SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

OSCAR B. PIMENTEL, ERROL B. COMAFAY, JR., RENE B. GOROSPE, EDWIN R. SANDOVAL, VICTORIA B. LOANZON, ELGIN MICHAEL C. PEREZ, ARNOLD E. CACHO, AL CONRAD B. ESPALDO, ED VINCENT S. ALBANO, LEIGHTON R. SIAZON, ARIANNE C. ARTUGUE, CLARABEL ANNE R. LACSINA, KRISTINE JANE R. LIU, ALYANNA MARI C. BUENVIAJE, IANA PATRICIA DULA T. NICOLAS, IREN A. TOLENTINO AND AUREA I. GRUYAL, *Petitioners,* -versus- **LEGAL EDUCATION BOARD (LEB), REPRESENTED BY ITS CHAIR, HON. EMERSON B. AQUENDE, AND LEB MEMBER, HON. ZENAIDA N. ELEPAÑO,** *Respondents;* **ATTYS. ANTHONY D. BENGZON, FERDINAND M. NEGRE, MICHAEL Z. UNTALAN, JONATHAN Q. PEREZ, SAMANTHA WESLEY K. ROSALES, ERIKA M. ALFONSO, KRYS VALEN O. MARTINEZ, RYAN CEAZAR P. ROMANO AND KENNETH C. VARONA,**	**G.R. No. 230642**

Respondents-in-Intervention,

APRIL D. CABALLERO, JEREY C. CASTARDO, MC WELLROE P. BRINGAS, RHUFFY D. FEDERE, CONRAD THEODORE A. MATUTINO AND NUMEROUS OTHER SIMILARY SITUATED, ST. THOMAS MORE SCHOOL OF LAW AND BUSINESS, INC., REPRESENTED BY ITS PRESIDENT, RODOLFO C. RAPISTA, FOR HIMSELF AND AS FOUNDER, DEAN AND PROFESSOR, OF THE COLLEGE OF LAW, JUDY MARIE RAPISTA-TAN, LYNNART WALFORD A. TAN, NEIL JOHN VILLARICO AS LAW PROFESSORS AND AS CONCERNED CITIZENS,

Petitioners-Intervenors.

X - X

FRANCIS JOSE LEAN L. ABAYATA, GRETCHEN M. VASQUEZ, SHEENAH S. ILUSTRISMO, RALPH LOUIE SALAÑO, AIREEN MONICA B. GUZMAN, DELFINO ODIAS, DARYL DELA CRUZ, CLAIRE SUICO, AIVIE S. PESCADERO, NIÑA CHRISTINE DELA PAZ, SHEMARK K. QUENIAHAN, AL JAY T. MEJOS, ROCELLYN L. DAÑO,* MICHAEL ADOLFO, RONALD A. ATIG, LYNETTE C. LUMAYAG, MARY CHRIS LAGERA, TIMOTHY B. FRANCISCO, SHIELA MARIE C. DANDAN, MADELINE C. DELA PEÑA, DARLIN R. VILLAMOR, LORENZANA L. LLORICO, AND

G.R. No. 242954

* Also referred to as "Jocelyn L. Daño" in some parts of the *rollo*.

JAN IVAN M. SANTAMARIA,

Petitioners,

-versus-

HON. SALVADOR MEDIALDEA, EXECUTIVE SECRETARY AND LEGAL EDUCATION BOARD, HEREIN REPRESENTED BY ITS CHAIRPERSON, EMERSON B. AQUENDE,

Respondents.

X - X

RE: REQUEST FOR CLARIFICATION REGARDING THE STATUS AND TREATMENT OF THE PHILIPPINE LAW SCHOOL ADMISSION TEST (PHILSAT) IN THE LIGHT OF THE SUPREME COURT DECISION IN G.R. NO. 230642 (OSCAR B. PIMENTEL, ET AL. vs. LEGAL EDUCATION BOARD) AND G.R. NO. 242954 (FRANCIS JOSE LEAN L. ABAYATA, ET AL. vs. HON. SALVADOR MEDIALDEA, EXECUTIVE AND LEGAL EDUCATION BOARD, HEREIN REPRESENTED BY ITS CHAIRPERSON, EMERSON B. AQUENDE)

THE BOARD OF TRUSTEES OF THE PHILIPPINE ASSOCIATION OF LAW SCHOOLS (PALS), REPRESENTED BY ITS CHAIRPERSON, DEAN JOAN S. LARGO, AND ITS PRESIDENT DEAN MARISOL DL. ANENIAS,

Intervenor.

X - X

A.M. NO. 20-03-04-SC

Present:

GESMUNDO, *CJ*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J., and
DIMAAMPAO, *JJ.*

Promulgated:

November 9, 2021

X - X

RESOLUTION

ZALAMEDA, *J.*:

Congress, with the expressed policy of "uplifting" the standards of legal education, passed Republic Act No. (RA) 7662 and introduced certain reforms to the legal education system, including the creation of an administrative body with the power to, among others, prescribe minimum standards for law school admission and law school accreditation. These reforms, however, were met with resistance, on constitutional grounds, from those who seek to impart, as well as those who strive to acquire, legal knowledge. The Court, as the final arbiter of all legal questions properly brought before it, will strive to put these legal issues to rest.

The Case

This resolves the joint Motion for Reconsideration (of the Decision dated 10 September 2019)[1] of respondents Legal Education Board (LEB) and Executive Secretary Salvador Medialdea (respondents, collectively), filed through the Office of the Solicitor General (OSG), the Partial Motion for Reconsideration with Joint Comment/Opposition on respondent's Motion for Reconsideration[2] (Partial Motion for Reconsideration) of petitioners in G.R. No. 242954 (petitioners), and the Petition-In-Intervention[3] of the Philippine Association of Law Schools (PALS). The aforesaid motions and petition seek reconsideration of the Decision dated 10 September 2019,[4] rendered by the Court *En Banc*, through former Associate Justice Jose C. Reyes, Jr., in the consolidated petitions, docketed as G.R. Nos. 242954 and 230642. The dispositive portion of said Decision reads:

> **WHEREFORE**, the petitions are **PARTLY GRANTED**.
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> The jurisdiction of the Legal Education Board over legal education is **UPHELD**.
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> The Court further declares:
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> As **CONSTITUTIONAL**:

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1 *Rollo*, Vol. IV, pp.2185-2209.
2 *Id.* at 2241-2277.
3 *Id.* at 2304-2327.
4 *Id.* at 1893-1999.

1. Section 7 (c) of R.A. No. 7662 insofar as it gives the Legal Education Board the power to set the standards of accreditation for law schools taking into account, among others, the qualifications of the members of the faculty without encroaching upon the academic freedom of institutions of higher learning; and

2. Section 7 (e) of R.A. No. 7662 insofar as it gives the Legal Education Board the power to prescribe the minimum requirements for admission to legal education and minimum qualifications of faculty members without encroaching upon the academic freedom of institutions of higher learning.

As **UNCONSTITUTIONAL** for encroaching upon the power of the Court:

1. Section 2, par. 2 of R.A. No. 7662 insofar as it unduly includes "continuing legal education" as an aspect of legal education which is made subject to Executive supervision and control;

2. Section 3(a)(2) of R.A. No. 7662 and Section 7(2) of LEBMO No. 1-2011 on the objective of legal education to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society;

3. Section 7(g) of R.A. No. 7662 and Section 11(g) of LEBMO No. 1-2011 insofar as it gives the Legal Education Board the power to establish a law practice internship as a requirement for taking the Bar; and

4. Section 7(h) of R.A. No. 7662 and Section 11(h) of LEBMO No. 1-2011 insofar as it gives the Legal Education Board the power to adopt a system of mandatory continuing legal education and to provide for the mandatory attendance of practicing lawyers in such courses and for such duration as it may deem necessary.

As **UNCONSTITUTIONAL** for being *ultra vires*:

1. The act and practice of the Legal Education Board of excluding, restricting, and qualifying admissions to law schools in violation of the institutional academic freedom on who to admit, particularly:

    a. Paragraph 9 of LEBMO No. 7-2016 which provides that all college graduates or graduating students applying for admission to the basic law course shall

be required to pass the PhiLSAT as a requirement for admission to any law school in the Philippines and that no applicant shall be admitted for enrollment as a first year student in the basic law courses leading to a degree of either Bachelor of Laws or Juris Doctor unless he/she has passed the PhiLSAT taken within two years before the start of studies for the basic law course;

b. LEBMC No. 18-2018 which prescribes the passing of the PhiLSAT as a prerequisite for admission to law schools;

Accordingly, the temporary restraining order issued on March 12, 2019 enjoining the Legal Education Board from implementing LEBMC No. 18-2018 is made **PERMANENT**. The regular admission of students who were conditionally admitted and enrolled is left to the discretion of the law schools in the exercise of their academic freedom; and

c. Sections 15, 16, and 17 of LEBMO No. 1-2011;

2. The act and practice of the Legal Education Board of dictating the qualifications and classification of faculty members, dean, and dean of graduate schools of law in violation of institutional academic freedom on who may teach, particularly:

a. Sections 41.2(d), 50, 51, and 52 of LEBMO No. 1-2011;
b. Resolution No. 2014-02;
c. Sections 31(2), 33, 34, and 35 of LEBMO No. 2;
d. LEBMO No. 17-2018; and

3. The act and practice of the Legal Education Board of dictating the policies on the establishment of legal apprenticeship and legal internship programs in violation of institutional academic freedom on what to teach, particularly:

a. Resolution No. 2015-08;
b. Section 24(c) of LEBMO No. 2; and
c. Section 59(d) of LEBMO No. 1-2011.

SO ORDERED.

After the rendition of the Court's Decision, PALS filed a Letter dated 27 February 2020, docketed as A.M. No. 20-03-04-SC (Re: Request for Clarification Regarding the Status and Treatment of the PhiLSAT) and

consolidated with G.R. Nos. 230642 and 242954.[5] Thereafter, the Court issued a Resolution dated 16 June 2020, treating the letter as a Motion for Leave to Intervene, and required PALS to file the proper pleading-in-intervention and the other parties to file their respective comments thereto.

On 28 August 2020, the Court received a copy of the Petition-in-Intervention filed by PALS.[6] With its continuing mission to uplift the standards of Philippine legal education to meet global standards of excellence, PALS claims that it stands to be adversely affected by any decision rendered by the Court on the constitutional issues raised in G.R. Nos. 230642 and 242954.

In the main, PALS prays for the declaration of unconstitutionality of LEB Memorandum Order No. 7, Series of 2016 (LEBMO No. 7-2016) in its entirety. It submits, in particular, that: (1) LEBMO No. 7-2016 is unconstitutional as it infringes upon academic freedom insofar as it prescribes a passing score to qualify for admission to law school;[7] (2) the status of the PhiLSAT as a pre-requisite for admission to law school is unclear despite the Court's nullification of Section 9 of LEBMO No. 7-2016 in view of the LEB's issuance of Memorandum Circular No. 52 dated 26 February 2020 (LEBMC No. 52-2020), allowing the conditional admission of enrollees who have not taken the PhiLSAT;[8] (3) discussions on amendments to LEBMO No. 7-2016 should be held in abeyance pending final resolution by this Court of the issues against it;[9] and (4) following the suggestion of former Associate (now Chief) Justice Alexander G. Gesmundo (Chief Justice Gesmundo), the PhiLSAT should be set aside and PALS, under the supervision of the LEB, should instead be authorized to conduct a unified, standardized, and acceptable law school admission examination.[10] PALS likewise posits that LEB Memorandum Order No. 22, Series of 2019 (LEBMO No. 22-2019), in conjunction with LEB Memorandum Circular No. 6 dated 14 July 2017 (LEBMC No. 6-2017) and LEB Resolution No. 2012-02, which additionally require law schools to report the number and date of the LEB Certification (LEBC) issued to the student in their Transcript of Records (TOR), infringes on the Court's power to promulgate rules concerning admission to the practice of law and interferes with the administration by law schools of their graduating students.[11]

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5 *Rollo,* (A.M. No. 20-03-04-SC), pp. 6-16.
6 *Rollo,* (G.R. No. 230642), Vol. 4, pp. 2304-2323.
7 *Id.* at 2309.
8 *Id.*
9 *Id.* at 2380.
10 *Id.*
11 *Id.* at 2319-2321.

