENTATION”

Another huge obstacle is the view that a human rights course offering is frivolous at best and will do nothing for that which is perceived to be the most important gauge of a law school’s success – bar performance.

For instance, a Pangasinan law school admitted that it does not have human rights electives as their electives are focused on Remedial Law subjects which they perceive as “make or break” during the bar.

There are a lot of law deans and professors (as well as students at that) who believe that any amount of time spent on an activity which is not strictly bar-related is time spent away from studying bar subjects and therefore should be discouraged.

It appears to be a classic tale of the tail wagging the dog. While it is not argued that the whole gamut of everything that is wrong with legal education can be blamed on the emphasis placed on the bar examination, it is indeed a major factor. As Dean Magallona points out in his paper:

What gives compelling direction to law schools, however, is the nature of bar examinations, which has the effect of tailoring the curriculum content, the method of teaching, and the operational objectives of the law schools to the singular demand of giving the correct answers in the qualifying examinations largely as recalled from memory.. Still the gravitational pull of the bar examinations redirects the resources of the law schools away from meaningful reforms opened by the new policies and standards and they simply operate on the pragmatism of making it in these examinations.... As constituted now, it has become a bottleneck in the need to release the potential of legal education.<sup>16</sup>

However, it is also very difficult to pry law schools away from such an orientation when there is a perceived correlation between the passing average in the bar examinations and the enrollment statistics.



<sup>16</sup>Merlin M. Magallona, Re-creating Legal Education for Justice and Development 9-10.

A Bicol law dean, for example, was very straightforward in saying that, for the longest time, his school's enrollment was always very low as most college graduates who wish to take up law choose a nearby university as that particular school enjoyed better results in the bar. That changed when, in 2002, a graduate of his school placed tenth in the bar examinations. Enrollment since then doubled. Similar sentiments were shared by other law deans who blamed the low enrollment in their schools on only one factor – declining performance in the bar. The low enrollment in turn was used as justification for compromising on the quality of students accepted.

#### ■ WORKING STUDENT POPULATION

Another factor to consider is the reality that in most law schools around the country, the majority of students are working students who, to quote the CHED Report, “barely have the time to read the lessons and cases assigned”. In fact, a good number of schools considering curriculum change do not seek to add courses but to shift from a 4-year to a 5-year program to accommodate the limiting needs of working students.

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When asked what kind of course on human rights they would want to have in their law schools, the students who participated in the consultation were almost unanimous in saying that a course with a clinical or practical aspect would be ideal. But almost all of them also had reservations as to the feasibility of such a course. The principal roadblock cited is the fact that most students, particularly in the provincial schools, are working individuals who consider time as the most precious of commodities.

Add to the mix the fact that a lot of students also agree with the view that the curriculum should be bar-oriented, one can indeed make the observation that curriculum review and development towards alternative lawyering requires working for a reorientation, a paradigm shift if you will, not only on the part of law deans and faculty but also on the part of the general student body.



## RECOMMENDATIONS FOR CURRICULUM DEVELOPMENT



SO WHAT CAN be done? What strategies may be considered?

First of all, it has to be established that the move for curriculum development towards alternative lawyering should not be understood as only advocating the simple inclusion of a human rights subject in the curriculum of law schools. It includes exploring the viability of such an inclusion but is far more complicated than that.

Advocating for curriculum development should involve two tracks.

The first track is to push for the inclusion of a mandatory human rights course, preferably with a clinical or practical aspect and employing an alternative law approach. The campaign should be for its inclusion, if possible, as a core subject (and not as a mere elective) in the model curriculum for all law schools. Its inclusion as such would be a major breakthrough. While some schools currently offer it, whether as a truly elective subject or as a mandatory “elective”, such status is still exposed to the vagaries of circumstance. A truly elective subject always runs the danger of inadequate enrollment and being dissolved, as presently experienced by some law schools. On the other hand, experience shows that a “mandatory” elective is dependent on a dean determined to impose it or on a professor willing to teach it. Should such dean be replaced or such professor desire to teach a different course, chances are, internal change will be more than easy.

The second track is to push for the mainstreaming of human rights and alternative law concepts and principles, making them integral in the teaching of related subject matters such as constitutional law,

public international law, persons and family relations, etc. This particular track has found more favor with the deans interviewed, with them thinking perhaps that this is the easier and more viable option.

Embarking on these two tracks would require a well-planned and well-executed strategy as undeniably, there will be powerful interest groups who will not only be resistant to change but downright hostile to the kind of changes being proposed. Below are a few points to consider in coming up with such strategy to advocate curriculum review and development towards alternative lawyering.

