



Republic of the Philippines
Supreme Court
Manila

A.M. No. 19-03-24-SC

RULE 138-A
LAW STUDENT PRACTICE

MANILA, PHILIPPINES
JULY 2019



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Supreme Court
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Whereas, pursuant to the provisions of Section 5(5), Article VIII of the 1987 Constitution, the Supreme Court has the power to adopt and promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged;

Whereas, there is a need to amend the provisions of Rule 138-A to ensure access to justice of the marginalized sectors, to enhance learning opportunities of law students, to instill among them the value of legal professional social responsibility, and to prepare them for the practice of law;

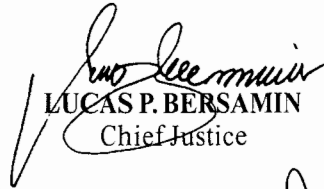
Whereas, there is a need to institutionalize clinical legal education program in all law schools in order to enhance, improve, and streamline law student practice, and regulate their limited practice of law; and

Whereas, to produce practice-ready lawyers, the completion of clinical legal education courses must be a prerequisite to take the bar examinations as provided in Section 5 of Rule 138.

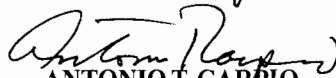
NOW, THEREFORE, the Supreme Court *En Banc* hereby adopts and promulgates the Revised Law Student Practice Rule.

The Revised Rule shall take effect at the start of the Academic Year 2020-2021 following its publication in two (2) newspapers of general circulation.

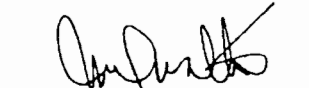
June 25, 2019, Manila, Philippines.



LUCAS P. BERSAMIN
Chief Justice



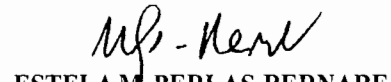
ANTONIO T. CARPIO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

(On Leave)
FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GASMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

A.M. No. 19-03-24-SC
RULE 138-A
LAW STUDENT PRACTICE

Section 1. *Coverage.* – This rule shall cover the limited practice of law by students certified herein. The limited practice of law covers appearances, drafting and submission of pleadings and documents before trial and appellate courts and quasi-judicial and administrative bodies, assistance in mediation and other alternative modes of dispute resolution, legal counselling and advice, and such other activities that may be covered by the Clinical Legal Education Program of the law school as herein provided.

Section 2. *Definition of Terms.* –

- (a) *Clinical Legal Education Program* is an experiential, interactive and reflective credit-earning teaching course with the objectives of providing law students with practical knowledge, skills and values necessary for the application of the law, delivery of legal services and promotion of social justice and public interest, especially to the marginalized, while inculcating in the students the values of ethical lawyering and public service. It consists of learning activities covered by this Rule undertaken in either a) law clinic or an b) externship, which shall incorporate the teaching of legal theory and doctrines, practical skills, as well as legal ethics.
- (b) *Externship* is part of the clinical legal educational program if: (a) it allows students to engage in legal work for the marginalized sectors or for the promotion of social justice and public interest, and (b) it is undertaken with any of the following: (i) the courts, the Integrated Bar of the Philippines (IBP), government offices; and (ii) law school-recognized non-governmental organizations (NGOs).
- (c) *Law Clinic* refers to an office or center which is a component of the law school's clinical legal education

program that renders legal assistance and services as herein provided to eligible persons, groups, and/or communities.

- (d) *Law Student Practitioner* is a law student certified under Section 3 of this Rule.
- (e) *Supervising Lawyer* refers to a member of the Philippine Bar in good standing who is authorized by the law school to supervise the law student practitioner under this Rule.

Section 3. *Eligibility Requirements of Law Student Practitioners.* – No law student shall be permitted to engage in any of the activities under the Clinical Legal Education Program of a law school unless the law student has applied for and secured the following certifications:

- (a) Level 1 certification, for law students who have successfully completed their first-year law courses; and/or
- (b) Level 2 certification, for law students currently enrolled for the second semester of their third-year law courses: *Provided* however, where a student fails to complete all their third-year law courses, the Level 2 certification shall be deemed automatically revoked.

The certification issued shall be valid until the student has completed the required number of courses in the clinical legal education program to complete the law degree, unless sooner revoked for grounds stated herein.

Section 4. *Practice Areas of Law Student Practitioners.* – Subject to the supervision and approval of a supervising lawyer, a certified law student practitioner may:

For Level 1 Certification

- (1) Interview prospective clients;
- (2) Give legal advice to the client;
- (3) Negotiate for and on behalf of the client;
- (4) Draft legal documents such as affidavits, compromise agreements, contracts, demand letter, position papers, and the like;

- (5) Represent eligible parties before quasi-judicial or administrative bodies;
- (6) Provide public legal orientation; and
- (7) Assist in public interest advocacies for policy formulation and implementation.

