

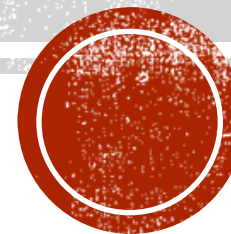
BAR EXAMS

2022

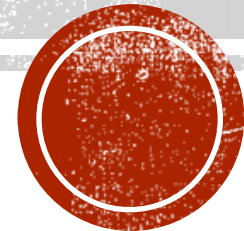
BAR EXAM 2020, 2021 AND 2022

A.K.A

THE BEST BAR EVER!



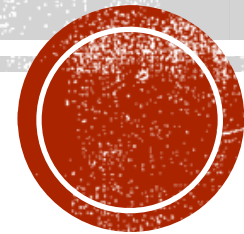
PRE-WEEK 2022
IN
LEGAL AND JUDICIAL
ETHICS



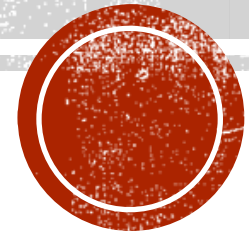
PROF. ERICKSON H. BALMES

DEPUTY COMMISSIONER, INSURANCE COMMISSION

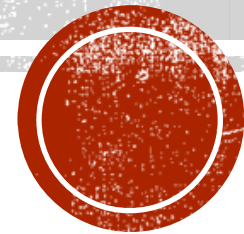
LET US START THIS
THE RIGHT WAY



**A FUTURE LAWYER WHO KNEELS
BEFORE GOD CAN STAND UP TO
ANYTHING!**



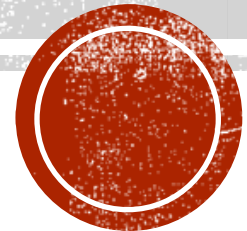
WHY PRAY?



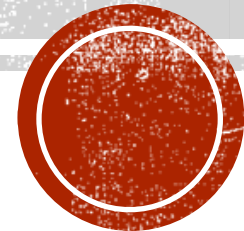
When a prayer
becomes your
habit, Miracles
become your
lifestyle.

**HEAVENLY FATHER,
IT SEEMS AS THOUGH OUR LIVES ARE ONE TEST
AFTER ANOTHER,
SAVE US FROM TAKING THE COMING BAR EXAMS
TOO SERIOUSLY OR TOO LIGHTLY
BUT GRANT THAT IT MAY REFLECT
THE VERY BEST OF THE WORK THAT WE HAVE DONE,
THE VERY BEST OF THE TEACHING THAT WE HAVE RECEIVED
AND THE VERY BEST OF OUR PREPARATIONS.
PLEASE ALLOW US TO BE ASKED ONLY QUESTIONS WHERE
WE KNOW THE ANSWER.**

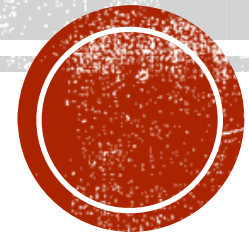
**FOR ANYTHING LACKING OR MISSING
WE PRAY THAT YOU PLEASE
FILL IN THE GAPS, FILL IN THE BLANKS
ALWAYS FOR YOUR GREATER GLORY
AMEN!**



THE NEW BAR COVERAGE



LEGAL AND JUDICIAL ETHICS

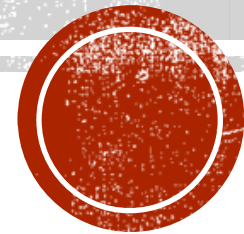


FOUR (4) QUESTIONS

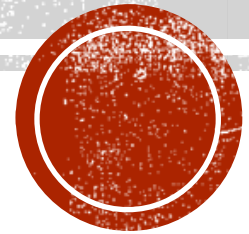
TOPICS COVERED

1. *Qualifications of New Lawyers*
2. *Code of Professional Responsibility for Lawyers and Duties of Lawyers under the LAWYER'S OATH*
3. *Disqualification/Inhibition for Judges*
4. *Direct or Indirect Contempt*