#### 1. ORIENTATION SEMINARS ARE IMPERATIVE.

Orienting the various players is vital in the campaign to make curriculum development towards alternative lawyering acceptable as mainstream fare for law schools. ALG should be ready to provide its services in conducting orientation seminars regarding alternative law. In fact, it should actively explore the idea of offering such services to the various law schools.

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Pursuing the first track (i.e., pushing for the inclusion of a mandatory human rights course) would require that the law professors chosen to teach the course not only be proficient in teaching the theoretical aspect of the course nor only be capable of coordinating all clinical requirements but must be adept at both *as well as* be able to adapt an alternative law approach. This would entail specialized training which ALG should be in a position to offer.

Furthermore, pursuing the second track (i.e., pushing for the mainstreaming of human rights and alternative law concepts and principles) is even more challenging as this would necessitate reorientation of not only a select few but, ideally, of the entire faculty.

Any hope of mainstreaming human rights and alternative law concepts and principles, making them integral in the teaching of related subject matters such as constitutional law, public international law, persons and family relations, etc. requires that those who teach them appreciate the concepts. What has been an alarming observation over the course of this study is that a good number of lawyers, law deans at that, are not aware of what alternative law is. Even the

concept of human rights has been dismissed as the province of leftists and bleeding heart activists and therefore to be avoided.

Getting the law school to agree to such a massive faculty development program as an institutional arrangement will only be the initial step. Philippine legal education does not have a body of professionals devoted to it as a real career therefore getting the part-time faculty to come together is another major hurdle. If this is accomplished, ALG will have the forum to push the idea of mainstreaming human rights. Having a ready and effective orientation plan will then be necessary.

## 2. CONCRETE PLANS MUST BE AT THE READY.

The ALG must be ready with recommendations when the opportune moment arrives. Concrete suggestions and recommendations as well as how to flesh out such suggestions and recommendations must already be at hand. For instance, a draft outline for a human rights course offering complete with course description and rationale, general and specific objectives, content, methodology, reading list, and basis for evaluation should already be designed and agreed upon as the model to push for. Inclusion of sectoral issues and concrete suggestions as to how a clinical aspect can be incorporated should be deliberated and adopted as well. Such a draft can be the basis for lobbying with either CHED or LEB when the time comes or it can be used to push for curriculum inclusion at the university level.

In 2004, the office of the United Nations High Commissioner for Refugees (UNHCR), in coordination with the UP Institute of Human Rights, conducted curriculum development seminars/workshops and invited law deans and faculty members to participate. Such workshops had as output model outlines for human rights and refugee law courses. Participants at such workshops became more open to the idea of considering such courses. Then the UNHCR representative went one step farther. He requested 15 minutes at the Annual PALS meeting to present the results of the workshops. Even if there was no binding commitment on the part of PALS to work for the inclusion of a course as designed, awareness was already attained. This much was evident when the author interviewed a dean from a Mindanao law school very recently and inquired if he was seriously considering the inclusion of a human rights elective. The dean answered in the affirmative and to



prove his point, he drew out a thin folder from a stack on his desk. It was a copy of the model outline distributed by UNHCR during the 15-minute presentation several months before.

From the proceedings of their own meetings, it appears that the creation of the LEB as well as the possibility of a new model curriculum is the cause of great interest and concern to the law deans as well. Most deans want a basic uniform curriculum but substantial leeway to prescribe everything else. At the 2004 PALS meeting, the sentiment was expressed that the LEB, once constituted, should only prescribe 60% of the curriculum and leave the 40% to the law schools' discretion. Advocating for the inclusion of a human rights course within the 60% making up the basic curriculum would be ideal and persuading the different interest groups to back the ALG-proposed curriculum redefinition should be considered.

Resistance or outright objections because of the limitations presented by the “working student phenomenon” should be expected and addressed. This phenomenon may make the usual clinical or practical aspect of a course difficult to comply with. Alternative options must be explored and presented.

In this light, perhaps the ALG can draw up, not only a course proposal regarding a human rights subject, but also a total package of what it believes the basic curriculum should contain. A well-thought of and holistic pitch may make more headway towards the mainstreaming of human rights in legal education.

Moreover, ready plans should include identifying and, where possible, tapping resources, since a lack thereof was invariably pointed out by deans. Law schools with existing programs may be tapped to share materials and compilations of whatever readings can be given to interested law schools. The Ateneo Law School as well as the University of the Philippines College of Law has already compiled reading materials at the request of the UNHCR which in turn has, in connection with the workshops earlier mentioned, undertaken to fund the mass production and distribution of such compilations to interested law schools.



