



Republic of the Philippines  
Supreme Court  
Manila

OFFICE OF THE 2020/21 BAR CHAIRPERSON

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**INSTRUCTIONS TO THE BAR EXAMINERS  
AND EXPLANATION OF THE COMPUTATION OF SCORES  
IN THE 2020/21 BAR EXAMINATIONS**

*The Shift*

*“I’m not teaching my girl to rise above the rest.  
I’m teaching her to rise with them.*

*“I’m not teaching her to compare or compete.  
I’m teaching her to compliment and complete.*

*“I’m not teaching her to be better than her peers.  
I’m teaching her to better her peers.*

*“I’m not teaching her to stand out from other girls.  
I’m teaching her to stand with other girls.*

*“Do you see the difference?”*

*“One changes the girl.  
The other changes the world.*

*“Let’s work together to shift the narrative.  
Let’s work together to shift the world!”*

*Mehr Lee  
Raise Her Wild*

Upon the Bar Chairperson's recommendation, the Supreme Court *En Banc* has approved a modified grading system that shall be adopted *pro hac vice* for the 2020/21 Bar Examinations.

The Bar Examinations are qualifying licensure examinations that test for minimum skills required of lawyers. The modifications, adopted *pro hac vice* by the Court *En Banc*, are designed to enable a more equitable approach to appraising and reporting on Bar Examination performance. They were adopted considering the extraordinary circumstances engendered by the COVID-19 pandemic, including the anxiety and uncertainties suffered by examinees.

Similarly, the modifications were adopted to initiate reforms that address the debilities and inequities arising from traditional, competitive mechanisms, as well as the false tendency to associate Bar Examination performance with overall legal acumen and even future professional success.

## I

The existing grading system for the Bar Examinations is a product of longstanding tradition. However, the pandemic added complications that bar examinees must contend with. The Court is aware of these challenges, which permeate all aspects of an examinee's preparation. These unique circumstances presented an opportunity to introduce various reforms, with compassion and understanding, but without sacrificing the core nature of the Bar Examinations.

Unlike in the previous Bar Examinations, the prospective examinees for the 2020/21 Bar Examinations have had to contend with unprecedented and prolonged uncertainty occasioned by the COVID-19 pandemic. On top of that, the resetting of the 2020 Bar Examinations also jeopardized financial security, as it entailed forgoing livelihood opportunities.

While we are facing the same pandemic, not all of us have the same comfort or resources to meet this crisis.

Between them, the two batches of law school graduates projected to take the consolidated 2020 and 2021 Bar Examinations have also had disparities. On one hand, those who had intended to take the Bar Examinations in 2020 either had more time to review, or endured more time for waiting. The 2021 graduates, on the

other hand, had to endure the longer ordeal of preparing to graduate during the pandemic, causing delays in the graduation dates. They have been put in a constrained environment, with only a brief window of time to prepare.

Testing two batches of examinees that prepared under different circumstances—not to mention the vast number of combined examinees, placing an enormous demand on the examiners—compels the adoption of unique mechanisms that aim to balance these inequities.

Thus, the Court has agreed to adopt a tiered grading system for appraising entry-level legal competence.

The present situation will make it inequitable to adhere to exacting, minute distinctions for exemplary performance. The Bar Examinations are plagued with longstanding and inherent inequities, and the unique exigencies of the 2020/21 Bar Examinations only compound them. Thus, the Court decided to be more inclusive in how it recognizes exemplary performance by forgoing the traditional Top 10.

Drawing focus away from extraordinarily burdened examinees and how they performed competitively against each other, reports on performance in the 2020/21 Bar Examinations will draw attention to law schools themselves. It is hoped that by shifting the focus away from how select individuals excel and onto a school's collective performance, this will encourage deep-seated and wide-ranging improvements in legal education. Law schools would inspire and aspire for excellence that would uplift their entire studentry, rather than select bar bets only.

The underlying concerns for the Bar Examinations are not merely operational. The way the examinations are conducted should also affirm collective values. We do not just determine admission into a profession, we also allocate the benefits that will be enjoyed by individuals in our community. The 2020/21 Bar Examinations are an opportune time to facilitate—even if not permanently—reforms that aim to address inequities inherent in our traditional mechanisms.

