

2018 BAR EXAMINATIONS
LEGAL AND JUDICIAL ETHICS AND
PRACTICAL EXERCISES

I. LEGAL ETHICS

A. Practice of Law (Rule 138)

1. Concept
 - a. Definition of the practice of law
 - b. Practice of law is a privilege, not a right
 - c. Law as a profession, not a business or trade
2. Qualifications for admission to the Bar
 - a. Bar Matter No. 1153, amending Sections 5 and 6 of Rule 138
3. Continuing requirements for membership in the bar
 - a. Good moral character
 - b. Citizenship
 - i. Reacquisition of the privilege to practice law in the Philippines under R.A. No. 9225 or the Citizenship Retention and Reacquisition Act of 2003
4. Appearance of Non-Lawyers
 - a. Law student practice rule (Rule 138-A)
 - b. Non-lawyers in courts
 - c. Non-lawyers in administrative tribunals
 - d. Proceedings where lawyers are prohibited from appearing as counsels
5. Sanctions for practice or appearance without authority
 - a. Lawyers without authority
 - b. Persons who are not lawyers
6. Public officials and the practice of law
 - a. Prohibition or disqualification of former government attorneys
 - b. Public officials who cannot practice law or can practice law with restrictions
7. Lawyers who are authorized to represent government
8. Lawyer's Oath

- B. Duties and responsibilities of a lawyer under the Code of Professional Responsibility
1. To society (Canons 1-6)
 - 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 of and reforms in the legal system
 - e. Participation in legal education programs
 2. To the legal profession (Canons 7-9)
 - 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 toward professional colleagues
 - d. No assistance in unauthorized practice of law.
 3. To the courts (Canons 10-13)
 - a. Candor, fairness and good faith to 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/her cause and avoidance of any impropriety which tends to influence or gives the appearance of influence upon the courts
 4. To the clients (Canons 14-22)
 - 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 to serve
 - b. Candor, fairness, and loyalty to clients
 - i. Confidentiality rule
 - ii. Privileged communications
 - iii. Conflict of interest
 - iv. Candid and honest advise to clients
 - v. Compliance with laws
 - vi. Concurrent practice of another profession
 - c. Client's monies and properties
 - i. Fiduciary relationship
 - ii. Co-mingling 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 a case
 - g. Attorney's Fees
 - i. Acceptance fees
 - ii. Contingency fee arrangements
 - iii. Attorney's Liens
 - iv. Fees and controversies with clients (*Quantum Meruit*)
 - 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, as amended by Bar Matter No. 1645)
- 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
- E. Mandatory Continuing Legal Education
- 1. Purpose
 - 2. Requirements
 - 3. Compliance
 - 4. Exemptions

5. Sanctions

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

II. JUDICIAL ETHICS

A. Sources

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

B. Administrative Jurisdiction over Judges and Justices (All levels)

C. Disqualification of Judicial Officers (Rule 137)

1. Compulsory
2. Voluntary

D. Initiation of complaint against Judges and Justices

E. Discipline of members of the Judiciary

1. Supreme Court
2. Lower court judges and justices of the Court of Appeals, *Sandiganbayan* and Court of Tax Appeals (Rule 140)
3. Grounds
4. Sanctions imposed by the Supreme Court on erring members of the Judiciary

III. PRACTICAL EXERCISES

A. Quitclaims in Labor Cases

B. Simple Contracts – Lease, Sale of realty or personal property

C. Promissory Notes

D. Verification and Certificate of Non-Forum Shopping

E. Notice of Hearing and Explanation (All levels)

F. Affidavits – Loss, Change of Name, Judicial Affidavits

G. Notarial Certificates – Jurat and Acknowledgement

IMPORTANT NOTES:

- The listing of covered topics is not intended and should not be used by law schools as a course outline. This listing has been

drawn up for the limited purpose of ensuring that the Bar candidates are guided on the coverage of the 2018 Bar Examinations.

- All laws, rules, issuances, and jurisprudence pertinent to every subject and its listed topics as of June 30, 2017 are examinable materials within the coverage of the 2018 Bar Examinations.
- Principles of law are not covered by the cut-off period stated herein.