For their part, respondents reiterate their position that the protection of academic freedom does not make schools immune from reasonable restrictions imposed by the State to promote the right of all citizens to quality education at all levels and to advance public welfare.[12]

In defending the constitutionality of LEBMO No. 7-2016, respondents emphasize that striking down the issuance in its entirety would render meaningless this Court's declarations sustaining the State's supervisory and regulatory authority over legal education and power to impose a standardized admission test, and the reasonableness of the issuance.[13]

Respondents further contend that the mandatory nature of the PhiLSAT was articulated in the Court's ruling and maintain that there is no reason to invalidate the same considering that (i) it is similar to the National Medical Admission Test (NMAT) which was declared constitutional;[14] (ii) there is compelling State interest to ensure the highest quality of legal education and impose a law school qualifying examination;[15] and (iii) it does not constitute an unfair and unreasonable academic requirement as it is merely a minimum qualification for students' admission to law schools and only those who want to obtain a Bachelor of Laws or Juris Doctor degree are required to pass the same, while those who merely want to have basic knowledge of the law may learn from audit classes allowed under Section 2(c) of LEB Memorandum Order No. 2 (LEBMO No. 2).[16] They likewise claim that discussions on the PhiLSAT aim to give stakeholders every opportunity to be heard. Any agreement reached during consultation will only be effected after the finality of this case.[17]

As to the other LEB issuances, respondents asseverate that (i) the requirement relative to the TOR under LEBMO No. 22-2019 is a necessary consequence of the examination results which the Court had declared to be unconstitutional; (ii) Sections 15, 16, and 17 of LEB Memorandum Order No. 1, Series of 2011 (LEBMO No. 1-2011), which provide for the requirements for admission of foreign graduates, Bachelor of Laws and/or Doctor of Jurisprudence programs, and graduate programs in law, respectively, are reasonable measures adopted pursuant to the State's power

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[12] *Id.* at 2365-2368.
[13] *Id.* at 2370.
[14] *Id.* at 2368-2370.
[15] *Id.* at 2370-2374.
[16] *Id.* at 2365-2366.
[17] *Id.* at 2380-2382.

to supervise and regulate legal education;[18] and (iii) the prescribed minimum qualifications for faculty members and deans of law schools are reasonable requirements germane to the State's objective of promoting quality of legal education, pursuant to the State's role as *parens patriae.*[19]

Finally, respondents pray for the Court to declare as valid: 1) paragraph 9 of LEBMO No. 7-2016; 2) LEB Memorandum Circular No. 18 dated 08 June 2018 (LEBMC No. 18-2018); 3) Sections 15, 16, and 17 of LEBMO No. 1-2011; 4) Sections 41.2(d), 50, 51, and 52 of LEBMO No. 1-2011; 5) Resolution No. 2014-02; 6) Sections 31(2), 33, 34, and 35 of LEBMO No. 2; 7) LEB Memorandum Order No. 17, Series of 2018 (LEBMO No. 17-2018); 8) Resolution No. 2015-08; 9) Section 24(c) of LEBMO No. 2; and 10) Section 59(d) of LEBMO No. 1-2011. They also prayed for the lifting of the TRO.[20]

In their Partial Motion for Reconsideration, petitioners remain adamant that RA 7662 is unconstitutional as the LEB infringes upon the constitutional power and prerogative of the Supreme Court. According to petitioners, the power of the Supreme Court to admit people to the practice of law encompasses the admission of law students to law schools. They reiterate that the Supreme Court's involvement in the study of law is manifested in Section 5, Rule 138 of the Rules of Court, which provides the minimum standards for the law school curricula, and Rule 138-A of the same Rules, which allows the appearance of law students before judicial and quasi-judicial bodies.[21] They point out that while there may be a few who do not intend to practice law after graduating, the *raison d'etre* of studying law is still to produce lawyers. As such, the curricula of law schools must conform to the minimum requirements set by the Supreme Court for taking the Bar exams.

Petitioners also differentiate NMAT and PhiLSAT as to impact of the cut-off score in the admission policies and standards of the schools and the sanctions for non-compliance thereto.

Likewise, petitioners claim that Sections 15, 16, and 17 of LEBMO No. 1-2011 were correctly declared unconstitutional as they unduly restrict the academic freedom of law schools in determining who to accept as

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[18] *Id.* at 2219-2222.
[19] *Id.* at 2223-2229.
[20] *Id.* at 2233.
[21] *Id.* at 2250-2251.

students.[22]

Petitioners further insist that while the Court affirmed the LEB's authority to impose minimum requirements on faculty hiring, the LEB's execution of such power through its various issuances was arbitrary and unreasonable. They argue that the master's degree requirement for faculty members is unrealistic in light of logistical and financial considerations. Moreover, they asseverate that the LEB usurps the right of schools to assess the fitness and aptitude of its faculty member to teach; failing to consider that legal expertise is not only obtained through continued studies but likewise through law practice in specialized fields. The arbitrariness of such a requirement is even highlighted by the fact that members of the LEB are themselves not holders of a master's degree.[23]

Ultimately, petitioners seek to declare the unconstitutionality of RA 7662 in its entirety, deny the motion for reconsideration of respondents, and affirm the Court's ruling in all other respects.

Issues

Summarizing the various arguments of the herein parties, the issues for the Court's resolution are as follows:

1. Whether there is a cogent reason for this Court to invalidate, on the ground of unconstitutionality, the entirety of RA 7662 and LEBMO No. 7-2016, instead of merely portions thereof;

2. Whether the Court erred in upholding the jurisdiction of the LEB over legal education;

3. Whether the Court erred in holding that the requirement to pass the PhiLSAT or have a valid certificate of exemption within two (2) years prior to application in law school, along with the imposition by the LEB of a passing score of 55%, is unconstitutional for violating the academic freedom of law schools on who may be admitted as its

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[22] *Id.* at 2267.
[23] *Id.* at 2269-2273.

students;

4. Whether the Court's ruling rendered the PhiLSAT optional;

5. Whether the Court erred in making permanent the TRO it issued on 12 March 2019, where regular admission of students who were conditionally admitted and enrolled is left to the discretion of the law schools in the exercise of their academic freedom;

6. Whether the Court erred in invalidating Sections 15, 16, and 17 of LEBMO No. 1-2011;

7. Whether there is cogent reason to amend or reverse the Court's declaration as to the unconstitutionality of the LEB's issuances relating to the minimum requirements on qualifications and classification of faculty members, dean, and dean of graduate schools of law, in violation of institutional academic freedom on who may teach, particularly: a) Sections 41.2 (d), 50, 51, and 52 of LEBMO No. 1-2011; b.) Resolution No. 2014-02; c.) Sections 31 (2), 33, 34, and 35 of LEBMO No. 2; and d.) LEBMO No. 17-2018; and

8. Whether LEBMO No. 22-2019, LEBMC No. 6-2017, and LEB Resolution No. 2012-02 are unconstitutional because they unduly infringe on the law schools' administration of their graduating students, and arbitrarily put more burden on the graduating class.

Ruling of the Court

Before this Court resolves the foregoing issues, We deem it proper to address first the propriety of PALS' intervention purportedly in representation of the interests of one hundred and twenty-seven (127) law schools from all over the country whose exercise of academic freedom will ultimately be affected by this case.[24]

Indeed, in several cases, associations were accorded legal personality

[24] *Id.* at 2306.

to represent its members,[25] especially where said associations advanced constitutional issues which deserved the attention of this Court in view of said issues' seriousness, novelty, and weight as precedents.[26] Here, apart from a general averment regarding its representation of the interests of its constituent members, PALS did not offer any other argument to justify its intervention. Considering, however, the lack of objection on the part of respondents and the importance of the resolution of this case not only to the public, but also to the Bench and the Bar,[27] the Court, in the exercise of its sound discretion, finds cause to allow PALS to intervene. Prudence and public interest considerations warrant the allowance of the intervention of PALS to make way for fuller ventilation of all substantive issues relating to the matter at hand.[28]

Guided by the legal issues raised, the Court embarked on another zealous assessment of the prevailing circumstances, as well as a conscientious reexamination of the pronouncements made in the assailed Decision. After thorough deliberations, the Court resolves the pending incidents as follows:

The Court stresses that there is a compelling State interest to uplift the quality of legal education

Nelson Mandela once said that **education is the most powerful weapon which you can use to change the world.** However, having such a weapon is one thing; ensuring your weapon is sharp, and top-grade is another.

Considering the current state of legal education in the country, the Court agrees with the respondents that there is a compelling State interest to ensure the country's highest quality of legal education.[29] As former Associate Justice Andres B. Reyes, Jr. (former Justice A.B. Reyes, Jr.) remarked, "there

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[25] *Chinese Flour Importers Association, Manila, Phils. v. Price Stabilization Board*, 89 Phil. 439 (1951) [Per J. Bautista Angelo] citing *Gallego et al. vs. Kapisanan Timbulan ng mga Manggagawa*, 83 Phil. 124 (1949).

[26] *Francisco, Jr. v. House of Representatives*, 460 Phil. 830, 897-898 (2003), G.R. Nos. 160261, 160262, 160263, 160277, 160292, 160295, 160310, 160318, 160342, 160343, 160360, 160362, 160370, 160376, 160392, 160397, 160403 & 160405, 10 November 2003 [Per J. Carpio-Morales].

[27] *Garcillano v. House of Representatives Committees on Public Information*, 595 Phil. 775, 796 (2008), G.R. Nos. 170338 & 179275, 23 December 2008 [Per J. Nachura].

[28] *See Francisco, Jr. v. House of Representatives, supra* at note 6.

[29] *Rollo*, p. 2370.

is no doubt that the ultimate goal of attaining quality legal education is a legitimate and lofty objective."[30]

In the Philippines, legal education, at first blush, appears to be all well and good. That is mainly attributable to the old folks putting lawyers and the study of law on a pedestal, far from the reach of any other professions, including medicine. This theory, in turn, may have been conjured primarily because of the much-ballyhooed Bar examination. Viewed from a broader and modern perspective, however, the country's legal education indubitably needs some housecleaning to reach the touchstone of excellence set by the international arena.

In his essay entitled *The State of Philippine Legal Education Revisited*, Mariano F. Magsalin, Jr. (Dean Magsalin), former Dean of Arellano Law School and Secretary-General of PALS, perceptively remarked on this pressing and important matter, thus:

> Imagine a "virtual" panel of the most erudite and specialized law mentors imparting their field of expertise, assisted and complemented by the state-of-the-art teaching tools, in downloadable real time for the consumption of students in the comfort and convenience of their homes, workstations or wherever their personal digital assistants would take them. Feedback or recitation, examinations and grade dissemination are all done through e-mail or its faster and higher-resolution counterpart. Verily, the paper chase is still on but pursued in a different matrix. This is, or should be, according to some Western legal educators, legal education in the digital age.
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> A counterpoint to this idyllic scenario is Philippine legal education, the development of which may be characterized at best, as spinning on its wheels. For decades, the future of law students has been obdurately consigned to an impractical, inefficient, wagering system, totally subservient to an antiquated bar examination requirement. Many Philippine lawyers have labelled themselves as the best in Asia because of what they perceive to be a difficult rite of passage that is the bar examination, and yet, the Philippine law schools have not figured at all as a factor in surveys of the best universities in Asia.
>
> Reforms in Philippine legal education have moved glacially. While many foreign schools have already responded and adapted to the demands of an increasingly globalized and borderless world, the concerns of many law schools in the Philippines are still centered on survival and viability. Competition is at best described as cutthroat and unfair.[31]

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[30] *See* Former J. A.B. Reyes, Jr. Concurring Opinion in *Pimentel v. LEB*, p. 15.

[31] Magsalin, M.F., Jr., (July 2003). The State of Philippine Legal Education Revisited, *Arellano Law and Policy Review*, Volume 4 No. 1, p. 40. <https://arellanolaw.edu/alpr/v4n1c.pdf> (accessed on 23 August

Certainly, such a noble aspiration is not far-fetched. The country does not need to pray for the stars to align to achieve such a goal. It can happen if all the stakeholders want it to happen. Dean Magsalin wrote the essay in July 2003. Seventeen (17) years later, his dream was finally realized with a virtual school employed since the past school year, not only by law schools but all academic institutions in the Philippines. Unfortunately, it was not directly caused by any reform initiated by schools. This breakthrough was impelled, of all things, by the inappropriate intervention of the coronavirus disease pandemic.