The 2020/21 Bar Examinations will maintain fidelity to the basic nature of the Bar Examinations: They are *qualifying licensure exams* whose purpose is only to facilitate entry into the legal profession by those who possess and manifest the *requisite minimum* for inclusion in that profession.

The Bar Examinations measure individual knowledge. It is no race or competition. Neither will it predict who among the examinees will become the best

qualified within their batch, the better lawyer, the more relevant practitioner, or the more compassionate individual. Those come after the examinees pass the examinations and contend with the challenges posed by their clients' situations, considering the demands of social justice and their individual ethical choices.

In short, good lawyering requires skill and a view to making choices that match the nobility of the profession and its desire for social justice. This is *not* entirely measured by the Bar Examinations.

## II

The modifications introduced in the 2020/21 Bar Examinations aim to be more inclusive by not limiting recognition to an exclusive circle of topnotchers. Limiting recognition to a circle of 10 risks being beholden to statistical minutiae.

The likelihood of statistical minutiae deserves particular emphasis. Bar examiners, in going through tens of thousands of exam answers, are hard put to render grades that capture fine distinctions among the best answers that would, eventually, pave the way for the Top 10.

When law professors grade answers to exam questions, they examine the answers of an extremely limited sample—say, 40 individuals for a single class, or perhaps a little more than a hundred when giving an exam to several sections. Working with a small sample—nowhere near the vast pool of answers that must be graded in the Bar Examinations—enables finer grading that rewards the truly exceptional. In such a case, a professor even has the luxury of time to revisit previously read answers, to compare and contrast them with others, and to ruminate on which among the several exceptional answers is truly a cut above the rest, and thus, deserves the best grade, even if only marginal. This is impracticable in the Bar Examinations.

By force of necessity, bar examiners are constrained to have significantly less time in evaluating each answer. Rather than dwelling on fine details, they are compelled to approach answers based on general categories—unsatisfactory, satisfactory, above average, and exceptional. This is not necessarily a defect of the Bar Examinations. Again, the purpose of the Bar Examinations is to determine whether the examinee has the minimum knowledge to be a lawyer.

### III

Accordingly, for purposes of the 2020/21 Bar Examinations, *each Bar subject will have a total of 15 to 18 straightforward questions designed to address entry-level legal competency. There will be no sub-questions.*

The following are examples of straightforward questions:

1. CRIMINAL LAW: Without permission or consent, A took a pencil from his seatmate B. Later on, A returned it to B. Was theft committed? Explain briefly.
2. LEGAL ETHICS: X, a civil service eligible, filed a petition to apply as notary public, invoking as her sole credential her civil service eligibility. Should the petition be granted? Explain briefly.
3. REMEDIAL LAW: Z filed a complaint for forcible entry against Y before the Regional Trial Court of Isabela. Can the Regional Trial Court dismiss the complaint for lack of jurisdiction? Explain briefly.

*Answers to each question can earn up to five points. Thus, in a 15-question exam, the maximum possible score is 75 points.*

*Answers shall be graded according to a tiered qualitative system. In grading answers, examiners shall be guided by the following standards:*

1. A grade of five (5.0) shall be earned by an answer that, in relation to the data and/or situation/s presented by a question: (1) presents the correct legal conclusion; (2) is supported by correct legal bases; and (3) is delivered in a complete but succinct, clear, and polished manner with minimal errors in grammar.
2. A grade of four (4.0) shall be earned by an answer that, in relation to the data and/or situation/s presented by a question, presents the correct legal conclusion and is supported by correct legal bases, although its delivery may be attended by flaws in communication;
3. A grade of three (3.0) shall be earned by an answer that, in relation to the data and/or situation/s presented by a question, presents the

correct legal conclusion, but is supported by incorrect legal bases or, even if invoking some correct legal bases, simultaneously invokes other incorrect, inapplicable, and/or inappropriate legal bases;

4. A grade of two (2.0) shall be earned by an answer that, in relation to the data and/or situation/s presented by a question, presents an incorrect legal conclusion, although in discussing legal bases, the examinee exhibits a capacity for effective legal reasoning and communication, such as through coherent and cogent formulation of answers and adequate reference to legal authorities;
5. A grade of one (1.0) shall be earned by an answer that, in relation to the data and/or situation/s presented by a question, presents an incorrect legal conclusion and demonstrates the examinee's inability to reason and communicate effectively, although there remains to be a *bona fide* attempt on their part to deliver an answer befitting the question; and,
6. A grade of zero (0) shall be rendered in instances where the examinee offers no answer whatsoever, as by leaving the space for the answer blank, or when the examinee places information or text in the space, but it is gibberish, irrelevant, or nonsensical.

