

## MANDATORY CONTINUING LEGAL EDUCATION IMPLEMENTING REGULATIONS

### Section 1: Definitions

- a. **Rules** – Provisions of Supreme Court Bar Matter 850 on Mandatory Continuing Legal Education (MCLE).
- b. **Committee** – The Mandatory Continuing Legal Education Committee constituted in Rule 15 of Bar Matter 850.
- c. **Implementing Regulations** – These regulations adopted by the Committee.
- d. **Provider** – Any person or group accredited by the Committee to provide continuing legal education activities in accordance with the standards set in Rules 8 and 9.
- e. **Education Activity** – A continuing legal education activity offered by an accredited provider and approved by the Committee for the relevant compliance period
- f. **In-house Education Activity** – An education activity offered by a law firm or legal department of a corporation or government agency comprised of at least 10 lawyers approved by the Committee to provide MCLE for the lawyers of said law firm or legal department of a corporation or government agency.
- g. **Special Education Activity** – An education activity or program which, because of its significant value to the practice of members who have sought its approval, has been approved by the Committee for such members under Section 2(g), Rule 2.
- h. **Credit Units** – The measure of compliance with the MCLE requirement under the Rules based on the category of the lawyer's participation in the MCLE activity.
- i. **Credit Hours** – Actual time spent in an education activity (actual instruction, speaking time or participation) computed in hours to the nearest one-quarter hour (15 minutes) reported in decimals.

### Section 2: Minimum Education Requirement

Subject to the exemptions listed in Sections 1 and 2, Rule 7 of the Rules, every member of the IBP must complete at least thirty-six (36) credit units of mandatory continuing legal education (MCLE) every three (3) years during the compliance period as provided in Rule 2 and these Implementing Regulations.

### Section 3: Compliance Period

The initial compliance period shall be from April 15, 2001 up to April 14, 2004. All succeeding compliance periods shall begin the day after the end of the preceding compliance period. The initial compliance period for members newly admitted or readmitted to the IBP shall begin on the first day of the month of admission or readmission and shall end on the same day as that of all other members.

## **Section 4: Computation of Credit Units**

Credit units will be given for time spent in an approved education activity based on the category of the lawyer's participation therein, as provided in Section 1, Rule 4 of the Rules.

### **a. General Standard of Computation**

1. Credit units will be given only for time spent in legal education activities which have been previously approved by the Committee and conducted by an accredited provider.
2. Credit units will be given in accordance with Section 1 of Rule 4.
3. Every approved education activity shall be conducted for at least one hour. However, if it should exceed one hour, one-half credit unit shall be given for every half hour beyond the initial hour.

### **b. In-house Education Activity**

An in-house education activity must be approved by the Committee before a lawyer may earn any credit unit for participation therein.

## **Section 5: Exemptions**

The following are exempted from the MCLE requirement:

### **a. The *Executive***

1. The President, Vice-President of the Philippines, and the Secretaries and Undersecretaries of the Executive Departments of the Philippine Government;
2. The Chief State Counsel, Chief State Prosecutor, and Assistant Secretaries of the Department of Justice;
3. The Solicitor General and the Assistant Solicitors General;
4. The Government Corporate Counsel, Deputy and Assistant Government Corporate Counsel;
5. Heads of government agencies exercising quasi-judicial functions;

### **b. The *Legislative***

Senators and Members of the House of Representatives;

### **c. The *Judiciary***

The Chief Justice and Associate Justices of the Supreme Court, incumbent and retired members of the Judiciary, incumbent members of the Judicial and Bar Council, and incumbent court lawyers covered by the Philippine Judicial Academy program of continuing judicial education;

### **d. The *Constitutional Bodies***

1. The Chairmen and Members of the Constitutional Commissions;

2. The Ombudsman, the Overall Deputy Ombudsman, the Deputy Ombudsmen and the Special Prosecutor of the Office of the Ombudsman.

**e. Law Schools/Academe**

1. Incumbent deans, bar reviewers and professors of law who have had teaching experience for at least the (10) years in accredited law schools;
2. The Chancellor, Vice-Chancellor and members of the Corps of Professors and Professorial Lecturers of the Philippine Judicial Academy;

**f. Local Government**

Governors and mayors

**g. Non-Practicing Lawyers**

1. Lawyers who are not in practice, whether private or public; and
2. Those who have retired from law practice with the approval of the IBP Board of Governors.

**Section 6: Other Exemptions or Modifications**

For good cause (such as physical disability, illness, post-graduate study abroad, proven expertise in law and similar ground) and subject to approval by the Committee, a member may file a verified request for exemption from compliance, or modification of any of the MCLE requirements, including extension of time for compliance.