Notwithstanding the development caused by the pandemic, the country's legal education could be careering to a rabbit hole, or perhaps, unheedingly already lingering there. Since the 90s, the Bar examinations — which attracts thousands of hopefuls year in and year out — yielded a passing rate ranging from below 20% to a bit above 30%, with the 1999 result of 16.59% as the lowest recorded.[32] The 2016 examination, which netted a percentage of 59.06%, seemingly was an aberration.[33] The historical passing rate may have led to the view that the Bar examination is a combination of difficulty and luck. However, it cannot be denied that many examinees are ill-prepared to face, let alone hurdle, the examination. This situation persists, notwithstanding that the curriculum of every law school is heavily Bar-centered. What is more, it cannot be discounted that, as pointed out in the Court's ruling, there is a chronic malady permeating the educational institutions where a great majority of schools are money-making devices of persons who organize and administer them.[34]

Corollary to this, Dean Sedfrey M. Candelaria admitted the existence of non-performing law schools.[35] Other luminaries and academicians have expressed a similar observation. As Dean Magsalin spelled out in his essay:

2021).

[32] In a Philippine Daily Inquirer story, it was noted that the 1999 Bar result was the lowest while 2012 result, with a 17.76%, was the second lowest. The Committee was even constrained to reduce the passing percentage from 75% to only 70%, otherwise only 361 or 6% of the 5,343 Bar examinees would have passed the examination. Torres-Tupas, Tetch. *2012 bar result is second lowest passing rate in history-SC Committee.* newsinfo.inquirer.net, Philippine Daily Inquirer, 20 March 2013, <https://newsinfo.inquirer.net/376867/2012-bar-result-is-second-lowest-passing-rate-in-history-sc-committee#ixzz74MKgoO6a> (accessed on 23 August 2021).

[33] The 2016 result broke the 16-year old record of 39.63% obtained in the 1998 Bar examination. It is now the second highest record, with 75.17% set in 1954 Bar examination as the highest. Lopez, Virgil. *Provincial law grads dominate Bar Top 10; passing rate at 59.06.* gmanetwork.com, GMA News Online Your News Authority, <https://www.gmanetwork.com/news/news/nation/609309/59-06-percent-pass-2016-bar-exams-report/story/> (accessed on 23 August 2021).

[34] *See Pimentel v. Legal Education Board,* G.R. Nos. 230642 & 242954, 10 September 2019 [Per J. J.C. Reyes, Jr.], p. 40.

[35] *See* J. Jardeleza's Concurring and Dissenting Opinion in *Pimentel v. LEB*, p. 13.

> x x x From the listing of schools whose graduates took the bar examinations from 1992-2002 and the number of their graduates who passed the bar examinations, it can be easily seen that there are many schools that have dismally failed to prepare their students for these examinations. Twenty-six of seventy-five law schools had a zero passing average at least twice, with two schools having zero average at least eight times, during the 11-year period. Only around fifteen schools have managed to consistently produce annually at least 15 new lawyers with seven schools having at least 35 new lawyers a year.
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> x x x
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> Indeed, these complaints have beset Philippine law schools for decades and they will continue to pester the legal education system for years to come unless something is seriously done to address the situation. For example, the lack of funding and adequate facilities is a matter directed to the government agency in charge of licensing or accrediting law schools. A school without adequate funding and facilities should not be allowed to operate in the first place. Certainly, a school should not depend solely on tuition fees to maintain itself but it should have adequate funding from alternative resources.[36]

These are just a few notable circumstances showing that legal education has long been primed for some facelift. Legal education in the Philippines has lagged because of the stakeholders' laxity or complacency and failure or refusal to adapt and evolve. For instance, most schools in the country have been, for a long time, stuck with the archaic Socratic-Langdellian modes of teaching. However, some students do not have the mettle to argue orally and spontaneously but have what it takes to perform well and excel when presented with other methods of learning, such as problem-based teaching and clinical legal education.

While other jurisdictions have long recognized and adopted alternative teaching options suited for such students, a few law schools in the Philippines have injected much-needed changes here and there, but only because they can, not because they need to. On the other hand, most schools still have not strived to do better because there is nothing to incentivize them. Worse, there is nothing to demotivate them from being deficient and indolent.

RA 7662 serves the call to revamp legal education. It is a necessary evil, if it can be fairly called as such, paving the way for the much-needed uplifting of the standards of legal education in the Philippines through the LEB.

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[36] Magsalin, *The State of Philippine Legal Education Revisited*, 44-45.

Petitioners failed to proffer a cogent reason for the Court to declare the entire RA 7662 unconstitutional

Even after another rumination, the Court still sees no cogent reason to declare the entire RA 7662 unconstitutional based on the alleged encroachment of the Supreme Court's authority [37] and violation of academic freedom. [38] As Associate Justice Amy C. Lazaro-Javier (Justice Lazaro-Javier) aptly pointed out, the presumption is that the legislature intended to enact a valid, sensible, and just law that operates no further than may be necessary to effectuate the specific purpose of the law.[39] Every presumption should be indulged in favor of constitutionality. The burden of proof is on the party alleging an unequivocal breach of the Constitution.[40] Moreover, the invocation of the abovementioned constitutional aphorisms, without more, cannot invalidate a law. Jurisprudence teaches that to justify the nullification of the law, there must be a clear and unequivocal breach of the Constitution, not a doubtful and equivocal breach. [41] As the landmark case of *Ermita-Malate Hotel and Motel Operators Association, Inc. v. City Mayor of Manila*[42] instructs, "there being a presumption of validity, the necessity for evidence to rebut it is unavoidable, unless the statute or ordinance is void on its face."

Accordingly, petitioners have the heavy burden of proving by sufficient evidence the unconstitutionality of RA 7662. As it is, however, except for the provisions of RA 7662 which the Court had earlier declared unconstitutional on their face, petitioners miserably failed to yield a solid and persuasive reason against the constitutionality of the subsisting provisions of RA 7662. Thus, the presumption of the constitutionality of the law must prevail.

Sections 2 paragraphs 2 and 3(a)(2), as well as Section 7(g) and (h), of RA 7662 remain unconstitutional for unduly encroaching on the power of the Supreme Court

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37 *Rollo*, p. 2245.
38 *Id.* at 2256.
39 *See* J. Lazaro-Javier's Concurring and Dissenting Opinion in *Pimentel v. LEB*, p. 27.
40 *See Fariñas v. The Executive Secretary*, 463 Phil. 179, 197 (2003) [Per J. Callejo, Sr.].
41 *See* J. Panganiban's Dissenting Opinion in *Central Bank Employees Association, Inc. v. Banko Sentral ng Pilipinas*, 487 Phil. 531, 652 (2004) [Per CJ Puno].
42 127 Phil. 306, 315 (1967) [Per J. Fernando].

The above notwithstanding, the Court hastens to clarify that Sections 2 paragraphs 2, 3(a)(2), 7(g), and 7(h) of RA 7662 remain unconstitutional as declared in the Decision of the Court. These provisions read:

> **Section 2.** *Declaration of Policies.* It is hereby declared the policy of the State to uplift the standards of legal education xxx
>
> Towards this end, the State shall undertake appropriate reforms in the legal education system, require proper selection of law students, maintain quality among law schools, and **require** legal apprenticeship and **continuing legal education.**
>
> **Section 3.** *General and Specific Objective of Legal Education.* - (a) Legal education in the Philippines is geared to attain the following objectives:
>
> xxx
>
> (2) **to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society**; xxx
>
> **Section 7.** *Powers and Functions.* - For the purpose of achieving the objectives of this Act, the Board shall have the following powers and functions:
>
> x x x
>
> g) **to establish a law practice internship as a 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.
>
> (h) **to adopt a system of continuing legal education.** For this purpose, the Board may provide for the **mandatory attendance of practicing lawyers** in such courses and for such duration as the Board may deem necessary; and x x x [*Emphases supplied.*]

Indeed, the foregoing provisions unduly infringed on matters which fall within the **exclusive** domain of the Supreme Court.

Sections 2 paragraphs 2, 3(2), and 7(h) were struck down by this Court because, **by their very terms**, these provisions pertain to matters affecting members of the legal profession.

Admittedly, the study of the law is a comprehensive, widespread, and life-long process. Hence, it is not confined to the four corners of a law school and its pedagogy. However, synthesizing Section 3(b) of RA 7662, there should be no question that the legislative purpose of the law is aimed particularly towards law students. The goal of RA 7662 is to improve legal education for law students to learn the essential skills and competencies that would make them not only strive but thrive in the fast-changing world outside the law school.

The Court finds no difficulty upholding the purpose of the law to improve legal education in the country. However, extending the LEB's authority to those who have already been accepted to the bar is a legislative overreach. As explained in the Decision, in authorizing the LEB to compel mandatory attendance of practicing lawyers in such courses and for such duration as the LEB deems necessary, the legislature encroached upon the Court's power to promulgate rules concerning the Integrated Bar.[43] Respondents' tenuous assertion that the continuing legal education under RA 7662 is limited to the training of **lawyer-professors** does not justify the existence of said provision.[44] It still unlawfully intruded into the power of the Court to promulgate rules concerning the Integrated Bar, which necessarily includes the continuing legal education of lawyer-professors, as the term practice of law encompasses the teaching thereof.[45]

Similarly, the Court declared Section 7(g) unconstitutional because its phraseology unduly stretched the authority of the LEB by authorizing it "to establish a law practice internship as a requirement for taking the Bar." With Section 7(g), "the LEB is no longer confined within the parameters of legal education, but now dabbles on the requisites for admissions to the bar examinations, and consequently, admissions to the bar."[46] As underscored in the Decision, however, "the jurisdiction to determine whether an applicant may be allowed to take the bar examinations belongs to the Court."[47] Section 7(g) unlawfully encroached into the constitutionally sanctioned authority of the Supreme Court to promulgate rules concerning the admission to the practice of law.

It is worth noting, as well, that in the Decision, the Court had explained that Section 7(g) was likewise violative of the academic freedom

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[43] *See Pimentel v. LEB, supra* at note 14, p. 76.
[44] *Id.*
[45] *Id.*
[46] *Id.* at 74.
[47] *Id.*

of law schools. As the Court held, while the clause **legal internship** does not immediately strike as being intrusive of the academic freedom of law schools, how the LEB exercised its authority under Section 7(g) effectively amounted to control. It blatantly overstepped the authority of law schools to determine what to teach by dictating upon the law schools how to undertake the legal apprenticeship and requiring law schools to submit their apprenticeship program for assessment and evaluation prior to endorsement of the same to this Court for approval.[48]

For the foregoing reasons, the Court cannot agree with the proposition that Section 7, paragraphs (g) and (h) is not unconstitutional in view of their "**dual aspect** that caters to both **legal education** and **practice of law**,"[49] and that the determination of whether the particular activities involved in the **actual exercise** of the powers mentioned therein would belong to one or the other would have to be made from the specific circumstances of the activities concerned.[50]

In sum, the Court acknowledges and upholds the authority of the LEB to carry out the purpose of the law, which is in line with the State's constitutional mandate to promote quality education. However, the foregoing provisions unduly expand the scope of the LEB's authority by giving a construction to the term "legal education" inconsistent with the law's clear intent. By their terms, the provisions no longer just ventured into improving the study of the law in law schools, but clearly and directly encroached upon the Court's **exclusive** constitutional authority to promulgate rules concerning the Integrated Bar, the practice of law, and admissions to the bar. As such, they cannot be given imprimatur by this Court.

The Court reiterates that the authority to supervise and regulate legal education is lodged with the political departments, as exercised through regulatory measures enacted through the police power of the State[51]

There is no merit in petitioners' insistence that RA 7662 must be struck down as the study of law is not covered by the regulatory powers of

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48 *Id.* at 100-101.
49 Concurring and Dissenting Opinion of J. Lazaro-Javier, p. 17.
50 *Id.*
51 *See Pimentel v. LEB, supra* at note 14, p. 55.

the Executive branch,[52] and that supervising legal education legally and rightfully belongs to the Supreme Court.[53]

As highlighted by former Justice A.B. Reyes, Jr., "education is a continuing concern that is impressed with public interest. The importance of education in our country is apparent from the numerous constitutional provisions highlighting the obligation of the State to nurture and protect the quality of our educational system xxx and xxx make it xxx relevant to the needs of the people and the society."[54] Moreover, the Court had belabored to clarify that historically and constitutionally, the political departments, not the Supreme Court, have actually and directly exercised supervision and regulation over legal education.[55] "The legislative history of the Philippine legal educational system, [as extensively discussed in the Decision], evinces that the State, through statutes enacted by the Congress and administrative regulations issued by the Executive, consistently exercises police power over legal education."[56]

Jurisprudence describes police power as the power to regulate the exercise of rights, including all constitutional rights, by prescribing regulations, to promote the health, morals, peace, **education**, good order or safety, and general welfare of the people.[57] It flows from the recognition that *salus populi est suprema lex* — the welfare of the people is the supreme law.[58] While police power rests primarily with the legislature, such power may be delegated. By a valid delegation, the power may be exercised by the President and administrative boards, as well as the lawmaking bodies of municipal corporations or local governments under an express delegation by the Local Government Code of 1991.[59] In the case of legal education, the legislature, through Section 4 of RA 7662, created the LEB to carry out the purpose of the law of uplifting the standards of legal education in the country.