For Level 2 Certification

- (1) Perform all activities under Level 1 Certification;
- (2) Assist in the taking of depositions and/or preparing judicial affidavits of witnesses;
- (3) Appear on behalf of the client at any stage of the proceedings or trial, before any court, quasi-judicial or administrative body;
- (4) In criminal cases, subject to the provisions of Section 5, Rule 110 of the *Rules of Court*, to appear on behalf of a government agency in the prosecution of criminal actions; and
- (5) In appealed cases, to prepare the pleadings required in the case.

Section 5. *Certification Application Requirements.* – The law student must submit a duly-accomplished application form under oath in three (3) copies, accompanied by proof of payment of the necessary legal and filing fees.

The law school, through the dean or the authorized representative, shall submit to the Office of the Executive Judge of the Regional Trial Court (RTC) having jurisdiction over the territory where the law school is located, the duly-accomplished application form together with an endorsement under oath.

Level 1 Certification

The Executive Judge of the RTC shall evaluate, approve, and issue the certification within ten (10) days from receipt of the application.

The Level 1 certification issued under this provision shall be valid before all courts, quasi-judicial and administrative bodies within the judicial region where the law school is located.

Level 2 Certification

Within ten (10) days from receipt of the application, the Executive Judge of the RTC shall (a) evaluate the application together with its attachments, and (b) recommend to the Office of the Court Administrator (OCA) the approval and issuance of the certification. If the Executive Judge finds the application to be incomplete, the law school shall be notified and required to comply with the requirements within five (5) days from receipt of notice.

The Level 2 certification issued under this provision shall be valid before all courts, quasi-judicial and administrative bodies.

Section 6. *Duties of Law Student Practitioners.* – Acting under a certification, the law student practitioner shall:

- (a) Observe the provisions of Section 24(b), Rule 130 of the *Rules of Court*;
- (b) Be prohibited from using information acquired in one's capacity as a law student practitioner for personal or commercial gain;
- (c) Perform the duties and responsibilities to the best of one's abilities as a law student practitioner; and
- (d) Strictly observe the *Canons of the Code of Professional Responsibility*.¹

Section 7. *Use of Law Student Practitioner's Name.* – A law student practitioner may sign briefs, pleadings, letters, and other similar documents which the student has produced under the direction of the supervising lawyer, indicating the law student practitioner's certificate number as required under this Rule.

Section 8. *Law Student Practitioner's Oath/Affirmation.* – A law student who has been issued a certificate under this Rule must, before performing the activities allowed herein, take an oath in the following form:

“I, (name), having been granted a certificate of law student practice by the Supreme Court under Rule 138-A of the *Rules of Court*, do solemnly swear (or affirm) that I will maintain allegiance to the Republic of the Philippines, I will

¹ Promulgated by the Supreme Court on June 21, 1988.

support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a certified law student practitioner according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to the parties I represent;² and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.”

Section 9. *Duties of Law Schools*. – The law school, through its dean or authorized representative, must:

- (a) Develop and adopt a Clinical Legal Education Program;
- (b) Develop and establish at least one law clinic in its school;
- (c) Endorse qualified students for certification as law student practitioner under this Rule. Such endorsement shall constitute as a certification that the dean or authorized representative knows that the applicant is a student enrolled in the Clinical Legal Education course, possesses good moral character, and has met the requirements of Section 3 of this Rule; and
- (d) Ensure compliance by law student practitioners and supervising lawyers with the *Code of Professional Responsibility*.

Section 10. *Qualification of Supervising Lawyers*. – A supervising lawyer under this Rule shall be a member of the bar in good standing.

Section 11. *Duties of Supervising Lawyers*. – The following are the duties of a supervising lawyer:

- (a) Supervise such number of certified law student practitioners as far as practicable;
- (b) Personally appear with the law student practitioner in all cases pending before the second-level courts and in all other cases the supervising lawyer determines that his or her presence is required;

² Modified last March 29, 2019.

- (c) Assume personal professional responsibility for any work performed by the certified law student practitioner while under his or her supervision;
- (d) Assist and advise the certified law student practitioner in the activities authorized by these rules and review such activities with the certified law student practitioner, all to the extent required for the proper practical training of the certified law student practitioner and the protection of the client;
- (e) Read, approve, and personally sign any pleadings, briefs or other similar documents prepared by the certified law student practitioner prior to the filing thereof, and read and approve any documents which shall be prepared by the certified law student practitioner for execution by the eligible party; and
- (f) Provide the level of supervision to the certified law student practitioner required by these rules.

Section 12. *Clinical Faculty.* – Law schools shall have such number of faculty members to teach clinical legal education courses as may be necessary to comply with this Rule.

Section 13. *Sanctions.* – (a) Without prejudice to existing laws, rules, regulations, and circulars, the following shall be considered as unauthorized practice of law by a certified law student practitioner –

- i. Engaging in any of the acts provided in Section 4 of this Rule without the necessary certification or without the consent and supervision of the supervising lawyer;
- ii. Making false representations in the application for certification;
- iii. Using an expired certification to engage in the limited practice of law under this Rule;
- iv. Rendering legal services outside the scope of the practice areas allowed under Section 4 of this Rule;
- v. Asking for or receiving payment or compensation for services rendered under the Clinical Legal Education Program as provided in this Rule; and

vi. Such other analogous circumstances.