I. QUALIFICATIONS OF NEW LAWYERS



SECTION 2
OF
RULE 138

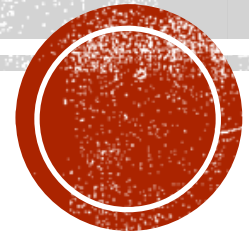


SECTIONS

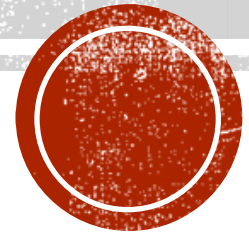
5 AND 6

OF

RULE 138



***BASIS
OF
RULE 138***



ARTICLE 8
SECTION 5
PARAGRAPH 5 

ARTICLE VII, SECTION 5, PARAGRAPH 5

Section 5. The Supreme Court shall have **the following powers:**

(5) **Promulgate rules** concerning the protection and enforcement of constitutional rights, **pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the underprivileged.** Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

SECTION 1 OF RULE 138

Section 1. *Who may practice law.* — **Any person** heretofore duly admitted as a member of the bar, or hereafter admitted as such in accordance with the provisions of this rule, and who is in good and regular standing, is entitled to practice law.

ULEP VS LEGAL AID CLINIC:

Only Natural Persons Can be admitted to the Philippine Bar and be allowed to Practice Law in the Philippines.

CORPORATIONS ARE NOT ALLOWED TO PRACTICE LAW HERE!



SECTION 2 OF RULE 138

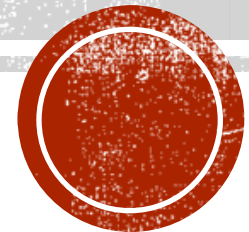
Section 2. *Requirements for **all applicants** for admission to the bar. —*

Every applicant for admission as a member of the bar must be a citizen of the Philippines, at least twenty-one years of age, of good moral character, and resident of the Philippines; and must produce before the Supreme Court satisfactory evidence of good moral character, and that no charges against him, involving moral turpitude, have been filed or are pending in any court in the Philippines.

HOW ASKED IN PAST BAR EXAMS?

Enumeration

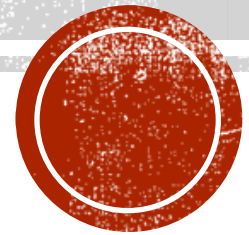
Multiple Choice



Which is In?

Which is Out?

**ON
GOOD MORAL
CHARACTER**



EUFROSINA Y. TAN,

VS.

NICOLAS EL. SABANDAL

B.M. NO. 44

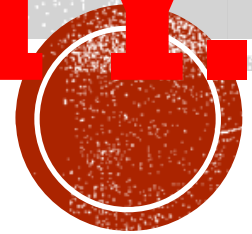
FEBRUARY 24, 1992



GOOD MORAL CHARACTER IS WHAT A
PERSON REALLY IS, AS DISTINGUISHED FROM **GOOD**
REPUTATION OR FROM THE OPINION GENERALLY
ENTERTAINED OF HIM,
THE ESTIMATE IN WHICH HE IS HELD BY THE PUBLIC IN
THE PLACE WHERE HE IS KNOWN.

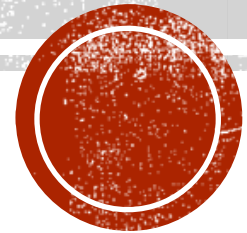


**GOOD MORAL CHARACTER
INCLUDES AT LEAST
COMMON HONESTY.**



SECTIONS 5 AND 6 OF RULE 138

ACADEMIC REQUIREMENTS FOR BAR CANDIDATES



SECTION 5 OF RULE 138

Section 5. *Additional requirements for other applicants.* — All applicants for admission other than those referred to in the two preceding section shall, before being admitted to the examination, **satisfactorily show that they have regularly studied law for four years**, and successfully completed all prescribed courses, in a law school or university, officially approved and recognized by the Secretary of Education. The affidavit of the candidate, accompanied by a certificate from the university or school of law, shall be filed as evidence of such facts, and further evidence may be required by the court.

