



Republic of the Philippines  
Supreme Court  
Manila

OFFICE OF THE 2020 BAR CHAIR

**BAR BULLETIN NO. 10, S. 2020**

SYLLABUS FOR THE BAR EXAMINATION

LEGAL AND JUDICIAL ETHICS  
& PRACTICAL EXERCISES

Attached is the coverage for the Legal and Judicial Ethics and Practical Exercises examination, which will be held on November 29, 2020.

For your information and guidance.

March 12, 2020.

  
MARVIC M.V.F. LEONEN  
*Associate Justice and  
2020 Bar Examinations Chair*

# SYLLABUS FOR THE 2020 BAR EXAMINATIONS

## LEGAL AND JUDICIAL ETHICS & PRACTICAL EXERCISES

*Notes: All Bar candidates should be guided that only laws with their respective amendments and canonical doctrines pertinent to these topics as of June 30, 2019 will be covered in the 2020 Bar Examinations, except when provided in this syllabus. Principles of law are not covered by the cut-off period.*

*This syllabus is only a guide for the bar examinations. It should not be mistaken for a course syllabus.*

### I. LEGAL ETHICS

#### A. PRACTICE OF LAW

1. Concept
  - a. Privilege
  - b. Profession, not business
2. Qualifications
3. Continuing requirements for membership in the bar
  - a. Good moral character
  - b. Citizenship; reacquisition of the privilege to practice law in the Philippines
4. Appearance of non-lawyers
  - a. Law student practice
  - b. Non-lawyers in courts
  - c. Non-lawyers in administrative tribunals and labor tribunals
  - d. Proceedings where lawyers are prohibited from appearing
5. Sanctions for practice or appearance without authority
  - a. Lawyers without authority
  - b. Persons not lawyers
6. Public officials and practice of law
  - a. Prohibition or disqualification of former government attorneys
7. Lawyers authorized to represent the government
8. Lawyer's oath

**B. DUTIES AND RESPONSIBILITIES OF A LAWYER**

1. 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 improvements and reforms in the legal system
  - e. Participation in legal education program
  - f. Lawyers in government service discharging their tasks
2. The legal profession
  - a. Integrated Bar of the Philippines
  - b. Membership and dues
  - c. Upholding the dignity and integrity of the profession
  - d. Courtesy, fairness, and candor towards professional colleagues
  - e. No assistance in unauthorized practice of law
3. 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 case, not on impropriety tending to influence the courts
4. The clients
  - a. Availability of service without discrimination
    - i. Services regardless of 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 communication
    - iii. Conflict of interest
    - iv. Candid and honest advice to clients
    - v. Compliance with laws
    - vi. Concurrent practice with another profession
  - c. Client's money and properties
    - i. Fiduciary relationship
    - ii. Co-mingling of funds
    - iii. Delivery of funds
    - iv. Borrowing or lending
  - d. Fidelity to client's cause
    - i. Use of fair and honest means
    - ii. Client's fraud
    - iii. Procedure in handling cases
  - e. Competence and diligence
    - i. Adequate protection
    - ii. Negligence
    - iii. Collaborating counsel
    - iv. Duty to apprise client

- f. Representation with zeal within legal bounds
- g. Attorney's fees
  - i. Acceptance fees
  - ii. Contingency fee arrangements
  - iii. Champertous contracts
  - iv. Attorney's liens
  - v. Fees and controversies with clients
  - vi. Concepts of attorney's fees
- h. Preservation of client's confidences
  - i. Prohibited disclosures and use
  - ii. Disclosures, when allowed
- i. Withdrawal of services
- j. Duties of lawyers in case of death of parties represented

**C. SUSPENSION, DISBARMENT, AND DISCIPLINE OF LAWYERS**

- 1. Nature and characteristics of disciplinary actions against lawyers
  - a. *Sui generis*
  - b. Prescription of actions
- 2. Grounds
- 3. How instituted
- 4. Proceedings
- 5. Discipline of Filipino lawyers who practice in foreign jurisdictions
- 6. Sanctions