To summarize:

<b>GRADE</b>	<b>Legal Conclusion</b>	<b>Legal Bases</b>	<b>Language or Style</b>
5	Correct	Exclusively correct	Examinee delivered the answer in a complete, succinct, clear, and polished manner, with minimal errors in grammar
4	Correct	Exclusively correct	Examinee delivered the answer with flaws in their ability to communicate
3	Correct	Incorrect; or even if invoking some correct legal bases, simultaneously invokes other incorrect, inapplicable, and/or inappropriate legal bases	
2	Incorrect	Examinee exhibits capacity	

		for effective legal reasoning and communication through coherent and cogent formulation of answers and adequate reference to legal authorities	
1	Incorrect	Examinee demonstrates inability to reason and communicate effectively	Examinee exhibits a <i>bona fide</i> attempt to deliver an answer befitting the question
0	No answer given		Examinee lacks a genuine attempt to answer, writes gibberish, irrelevant, or nonsensical text

*No partial points will be given.*

From the three sample questions given earlier, answers such as the following will earn a grade of 5.0:

1. Yes, all of the elements of the crime of theft are present. The essential elements of theft are: (1) taking of personal property; (2) the property taken belongs to another; (3) the taking was done without the owner's consent; (4) there was intent to gain; and (5) the taking was done without violence against or intimidation of the person or force upon things. It is not an exempting or justifying circumstance to return the thing taken.
2. No. There is no showing that the petitioner satisfies all the requirements to be eligible for commissioning as notary public, particularly that she is a member of the Philippine bar. Thus, the petition should not be granted.

(The following is an optional addition, though ultimately ineffectual as the brief answer above already warrants the highest possible grade:

To be eligible for commissioning as notary public, the petitioner: (1) must be a citizen of the Philippines; (2) must be over 21 years of age; (3) must be a resident in the Philippines for at least one year and maintains a regular place of work or business in the city or province where the commission is to be issued; (4) must be a member of the Philippine Bar in good standing with clearances from the Office of the Bar Confidant of the Supreme Court and the Integrated Bar of the

Philippines; and (5) must not have been convicted in the first instance of any crime involving moral turpitude.)

3. Yes. Under the law, metropolitan trial courts, municipal trial courts, and municipal circuit trial courts have exclusive original jurisdiction over cases of forcible entry and unlawful detainer. Here, the Regional Trial Court of Isabela has no jurisdiction over the complaint for forcible entry and can therefore dismiss it outright.

(The following is an optional addition, though ultimately ineffectual as the brief answer above already warrants the highest possible grade:

Being conferred by law, the issue of jurisdiction over the subject matter is one of the exceptional grounds when the court may dismiss a case, if it appears from the pleadings or evidence on record that this ground exists.)

*The points earned by an examinee's answer to each Bar subject's questions shall be added to determine the examinee's raw score for a given Bar subject. To compute an examinee's overall score in the Bar Examinations, the scores obtained in each Bar subject shall be given a relative weight.*

#### IV

The relative weight of each Bar subject, as provided by Rule 138, Section 14 of the Rules of Court, shall be maintained. *The Bar subjects and their relative weights shall be as follows:*

- |   |       |
|---|-------|
| a. Remedial Law                         | – 20% |
| b. Political and International Law      | – 15% |
| c. Civil Law                            | – 15% |
| d. Commercial Law                       | – 15% |
| e. Labor and Social Legislation         | – 10% |
| f. Criminal Law                         | – 10% |
| g. Taxation                             | – 10% |
| h. Legal Ethics and Practical Exercises | – 5%  |

*To successfully pass the 2020/21 Bar Examinations, an examinee's total weighted score across all Bar subjects must be at least 75%, computed in*

*accordance with the relative weight per subject. A total weighted score below 75% will mean that an examinee has not passed the Bar Examinations.*

The total weighted score for the 2020/21 Bar Examinations is the sum of the weighted scores per subject. The weighted score per subject is the product of: *first*, the Bar subject’s relative weight; and *second*, the raw score as a percentage of the maximum possible score, *e.g.*, 75 in a 15-question exam.