SECTION 5 OF RULE 138

No applicant **shall** be admitted to the bar examinations unless he has satisfactorily completed the following courses in a law school or university duly recognized by the government: **civil law, commercial law, remedial law, criminal law, public and private international law, political law, labor and social legislation, medical jurisprudence, taxation and legal ethics.**

Bar Matter 1153

Re : Letter of Atty. Estelito Mendoza

***Proposing reforms in the Bar
Examinations***

March 9, 2010



Section 5 of Rule 138, has been amended, it now provides that all applicants for admission to the bar shall satisfactorily show that they have successfully completed all the prescribed courses for the degree of Bachelor of Laws or its equivalent degree in a law school or university officially recognized by the Phil Government or by the proper authority in the foreign jurisdiction where the degree has been granted.



As amended, Section 5 of Rule 138 now provides that Filipino citizens who graduated from a foreign law school shall be admitted to the bar examinations only upon submission to the SC of a certification showing:

1. Completion of all courses leading to the Bachelor of Laws or its equivalent degree;
2. Recognition or accreditation of the law school by the proper authority;
3. Completion of all fourth year subjects in the bachelor of laws academic programs in a law school duly recognized by the Phil government.



UNDER RA 9225

Under RA 9225, if a person intends to practice the legal profession in the Philippines and reacquires Phil citizenship pursuant to its provision, he shall apply with the proper authority for a license or permit to engage in such practice.



THE AUTHORITY

The Authority comes from the Supreme Court subject to compliance with the following conditions:

- 1. Updating and payment in FULL of the Annual Membership dues in the IBP;**



OTHER REQUIREMENTS TO GET BACK THE ATTY!

The Authority comes from the Supreme Court subject to compliance with the following conditions:

2. The payment of the professional tax;



**The Authority comes from the Supreme Court
subject to compliance with the following
conditions:**

3. The completion of the required hours of
Mandatory Continuing Legal Education
(MCLE)

REMINDER:

**MAKE YOU MCLE COMPLIANCE
CURRENT!**



LASTLY ...

4. Retaking of the Lawyer's Oath.

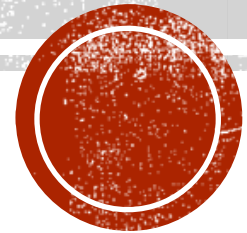


**II. THE CPR AND THE
DUTIES OF THE
LAWYER UNDER THE
LAWYER'S OATH**



***THE CODE OF PROFESSIONAL
RESPONSIBILITY FOR LAWYER
(CPR)***

Promulgated June 21, 1988

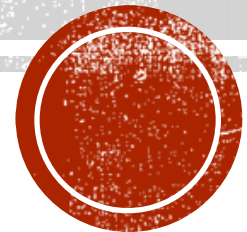


WHY OBEY THE CPR?

**NOT A LAW, BUT A JUDICIAL COMMAND
BASIS FOR LAWYERS TO OBEY?**

LAWYER'S OATH

***I SHALL OBEY THE LAWS,
AS WELL AS THE LEGAL ORDERS . . .***



THE CPR - - Its Nature



The CPR being an action of the SC has the force and effect of law and should be obeyed since it was issued pursuant to Section 5(5) Article VIII of the 1987 Constitution.

Not a request or a plain listing but a judicial command.



**CPR
AND LAWYER'S
OATH
DYNAMICS**



**THE
LAWYER'S
OATH**



I, (name) do solemnly swear that I will maintain allegiance to the Republic of the Philippines, I will support the Constitution and obey the laws as well as the legal orders of the duly constituted authorities therein; I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same; I will delay no man for money or malice, and will conduct myself as a lawyer according to the best of my knowledge and discretion, with all good fidelity as well to the courts as to my clients; and I impose upon myself these voluntary obligations without any mental reservation or purpose of evasion. So help me God.



**CPR
AND LAWYER'S
OATH
DYNAMICS**



**THE LAWYER'S OATH
IS THE
SUMMARIIZED
VERSION OF THE
CPR**



**ON
THE OTHER
HAND**



**THE CPR IS THE
EXPANDED
VERSION OF THE
LAWYER'S OATH**



The Duties and Responsibilities of a Lawyer



DUTIES UNDER THE RULES OF COURT



SECTION 20

RULE

138



Section 20. Duties of attorneys. — It is the duty of an attorney:

(a) To maintain allegiance to the Republic of the Philippines and to support the Constitution and obey the laws of the Philippines.