From the foregoing, it is indubitable that "as a professional educational program, legal education properly falls within the supervisory

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52 *Rollo*, p. 2245.
53 *Id.* at 2244.
54 Former J. A. Reyes, Jr.'s Concurring Opinion in *Pimentel v. LEB*, pp. 2-3.
55 *See Pimentel v. LEB*, *supra* at note 14, pp. 38-53.
56 *Id.* at 55.
57 *See Primicias v. Fugoso*, 80 Phil. 71, 175 (1948) [Per J. Feria]; emphasis and italics supplied.
58 *See Metropolitan Manila Development Authority v. Viron Transportation Co., Inc.*, 557 Phil. 121, 141 (2007) [Per J. Carpio-Morales].
59 *Id.*

and regulatory competency of the State."[60] It belongs to the political departments as an exercise of the State's police power.[61]

The authority of the State, through the LEB, to supervise and regulate legal education can be read together with the power of the Court concerning the admission to the practice of law

In the Decision, this Court held:

> In general, R.A. No. 7662, as a law meant to uplift the quality of legal education, does not encroach upon the Court's jurisdiction to promulgate rules under Section 5 (5), Article VIII of the Constitution. It is well-within the jurisdiction of the State, as an exercise of its inherent police power, to lay down laws relative to legal education, the same being imbued with public interest.
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> **While the Court is undoubtedly an interested stakeholder in legal education, it cannot assume jurisdiction where it has none. Instead, in judicial humility, the Court affirms that the supervision and regulation of legal education. is a political exercise, where judges are nevertheless still allowed to participate not as an independent branch of government, but as part of the sovereign people.**[62]

Relative to this, petitioners persist in arguing that the Supreme Court's power to admit individuals in the legal profession extends to the admission of law students to law schools as legal education is a facet of lawyerhood, the former being the preliminary step to the practice of law. They assert that the practice of law and the study of law are intimately intertwined, made pronounced by RA 7662's declaration that legal education in the Philippines aims to prepare the students for law practice.

These contentions seem to operate on the presumption that the grant, *per se*, of the power to the LEB to regulate legal education does not (or will not) leave room for the Court's exercise of its constitutional power over admissions to the Bar (and as petitioners argue, over legal education), such that upholding one would necessarily mean an infringement or interference

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60 *Pimentel v. LEB*, *supra* at note 14, p. 55.
61 *Id.* at 53 and 55.
62 *Id.* at 102; emphasis supplied.

in the exercise of the other. The Court thus takes this occasion to clarify its ruling.

Indeed, while the Constitution does not textually confer upon this Court the power to regulate legal education, it is undeniable that it has legitimate interests thereon.

To be clear, the Court reiterates its stance that it will not arrogate unto itself the powers Congress vested upon the LEB. However, there is nothing in RA 7662 which states that the LEB has authority over all matters relating to legal education to the absolute exclusion of all others, including the Supreme Court. In fact, a fair and conscientious reading of the law would support the view that Congress specifically intended for all stakeholders to have a say in matters of legal education. For one, the LEB is itself composed of individuals coming from the Integrated Bar of the Philippines, active law practitioners, PALS, and even from the sector of law students. The LEB Chairman is, under the terms of the statute, preferably a former justice of the Supreme Court or the Court of Appeals.[63] In addition, the members of the LEB are to be appointed by the President from a list of nominees prepared with prior authorization from the Supreme Court, through the Judicial and Bar Council. To the mind of the Court, this is an acknowledgment on the part of the Congress of the pivotal role played by the judiciary over legal education.

More importantly, there is nothing to gain from treating legal education and the legal profession as separate, discrete, and completely unrelated fields for purposes of uplifting legal education standards. Rather, one should look at legal education and practice as segments in a continuum:

> x x x the skills and values of competent and responsible lawyers are developed along a continuum that neither begins nor ends in law school, but starts before law school, reaches its most formative and intensive stage during the law school experience, and continues throughout the lawyer's professional career.[64]

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[63] RA 7662, Sec. 4.

[64] See Robert MacCrate, Esq.'s Foreword. Stuckey, R. and others. (2007). *Best Practices in Legal Education: A Vision and a Roadmap*. Clinical Legal Education Association, p.vi. <https://www.cleaweb.org/Resources/Documents/best_practices-full.pdf>.

Foreword referred to the conclusion of The Task Force on Law Schools and the Profession: Narrowing the Gap which is found in the Report published in July 1992 entitled Legal Education and Professional Development, otherwise known as the Macrate Report.

Fittingly, Chief Justice Gesmundo conveyed the same view as he elucidated on the impossibility of completely separating the interests of the Supreme Court and the law schools and the other branches of government with respect to legal education.[65]

The Court makes this conclusion bearing in mind that where one interpretation divines a conflict between this Court and an administrative agency over the matter of legal education, while another allows for administrative regulation to subsist peacefully with the interests of this Court, the latter should be favored:

> We must be reminded that the government (through the administrative agencies) and the courts are not adversaries working towards different ends; our roles are, rather, complementary. As the United States Supreme Court said in *Far East Conference v. United States*:
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> > x x x [C]ourt and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. **Court and agency are the means adopted to attain the prescribed end, and, so far as their duties are defined by the words of the statute, those words should be construed so as to attain that end through coordinated action**. Neither body should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated if must be, but never to be encouraged or aided by the other in the attainment of the common aim.[66]

The public would be better served by a system that welcomes input from agencies of government working together, within and across institutions,[67] instead of one which pits government agencies against each other.

RA 7662 is not necessarily repugnant to the academic freedom of law schools

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[65] *See* CJ Gesmundo's Concurring and Dissenting Opinion *in Pimentel v. LEB*, p. 19.

[66] *Alfonso v. Land Bank of the Philippines*, 801 Phil. 217 (2016), G.R. Nos. 181912 & 183347, 29 November 2016 [Per J. Jardeleza] citing *Far East Conference vs. United States*, 342 U.S. 570 (1952).

[67] *See* Sullivan, W.M., et al. (2007). *Educating Lawyers: Preparation for the Profession of Law.* The Carnegie Foundation for the Advancement of Teaching, pp. 4 and 10. <http://archive.carnegiefoundation.org/publications/pdfs/elibrary/elibrary_pdf_632.pdf>.

The Court respectfully disagrees with the proposition that RA 7662 and the "entire concept of the Legal Education Board, are unconstitutional for intruding on the academic freedom of law schools and the universities and colleges to which they belong."[68]

Institutional academic freedom encompasses the essential freedoms of a university to determine for itself on academic grounds (i) who may teach, (ii) what may be taught, (iii) how it shall be taught, and (iv) who may be admitted to study.[69]

It may be said that the broad grant of academic freedom in favor of institutions of higher learning is in recognition of the critical role these institutions play in society. An academician postulated that academic freedom should preserve the indigenous values served by universities, *i.e.*, (i) a detached or disinterested pursuit of knowledge and understanding, (ii) a manner of discourse that, at its best, is careful, critical, and ambitious, and (iii) a capacity for mature and independent judgment to those entering adulthood.[70]

In this country, Section 5(2), Article XIV of the 1987 Constitution, dictates that all institutions of higher learning shall enjoy academic freedom. However, the concept of academic freedom is not native to this jurisdiction. It began in medieval Europe and gained more popularity in academic and legal circles as a formidable shield against State interference after United States of America (US) Justice Felix Frankfurter (Justice Frankfurter) included it in his Concurring Opinion in the celebrated case of *Sweezy v. New Hampshire.*[71]

While forever etched in the annals of American jurisprudence, Justice Frankfurter's insightful articulation failed to delineate the limit of such freedom as he merely lifted it from the 1957 Open Universities of Africa. Therein, two (2) faculty members opposed the South African government's plan to pursue its apartheid program to bar admission of non-whites into the universities.[72]

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[68] J. Leonen's Dissenting and Concurring Opinion in *Pimentel v. LEB*, p. 2.

[69] *Garcia v. Faculty Admission Committee,* 160-A Phil. 929, 944 (1975) [Per J. Fernando].

[70] *See* Byrne, J.P. (1989). Academic Freedom: A "Special Concern of the First Amendment. *The Yale Law Journal,99*(251).<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7244&context=ylj>.

[71] 354 U.S. 234 (1957).

[72] See Hiers, R.H. (2004). Institutional Academic Freedom - A Constitutional Misconception: Did Grutter

The vacuum in Justice Frankfurter's discourse left the interpretation of his prominent quote to the wide imagination of its readers. Some assumptions eventually gave birth to the notion that the four (4) essential freedoms subsumed in academic freedom are an all-encompassing authority of schools of higher learning to exist freely without government intervention. Upon the other hand, some scholars have propounded a sound interpretation on Justice Frankfurter's quote that "[i]t is the business of a university to provide that atmosphere which is most conducive to speculation, experiment, and creation...." For these scholars, this means that the institution's freedom carries the concomitant obligation to see that its activities inside the school would not merit interference from any branch of the State.[73] Put differently, institutions of higher learning should not only guard their so-called freedom from State restraint but must guard their freedom against their action, which could trigger intrusion by the State. This interpretation has found support from subsequent rulings of the US Supreme Court and in this jurisdiction.

In the Philippine setting, the four (4) essential freedoms subsumed in the concept of academic freedom of institutions of higher learning were, as pointed out by Justice Leonen, first discussed in the seminal 1975 case of *Garcia v. The Faculty Admission Committee, Loyola School of Theology (Garcia).*[74] From then on, jurisprudence has continued to recognize the autonomy of institutions of higher learning in the exercise of their academic freedom. This includes the autonomy to determine who may be admitted to study,[75] which extends to the right to decide whom to exclude or expel[76] and whom to confer the honor and distinction of being their graduates.[77] Such discretion may not generally be disturbed. It may only be successfully impugned when there is a clear showing of grave abuse of discretion in its exercise[78] or if the said freedom collides with a student's exercise of

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v. Bollinger Perpetuate the Confusion. Journal of College and University Law, 30(3), 533-534 [citation omitted].<https://scholarship.law.ufl.edu/cgi/viewcontent.cgireferer=https://www.google.com/&httpsredir=1&article=1755&context=facultypub> (accessed on 23 August 2021).

73 *Id.*

74 *Garcia*, *supra* at note 69.

75 *Tangonan v. Paño,* 221 Phil. 601 (1985) [Per J. Cuevas]; *University of the Philippines Board of Regents v. Ligot-Telan,* 298 Phil. 108 (1993) [Per J. Romero]; *University of San Agustin, Inc. v. Court of Appeals,* 300 Phil. 819 (1994) [Per J. Nocon]; *and De La Salle University, Inc. v. Court of Appeals,* 565 Phil. 330 (2007) [Per J. Reyes, R.T.].

76 *Licup v. University of San Carlos,* 258-A Phil. 417 (1989) [Per J. Gancayco] and *Ateneo De Manila University v. Capulong,* 294 Phil. 654,676-677. [Per J. Romero].

77 *University of the Philippines Board of Regents v. Court of Appeals,* 372 Phil. 287, 307 (1999) [Per J. Mendoza]; and *Morales v. Board of Regents of the University of the Phils.,* 487 Phil. 449, 474 (2004) [Per J. Chico-Nazario].

