



# University of Southeastern Philippines

## School of Law

### I. PROJECT DATA

**PROJECT NAME: ESTABLISHMENT OF SCHOOL OF LAW LEGAL AID CENTRE AT THE UNIVERSITY OF SOUTHEASTERN PHILIPPINES.**

**LOCATION:** USEP Obrero Campus, Davao City

**PROJECT COST:** 1,007,000.00 (Year 1)

**SOURCE OF FUNDS: 164/101**

### II. RATIONALE

Created through *Batas Pambansa Bilang 12*, the University of Southeastern Philippines (USEP) is a premier state university in Davao Region that aims to meaningfully contribute to the socio-economic development of Mindanao.

For the past 40 years, USEP has played well its role as a key factor in regional development. Constantly upholding high ethical principles of quality of the learning it imparts, researches it embarks on, and extension projects it undertakes, USEP has been a principal driver in the generation, dissemination, advancement, and application of much-needed knowledge and expertise, more particularly in the field of education, arts and science, agriculture and forestry, business and economics, engineering, technology, and information and computing which are all considered critical to social progress and economic growth.

With the ever-increasing challenges at the national level, coupled with the demands for ASEAN integration, in 2017 USEP approved and started to implement a Catch-up Plan under which it seeks to perform key roles in instruction, research, and extension in the service of the community, not only at the local, but also at the national and even international levels.

In line with the said thrust, USEP started to offer new programs that are designed to address specific unmet needs. One of the new programs is the law program.

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According to the World Justice Project 2018 Survey, only 20% of Filipinos were able to access legal help leaving 80% of Filipinos without legal assistance. Two of the issues why Filipinos were unable to access legal service are (a) expensive legal services; and (b) inadequate number of lawyers.

In 2018, the Board of Regents of USEP approved the establishment of the School of Law for the purpose of offering or making available a law program. It is USEP's way to help address problems associated with lack of access to justice in the Philippines.

### III. PROJECT BACKGROUND

#### A. USEP School of Law

The proposal that was approved by the Board of Regents highlights the mission of the School of Law and the branding of its law program.

The proposal states that USEP School of Law shall produce world-class legal practitioners through high-quality legal education and research. Particularly, USEP School of Law is committed to:

- Provide quality legal education for students to grow in knowledge with moral integrity and make them globally competitive in the world of work;
- Engage in high impact legal research not only for knowledge's sake, but also for public interest and social justice;
- Promote equal opportunity for legal education to economically challenged yet intellectually superb students; and
- Ensure ASEAN perspective readiness through extensive international collaboration and student-exchange program.

The proposal also highlights what the law program seeks to achieve, and be known for. The School of Law aims to have law graduates who are globally-competitive, adept at legal research, champions for the cause of social justice, and effective agents of social change. The law program is anchored on the following four (4) pillars:

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1. *Legal Research*. Anchored on the attributes of a research university, the USEP School of Law shall uphold to:
  - a. Integrate research as part of the holistic development of legislators and legal practitioners;
  - b. Generate legal knowledge as a product of research;
  - c. Develop a reservoir of legal research outputs; and
  - d. Establish a pool of think tank for lawmakers and executives.
  
2. *Public Interest and Social Justice*. Grounded on the principles of equality for the common good, the USEP School of Law shall behold the values of public interest and social justice by:
  - a. Maintaining a legal center which will cater the needs for social legislations;
  - b. Crafting a curriculum that is specialized on upholding public interest and social justice; and
  - c. Deliberating a program that stands for the less privileged yet deserving for legal education.
  
3. *ASEAN Integrated*. Built on the audacious ideologies for international development and fraternity of the Association of Southeast Asian Nations, the USEP School of law shall advocate complimentary readiness by:
  - a. Collaborating with ASEAN law schools to groom the country's legal needs with the those of the ASEAN member countries;

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- b. Responding to the call for internationalization of business, commerce, education, tourism, governance, and conflict resolutions based on the ideals of the ASEAN community; and
  - c. Aligning the curriculum of legal education with the ASEAN goals.
4. *Capacitating the Government.* Founded on the principles of good governance and transparency, the USEP Law School shall continue to capacitate the government agencies in their legal and para-legal needs by:
- a. Offering a flexible law program that will suit the needs and priorities of government employees;
  - b. Extending the legal education to poor yet deserving students through low cost high-quality law offering; and
  - c. Providing top lawyers for all phases of national development

Evident in the stated mission and branding is the desire of USEP School of Law to provide high quality legal education that enables and capacitates law students to become competent, ethical, research-minded and service-oriented legal practitioners.