To illustrate:

<b>Bar Subject</b>	<b>Raw Score</b>	<b>Raw Score as % of Max Score</b>	<b>Relative Weight</b>	<b>Weighted Score per Subject</b>
Remedial Law	72	96.00%	20%	19.20%
Political and International Law	70	93.33%	15%	14.00%
Civil Law	60	80.00%	15%	12.00%
Commercial Law	63	84.00%	15%	12.60%
Labor and Social Legislation	57	76.00%	10%	7.60%
Criminal Law	64	85.33%	10%	8.53%
Taxation	52	69.33%	10%	6.93%
Legal Ethics and Practical Exercises	70	93.33%	5%	4.67%
<b>Total Weighted Score</b>				<b>85.53%</b>

In this example of a 15-question exam in all subjects, the examinee has passed the Bar Examinations given that their total weighted score of 85.53% exceeds the requisite minimum of 75.00%.

*NOTE:* The Supreme Court *En Banc* reserves the right to, upon the Bar Chairperson’s recommendation, reduce the requisite total weighted score to pass the 2020/21 Bar Examinations.

*The Supreme Court shall make the list of passers publicly available in appropriate media, at a date to be recommended by the Bar Chairperson. Names shall be arranged alphabetically.*

After the Supreme Court *En Banc* has approved the list of passers and the rankings of law schools, each examinee will receive through e-mail their individual raw scores along with a pronouncement on whether they: (1) passed with exemplary performance; (2) passed; or (3) did not pass.

*There will only be one disqualifier: when an examinee violates the honor code or has committed serious misconduct in relation to the Bar Examinations.*

## V

*An examinee who obtains a total weighted score of 85.00% or higher for the 2020/21 Bar Examinations shall be recognized for **exemplary performance in the Bar Examinations**.*

Thus, in the example from Part IV, the examinee, in addition to having passed the Bar Examinations, shall also be recognized for their exemplary performance given the total weighted score of 85.53%.

*The names of examinees who earned recognition for exemplary performance shall be made publicly available simultaneously with the list of passers, through the same media. Apart from this, no fanfare shall be devoted in releasing information on examinees who rendered exemplary performance.*

The names in this list shall be arranged alphabetically, and shall also appear in the list of passers. This list shall replace the traditional Top 10.

## VI

*The Supreme Court shall issue a report on law schools' performance, as follows:*

1. Law schools shall be sorted into categories depending on their total number of first-time examinees.

For example:

- a. Those with 100 or more first-time examinees;
  - b. Those with 50 to 99 first-time examinees; and
  - c. Those with less than 50 first-time examinees.
2. Law schools in each category shall be ranked according to the passing rate of their first-time examinees.

*NOTE:* In addition to indicating each law school's passing rate and its ranking, each law school's total number of first-time examinees and raw number of passers among first-time examinees shall also be indicated. The actual categories of law schools will be agreed upon by the Bar Chairperson and the Philippine Association of Law Schools.

*Law schools having examinees who were recognized for exemplary performance shall be identified in a separate report. This report shall list and rank law schools from those with the most to the least number of examinees recognized for exemplary performance.*

For the 2020/21 Bar Examinations, statistics on the performance of those who did not pass or did not finish past Bar Examinations shall not be made public, but will be given to the law schools themselves.

It is true that we should own responsibility for what we achieve in our lifetimes. But it is likewise true that we do not all come from the same starting points. Some are more privileged than the rest. Others have to face more challenges due to the circumstances they were born into, the communities they live in, the dearth of opportunities within their geographic areas, or the inherent discrimination that comes with their ethnicity, sexual orientation, gender identity, or expression. Understanding this is basic to understanding inequality, and more so, to finding the normative means to grant just rewards.

Study well. Find your passion. Persevere. The harder your challenges, the better you can become.

For your information and guidance.

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