78 *University of San Carlos v. Court of Appeals,* 248 Phil. 798, 803 (1988) [Per J. Gancayco] and *Calawag v. University of the Philippines Visayas,* 716 Phil. 208 (2013) [Per J. Brion].

constitutionally preferred rights such as religious freedom[79] and free speech.[80]

Nevertheless, *Garcia* and subsequent rulings of the Court, far from legitimizing an unimpeded exercise of academic freedom by institutions of higher learning, had, in fact, readily acknowledged the existence of the State's right to reasonably interfere with the exercise of academic freedom "when the overriding public welfare calls for some restraint."[81]

Clearly, the cry for academic freedom, without more, cannot be a sufficient justification to invalidate the law. To quote Justice Lazaro-Javier, "[a]cademic freedom is **not the trump card** that annihilates the exercise of police power."[82] Academic freedom is not absolute, with its optimum impact best realized where the freedom is exercised judiciously and does not degenerate into an unbridled license.[83] Instead, it is a privilege that assumes a correlative duty to exercise it responsibly.[84] It is thus difficult to accept that the State has no right to participate or be involved in the education the academic institutions of higher learning provide. On the contrary, it would be an abandonment of duty on the part of the State if it does not supervise and regulate educational institutions on a simplistic invocation of academic freedom by the law schools. Academic freedom cannot derogate the State's constitutional authority to reasonably supervise and regulate schools.

Corollarily, while enshrined in the Constitution, academic freedom and police power cannot be exercised without any restraint. A delineation on these rights is inherently imposed as it has been said that absolute power corrupts absolutely[85] while absolute freedom often leads to anarchy and chaos. Thus, a law school and the people comprising it must exercise academic freedom responsibly. The State, on the other hand, can wield its police power on the condition that the same must be done reasonably and proportionately, at the very least. Though presumably done lawfully pursuant to academic freedom or police power, any act cannot be stamped with validity by this Court when it fails to comply with such parameters.

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79 *Valmores v. Achacoso,* 813 Phil. 1032 (2017) [Per J. Caguioa].

80 *Villar v. TIP,* 220 Phil. 379, 382-383 (1985) [Per CJ Fernando].

81 *Garcia, supra* at note 69.

82 Concurring and Dissenting Opinion of J. Lazaro-Javier, p. 2.

83 *See Ateneo de Manila University v. Hon. Capulong, supra* note 76 at 673..

84 *See Cudia v. Philippine Military Academy*, 754 Phil. 590 (2015) [Per CJ Peralta].

85 "This famous sentence is attributed to Lord Acton. It is stated that John Edward Acton, the first baron, has expressed this opinion in his letter written to Bishop Mandell. The letter was written in 1887. The original statements go thus[:] 'Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men.' However, it is stated that Lord Acton is not the primary originator of this quotation." Retrieved from https://literarydevices.net/absolute-power-corrupts-absolutely/. (accessed on 23 August 2021)

Former Associate Justice Francis H. Jardeleza was on point in stating that the exercise of academic freedom must be balanced with vital state interest such as prescribing regulations to promote education and the general welfare of the people.[86] The need for harmony and balance in the exercise of academic freedom and police power was likewise aptly encapsulated by former Associate Justice Arturo D. Brion in his Manila Bulletin article, captioned *Legal Education and Law Schools*, thus:

> When police power and academic freedom intersect, as they inevitably must in legal education, lessons from the Constitution hold that the State has the upper hand, but only *to the extent necessary to serve the demands of public interest*. In this calibrated manner, academic freedom is meaningfully preserved. [87]

To be sure, balancing and harmonizing the pertinent provisions of the Constitution, instead of adopting an absolutist approach of one constitutional provision over the other, is a settled rule in constitutional construction, thus:

> It is a well-established rule in Constitutional construction that **no one provision of the Constitution is to be separated from all the others, to be considered alone, but that all the provisions bearing upon a particular subject are to be brought into view and to be so interpreted as to effectuate the great purposes of the instrument. Sections bearing on a particular subject should be considered and interpreted together as to effectuate the whole purpose of the Constitution and one section is not to be allowed to defeat another, if by any reasonable construction, the two can be made to stand together.**
>
> In other words, **the Court must harmonize them, if practicable, and must lean in favor of a construction which will render every word operative, rather than one which may make the words idle and nugatory.**[88] [Emphases supplied.]

In line with this, it bears to note that Senior Associate Justice Estela M. Perlas-Bernabe (Justice Perlas-Bernabe) agrees that "**State participation in admission requirements is not completely foreclosed by academic freedom.**"[89] Referring to the constitutional deliberations, she emphasized that the right of every citizen to select a course of study under Section 5 (3), Article XIV of the 1987 Constitution is subject to fair, reasonable, and

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[86] *See* former J. Jardeleza's Concurring and Dissenting Opinion in *Pimentel v. LEB*, p. 12.
[87] <https://mb.com.ph/2019/07/17/legal-education-and-law-schools/> (accessed on 23 August 2021).
[88] *Civil Liberties Union v. The Executive Secretary*, 272 Phil. 147, 162 (1991) [Per CJ Fernan].
[89] Concurring Opinion of SAJ Perlas-Bernabe, p. 9 [emphasis supplied].

equitable admission and academic requirements, which "requirements refer not only to those imposed by the educational institutions but also by the government" and the Framers "left it to Congress to determine what these requirements will be, including the decision on whether to retain or abolish the then national college entrance examination, as a prerequisite to admission to institutions of higher learning."[90]

Chief Justice Gesmundo is likewise on the same side, affirming the authority of the State, through the LEB, to supervise and regulate law schools, but subject to the latter's academic freedom.[91] He even emphasized the importance of the role of the LEB, in coordination with various stakeholders, in improving legal education.[92]

The Court cautions anew that the State's exercise of its authority over legal education extends only to reasonable supervision and regulation, not control

The mandate of the LEB to supervise and regulate law schools is a police power measure in furtherance of RA 7662's objective to promote quality legal education. However, while the academic freedom of law schools under the Constitution cannot derogate the State's constitutional authority to supervise and regulate schools, the Court stresses once again, as it did in its Decision, that the exercise of such authority, through the LEB, must be merely supervisory and regulatory. It should not amount to control.[93] The State's supervisory authority over legal education is one of oversight. It includes the authority to check, but not to interfere.[94] Moreover, the supervision and regulation of legal education as an exercise of police power, to be valid, must be reasonable and should not transgress the Constitution.[95] Its reasonableness must be viewed in relation to the public's right to education concomitant with the State's constitutional duty to protect and promote the right of its citizens to quality education at all levels.[96]

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90 *Id., see* note at 32, citing Record, Constitutional Commission (R.C.C.) No. 71, Vol. IV, 01 September 1986.

91 *See* CJ Gesmundo's Concurring Opinion in *Pimentel v. LEB*, p. 26.

92 *Id.* at 27.

93 *See Pimentel v. LEB*, *supra* at note 34, pp. 60 and 102. *See* also J. Caguioa's Concurring Opinion in *Pimentel v. LEB*, pp. 5-7.

94 *See Pimentel v. LEB*, *supra* at note 34, p. 57.

95 *Id.* at 58.

96 *Id.* at 64.

Given the foregoing, the Court reiterates that "Section 7(e) of R.A. No. 7662, insofar as it gives the LEB the power to prescribe the minimum standards for law admission is faithful to the reasonable supervision and regulation clause. It merely authorizes the LEB to prescribe minimum requirements not amounting to control."[97] However, the LEB will do well to remember to exercise its discretion soundly, consistent only with its authority under the statute and the Constitution. It should not gravely abuse its discretion as this Court shall not shirk from its sworn duty to enforce the Constitution. In clear cases, it will not hesitate to give effect to the supreme law by setting aside a statute in conflict therewith.[98] The Court shall exercise the power of judicial review by the mere enactment of a law or approval of a challenged action when such is seriously alleged to have infringed the Constitution.[99] This includes violation of the fundamental rights of institutions of higher learning under their academic freedom.[100]

The imposition of taking an aptitude exam as a requirement for law school admission is not per se unreasonable; the imposition of a minimum passing rate, however, unreasonably infringes on the freedom of schools to determine who to accept as students

Being a composite part of the education system, legal education may be regulated and supervised by the political departments through a valid exercise of police power as part of the State's policy and duty to provide quality education that suits the needs of people and society. Following the Constitution, however, the exercise of police power must be reasonable and must not be violative of the academic freedom of schools; otherwise, the exercise thereof may not pass the test of constitutionality. The legislature made sure to acknowledge these constitutional limits with the unequivocal language employed in RA 7662.

How far police power can go against the academic freedom of schools is essentially subject to the test of lawful subject and lawful method. The test to determine the validity of a police measure are as follows: (1) the interests of the public generally, as distinguished from those of a particular class,

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97 *Id.* at 78.

98 *See Kilusang Mayo Uno v. Hon. Aquino III*, G.R. No. 210500, 02 April 2019, 899 SCRA 492, citation omitted [Per J. Leonen].

99 *See Pimentel v. LEB*, *supra* at note 34, at 30; *See* also CJ Gesmundo's Concurring and Dissenting Opinion in *Pimentel v. LEB*, p. 27.

100 *See* CJ Gesmundo's Concurring and Dissenting Opinion in *Pimentel v. LEB*, p. 27.

requires its exercise; and (2) the means employed are reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals.[101] Further instructive on this matter is *Council of Teachers and Staff of Colleges and Universities of the Philippines v. Secretary of Education,*[102] where the Court examined the intent of the Framers concerning Section 4 (1), Article XIV of the Constitution, to wit:

> ...The Framers were explicit, however, that this supervision refers to *external governance*, as opposed to *internal governance* which was reserved to the respective school boards, thus:
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> x x x
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> **When we speak of State supervision and regulation, we refer to the external governance of educational institutions**, particularly private educational institutions as distinguished from the internal governance by their respective boards of directors or trustees and their administrative officials. Even without a provision on external governance, the State would still have the inherent right to regulate educational institutions through the exercise of its police power. We have thought it advisable to restate the supervisory and regulatory functions of the State provided in the 1935 and 1973 Constitutions with the addition of the word "reasonable." We found it necessary to add the word "reasonable" because of an *obiter dictum* of our Supreme Court in a decision in the case of *Philippine Association of Colleges and Universities vs. The Secretary of Education and the Board of Textbooks* in 1955. x x x
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> **The addition, therefore, of the word "reasonable" is meant to underscore the sense of the committee, that when the Constitution speaks of State supervision and regulation, it does not in any way mean control. We refer only to the power of the State to provide regulations and to see to it that these regulations are duly followed and implemented**. It does not include the right to manage, dictate, overrule and prohibit. Therefore, it does not include the right to dominate." [Emphases in the original; underscoring supplied.]

Here, the Court maintains that the State has the authority to administer an aptitude test in the exercise of its police power and given the existence of a compelling State interest to uplift the standards of legal education.

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[101] *See Planters Products, Inc. v. Fertiphil Corporation*, 572 Phil. 270, 283 (2008) [Per J. Reyes, R.T.].

[102] G.R. Nos. 216930, 217451, 217752, 218045, 218098, 218123 & 218465, 09 October 2018 [Per J. Caguioa].

In the study of medicine, the Court accentuated this compelling State interest when it upheld the State's three-flunk rule in the qualifying examination of prospective students in medicine in *Department of Education Culture and Sports v. San Diego (San Diego)*,[103] thus:

> It is time indeed that the State took decisive steps to regulate and enrich our system of education by directing the student to the course for which he is best suited as determined by initial tests and evaluations. Otherwise, we may be "swamped with mediocrity," in the words of Justice Holmes, not because we are lacking in intelligence but because we are a nation of misfits.[104]

Similarly, the compelling State interest in law schools is spurred primarily by the need to upgrade the quality of legal education that has become languid over time and infiltrated by individuals or organizations who are not qualified. It is in this light that the legislature, during the Senate deliberations on RA 7662, recognized the necessity of prescribing an aptitude test for this purpose.[105] The Court later acknowledged it through its approval of the Committee on Legal Education and Bar Matter's proposed amendment to Section 7(e) of RA 7662, as well as in Bar Matter No. 1161.[106]

Following the constitutionally-provided limits, however, the LEB must still show that the current PhiLSAT, being a State-sanctioned exam, is reasonably necessary to accomplish the purpose of RA 7662 and not unduly invasive and oppressive of private rights, particularly the academic freedom of law schools.

In this respect, the Court is of the considered view that the requirement of the LEB for prospective students to take the PhiLSAT does not *per se* render it unconstitutional for as long as the results will only be recommendatory, with the law schools retaining the discretion to accept the applicant based on their policies and standards. As an eligibility requirement, though, the current PhiLSAT is not a lawful method to attain the lawful subject of the State. Requiring the schools to accept only those who took and passed the exam amounts to a dictatorial control of the State, through LEB, and runs afoul of the intent of the Constitution.