### **B. The Juris Doctor (Thesis) Program**

In 2019, USEP opened its School of Law. Its law program was carefully designed to meet the needs of the times, respond to societal demands, and take into account other important considerations, including ASEAN integration.

The law program is unique and purpose-driven. It is aligned with the mission and branding stated in the Proposal that was approved by the Board of Regents.

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The law program is unique in many respects. For one, it is a Juris Doctor (Thesis) program which requires students, as a requirement for graduation, to write a thesis on a topic that is aligned with the research agenda of USEP.

As a premier research university, USEP hopes to develop a culture of research for its law students, making them adept at legal and developmental research which is critical in generating new knowledge and expertise necessary in developing and enhancing existing legal frameworks.

For another, the curriculum is replete with elective subjects that are meant to increase the law students' understanding of, exposure and commitment to social justice principles. USEP hopes to produce law graduates who are willing and ready to serve the ends of social justice by taking up the cudgels for the marginalized, the downtrodden, and the oppressed.

In short, excellence and service are at the heart of USEP's law program. To reiterate, the law program aims to produce lawyers who are not only competent, ethical, research-oriented, but also with altruistic hearts for service.

Pursuing excellence and cultivating a culture of service are aligned with the USEP's core values as a learning organization which are the values of Unity, Stewardship, Excellence and Professionalism.

With the above mission, objectives, and core values clearly defined and articulated, what is left to be done is the provision of a learning environment that is not only conducive for classroom-based learning, but also for experiential learning or learning by doing.

### **C. Regulatory Frameworks**

While law schools enjoy certain degree of autonomy in consideration of their academic freedom, there are some aspects of legal education which are regulated by the State.

In the exercise of its police power, the State has the authority to prescribe regulations to promote the education, and consequently, the general welfare of the

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people. The regulation or administration of educational institutions, including law schools, especially on the tertiary level, is invested with public interest.

### **C.1 Legal Education Board**

The Legal Education Board (LEB) was created through Republic Act No. 7662, also known as the Legal Education Reform Act of 1993.

Legal education in the Philippines is not only geared towards preparing students for the practice of law but also to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society (Section 3, R.A. 7662).

One of the important functions of the LEB is 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 (Section 7, R.A. 7662).

The law curriculum approved by the USEP Board of Regents and LEB includes two (2) subjects on Apprenticeship, namely: JD 317- Apprenticeship I (120 hours) and JD 329- Apprenticeship II (120 hours), which are offered in the first semester and second semester, respectively, in the third year of the law curriculum.

The course description for both Apprenticeship I and Apprenticeship II reads:

"As a condition for graduation, students are required to undergo apprenticeship for a minimum period of 240 hours. Apprenticeship may be undertaken in one or two summers after a student has completed his second year in the Law School. Existing rules of the apprenticeship program allow students to perform apprenticeship work in accredited law firms, government agencies, public or private legal assistance agencies and in courts. The apprenticeship program requires qualified attorneys who shall assist the students in the actual practice of law. The supervising attorney evaluates the performance of the students and recommends to the Dean whether academic credits can be granted on the basis of such evaluation.

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Students must earn a total of four (4) academic credits from apprenticeship work to be eligible for graduation. Students participating in the Human Rights and Legal Aid programs may earn academic credits for apprenticeship, subject to fulfilment of certain conditions." (Section 58.2, LEBMO No. 1).

### C.2 Supreme Court

Under Section 5(5), Article VIII of the 1987 Constitution, the Supreme Court is empowered to adopt and promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice and procedure in all courts, the admission to the practice of the law, the Integrated Bar, and legal assistance to the underprivileged.

Exercising such power, on June 25, 2019, the Supreme Court adopted and promulgated A.M. No. 19-03-24-SC amending Rule 138-A on Law Student Practice, otherwise known as the Revised Law Student Practice Rule. The salient features of the Revised Rules are as follows:

- a. Some law students are allowed limited practice of law subject to some certification requirements to enhance learning opportunities for law students by instilling in them the value of legal professional social responsibility, and to prepare them for the practice of law; and
- b. Institutionalization of clinical legal education program in all law schools in order to enhance, improve, and streamline law student practice, and regulate their limited practice.

The Revised Law Student Practice Rule expressly requires that all law schools, through their deans or authorized representatives, must develop and adopt a Clinical Legal Education Program (CLEP) and develop and establish at least one law clinic in their schools (Section 9, Rule 138-A).

It also mandates that all law schools shall have such number of faculty members to teach clinical legal education courses as may be necessary to comply with this Rule (Section 12, Rule 138-A).