### 3. DIPLOMACY AND TACT ARE IMPORTANT.

Any proposal for curriculum change should ensure that such modification or alteration does not appear to be so militant and extremist as to alienate all other points of view. A dean interviewed for this study recounted how he had attended a seminar where alternative lawyering was being promoted and encouraged. While he agreed with many of the things said, he was infuriated by the “you’re either with us or against us” attitude of the speaker. He opined that belittling traditional law and condemning traditional law concepts in a sweeping manner does little to advance alternative lawyering.

Most law deans and professors are, unavoidably, people schooled in the old ways whose hackles rise at such condescension. It is unarguable that most of the people who need to be convinced and who are in the position to allow or disallow changes have not had extensive exposure to alternative law. While curriculum development towards alternative lawyering does seem, from a certain point of view, to be radical in nature, such radicalism must be packaged to appear necessary but non-threatening, revolutionary but favorable.

### 4. POSITIONING IS CRUCIAL.

DECS Order No. 27, series of 1989, set out the policies and standards that law schools were required to follow. When it was promulgated by then Secretary Lourdes Quisumbing, she basically adopted the policies and standards proposed by the Philippine Association of Law Schools (PALS), the Philippine Association of Law Professors (PALP) and other interest groups after a series of conference-workshops.

The Legal Education Board, once created, will undoubtedly want to revisit the basic law curriculum which is dated, and which, almost everybody agrees, needs redefining. When that happens, ALG has to be in a position to make its presence felt and to contribute its ideas. The possibility of networking with academic associations like the PALS should be considered. If the ALG gets other influential interest groups to consider the ALG-proposed redefinition in their own agendas, the mainstreaming of human rights will be all the more advanced.



Should all planning therefore be made with the impending constitution of the LEB in mind? As mentioned in a preceding section, to do so may prove to be a gross misstep. While CHED's authority over law schools has always been controversial and while law deans have anecdotes as to CHED's being ill-equipped to exercise such authority, it is still undeniable that the SC has implicitly recognized this authority to supervise law schools. Underestimating its position therefore will be a miscalculation.

The CHED's visitations and assessment project in 2001-2003 was undertaken with the ultimate goal of drawing up modern policies and standards to replace DECS Order No. 27. It only stepped back when the SC issued the resolution calling on the JBC to prepare the list of LEB nominees. CHED cut short the project and opted to simply submit its assessment report to the SC for reference to the LEB once constituted as it had, understandably, thought that the LEB's constitution was imminent. Should the LEB not be created in the near future, there is a good chance that CHED will once again step into the perceived void. If this happens, ALG will need to be there as well.

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Having said that, positioning cannot be undertaken on the national (i.e., LEB or CHED) level only. It must also be assumed at the level of the schools for two reasons. One, if it comes to pass that law schools will have the discretion to determine a large part of their curriculum (e.g., 40%) and human rights is not part of that which constitute the minimum uniform curriculum, then advocating for such inclusion at the law school level will be the only viable option. Second, while the SC, in its SC Bar Matter No. 1161: Resolution on Reform in the Bar Examinations (2004), suggested that the Legal Education Reform Act should be amended to apply to “all schools and colleges of law, public or private”, provided that it will not apply only to the College of Law of the University of the Philippines system, the law as currently worded provides that the supervision of the LEB applies only to “all schools and colleges of law which are presently under the supervision of the Department of Education, Culture and Sports (DECS).”<sup>17</sup> There are a good number of law schools which were not under DECS supervision, nor presently under CHED's for that matter. These schools, arguably, will not be under the control or supervision of the LEB either. This includes the state universities and colleges which,

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<sup>17</sup>Republic Act No. 7662, §12.

under their individual charters, have been given autonomy. This will also include private higher education institutions (HEIs) which have been granted deregulation or full autonomy status. As may be gleaned from CHED memorandum orders, the benefits of such HEIs include:

- Freedom from monitoring and evaluation activities of the CHED;
- Privilege to determine and prescribe curricular programs without securing permit/authority from CHED;
- Privilege to offer new programs without securing permit/authority from CHED; and
- Submissions only for purposes of information, data-gathering and reference of CHED.

So while a campaign for curriculum redefinition must be undertaken at the national or policy level, a concurrent positioning at the local or law school administration level must also be carried out.

#### 5. THE CORRECT APPROACH IS CRITICAL.

As observed in the course of this study, the bar examinations appear to have achieved the status of a pagod for most law schools. Condemning any perceived inordinacy in the law schools' attention to the bar exams will, most certainly, just make the traditionalists dig their heels in deeper and would therefore be akin to shooting one's self in the foot. Besides, as long as the bar remains to be the standard by which advocates are accepted into the practice of law, it will always be a force to reckon with.

Approach is therefore critical. One cannot advocate for curriculum development by insisting that a place should be made for such change *despite* the "bar examinations" as the latter should be "put in its proper place", or more accurately, where advocates for such curriculum development perceive its proper place to be.