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[103] 259 Phil. 1016 (1989) [Per J. Cruz].
[104] *Id.* at 1024.
[105] *See Pimentel v. LEB supra* at note 34, at 79-80.
[106] *Id.* at 80-81.

As Associate Justice Marvic M.V.F. Leonen (Justice Leonen) aptly noted, the PhiLSAT, in its current formulation, is not merely recommendatory but is an absolute requirement on law school applicants and effectively dictates upon law schools who may be admitted to study.[107] It takes away the autonomy of law schools and unduly replaces it with the ministerial duty to comply with the LEB's order. A law school's admission policy becomes confined to follow the standards imposed by the LEB under pain of sanctions and fines provided in Section 15 of LEBMO No. 7-2016. This is an impermissible intrusion into the academic freedom of law schools. In the metaphorical road towards the legal profession, where the law schools are the vehicles and the administrators are the drivers, the State has the authority to impose safety rules, post guide signs, and establish checkpoints. However, it is not the business of the State to determine and dictate who may ride the vehicle.

What makes matters worse is that the LEB did not even seek the participation of law schools in any discussion before formulating the relevant issuances relating to the current PhiLSAT. There was also no prior study conducted to determine the propriety of PhiLSAT. The LEB merely likened it to the NMAT of medical schools and the Law School Admission Test abroad.[108] It is crystal clear that the LEB arbitrarily flexed its power and exceeded its permissible authority by totally depriving law schools of a fair and reasonable opportunity to be heard given the lack of consultations before the formulation of LEBMO No. 7-2016. Indeed, it is quite ironic that the formulation of PhiLSAT, as one of the State's measures to uplift the standard of legal education by doing away with mediocrity, appears to have been done haphazardly.

Respondents persevere in arguing for the continued existence of the current PhiLSAT by likening it to the NMAT, an aptitude exam taken by prospective medical students, the validity of which was upheld by the Court in *Tablarin v. Hon. Gutierrez (Tablarin)*.[109]

PhiLSAT may be said to be akin to, but also different from, the Board of Medical Education (BME)'s legally mandated NMAT for prospective medical students. Indeed, the path of PhiLSAT may be said to mirror that of its counterpart. The NMAT came about after Congress enacted RA 2382,[110] which created the BME. Under the said law, the BME was authorized, *inter*

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[107] Dissenting and Concurring Opinion of J. Leonen, p. 5.
[108] *See* J. Leonen's Concurring and Dissenting Opinion in *Pimentel v. LEB*, pp. 17-18.
[109] 236 Phil. 768 (1987) [Per J. Feliciano].
[110] The Medical Act of 1959 (1959).

alia, to determine and prescribe the requirements for admission into a recognized college of medicine. Those minimum requirements for applicants to medical schools were further encapsulated in the law, particularly Section 7 thereof. One of these minimum requirements was the issuance of a certificate of eligibility (COE) for entrance to a medical school, which then spawned Department Order No. 52, Series of 1985 (DO No. 52-1985), establishing the NMAT as an additional requirement for the issuance of a COE for admission into medical schools starting the school year 1986-1987.[111]

The NMAT was naturally met with howls of protest from the affected sectors, leading to several cases, including the petition in *Tablarin,* which the Court ultimately resolved in favor of the State's exercise of police power. Three (3) decades later, the legal world — or at least the legal education — was introduced to a similar situation with the PhiLSAT.

A solid argument against calls for the nullification of the PhiLSAT is the Court's previous declaration to uphold the constitutionality of the pertinent statute and order creating the NMAT. In *Tablarin*, the Court ruled in favor of the constitutionality, reasonableness, and value of the NMAT in this wise:

> We believe that the government is entitled to prescribe an admission test like the NMAT as a means for achieving its stated objective of "upgrading the selection of applicants into [our] medical schools" and of "improv[ing] the quality of medical education in the country." Given the widespread use today of such admission tests in, for instance, medical schools in the United States of America (the Medical College Admission Test [MCAT] and quite probably in other countries with far more developed educational resources than our own, and taking into account the failure or inability of the petitioners to even attempt to prove otherwise, we are entitled to hold that the NMAT is reasonably related to the securing of the ultimate end of legislation and regulation in this area. That end, it is useful to recall, is the protection of the public from the potentially deadly effects of incompetence and ignorance in those who would undertake to treat our bodies and minds for disease or trauma.[112]

Tablarin may be old, but the above-quoted elucidation still holds relevance in this day and age. It may have involved students from medicine, but the desideratum for quality education applies to all. There is no rhyme or reason to distinguish between medical and law students regarding the

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[111] *See Tablarin supra* at note 109.
[112] *Id.*at 109.

expectation of quality education. Under Section 1, Article XIV of the 1987 Constitution, the State is required to protect and promote the right of all citizens to quality education **at all levels**. This mandate encompasses all forms of threats and hurdles against quality education. Such constitutional mandate is executed through enactments by which the State can exercise reasonable regulatory and supervisory authority over **all** educational institutions.[113] Just like in the study of medicine, the need for quality education in law cannot be overemphasized. The products of law schools will have the significant task of helping in the dispensation of justice and the protection of life, liberty, and property.

At this juncture, PhiLSAT's parallelism with NMAT ends.

As explained at length by the Court in its Decision, LEBMO No. 7-2016, which gave birth to the PhiLSAT, suffers from several constitutional infirmities. The two (2)-year limitation for prospective students to take the PhiLSAT, together with the additional requirement to pass the same, or have an unexpired certificate of exemption, as set forth under Sections 7, 8, 9, and 10 of LEBMO No. 7-2016, are arbitrary and *ultra vires* in nature; hence, unconstitutional. Although the State has a compelling interest to uplift the standards of legal education in the country, Section 9 of LEBMO No. 7-2016 is unconstitutional for unreasonably encroaching into the sphere of academic freedom of law schools to determine for themselves who to admit as students.

In this vein, respondents' analogy between PhiLSAT and NMAT becomes amiss. A perusal of DO No. 52-1985 reveals that the BME uses percentile rank for its cut-off score for the NMAT, which cut-off score is determined in consultation with the Association of Philippine Medical Colleges. In stark contrast, the LEB solely determined the 55% passing score for the PhiLSAT without providing any justification for how it arrived with the same. Also, the PhiLSAT uses a straightforward, absolute metric by using the percentage score obtained by an individual test-taker, which involves determining how many right and wrong answers an individual obtained in the test. The NMAT, on the other hand, uses percentile ranking wherein the percentile scores show how well a test-taker did relative to others who have taken the test. While the use of the percentage score may be replaced with a percentile score under LEBMO No. 7-2016, only the LEB may prescribe the same.

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[113] Constitution, Article XIV, Section 4.(1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

Markedly, with the foregoing dissimilarities between NMAT and PhiLSAT, it is not difficult to see why the ruling in *Tablarin* upholding the validity of NMAT cannot be invoked by respondents. While *Tablarin* may be used to uphold the authority of the State to administer an aptitude exam, it cannot justify the LEB's control over the affairs of law schools, particularly concerning their discretion in choosing their enrollees.

Relative to this, it bears noting that *Tablarin* and the other cases involving NMAT did not touch on the academic freedom of medical schools. Petitioners therein, who were prospective medical students, questioned the validity of the NMAT based on their right to quality education and the equal protection clause. As astutely underscored by Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), the Court might have even arrived at a different conclusion in *Tablarin* had the issues been examined through the lens of institutional academic freedom.[114] However, as no medical school participated in the proceedings therein, the Court was not exposed to the broad spectrum of the NMAT and decided the petition only through the prism of the State's police power. In the end, *Tablarin* confirmed the State's right to regulate education only; it did not discuss allowable limits of such regulatory authority in the context of academic freedom and legal education. Thus, while the Court upheld the NMAT as a valid exercise of police power, it was not adjudicated to be a reasonable supervisory and regulatory measure.

Fortunately, the right to academic freedom has been opportunely invoked by petitioner-intervenor St. Thomas More School of Law and Business, which claims injury "in the form of reduced number of enrollees due to the PhiLSAT requirement and the curtailment of its discretion on who to admit in its law school."[115] Borrowing the wise words of former Associate Justice Isagani A. Cruz, "[r]ights are but weapons on the wall if, like expensive tapestry, all they do is embellish and impress. Rights, as weapons, must be a promise of protection. They become truly meaningful, and fulfill the role assigned to them in the free society, if they are kept bright and sharp with use by those who are not afraid to assert them."[116] Accordingly, the failure of medical schools to invoke their right in *Tablarin* should not

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[114] Concurring Opinion of J. Caguioa, pp. 3-4; *See* also J. Leonen's Dissenting and Concurring Opinion in *Pimentel v. LEB*, p. 12.

[115] *Pimentel v. LEB, supra* at note 34, at 36.

[116] *Ynot v. Intermediate Appellate Court*, 232 Phil. 615 (1987), G.R. No. 74457, 20 March 1987 [Per J. Cruz].

prejudice the law schools who are now wielding their weapon and asserting their right to academic freedom.

LEBMO No. 7-2016 should be stricken down in its entirety, along with all the LEB memoranda, circulars, and issuances pertaining thereto and the PhiLSAT

A perusal of the Decision reveals that while it declared unconstitutional the act and practice of the LEB of excluding, restricting, and qualifying admissions to law schools, only Section 9 of LEBMO No. 7-2016 was categorically invalidated for being unconstitutional; all the other provisions in the LEBMO, including Section 1 which declares as a policy the requirement of taking the LEB-administered PhiLSAT, were given force and effect.

Notably, both PALS and petitioners claim that the Court's ruling on the PhiLSAT is ambiguous on whether the requirement to take the PhiLSAT is now optional or mandatory. The ambiguity is sowing confusion because PALS presumes that by striking down Section 9 of LEBMO No. 7-2016, the Court has rendered the PhiLSAT optional. In contrast, respondents construe the ruling of the Court as still giving authority to the LEB to conduct the PhiLSAT, thereby prompting it to issue LEBMC No. 52-2020.

The Court declares the entire LEBMO No. 7-2016 unconstitutional.

Synthesizing the provisions of LEBMO No. 7-2016, it is evident that unless prospective students have a certificate of exemption, they are compelled to **take** and **pass** the said exam as an eligibility requirement for law school. Under pain of sanction or fine, law schools are prohibited from accepting prospective students who do not meet the said requirements. For being unreasonably exclusionary, restrictive, and qualifying, the Court declared Section 9 of LEBMO No. 7-2016 unconstitutional. Indeed, Justice Perlas-Bernabe was apt to call the requirements under Section 9 thereof as an effective "sifting mechanism"[117] in which "[t]he token regard for

[117] SAJ Perlas-Bernabe's Concurring Opinion in *Pimentel v. LEB*, p. 2.

institutional academic freedom comes into play, if at all, only after the applicants had been 'pre-selected' without the school's participation."[118]

With the unconstitutionality of Section 9 of LEBMO No. 7-2016, the other provision which provides life support to the current exclusionary, restrictive, and qualifying PhiLSAT is Section 1 thereof. As it is, even without Section 9, prospective students must still take a rigorous eligibility exam, or they would not qualify for law school. Being a compulsory eligibility requirement, it is violative of academic freedom.

Similar to the requirement of passing, the act of mandating the taking of PhiLSAT as an admission requirement to any basic law course under Section 1 is an unreasonable imposition which unduly limits the choice of law schools on who to admit. It impairs the law schools' *de facto* control over the admission and examination of their students. Law schools are left with no other recourse but to refuse the admission of those who failed to take the compulsory exam, regardless of the merit of the student's reason for such failure. This is an absurdity that is difficult to justify even by the noble aspirations of the State, more so when one considers LEB Chairperson Emerson B. Aquende's revelation that "there is no statistical basis to show the propensity of the PhiLSAT to improve the quality of legal education."[119]

To be sure, many potentially qualified students could not take the exam due to various reasons. Some of these reasons are even attributable to the LEB. The exam entails financial costs that not every prospective law student can easily afford without suffering any financial dent. Chief Justice Gesmundo aptly discussed the financial and logistical burdens which the current admission examination brings to the prospective examinees, thus:

> Under the PhiLSAT, the LEB initially imposed a testing fee of P1,500.00 per examination, which was subsequently lowered to P1,000.00; and there are only seven (7) testing centers across the country- Baguio City, Metro Manila, Legazpi City, Iloilo City, Cebu City, Davao City, and Cagayan De Oro City. Also, the LEB failed to explain why it had to impose said fee for a mere written examination. x x x
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> Further, the LEB also failed to consider the transportation and logistical expenses that would be incurred by an examinee coming from the far-flung areas to take the examination in the limited seven (7) testing centers. A student from the province [of Leyte] explained the immense difficulty of taking the PhiLSAT [in Cebu City]. x x x

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[118] *Pimentel v. LEB supra* at note 34, at 86.
[119] SAJ Perlas-Bernabe's Concurring Opinion in *Pimentel v. LEB*, p. 5.