(b) To observe and maintain the respect due to the courts of justice and judicial officers;

(c) To counsel or maintain such actions or proceedings only as appear to him to be just, and such defenses only as he believes to be honestly debatable under the law.

(d) To employ, for the purpose of maintaining the causes confided to him, such means only as are consistent with truth and honor, and never seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law;

(e) To maintain inviolate the confidence, and at every peril to himself, to preserve the secrets of his client, and to accept no compensation in connection with his client's business except from him or with his knowledge and approval;

(f) To abstain from all offensive personality and to advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he is charged;

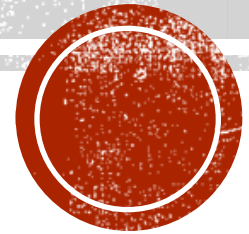
(g) Not to encourage either the commencement or the continuance of an action or proceeding, or delay any man's cause, from any corrupt motive or interest;

(h) Never to reject, for any consideration personal to himself, the cause of the defenseless or oppressed;

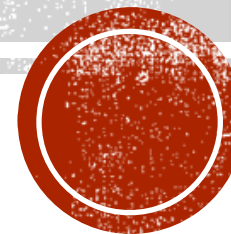
(i) In the defense of a person accused of crime, by all fair and honorable means, regardless of his personal opinion as to the guilt of the accused, to present every defense that the law permits, to the end that no person may be deprived of life or liberty, but by due process of law.



III. DISQUALIFICATION / INHIBITION FOR JUDGES



**UNDER THE
RULES OF
COURT**



Rule 137, SECTION 1.

Disqualification of judges. — No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to **either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law**, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.



ALEXANDER ORTIZ VS. JUDGE IBARRA JACULBE
A.M. NO. RTJ-04-1833
JUNE 28, 2005

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, **for just or valid reasons other than those mentioned above. (*Second line of Section 1, Rule 137*)**

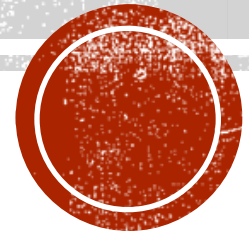


Rule 137, SECTION 2.

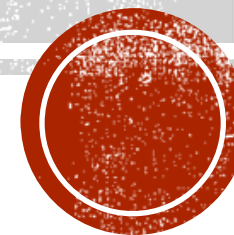
Objection that judge disqualified, how made and effect. — If it be claimed that an official is disqualified from sitting as above provided, the party objecting to his competency may, in writing, file with the official his objection, stating the grounds therefor, and the official shall thereupon proceed with the trial, or withdraw therefrom, in accordance with his determination of the question of his disqualification. His decision shall be forthwith made in writing and filed with the other papers in the case, but no appeal or stay shall be allowed from, or by reason of, his decision in favor of his own competency, until after final judgment in the case.



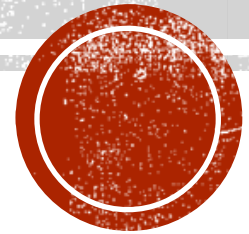
***DISQUALIFICATION AND
INHIBITION OF JUDGES
UNDER
OTHER
SOURCES***



***NEW CODE OF JUDICIAL
CONDUCT
FOR THE
PHILIPPINE JUDICIARY***



CANON III
IMPARTIALITY



Section 5

Judges shall disqualify themselves from participating in any proceedings in which they are unable to decide the matter impartially or in which it may appear to a reasonable observer that they are unable to decide the matter impartially. Such proceedings include, but are not limited to, instances where:



The judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;

The judge previously served as a lawyer or was a material witness in the matter in controversy;

The judge, or a member of his or her family, has an economic interest in the outcome of the matter in controversy;



The judge served as executor, administrator, guardian, trustee or lawyer in the case or matter in controversy, or a former associate of the judge served as counsel during their association, or the judge or lawyer was a material witness therein;

The judge's ruling in a lower court is the subject of review;

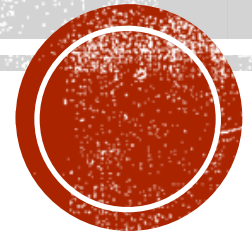
The judge is related by consanguinity or affinity to a party litigant within the sixth civil degree or to counsel within the fourth civil degree; or