**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

**F. NOTARIAL PRACTICE**

- 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. DUTIES OF LAWYERS UNDER SPECIFIC PROVISIONS IN THE RULES OF COURT**

- 1. Judgments, final orders, and entry of judgments

2. Contempt
3. Arraignment and plea
4. Attorney-client privilege
5. Powers and duties of court and judicial officers
6. Disqualification of judicial officers/inhibition
7. Withdrawal from case
8. Standing in court of persons authorized to appear for the government
9. Government lawyers and private practice
10. *Amicus curiae*

## **II. JUDICIAL ETHICS**

### **A. SOURCES**

1. New Code of Judicial Conduct for the Philippine Judiciary
2. Code of Judicial Conduct

### **B. QUALITIES**

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

### **C. ADMINISTRATIVE JURISDICTION OVER JUDGES AND JUSTICES**

### **D. DISQUALIFICATION OF JUDICIAL OFFICERS**

1. Compulsory
2. Voluntary

### **E. DISCIPLINE OF MEMBERS OF THE JUDICIARY**

1. Members of the Supreme Court
2. Lower court judges and justices
3. Grounds
4. Impeachment
5. Sanctions imposed by the Supreme Court on erring members of the judiciary

## **III. PRACTICAL EXERCISES**

- A. Demand and authorization letters
- B. Contract of sale
- C. Contract of lease
- D. Special power of attorney
- E. Verification and certificate of non-forum shopping
- F. Notice of hearing and explanation in motions
- G. Judicial affidavit

- H. Notarial certificates: *jurat* and acknowledgement
- I. Motions for extension of time, to dismiss, and to declare in default
- J. Quitclaims in labor cases
- K. Promissory note
- L. Information in criminal cases
- M. Retainer agreement

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## LIST OF RELEVANT MATERIALS

### I. 1987 CONSTITUTION

### II. LAWS, RULES, AND ISSUANCES

The 1997 Rules of Court

Lawyers Oath

Code of Professional Responsibility

Bar Matter No. 850                      Rules on Mandatory Continuing Legal Education

Bar Matter No. 1153                    Amending Sections 5 and 6 of Rule 138: Qualifications for Admission to Bar

Bar Matter No. 1645                    Amending Rule 139-B: Rules Governing Administrative Disciplinary Cases Against Lawyers

A.M. No. 03-05-01-SC                New Code of Judicial Conduct for the Philippine Judiciary

A.M. No. 02-8-13-SC                2004 Rules on Notarial Practice

A.M. No. 19-03-24-SC                Rule 188-A: Law Student Practice

Rep. Act No. 9225                      The Citizenship Retention and Reacquisition Act of 2003

Rep. Act No. 3019,  
sec. 3(d)                                  Anti-Graft and Corrupt Practices Act

Rep. Act No. 6397                      An Act providing for the Integration of the Philippine Bar and Appropriating Funds therefor

Rep. Act No. 6713,  
secs. 4 & 7(d)                          Code of Conduct and Ethical Standards for Public Officials and Employees

Rep. Act No. 6033                      An Act Requiring the Courts to Give Preference to Criminal Cases where the Party or Parties Involved are Indigent

Rep. Act No. 6034                      An Act Providing Transportation and Other Allowances for Indigent Litigants

Rep. Act No. 6035	An Act Requiring Stenographers to Give Free Transcript of Notes to Indigent and Low Income Litigants and Providing a Penalty for the Violation thereof
Rep. Act No. 5185, sec. 6	An Act Granting Further Autonomous Powers to Local Governments
Rep. Act No. 910, as amended	An Act to Provide for the Retirement of Justices of the Supreme Court and of the Court of Appeals
Rep. Act No. 7160, sec. 90	Local Government Code

**- NOTHING FOLLOWS -**