> It must be underscored that the study of law should not be hindered by financial and geographical hardships; rather, it must be reasonable and accessible to the examinees. Otherwise, it would defeat the purpose of a unified admission examination – to ensure that those intellectually capable to become law students, regardless of social status, shall be admitted to the study of law.[120]

With the foregoing, the Court must likewise pull the plug on Section 1 and thereby put an end to the exclusionary and unreasonably intrusive eligibility exam under LEBMO No. 7-2016.

More importantly, the Court holds that the entire memorandum must be struck down. As intimated by Justice Perlas-Bernabe[121] and Justice Caguioa,[122] despite the separability clause in LEBMO No. 7-2016, several other provisions must likewise be invalidated for being closely related and meant to implement the PhiLSAT as a mandatory and exclusionary exam.

Generally, with a separability clause, the nullity of one provision shall not invalidate the act's other provisions.[123] However, when the parts of a statute are so mutually dependent and connected, as conditions, considerations, inducements, or compensations for each other, as to warrant a belief that the legislature intended them as a whole, the nullity of one part will vitiate the rest.[124] Moreover, it is a general rule of construction that the meaning of the law is not to be extracted from a single part but from a general consideration or view of the act as a whole.[125] Particular words, clauses, and phrases should not be studied as detached and isolated expressions.[126]

The legal basis from which the PhiLSAT draws its existence is LEBMO No. 7-2016. However, since the overall intent behind LEBMO No. 7-2016 is to administer an exclusionary test through PhiLSAT,[127] "[a]ll of its provisions, whether key or ancillary, form an integral composite that lays down a holistic framework that is operatively interdependent and hence, cannot be extricated from one another."[128]

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[120] CJ Gesmundo's Separate Concurring and Dissenting Opinion in *Pimentel v. LEB*, pp. 17-19.
[121] *See* Concurring Opinion of SAJ Perlas-Bernabe, pp. 5-8.
[122] *See* Concurring Opinion of J. Caguioa, pp. 4-7.
[123] *See Film Development Council of the Phils. v. Colon Heritage Realty Corp.*, 760 Phil. 519 (2015), G.R. No. 203754 & 204418, 16 June 2015 [Per J. Velasco, Jr.].
[124] *Id.*
[125] *Aquino v. Quezon City*, 529 Phil. 486, 498 (2006) [Per J. Azcuna].
[126] *National Tobacco Administration v. COA*, 370 Phil. 793 (1999) [Per J. Purisima].
[127] *Id.*
[128] Concurring Opinion of SAJ Perlas-Bernabe, p. 5.

Notably, Section 7 of LEBMO No. 7-2016 sets the passing score at 55% **"or such percentile score as may be prescribed by the LEB"**; Section 8 refers to the issuance of a COE only to those who passed the test; Section 10 exempts certain graduates from "taking and passing" it; Section 11 states that law schools can prescribe additional requirements such as a PhiLSAT score **"higher than the cut-off or passing score set by the LEB"**; Section 12 requires the schools to submit reports indicating the PhiLSAT scores of the admitted students; Section 14 obligates law school deans to submit to LEB written justifications for the admission of applicants below the cut-off or passing score of the PhiLSAT; and Section 15 imposes severe administrative sanctions on law schools that violate LEBMO No. 7-2016. It is unmistakably clear that these provisions are intimately connected to, or are necessary components of, the LEB's measure in excluding, restricting, and qualifying admissions to law schools. Thus, they must be declared unconstitutional.

With the unconstitutionality of the foregoing provisions, what remains is the availability of the PhiLSAT as an aptitude test. Sections 2, 3, 4, 6, and 13 of LEBMO No. 7-2016 respectively provide the test design of the PhiLSAT, who may qualify to take the same, who will administer the exam, the schedule and venue, the testing fee, and the removal of the general average requirement under LEBMO No. 1-2011. Sections 16, 17, and 18 of LEBMO No. 7-2016 provide the Separability, Repealing, and Effectivity Clauses, respectively.

These remaining provisions are not unconstitutional or invalid *per se*. However, Sections 16, 17, and 18 of LEBMO No. 7-2016, being merely ancillary, can no longer stand on their own. Meanwhile, the rest would appear that they can stand on their own, in furtherance of the State's authority, through the LEB, to administer a constitutionally compliant aptitude test pursuant to its powers under RA 7662. To stress, however, the problems created by the current PhiLSAT were precisely because the LEB set the parameters by itself. The LEB failed to collaborate with the law schools and conduct relevant studies before formulating LEBMO No. 7-2016. The opinion of law schools on the propriety and rationality of the provisions of LEBMO No. 7-2016 was undeniably vital in crafting a reasonable aptitude exam. Sections 5 and 6, for instance, appear to make an aptitude exam impractical and arbitrary due to the financial burdens linked to the testing fees and logistical considerations.

Accordingly, it would be more appropriate to strike down all remaining provisions. This gives the LEB a fresh start, devoid of any arbitrary preconceived ideas when it sits down with the law schools or PALS for genuine and meaningful discussions on a possible acceptable replacement of the present PhiLSAT.

To this end, it is fitting to point all the stakeholders to Chief Justice Gesmundo's win-win solution which provides viable parameters that the parties may adopt in coming up with a standardized and acceptable law admission test. Among other things, the examination must be unrestrictive of academic freedom, cost-efficient, accessible, and an effective tool in assessing incoming law students. The law admission test should likewise not be the sole basis for admission to the study of the law. Undergraduate achievements, motivation, or cultural backgrounds that the admission test cannot measure must also be considered. Besides the admission test, the law school must still be given the discretion to determine who to admit as students consistent with its academic freedom.[129]

With LEBMO No. 7-2016 being unconstitutional, all the LEB memoranda, circulars, and issuances pertaining to it and the PhiLSAT, which are inconsistent with this Court's declaration, are deemed vacated and of no force and effect. Accordingly, the Court no longer finds it necessary to dwell on respondents' prayer to lift the TRO, which enjoined the LEB from implementing LEBMC No.18-2018. All conditionally-admitted students may thus continue their enrollment and be regularized in accordance with the exercise of the academic freedom of their respective law schools. With this, the students may now take off the suffocating mask of uncertainty over their status and breathe in all the legal knowledge they can absorb.

Sections 15 (3), 16, and 17 of LEBMO No. 1-2011 are unconstitutional for being ultra vires

Respondents argue that paragraph 3 of Section 15 of LEBMO No. 1-2011, which pertains to the LEB's sole authority to determine the eligibility of a foreign graduate to enter law school, is a valid exercise of police power to place our local students on equal footing with their foreigner counterparts. Under this provision, while local students would need to prove to the government that they studied a requisite pre-law course, foreigners who

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[129] *See* CJ Gesmundo's Concurring and Dissenting Opinion in *Pimentel v. LEB*, pp. 18-19.

want to enter a Philippine law school need only present their credentials to their school of choice without being subjected to validation by the government. Additionally, respondents asseverate that assuming for the sake of argument this paragraph is void, the entire provision should not be struck down, considering that the first paragraph was upheld by the Court, and given that the petitioners failed to point out any objectionable part to it.

The Court partially agrees.

The requirement regarding admission of international students is legally impermissible as the students' eligibility is strictly left for the LEB to decide. This unduly takes away the right of the academic institution to exercise its discretion whether to accept the student or not, thereby transgressing its academic freedom to determine who to admit.

This notwithstanding, the Court agrees with respondents that the entirety of Section 15 should not be invalidated. Notably, the first paragraph pertains to the requirement for a certification from the Secretary of Education that the applicant completed the required four (4)-year pre-law course. Far from being arbitrary, Section 15(1) is a reasonable requirement to ensure that the applicant is qualified to take the course. The Court even similarly requires it for admission to the Bar examination.

On Section 16 of LEBMO No. 1-2011, which additionally requires a prescribed number of units in Mathematics, Science, and English for admission, respondents argue anew that the said requirement is a valid exercise of the State's supervisory regulatory power. Corollarily, respondents assert that the existence of Rule 138 of the Rules of Court is of no moment as said rule concerns only admission to the Bar examinations, not to law school.

Indeed, Rule 138 of the Rules of Court pertains only to the requirement of the Court anent the Bar examinations, thus, irrelevant to the determination of the validity of the questioned provision. Nevertheless, Section 16 is still void as it is couched in a language that effectively denies the academic institution's autonomy to, at the very least, conditionally accept the student with deficient units in Mathematics, English, and Social Science subjects. Trite to point out, the LEB, in the exercise of the delegated police power of the State, may impose reasonable and minimum qualifications of prospective law students for as long as it does not suppress the autonomy of the academic institution to choose its students.

Finally, the Court sustains its ruling that the prohibition against accepting applicants for the Master of Laws without a Bachelor of Laws or Juris Doctor degree under Section 17 of LEBMO No. 1-2011 is void for infringing the right of the school to determine who to admit to their graduate degree programs. This section provides:

> Section 17. **Board Prerequisites for Admission to Graduate Programs in Law.** - Without prejudice to other requirements that graduate schools may lay down, **no applicant shall be admitted for the Master of Laws (Ll.M.) or equivalent master's degree in law or juridical science, without an Ll.B. or a J.D. degree.** Admission of non- Members of the Philippine Bar to the master's degree shall be freedom vested in the graduate school of law. **The candidate for the doctorate degree in juridical science, or doctorate in civil law or equivalent doctorate degree must have completed a Master of Laws (Ll.M.) or equivalent degree.**
>
> Graduate degree programs in law shall have no bearing on membership or non-membership in the Philippine Bar. [Emphases supplied.]

To recall, the Court held that such requirement "effectively nullifies the option of admitting non-law graduates on the basis of **relevant professional experience** that a law school, pursuant to its own admissions policy, may otherwise have considered."[130]

There is no monopoly of knowledge. Legal education would be more robust by allowing an engineer, a metallurgist, a businessperson, an agriculturist, and other graduates to further improve their crafts through this course. To note, it is also the general objective of RA 7662 to train persons for leadership and to contribute towards the promotion and advancement of justice and the improvement of its administration, the legal system, and legal institutions in light of the historical and contemporary development of law in the Philippines and other countries. Certainly, the pursuit of these objectives is not exclusive for law students or law practitioners.

Associate Justice Japar B. Dimaapao (Justice Dimaampao) expressed his objection against the constitutionality of Section 17 of LEBMO No. 1-2011. He proffers that the Master of Laws programs should be restricted to those who have completed a law course so that the purpose of RA 7662 may

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[130] *Pimentel v. LEB, supra* at note 34.

be genuinely accomplished.[131] He posits that in as much as constitutionality of the requirement of aptitude exam is upheld as a reasonable exercise of the State's police power, "all the more reason should the prerequisite of an Ll.B. or J.D. degree be rendered as sensibly logical before someone may enroll in an LL.M. course."[132]

As underscored in the Decision, Section 5 (2), Article XIV of the Constitution guarantees all institutions of higher learning academic freedom. Nothing short of marked arbitrariness, or grave abuse of discretion on the part of the schools, or overriding public welfare could justify State interference with the academic judgment of higher educational institutions.[133] It has been the Court's firm stance ever since, and the facts before Us show no reason to apply the exception in this case.

