



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court En Banc issued a Resolution dated August 3, 2021, which reads as follows:

“B.M. No. 3860 (Re: Grading System for the 2020/21 Bar Examinations)

RESOLUTION

WHEREAS, the Supreme Court has the constitutional authority to promulgate rules concerning admission to the practice of law;¹

WHEREAS, the Bar Examinations are qualifying licensure exams that test for minimum skills required of lawyers;

WHEREAS, pursuant to its constitutional authority, the Supreme Court adopted Rule 138, Section 14 of the Rules of Court,² which provides the passing average required to pass the Bar Examinations and the relative weight of each subject comprising the Bar Examinations;

¹ 1987 CONST., Art. VIII, sec. 5(5).

² RULES OF COURT, Rule 138, sec. 14 provides:

SECTION 14. Passing Average. — In order that a candidate may be deemed to have passed his examinations successfully, he must have obtained a general average of 75 per cent in all subjects, without falling below 50 per cent in any subject. In determining the average, the subjects in the examination shall be given the following relative weights: Civil Law, 15 per cent; Labor and Social Legislation, 10 per cent; Mercantile Law, 15 per cent; Criminal Law; 10 per cent; Political and International Law, 15 per cent; Taxation, 10 per cent; Remedial Law, 20 per cent; Legal Ethics and Practical Exercises, 5 per cent.

WHEREAS, 2020/21 Bar Examinations Chairperson, Associate Justice Marvic M.V.F. Leonen, proposed several reforms toward a more equitable Bar Examinations;

WHEREAS, among the reforms proposed by Associate Justice Leonen is the modification of the grading system to enable a more reasonable approach to appraising and reporting on Bar Examination performance;

WHEREAS, the COVID-19 pandemic and consequent declaration of a public health emergency exacerbated the conventional difficulties that Bar examinees contend with;

WHEREAS, the COVID-19 pandemic and consequent suspension of the 2020 Bar Examinations have strained the material and human resources of those who intended to take the Bar Examinations as originally scheduled in 2020, while the 2021 law graduates must grapple with a constrained environment and brief window for their preparation;

WHEREAS, the material disparities and divergent circumstances of the two batches of examinees, law graduates from 2020 and 2021, compel the adoption of mechanisms that endeavor to balance disparities;

WHEREAS, modifications in the grading system are appropriate given the extraordinary circumstances engendered by the COVID-19 pandemic, including the anxiety and uncertainties suffered by examinees;

WHEREAS, it has become consistent practice to announce topnotchers in each year's Bar Examinations,³ with the list of topnotchers resting on no other basis than relative numerical vantage rather than established uniform and reliable standards on what amounts to exemplary performance;

WHEREAS, the unique exigencies of the 2020/21 Bar Examinations may create or compound the inequalities in the Bar Examinations, making them more inequitable for exacting distinctions for exemplary performance;

WHEREAS, the vast number of combined examinees places enormous demand on the examiners, who will be constrained to have significantly less time in evaluating each answer;

³ The practice started in 1923. See JUSTICE V.V. MENDOZA, TOWARD MEANINGFUL REFORMS IN THE BAR EXAMINATIONS, 77 PHIL. L.J. 239, 240 (2002-2003).

WHEREAS, prevailing practice includes reporting on law schools' performance in the Bar Examinations as indicated by each school's total number of passing examinees and passing rate;

WHEREAS, reports on law school's performance in the 2020/21 Bar Examinations will shift focus to law schools' collective performance and encourage deep-seated and wide-ranging improvements in legal education, rather than focus on the cultivation of individual preferred Bar Examination hopefuls;

WHEREAS, the exigencies of the current public health situation provide an opportunity to be creative in addressing the need for more compassion and equity;

WHEREAS, these changes are merely *pro hac vice*, meaning only for the Bar Examinations to be conducted this November 2021, but with a view that they may be reviewed by the Court *En Banc* for the next Bar Examinations in line with its continuing efforts for reform;

NOW, THEREFORE, acting on the recommendations of Associate Justice Marvic M.V.F. Leonen, this Court, sitting *En Banc*, resolves to **SUSPEND** Rule 138, Section 14 of the Rules of Court for the 2020/21 Bar Examinations. The following rules for evaluating and reporting on performance are hereby adopted for the 2020/21 Bar Examinations:

Section 1. *Weight of Bar Subjects*. — The subjects in the examination shall be given the following relative weights: Civil Law, 15%; Labor and Social Legislation, 10%; Commercial Law, 15%; Criminal Law, 10%; Political and International Law, 15%; Taxation, 10%; Remedial Law, 20%; and Legal Ethics and Practical Exercises, 5%.

Section 2. *Passing the Bar*. — To successfully pass the Bar Examinations, an examinee's total weighted score across all Bar subjects must be equivalent to at least 75%, computed in accordance with the relative weights per subject in Section 1. A total weighted score equivalent to below 75% will mean that an examinee did not pass the Bar Examinations. This is without prejudice to the lowering of the minimum total weighted score required to pass the 2020/21 Bar Examinations, as may be deemed appropriate and resolved by the Supreme Court *En Banc*, upon recommendation of the Bar Chairperson. /

The Supreme Court shall publish the list of passers in appropriate media at a date to be recommended by the Bar Chairperson.

Section 3. *Recognition for Exemplary Performance.* — An examinee who obtains a total weighted score of 85% or higher for the 2020/21 Bar Examinations shall be recognized for exemplary performance in the Bar Examinations.

Simultaneously, as when the list of passers is made publicly available by the Supreme Court, it shall also make publicly available through the same media the list of examinees who have earned recognition for exemplary performance.

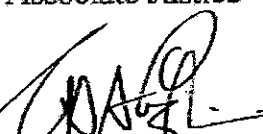
Section 4. *Report on law schools' performance.* — The performance of each law school in the Bar Examinations shall be reported by ranking and listing law schools from the most to the least percentage of passers from among their total first-time examinees. There shall be separate lists categorizing law schools in relation to the number of their first-time examinees.

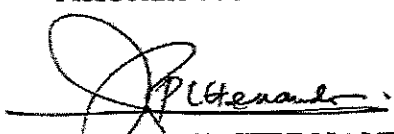
Another list shall be prepared, indicating law schools with examinees recognized for exemplary performance. Law schools included in this list shall be ranked and listed from those with the most to the least number of examinees recognized for exemplary performance.”



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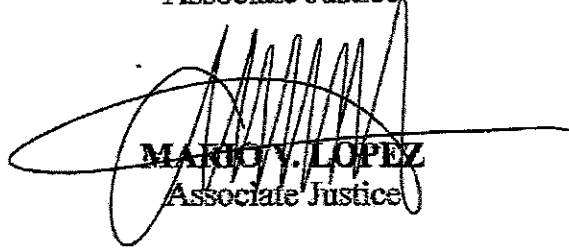

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