**Section 7: Approval of Continuing Legal Education Activity, Program, or Course**

A continuing legal education activity approved for credit shall meet the following standards:

- a. The activity shall have significant current intellectual or practical content, the primary objective of which is to improve the participant's professional competence and ethical behavior.
- b. The activity shall constitute an organized program of learning related to legal subjects and the legal profession, including cross profession activities (e.g., accounting-tax or medical-legal) that enhance legal skills or the ability to practice law, as well as subjects in legal writing and oral advocacy.
- c. The activity shall be conducted by a provider with adequate professional experience.
- d. Where the activity is more than one (1) hour in length, substantive written materials must be distributed to all participants. Such materials must be distributed at or before the time the activity is offered.
- e. In-house education activities must be scheduled at a time and location so as to be free from interruption like telephone calls and other distractions.
- f. Information concerning the activity, including the brochure describing it, the qualifications of the speakers, the method or manner of presentation of the materials, and, if necessary, a set of the materials shall be submitted to the Committee at least forty-five (45) days prior to the presentation of the activity.

- g. The participants shall be provided with the prescribed Education Activity Evaluation Forms to be completed and submitted by them to the provider who in turn shall transmit a copy thereof to the Committee at the end of the legal education activity. The provider shall keep a set of the said forms for a period of not less than one (1) year after the termination of the continuing legal education activity.
- h. The provider shall submit to the Committee a report on the conduct of its continuing legal education activity together with the accomplished MCLE attendance cards of the attendees within thirty (30) days after the end of the legal education activity.

### **Section 8: Approval of Special Education Activity**

- a. An accredited provider shall apply for approval of a special education activity on a form to be provided by the MCLE Committee. It shall contain a detailed description of the provider, the course, the course materials, the lectures and the activity and shall be submitted at least forty-five days (45) prior to the presentation of the activity.
- b. The provider may not publish that a special education activity has been approved except with prior written approval of the Committee.
- c. The special education activity must meet the standards set forth in Section 2, Rule 8 and these Implementing Regulations.

### **Section 9: Accreditation of Continuing Legal Education Providers**

- a. Application may be made for accreditation as a continuing legal education provider by submitting the appropriate form to the Committee and paying the required fee.
- b. The grant of accreditation shall be effective for a period of two (2) years from the date of the grant. Accreditation may be renewed upon compliance with the requirements of the Committee.
- c. Accreditation of a continuing legal education provider may be revoked by the Committee, upon notice and hearing, for any of the following grounds:
  - 1. Failure to comply with any of the reporting requirements under the Rules and these Regulations;
  - 2. Sub-standard content of the course material or the quality of the continuing legal education activities as determined by the Committee under the Rules and these Regulations;
  - 3. Any misrepresentation in the application for accreditation as provider, or, in the application for approval of a continuing legal education activity.
  - 4. Failure to comply with any other requirements of the Committee.
- d. An applicant for accreditation as provider shall present a program of continuing legal education activity which meets the standards set forth in Section 2 of Rule 8.

- e. For the renewal of its accreditation, a provider must demonstrate to the Committee that its continuing legal education activities have consistently met the standards of quality set forth in the Rules and in these Regulations.
- f. Where a continuing legal education activity has been approved and the activity is offered by an accredited provider, the latter may announce, in its brochures and/or registration materials that: *“This program has been approved by the MCLE Committee for \_\_\_\_\_ hours of continuing legal education credit.”*

### **Section 10: Reporting Duties of Providers**

- a. An accredited provider of a continuing legal education activity, program, or course is required to maintain an official record verifying the attendance of a member at the activity, program, or course for at least four (4) years after the completion date. The provider shall include the member in the official record of attendance only if the member’s signature was obtained at the time of attendance at the activity, program, or course. The official record of attendance shall contain the member’s name and number in the Roll of Attorneys and shall identify the time, date, location, subject matter, and length of the education activity. A copy of such record shall be furnished the Committee through the IBP.
- b. The provider shall certify that:
  - 1. The activity has been approved by the Committee for \_\_\_\_ hours as appropriate to the content of the activity; and
  - 2. The activity conforms to the standards prescribed by the Rules and these Implementing
- c. Upon the termination of the continuing legal education activity, program or course, the provider shall issue a certificate of attendance to each participant identifying the time, date, location, subject matter and length of the activity and the number of credit units earned.
- d. The provider shall allow in-person observation of all approved continuing legal education activities by members of the IBP Board of Governors, the MCLE Committee, or designees of the Committee and IBP Board for purposes of monitoring compliance with the Rules and these Implementing Regulations.
- e. Any person or group who conducts an unauthorized legal education activity, program, or course and/or issues a spurious certificate in violation of the Rules and these Regulations, shall be subject to appropriate sanctions.