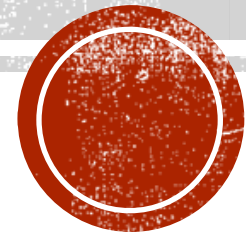
The judge knows that his or her spouse or child has a financial interest, as heir, legatee, creditor, fiduciary, or otherwise, in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceedings;



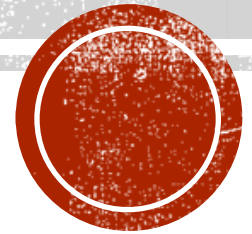
IV. DIRECT AND INDIRECT CONTEMPT



ANCHORAGE?

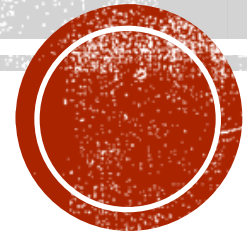


SECTION 71 RULES OF COURT



CONTEMPT OF COURT

CONCEPTS AND COMMENTS

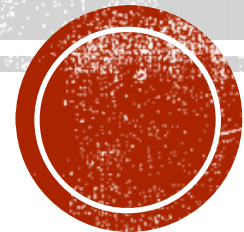


***LORENZO SHIPPING CORPORATION, OCEANIC
CONTAINER LINES, INC., SOLID SHIPPING
LINES CORPORATION, SULPICIO LINES, INC., ET
AL.,
VS.
DISTRIBUTION MANAGEMENT ASSOCIATION OF
THE PHILIPPINES, LORENZO CINCO, AND CORA
CURAY.***

G.R. No. 155849

August 31, 2011

**THE CHIEF
BERSAMIN, CJ**



Contempt of court has been defined as a willful disregard or disobedience of a public authority. In its broad sense, contempt is a disregard of, or disobedience to, the rules or orders of a legislative or judicial body or an interruption of its proceedings by disorderly behavior or insolent language in its presence or so near thereto as to disturb its proceedings or to impair the respect due to such a body.

In its restricted and more usual sense, contempt comprehends a despising of the authority, justice, or dignity of a court.

The phrase contempt of court is **generic**, embracing within its legal signification a variety of different acts.



The power to punish for contempt is inherent in all courts, and need not be specifically granted by statute.

It lies at the core of the administration of a judicial system.

*Indeed, there ought to be no question that courts have the power by virtue of their very creation to **impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution.***

The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice.

The reason behind the power to punish for contempt is that **respect of the courts guarantees the stability of their institution;** without such guarantee, the institution of the courts would be resting on a very shaky foundation.

Contempt of court is of two kinds, namely: direct contempt, which is committed in the presence of or so near the judge as to obstruct him in the administration of justice; and **constructive or indirect contempt**, which consists of willful disobedience of the lawful process or order of the court.



It will

Not Hurt



***READ YOUR LEONEN
CASES ON THE FOUR
TOPICS***



**THESE NOTES ARE MEANT TO BE SHARED!
SHARING THEM IS A GOOD THING!
SHARING THEM IS A GOOD KARMA WAITING TO HAPPEN! 😊**

**THE JUSTICE MARVIC M.V.F. LEONEN[♦]
CASE DOCTRINES
IN
LEGAL AND JUDICIAL ETHICS**

PREPARED BY:

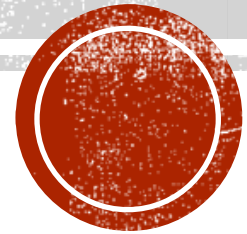
PROF. ERICKSON H. BALMES[♦]

Welcome back

**NO HONEST EFFORTS
ARE EVER WASTED!**

IF OFFERED FOR THE
GREATER GLORY OF

GOD



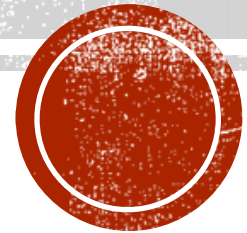
GOD BLESS!

CONGRATS!

SEE YOU SA

MCLE

COMPANEROS AND COMPANERAS!



AMIDG+

All for the
GREATER GLORY OF GOD