Sharing the points of view of progressive deans can be part of the strategy. When Cesar L. Villanueva became dean of the Ateneo Law School in 2003, he announced immediately that the thrust of his deanship would be to maintain quality education while preparing students "to consummate their lives in trying to serve basically what Philippine society is all about: a poor country that needs quality representation and quality advocacy." In fact, the new formulation of the law school's mission statement provides in part that it aims to



“transform its legal traditions and competence to allow both the law school and its graduates to take leading roles in *alternative lawyering* in accordance with the current economic and social needs of the Philippine community but at the same time, to move the law school’s competence and capabilities towards a higher level of standard that meets the challenges that the Philippine community must face in an ever globalized and competitive world order...”<sup>18</sup> Dean Villanueva expressed his belief that the Ateneo Human Rights Center can actually begin to expose many of our law students to the cause of those who belong to the marginalized sectors of society.<sup>19</sup>

Based on his own experience at the Ateneo Law School, Dean Villanueva also opines that the bar examinations have not caused the deterioration of Philippine legal education, but rather the results do indicate that not complying with the law schools’ true missions has caused such deterioration:

[I]t has been the standard fare to accuse ALS as one of the leading law schools that over-emphasizes the taking of Bar Examinations. When an institution of learning and training has as its main clientele law students who would be future applicants for a government licensure examination, it is sheer irresponsibility if that institution’s students are not even fit to pass the very licensure examination meant to determine who would be authorized and qualified to exercise such profession. Such an irresponsible institution deserves no less than being closed down. ALS, as a responsible law school, takes the prospects of its graduates taking the bar examinations seriously, as any responsible law school should; *but never to the exclusion of other primary responsibilities.*<sup>20</sup>

Perhaps law schools can also be subtly reminded of what Justice Irene Cortes wrote:

To begin with, the law schools themselves need to direct their attention to the attainment of their announced

<sup>18</sup>Ateneo Capital Fund Campaign: Law School Component, Ateneo Law School, 29 June 2004.

<sup>19</sup>He further expressed confidence that, with the Human Rights Center, the law school can be reoriented. Ryan Mancera, CLV Named New Law Dean, The Palladium, 8 August 2003, at 6.

<sup>20</sup>Cesar L. Villanueva, Defining the Gravamen: The Bar Reform Movement, 48 Ateneo L.J. 624, 651 (2003).





objectives. Passing the bar examinations has never admittedly been an end in itself, but what has developed in most schools is that it has become the principal goal. The curriculum, the methods of instruction, the review courses in the fourth year – all contribute to emphasize this.<sup>21</sup>

Any groundbreaking strategy to approach individual law schools with a view to influencing them would benefit from allusions to their original missions. As seen earlier, most if not all schools have cause-oriented mission statements. Any proposal for curriculum development towards alternative lawyering can be crafted in a way so as to highlight the institution’s mission statement. This can be a source of possible curriculum redefinition. The deans should be made cognizant of such statements again and persuaded to honor their word.

If the lobbying is done on the level of the Legal Education Board, it bears emphasizing that the Legal Education Reform Act of 1993 which created it provides that legal education in the Philippines is geared, not only to prepare students for the practice of law, but also to *increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society*; and 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.



From the aforementioned points can be culled the possible next steps which ALG may wish to plan for:

- Designing an orientation seminar regarding alternative law for the various target groups (i.e., law school administration, faculty members, students, etc.) and planning a strategy to get the schools to agree to such information campaign or faculty development activity. Identifying focal persons in the various groups to assist on this will be helpful.
- Identifying possible resources and partners for this academic reform program towards alternative lawyering.

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<sup>21</sup>Justice Irene R. Cortes, *Legal Education: The Bar Examination as a Qualifying Process*, 53 *Phil. L.J.* 130, 144-45 (1978).

- Identifying possible entry points and undertaking networking activities with the various relevant agencies (e.g., CHED and LEB) and interest groups (e.g., PALS).
- Drafting a concrete proposal for lobbying purposes which should ideally include a detailed outline for a human rights course offering complete with course description and rationale, general and specific objectives, content, methodology, reading list, and basis for evaluation. Sectoral issues and concrete suggestions as to how a clinical aspect can be incorporated should be included as well. In the alternative, draw up a total package of what ALG believes the basic curriculum should contain.

Curriculum development towards alternative lawyering may be problematic and challenging but, as countless studies and consultations have shown, it is necessary to make legal education more relevant to social justice and to harness law as a tool for access to justice by the poor. The exigencies of the times allow for no other recourse but for ALG to take on the challenge of doing its part in making legal education more relevant to the Philippine situation.