### **Section 11: Determination of Lawyer’s Compliance**

- a. The Committee shall maintain current records of continuing legal education for every lawyer to whom the Rules and these Implementing Regulations apply. Pursuant to Committee policy, these records shall be made available to the lawyers concerned at a time and place convenient to the Committee.
- b. The continuing legal education requirement must be completed by the end of the compliance period. Every lawyer not exempt under the Rules and these Regulations shall report to the Committee the credit units earned by him during the compliance period duly certified by the providers.
- c. A lawyer whose report shows full compliance with the continuing legal education requirement shall be issued a compliance card by the Committee.

## Section 12: Compliance Procedures

- a. Each member not otherwise exempt under the Rules or whose exempt status the Committee may take judicial notice of, shall secure from the MCLE Committee a Compliance Card before the end of his compliance period. He shall complete the card by attesting under oath that he has complied with the education requirement or that he is exempt, specifying the nature of the exemption. Such Compliance Card must be returned to the Committee not later than the day after the end of the member's compliance period
- b. Each member shall maintain a sufficient record of compliance or exemption, copy furnished the MCLE Committee. The record or certificate issued by the provider to all participants identifying the time, date, location, subject matter and length of the activity shall be a sufficient record of attendance at such participatory activity. A record of non-participatory activity shall also be maintained by the member.
- c. If a lawyer fails to comply with any requirement under the Rules, the Committee will send him/her a notice of non-compliance on any of the following deficiencies:
  1. Failure to complete the education requirement within the compliance period;
  2. Failure to provide attestation of compliance or exemption;
  3. Failure to provide satisfactory evidence of compliance (including evidence of exempt status) within the prescribed period;
  4. Failure to satisfy the education requirement and furnish evidence of such compliance within sixty (60) days from receipt of a non-compliance notice; and
  5. Any other act or omission analogous to any of the foregoing or intended to circumvent or evade compliance with the MCLE requirements.
- d. A member failing to comply with the continuing legal education requirement will receive a Non-Compliance Notice stating his specific deficiency and will be given sixty (60) days from the receipt of the notification to explain the deficiency or otherwise show compliance with the requirements. Such notice shall be written in capital letters as follows:

YOUR FAILURE TO PROVIDE ADEQUATE JUSTIFICATION FOR NON-COMPLIANCE OR PROOF OF COMPLIANCE WITH THE MCLE REQUIREMENT WITHIN 60 DAYS FROM RECEIPT OF THIS NOTICE, SHALL BE A CAUSE FOR LISTING YOU AS A DELINQUENT MEMBER AND SHALL NOT BE PERMITTED TO PRACTICE LAW UNTIL SUCH TIME AS ADEQUATE PROOF OF COMPLIANCE IS RECEIVED BY THE MCLE COMMITTEE.

The Member may use the 60-day period to complete his compliance with the MCLE requirement. Credit units earned during this period may only be counted toward compliance with the prior compliance period requirement unless units in excess of the requirement are earned, in which case the excess may be counted toward meeting the current compliance period requirement.

- e. A member who is in non-compliance at the end of the compliance period shall pay a non-compliance fee of P1,000.00 and shall be listed as a delinquent

member of the IBP by the IBP Board of Governors upon the recommendation of the MCLE Committee, in which case Rule 139-B of the Rules of Court shall apply

### **Section 13: Reinstatement**

- a. Involuntary listing as a delinquent member shall be terminated when the member submits proof of full compliance to the IBP Board of Governors. While he is on inactive status, he may earn the necessary credit units to complete the requirement for the period of non-compliance. These credit units may not be counted toward meeting the requirement of the current compliance period. Any excess credit units earned by him to satisfy the prior compliance period requirements, shall be counted towards meeting the requirements of the current compliance period.
- b. The MCLE Committee shall be notified by the IBP Board of Governors of the reinstatement of a delinquent member.
- c. Upon reinstatement, the member shall pay the IBP a reinstatement fee in the amount of P1,000.00.

### **Section 14: Reporting Period After Reinstatement**

The compliance period for a member who is reinstated to active status following his/her suspension, disbarment or resignation shall start on the date of reinstatement and shall end at the conclusion of the next compliance period.

### **Section 15: Schedule of Fees**

The following is the schedule of fees to be paid by providers and lawyers:

- a. Fee to accompany application for accreditation as CLE provider ... P2,000.00 (P1,000.00 only for a government educational institution or office or IBP Chapter)
- b. Fee to accompany application for approval of CLE activity... P100.00 per expected participant/attendee, subject to verification of official attendance record submitted by the Provider. (A government educational institution, office, or IBP Chapter accredited as MCLE Provider shall pay a nominal fee of P500.00 per application for approval of MCLE activity/program).
- c. Fee to accompany application for exemption from CLE requirement under Rule 7, Section 3 P1,000.00
- d. Fee for non-compliance with CLE requirement P1,000.00
- e. Reinstatement fee P1,000.00

This resolution shall take effect on the first of December 2001, following its publication in two (2) newspapers of general circulation in the Philippines.