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Moreover, the Revised Rule stresses that completion of clinical legal education courses must be a prerequisite to take the bar examinations as provided in Section 5 of Rule 138 (Par. 4, A.M. No. 19-03-24-SC).

The amendments of Rule 138-A are meant to ensure ensures access to justice of the marginalized sectors, and at the same time, produce practice-ready lawyers.

### **IV. OBJECTIVES**

USEP has identified specific goals for Instruction and Research, Development and Extension (RDE). In the field of Instruction, USEP envisions to produce globally competitive and morally upright graduates. In the RDE field, USEP is committed to develop a strong R, D & E culture with competent human resource and responsive and relevant researches that are adopted and utilized for development.

The Legal Aid Centre aims to achieve two (2) important objectives which are in keeping with the above-mentioned institutional goals of USEP, namely: (i) clinical legal education program for law students; and (ii) legal aid extension service for the community.

#### **a. Clinical Legal Education Program (CLEP)**

As previously stated, all law schools are required to adopt and develop a Clinical Legal Education Program (CLEP).

CLEP is an experiential, interactive and reflective credit-earning teaching course with the objective of providing law students with practical knowledge, skills and values necessary for the application of the law, delivery of legal services and promotion of social justice and public interest, especially to the marginalized, while inculcating in the students the value of ethical lawyering and public service. It consists of activities covered by the Revised Law Student Practice Rule undertaken in either (a) law clinic or an (2) externship, which shall incorporate the teaching of legal theory and doctrines, practical skills, as well as legal ethics (Section 2[a], Rule 138-A).

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Externship is part of the clinical legal education program if: (a) it allows students to engage in legal work for the marginalized sectors or for the promotion of social justice and public interests, and (b) it is undertaken with any of the following: (i) the courts, the Integrated Bar of the Philippines (IBP), government offices, and (ii) law school-recognized non-governmental organizations (NGOs) (Section 2[b], Rule 138-A).

The authority of the permitted law students to engage in limited practice of law is subject to certification requirements and should cover only specified areas of practice. The following provisions of the Revised Rule 138-A are relevant:

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

(a) Level 1 certification, for law students who have successfully completed their first-year law courses; and/or

(b) Level 2 certification, for law students currently enrolled for the second semester of their third-year law courses, Provided however, where a student fails to complete all their third-year law courses, the Level 2 certification shall be deemed automatically revoked.

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

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

*For Level 1 certification*

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

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

#### *For Level 2 certification*

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

#### **b. Legal Aid Extension Service**

The Philippine Constitution promises “equal protection of the law” and “access to justice” for all. This promise seems to require that the quality of justice every litigant receives should depend upon the merits of his cause rather than upon the amount of money he has in his pocket. However, as survey results had shown, the poor who have no money to hire the services of a lawyer are usually denied the quality of justice that they too deserve.

The Legal Aid Centre shall also serve as the extension arm of the USEP School of Law. Through the said Centre, USEP can directly contribute to increasing access to justice, and serve the ends of justice, especially for the poor, disadvantaged, and the marginalized.

The Legal Aid Centre shall also serve as the venue through which USEP School of Law faculty members, as agents of social change, will be able to perform

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their civic duty of providing free legal services to the defenseless and the oppressed.

The Legal Aid Centre shall extend both the traditional legal aid service and developmental legal aid service.

For its traditional legal aid program, the Legal Aid Centre shall extend the following services:

- a. Representation in the trial courts in civil and criminal cases and quasi-judicial bodies in administrative cases, including proceedings for mediation, voluntary or compulsory arbitration, and alternative dispute resolution; and
- b. Legal counselling, rendering assistance in contract negotiations and drafting of related legal documents, including memoranda of law and other similar documents that are provided to the client.

For its developmental legal aid services, the Legal Aid Centre shall provide the following services:

- a. Assistance in activities consisting of rights awareness, capacity-building, and training in basic human rights, documentation, and affidavit-making, rendered in public interest cases; and
- b. Legal services provided to marginalized sectors and identities, such as but not limited to: (i) urban poor or informal settlers; (ii) workers/labourers; (iii) overseas foreign workers; (iv) children in conflict with the law; (v) indigenous peoples; (vi) persons with disabilities; and (vii) persons involved in gender issues.

