

COVERAGE
LEGAL AND JUDICIAL ETHICS
2014 BAR EXAMINATIONS

I. LEGAL ETHICS

A. Practice of law (Rule 138)

1. Concept
 - a) Privilege
 - b) Profession, not business
2. Qualifications
3. Appearance of non-lawyers
 - a) Law student practice (Rule 138-A)
 - b) Non-lawyers in courts
 - c) Non-lawyers in administrative tribunals
 - d) Proceedings where lawyers are prohibited from appearing
4. Sanctions for practice or appearance without authority
 - a) Lawyers without authority
 - b) Persons not lawyers
5. Public officials and practice of law
 - a) Prohibition or disqualification of former government attorneys
 - b) Public officials who cannot practice law or with restrictions
6. Lawyers authorized to represent the government
7. Lawyer's oath

B. Duties and responsibilities of a lawyer

1. To society
 - a) Respect for law and legal processes
 - b) Efficient and convenient legal services
 - c) True, honest, fair, dignified and objective information on legal services
 - d) Participation in the improvement and reforms in the legal system
 - e) Participation in legal education program
2. To the legal profession
 - a) Integrated Bar of the Philippines (Rule 139-A)
 - (i) Membership and dues

- b) Upholding the dignity and integrity of the profession
- c) Courtesy, fairness and candor towards professional colleagues
- d) No assistance in unauthorized practice of law

3. To the courts

- a) Candor, fairness and good faith towards the courts
- b) Respect for courts and judicial officers
- c) Assistance in the speedy and efficient administration of justice
- d) Reliance on merits of his cause and avoidance of any impropriety which tends to influence or gives the appearance of influence upon the courts

4. To the clients

- a) Availability of service without discrimination
 - (i) Services regardless of a person's status
 - (ii) Services as counsel *de officio*
 - (iii) Valid grounds for refusal
- b) Candor, fairness and loyalty to clients
 - (i) Confidentiality rule
 - (ii) Privileged communications
 - (iii) Conflict of interest
 - (iv) Candid and honest advice to clients
 - (v) Compliance with laws
 - (vi) Concurrent practice of another profession
- c) Client's moneys and properties
 - (i) Fiduciary relationship
 - (ii) Commingling of funds
 - (iii) Delivery of funds
 - (iv) Borrowing or lending
- d) Fidelity to client's cause
- e) Competence and diligence
 - (i) Adequate protection
 - (ii) Negligence
 - (iii) Collaborating counsel
 - (iv) Duty to apprise client
- f) Representation with zeal within legal bounds
 - (i) Use of fair and honest means
 - (ii) Client's fraud
 - (iii) Procedure in handling the case

- g) Attorney's fees
 - (i) Acceptance fees
 - (ii) Contingency fee arrangements
 - (iii) Attorney's liens
 - (iv) Fees and controversies with clients
 - (v) Concepts of attorney's fees
 - (a) Ordinary concept
 - (b) Extraordinary concept

- h) Preservation of client's confidences
 - (i) Prohibited disclosures and use
 - (ii) Disclosure, when allowed

- i) Withdrawal of services

C. Suspension, disbarment and discipline of lawyers (Rule 139-B, Rules of Court)

1. Nature and characteristics of disciplinary actions against lawyers
 - a) *Sui generis*
 - b) Prescription
2. Grounds
3. Proceedings
4. Discipline of Filipino lawyers practicing abroad

D. Readmission to the Bar

1. Lawyers who have been suspended
2. Lawyers who have been disbarred
3. Lawyers who have been repatriated

E. Mandatory Continuing Legal Education

1. Purpose
2. Requirements
3. Compliance
4. Exemptions
5. Sanctions
6. Bar Matter 2012, Rule on Mandatory Legal Aid Service

F. Notarial Practice (A. M. No. 02-8-13-SC, as amended)

1. Qualifications of notary public
2. Term of office of notary public

3. Powers and limitations
4. Notarial register
5. Jurisdiction of notary public and place of notarization
6. Revocation of commission
7. Competent evidence of identity
8. Sanctions

G. Canons of Professional Ethics

II. JUDICIAL ETHICS

A. Sources

1. New Code of Judicial Conduct for the Philippine Judiciary (*Bangalore Draft*)
2. Code of Judicial Conduct

B. Qualities

1. Independence
2. Integrity
3. Impartiality
4. Propriety
5. Equality
6. Competence and diligence

C. Discipline of members of the Judiciary

1. Members of the Supreme Court
 - a) Impeachment
 - b) Ethical Lessons from Former Chief Justice Corona's Impeachment
2. Lower court judges and justices of the Court of Appeals and *Sandiganbayan* (Rule 140)
3. Grounds
4. Impeachment (ethical aspects)
5. Sanctions imposed by the Supreme Court on erring members of the Judiciary

D. Disqualification of Justices and Judges (Rule 137)

1. Compulsory
2. Voluntary

E. Powers and Duties of Courts and Judicial Officers (Rule 135)

F. Court Records and General Duties of Clerks and Stenographer (Rule 136)

G. Legal Fees (Rule 141)

1. Manner of payment
2. Fees in lien
3. Persons authorized to collect legal fees

H. Costs

1. Recovery of costs (Rule 142)
 - a) Prevailing party
 - b) Dismissed appeal or action
 - c) Frivolous appeal
 - d) False allegations
 - e) Non-appearance of witness

IMPORTANT NOTES:

1. This listing of covered topics is not intended and should not be used by the law schools as a course outline. This was drawn up for the limited purpose of ensuring that Bar candidates are guided on the coverage of the 2014 Bar Examinations.
2. All Supreme Court decisions - pertinent to a given Bar subject and its listed topics, and promulgated up to **March 31, 2014** - are examinable materials within the coverage of the 2014 Bar Examinations.