Unauthorized practice of law shall be a ground for revocation of the law student practitioner's certification and/or disqualification for a law student from taking the bar examination for a period to be determined by the Supreme Court.

(b) The above provisions notwithstanding, any act constituting a violation of the *Code of Professional Responsibility* shall subject the supervising lawyer, Clinical Legal Education Program Head, and/or law school dean to disciplinary action, as the circumstances may warrant.

Section 14. *Effectivity*. – This rule shall take effect at the start of Academic Year 2020-2021 following its publication in two (2) newspapers of general circulation. The requirements under second paragraph of Section 5, Rule 138 as amended by A.M. No. 19-03-24-SC dated June 25, 2019 shall apply to bar examination applicants commencing the 2023 bar examinations.

June 25, 2019, Manila, Philippines.

____ Judicial Region
REGIONAL TRIAL COURT
Office of the Executive Judge
(city)

$$X \text{-----} X$$

(Signed)
(name of Applicant)

¹ To facilitate and provide the control number: level number, judicial region, city where EJ is stationed, and year and application number e.g. L1-VII-CEB-2019-001 for an applicant from Cebu City, RTC Cebu

[SCHOOL LETTERHEAD]

(DATE)

Hon. (NAME OF JUDGE)

Executive Judge

Regional Trial Court

(CITY)

Your Honor:

Pursuant to Sections 5 and 9(c) of Rule 138-A of the Rules of Court,
I am respectfully indorsing for your consideration and approval the
application(s) for Level _____ Certification of the following student(s):

1. (full name of student) – (student number)
2. (full name of student) – (student number)
3. (full name of student) – (student number)
4. (full name of student) – (student number)
5. (full name of student) – (student number)

x x x x

Thank you very much.

(NAME OF DEAN)

Dean

**** JURAT ****



SUPREME COURT OF THE PHILIPPINES

____ Judicial Region
Regional Trial Court of (CITY)
Office of the Executive Judge

LEVEL 1 CERTIFICATION

Pursuant to Section 5 of Rule 138-A of the Rules of Court, this Certification is issued to:

(NAME OF STUDENT)
(NAME OF SCHOOL)
(CERTIFICATION NO. _____)¹

This certification is issued subject to the limitations provided under Sections 3 and 4, and 6-8 of Rule 138-A of the Rules of Court and shall be valid until the student has completed the required number of courses in the clinical legal education program to complete the law degree unless sooner revoked for grounds as provided in Rule 138-A.

Pursuant to Section 8 of Rule 138-A of the Rules of Court, the above-named student shall take his/her oath and submit a copy of the same to the office of the dean of the law school.

Given on this ____ day of June 2019, in CITY, Philippines

HON. (NAME OF JUDGE)
Executive Judge

¹ Certification number should be the application number

REPUBLIC OF THE PHILIPPINES

____ Judicial Region
REGIONAL TRIAL COURT
 Office of the Executive Judge
(CITY)

In Re: Application for Level 2 Certification of
(NAME OF SCHOOL) students.

x----- x

I N D O R S E M E N T

HON. (COURT ADMINISTRATOR)

Office of the Court Administrator
 Supreme Court of the Philippines,
 Padre Faura, Manila

Through: Hon. (NAME OF DCA)

Deputy Court Administrator for _____

Pursuant to Section 5 of Rule 138-A of the Rules of Court, the undersigned respectfully endorses the attached applications with the supporting documents, of the following students for Level 2 Certification, for your consideration and appropriate action:

- | | |
|------------------------------------|-----------------------|
| 1. <u>(full name of student)</u> - | Application No. _____ |
| 2. <u>(full name of student)</u> - | Application No. _____ |
| 3. <u>(full name of student)</u> - | Application No. _____ |
| 4. <u>(full name of student)</u> - | Application No. _____ |

Thank you.

Respectfully Submitted.

Done this __th day of (MONTH), 2019

HON. (NAME OF JUDGE)

Executive Judge



SUPREME COURT OF THE PHILIPPINES
Office of the Court Administrator
Manila

LEVEL 2 CERTIFICATION

Pursuant to Section 5 of Rule 138-A of the Rules of Court, this Certification is issued to:

(NAME OF STUDENT)
(NAME OF SCHOOL)
(CERTIFICATION NO. _____)¹

This certification is issued subject to the limitations provided under Sections 3 and 4, and 6-8 of Rule 138-A of the Rules of Court and shall be valid until the student has completed the required number of courses in the clinical legal education program to complete the law degree unless sooner revoked for grounds as provided in Rule 138-A.

Pursuant to Section 8 of Rule 138-A of the Rules of Court, the above-named student shall take his/her oath and submit a copy of the same to the office of the dean of the law school.

Given on this ____ day of June 2019, in CITY, Philippines.

HON. (NAME AND SIGNATURE OF DCA)
Deputy Court Administrator for Luzon

¹ To facilitate and provide the control number: the certification number shall indicate DCA Luz/Vis/Min, the judicial region number, and year and application number e.g. DCA Vis-CEB-2019-001 for an applicant from Cebu City, RTC Cebu