No doubt, by implementing the CLE and extending a legal aid extension service for the community, USEP School of Law will not only comply with the requirements of both LEB and the Supreme Court, it will also be able to do the following:

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- a. Provide a progressive method of learning that focuses on students learning and improving skills to prepare them for actual legal work when they become lawyers in the future;
- b. Apply experiential learning methods through which students are given an opportunity to learn more effectively and apply what they learn to actual realistic situations;
- c. Make available legal services for indigent and marginalized community members who are usually denied access to justice;
- d. Develop a culture of service within the students by taking on public interest cases;
- e. Provide an avenue for law professors to make important contributions to the development of skills and theories of legal practice, thereby providing closer links between the legal community and the academic community; and
- f. Strengthen civil society by providing legal services to the vulnerable who find it hard to access legal services.

## **V. PROJECT SCHEDULE OF IMPLEMENTATION**

Given the enormity of the physical, logistical, and manpower requirements to operate a Legal Aid Centre with a dual objective of running both the CLEP and the Legal Aid Extension Service, the establishment and operation of the USeP School of Law Legal Aid Centre shall be done in phases, namely: (1) partial implementation phase; and (2) full implementation phase.

### **a. Phase 1: Partial Implementation**

Based on the approved law curriculum, the first batch of law students of USeP School of Law will already undergo apprenticeship during the summer break after completing their second year subjects, which will be sometime in May 2021. It is thus highly advisable that the USeP School of Law shall already have started operating its Legal Aid Centre before May 2021.

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The partial implementation will only require the following:

- a. Utilization of available room or space, preferably at the College of Education, as temporary Legal Aid Centre;
- b. Designation of the Acting Dean of the School of Law as Acting Director for the Legal Aid Centre;
- c. Hiring of or assigning one (1) Technical Assistant who shall take charge of the administrative concerns of the Centre;
- d. Hiring of or assigning one (1) Messengerial Staff who shall take care of delivering or mailing important papers and pleadings, and doing other tasks for the Centre;
- e. Recruitment of at least two (2) volunteer lawyers who shall handle the legal aid cases and serve as supervising lawyers for law students qualified or accredited to engage in law student practice; and
- f. Procurement of the following: four (4) office tables and eight (8) chairs for the Acting Centre Director, Supervising Lawyers, and Technical Assistant; two (2) filing cabinets; one (1) book shelf; one (1) medium-size conference table with at least six (6) chairs; and five (5) chairs for the waiting guests/clients; two (2) desktop computers and (2) computer printers; one (1) medium-size photocopying machine; and office supplies such as bond papers, computer ink, staplers, ball pens, folders, envelopes, paper clips, etc.

### **b. Phase 2: Full Implementation**

Upon the completion of the CGB building where the School of Law will be housed, it is recommended that a room adjacent to the Faculty Room or the Office of the Dean shall be utilized as Legal Aid Centre.

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In addition to what have already been procured during the initial phase of implementation, the following are needed for the full operation of the Legal Aid Centre:

- a. Hiring of additional Technical Assistant who shall assist the volunteer lawyers in the preparation of documents, papers and pleadings;
- b. Recruitment of additional volunteer lawyers, preferably from the ranks of law faculty;
- c. Construction of office cubicles for the Centre Director and volunteer lawyers, and partition for the client conference area, library, and records room; and
- d. Procurement of library furniture, books, and legal research materials; and
- e. Procurement of additional office supplies.

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**VI. BUDGETARY REQUIREMENTS**

FISCAL YEAR 2021 REQUIREMENTS		
Phase 1 (January 2021-June 2021)		
	MOOE	CO
Hiring of 1-Technical Staff	84,000.00	
Hiring of 1-clerical staff/Messenger	60,000.00	
2-Lawyer	60,000.00	
Procurement of 5 Desktop Computers		200,000.00
Office equipment		50,000.00
Supplies and materials	5,000.00	
<b>SUB-TOTAL</b>	<b>209,000.00</b>	<b>250,000.00</b>
Phase 2 (July 2021-December 2021)		
Hiring of 2-Technical Staff	168,000.00	
Hiring of 1-clerical staff/Messenger	60,000.00	
2-Lawyer	60,000.00	
Conversion of room to a legal center	200,000.00	
Procurement of books and journals		50,000.00
Supplies and materials	10,000.00	
<b>SUB-TOTAL</b>	<b>498,000.00</b>	<b>50,000.00</b>
<b>TOTAL</b>	<b>1,007,000.00</b>	

SUMMARY	
YEAR OF OPERATIONS	ESTIMATED ANNUAL BUDGET
2021	1,007,000.00
2022	600,000.00
2023	650,000.00
2024	700,000.00
2024	750,000.00

**VII. MONITORING & EVALUATION SCHEME: (semestral)**

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Period of Monitoring Evaluation	Physical Target	Project Cost Target	Physical Accomplishment	Project Cost Expense
Phase 1	50%	459,000.00		
Phase 2	100%	548,000.00		
<b>TOTAL</b>	<b>100%</b>	<b>1,007,000.00</b>		

**VIII. GOVERNANCE STRUCTURE**

The Legal Aid Centre shall be under the administrative or operational control and supervision of the School of Law. Initially, the Dean shall concurrently serve as the Centre Director.