Being a non-law graduate *per se* is not a compelling reason for the State to interfere with the law schools' academic freedom by requiring them to completely discriminate against non-law graduates when it comes to their Masters of Laws program. True, a "*Magister Legum* is not a mere frivolous epithet, and achieving it is not a doddle.[134] Nonetheless, the questions regarding the challenges of non-law graduates to a Master of Laws program are limiting beliefs that could even be a roadblock to developing and expanding the master's program in Philippine law schools. Such fear may even be overstated since non-law graduates studying abroad have shown that they can cope, nay excel in LL.M. programs, and assimilate with other students despite the considerable handicap they initially have:

> The ways that they improve the classroom is that they tend to be the students who think outside the box," Nottingham's Sangeeta Shah says. They don't think in terms of rigid laws. They think, this is where I need to get, let me figure out how to do it. They tend to be creative thinkers. Not that law students aren't creative thinkers, but it just enriches the classroom. It makes it a better place.[135]

While it may be true that "one can become word-perfect in all the law materials available yet could still be inept if one did not experience the apposite priming and inculcation which is law school,"[136] it is not always the case. A person may brag about being a graduate of law but still deficient, if not inept. In the same breadth, a non-law graduate could very well have a

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131 Separate Concurring of J. Dimaampao, p. 4.
132 *Id.* at 10.
133 *Garcia, supra* at note 69 at 494 citing former Justice Teehankee's Concurring Opinion in Garcia.
134 Reflections of J. Dimaampao, p. 11.
135 <(https://llm-guide.com/articles/pursuing-an-llm-without-a-background-in-law, citing the response of Sangeeta Shah, an Associate Professor in the School of Law of the University of Nottingham> (accessed on 21 October 2021).
136 Reflections of J. Dimaampao, p. 10.

deep understanding of the law through self-learning, guidance from mentors, or even through related work experience.

To be sure, the great Abraham Lincoln had received little formal education in his life, and yet through continuous learning and constant hunger for self-improvement, he was able to become a lawyer successfully, and then as a president of the United States of America. In the Philippine setting, former Senator Jose W. Diokno topped the Philippine bar examinations without a law degree.[137] It can be said that these success stories are extreme and rare instances of greatness, but they still buttress the argument that a non-law student can cope and excel in a Master of Laws program if they want to.

Illustrating the wisdom of Section 17, Justice Dimaampao observed that the LL.M. programs in the Philippines show the need for foundational knowledge and are structured in a particular format that incontrovertibly intends to prepare lawyers, judges, and law professors for global legal practice.[138] By way of an example, he extensively discussed the current structure and parameters of the master's curriculum of the University of the Philippines (UP) College of Law.

It must be emphasized that the Master of Laws curriculum of the UP College of Law was designed based on the criteria it personally crafted. **The eligibility requirements were formulated thusly not because of a State decree, but precisely because the college has the freedom to determine for itself, on academic grounds, the curriculum it will offer for its master's program and who may be qualified to enroll therein**. In line with this, the Court find it *apropos* to state that the UP College of Law, for all of its greatness, is still just one of the many law schools in the country. Its Master of Laws program does not represent what the other schools offer or would like to offer, in as much as the curriculum of one university cannot accurately reflect the trend in legal studies in the country.

Further, in other jurisdictions, students from non-law backgrounds can pursue LL.M. [139] Foreign schools are able to do this through viable workarounds, such as requiring the kind and number of non-legal students they accept or requiring non-law students to demonstrate an interest in

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[137] <https://diokno.ph/jwd> (accessed on 21 October 2021).
[138] Separate Concurring Opinion of J. Dimaampao, p. 4.
[139] *Id.*

law,[140] as in the case of one law school in England:

> 7. Can I apply if I do not have a law degree?
>
> Students without a law background may apply to the LLM programme, but they need to demonstrate a high level of professional or academic experience in areas closely related to the subjects they wish to study. Recent graduates who have neither studied law nor passed a "conversion" course are only admitted in exceptional circumstances.[141]

Similarly, University of Queensland in Australia provides the same opportunity to non-law graduates, thus:

> Which postgraduate law degrees can I apply for if I don't have a law degree?
>
> If you hold a non-law bachelor degree, you may wish to consider the Master of International Commercial Law, Masters of International Commercial Law/Commerce, Master of International Law, or Masters of International Relations/International Law. The Master of International Commercial Law (& dual) is designed for business, finance, commerce, accounting or economics graduates. The Master of International Law (& dual) is designed for social science, political science and arts graduates.[142]

The State and this Court would do well to let the law schools exercise their authority to adopt a similar program or adjust their current Master of Laws curriculum to align with their organizational mission and vision or what they believe could help the school thrive and be globally competitive.

In the medical field, the country has had an influx of international students who opted to enroll in various medical courses offered in the country for a multitude of good reasons, including the renowned academic excellence and cost competitiveness of our medical schools. With Section 17 of LEBMO No. 1-2011, law schools will be unduly denied the similar opportunity to be marketable among foreign non-law graduates who would

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[140] <https://llm-guide.com/articles/pursuing-an-llm-without-a-background-in-law#:~:text=Some%20schools%20don't%20accept,apply%20to%20similar%20master's%20degrees> (accessed on 20 October 2021).

[141] <https://www.lse.ac.uk/law/study/llm/faqs> (accessed on 20 October 2021).

[142] <https://support.future-students.uq.edu.au/app/answers/detail/a_id/1277/~/which-postgraduate-law-degrees-can-i-apply-for-if-i-dont-have-a-law-degree%3F> (accessed on 20 October 2021).

like to pursue a master's degree in law. In addition, the country's own non-law graduates would be constrained to pursue their master's degree outside the country instead of being proud products of Philippine graduate schools of law. It is disheartening to think that Filipino non-law graduates could create a name for themselves outside the country as barristers or international human rights advocate because the foreign law schools gave them a chance that their country unreasonably denied them.

Clearly, for the Court to declare the constitutionality of Section 17 of LEBMO No. 1-2011 would unduly give the State the right to order at once the disqualification of a non-law graduate from being considered for admission, even though the law schools can, in the exercise of their academic freedom, find a way to sufficiently address the perceived deficiency of these prospective students. Viewed in this light, the requirement of having a J.D. or Ll.B. for purposes of admission into a Master of Laws program will be no different from the imposition of the current PhiLSAT.

Ultimately, the Court holds that the questions raised pertaining to the fitness of a student to endeavor a higher level of legal studies should be matters exclusively for the law schools to consider and thresh out in the exercise of their academic freedom.

The LEB issuances prescribing the qualifications and classifications for faculty members, deans, and deans of graduate schools of law violate the academic freedom of law schools on who may teach

Respondents contend that the LEB's authority to prescribe the minimum qualifications of faculty members and deans of law schools cannot be made subservient to the demands of academic freedom, as there is an inherent limit to the right of the school to choose who may teach. Furthermore, the requirement for a professor in law school to have a master's degree is germane to the State's objective of promoting quality education in law schools. According to respondents, the State is just fulfilling its role to act as *parens patriae*.

Additionally, respondents assert that the requirement for a master's degree is reasonable because law schools have sufficient time to comply, and since the same applies only to those who do not possess the requisite

experience. In any case, aside from the existence of numerous exemptions thereto, this requirement has already been partially complied with by the schools and is supported by the ruling in *Son v. University of Santo Tomas*,[143] where the Court upheld the master's degree requirement for faculty members in tertiary education.

The Court affirms its ruling.

There is no question that the master's degree requirement for tertiary education teachers is permissible. This is settled. Here, what is unacceptable for being unreasonable is how the LEB exercised its authority to impose such requirement as discussed at length in the assailed Decision. The issuances under consideration violate the law schools' right to set their own faculty standards and evaluate the qualifications of their teachers. In so doing, the LEB issuances infringe on the academic freedom of the schools to choose who may teach their students. While the State may act in furtherance of its role as *parens patriae,* it should not act like an overbearing parent who makes life choices for its adult child without regard to the latter's own choices or opinion.

LEBMC No. 6-2017, LEB Resolution No. 2012-02, and LEB Resolution No. 2012-06 are invalid insofar as they require the submission of an application for LEB Certification

PALS and Justice Caguioa[144] correctly pointed out that LEBMC No. 6-2017 and LEB Resolution No. 2012-02 unduly interfere with the law schools' management of their graduating students.

In the Whereas Clause of LEB Resolution 2012-12,[145] it was spelled out that a special order[146] (S.O.) is not an imperative requirement for higher education institutions to graduate. It was also stated that since state colleges are exempt from the requirement of S.O. for their graduates, higher private

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[143] G.R. No. 211273, 18 April 2018 [Per J. Del Castillo].

[144] *See* J. Caguioa's Concurring Opinion in *Pimentel v. LEB,* p. 39.

[145] Entitled "A Resolution Eliminating the Requirement of Special Orders for Graduates of the Basic Law Degrees and Graduate Law Degrees and Replacing them With a Per Law School Certification Approved by the Legal Board".

[146] An S.O. is a document issued by the CHED certifying that students have completed the required four (4)-year course and complied with all the requirements.

education institutions shall also enjoy such exemption. In lieu of the S.O., however, same resolution requires law schools to submit a letter and a certification under oath, within 60 days before the end of the academic year, signed by the registrar and the law dean and noted by the school president or head. Complementing said resolution, the LEB issued Resolution No. 2012-06, relieving law schools of the need to secure the Revised CHED Form for their graduates but requiring the law schools to instead submit a letter and a Certification containing the names of the graduating students and the exact date of graduation, *inter alia.* Respondents justify the new requirement as giving effect to the LEB's regulatory authority and providing a reasonable check on the exercise by law schools of the freedom to determine who should graduate from their law course.

Since an S.O. is not required for graduating law students, the LEB should have contented itself with eliminating such requirement or coming up with a less burdensome and non-intrusive replacement. Instead, the LEB imposed inflexible and burdensome requirements under LEBMC No. 6-2017, such as, (i) requiring the inclusion of the names of all students expected to graduate in the application for LEBC, "notwithstanding that some of them have yet to comply with the requirements for graduation fully and may possibly not graduate," thereby imposing additional burden on the part of the school to notify the LEB for the cancellation of the LEBC Number corresponding to the student/s who failed to graduate; (ii) mandating the law schools to observe the required signatories for the letter and certification, disallowing substitution by subordinate or other school officials; and (iii) enjoining the law schools to fix their graduations dates ahead of the 60-day deadline for submission. "Appropriate sanctions" await law schools that allow their students to graduate without the LEBC Numbers, while incomplete applications or those without the signatures of the required signatories will be returned. All of these amount to control, not regulation.

Consequently, the Court declares invalid LEBMC No. 6-2017, LEB Resolution No. 2012-02, and Resolution No. 2012-06 insofar as these issuances require law schools to submit a letter and Certification instead of an S.O.

As a final note, once the dust settles after the battle between police power and academic freedom, the hope is that the LEB and law schools collaborate towards the shared goal of uplifting legal education in the country. The resistance by the law schools against the initial measures implemented by the LEB should not be seen as an act against the

advancement of legal education, but as an opportunity for improvement. After all, the enemy of progress is not opposition but complacency.

WHEREFORE, premises considered, the Partial Motion for Reconsideration with Joint Comment/Opposition on Respondent's Motion for Reconsideration of petitioners in GR No. 242954 is **PARTIALLY GRANTED.** The Petition-in-Intervention of the Philippine Association of Law Schools is likewise **PARTIALLY GRANTED**. Accordingly:

a) LEBMC No. 6-2017, LEB Resolution No. 2012-02, and Resolution No. 2012-06 are declared **INVALID** insofar as these issuances require the law schools to submit a letter and Certification in place of a Special Order.

b) The entire LEBMO No. 7-2016 is declared **UNCONSTITUTIONAL.** Consequently, all existing memoranda, circulars, issuances by the Legal Education Board relating to LEBMO No. 7-2016 and the conduct of the current Philippine Law School Admission Test administered by the Legal Education Board are hereby **VACATED and SET ASIDE**. They are deemed without force and effect.

The Motion for Reconsideration (of the Decision dated September 10, 2019) filed by respondents Legal Education Board and Executive Secretary Salvador Medialdea is **PARTIALLY GRANTED,** in that paragraphs 1 and 2 of Section 15, LEBMO No. 1-2011 are declared **VALID**.

All other claims of petitioners, respondents, and the Philippine Association of Law Schools are **DENIED**.

The Court's Decision dated 10 September 2019 **STANDS** in all other respects.

SO ORDERED.

RODIL V. ZALAMEDA
Associate Justice

WE CONCUR:

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

Please see Concurring Opinion

ESTELA M. PERLAS-BERNABE
Associate Justice

See separate opinion

MARVIC M.V.F. LEONEN
Associate Justice

Please see Concurring Opinion

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

See Dissent

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

See separate concurring opinion

JAPAR B. DIMAAMPAO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court.

ALEXANDER G. GESMUNDO
Chief Justice