Apart from the Centre Director, the Legal Aid Centre shall have at least three (3) volunteer lawyers, two (2) technical staff, and one (1) messengerial staff.

Below is the proposed organizational structure of the Legal Aid Center.

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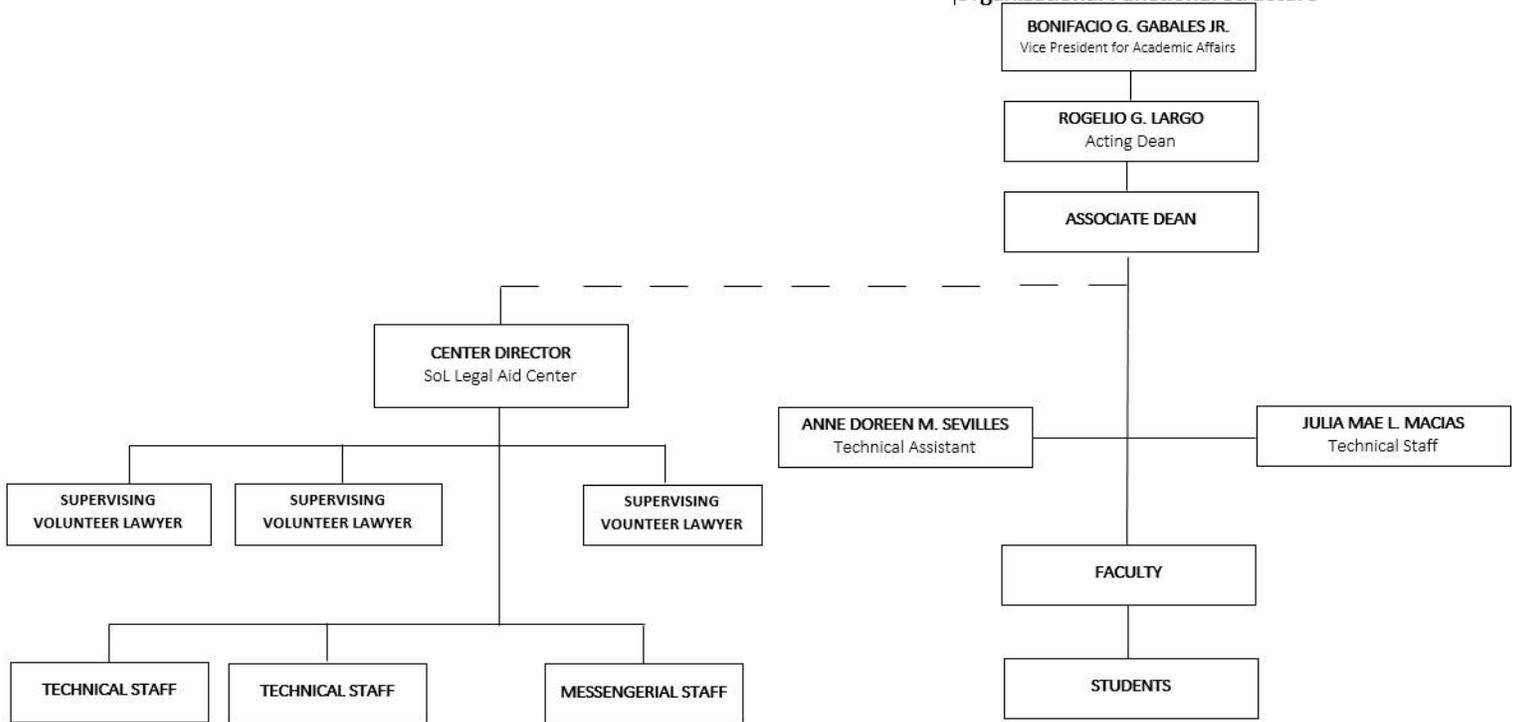
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Organizational Functional Structure



Prepared by:

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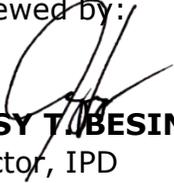
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Reviewed by:

  
**DAISY TUBESING**  
Director, IPD

Budget Allocation/Availability:

  
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