



Supreme Court of the Philippines
MANDATORY CONTINUING LEGAL EDUCATION OFFICE
 4th Floor, IBP Building
 15 Doña Julia Vargas Avenue
 Ortigas Center, Pasig City

MCLE Governing Board Resolution No. 06-2019

(Resolution Authorizing the Publication in Newspapers of General Circulation of the Names of Lawyers Who are Non-Compliant with the MCLE Pursuant to Rule 12, Section 2, Bar Matter No. 850)

WHEREAS, Rule 12 (Non-Compliance Procedure), Section 1, Bar Matter No. 850 provides:

"Section 1. What constitutes non-compliance. – The following shall constitute non-compliance:

- a) Failure to complete the education requirement within the compliance period;*
- b) Failure to provide attestation of compliance or exemption;*
- c) Failure to provide satisfactory evidence of compliance (including evidence of exempt status) within the prescribed period;*
- d) Failure to satisfy the education requirement and furnish evidence of such compliance within sixty (60) days from receipt of non-compliance notice;*
- e) Failure to pay non-compliance fee within the prescribed period;*
- f) Any other act or omission analogous to any of the foregoing or intended to circumvent or evade compliance with the MCLE requirements;"*

WHEREAS, Section 2 thereof provides:

"Section 2. Non-compliance notice and 60-day period to attain compliance. – Members failing to comply will receive a Non-Compliance Notice stating the specific deficiency and will be given sixty (60) days from date of notification to file a response clarifying the deficiency or otherwise showing compliance with the requirements. X X X

X X X

X X X

X X X

Members given sixty (60) days to respond to a Non-Compliance Notice may use this period to attain the adequate number of credit units for compliance. Credit units earned during this period may only be counted toward compliance with the prior

compliance period requirement unless units in excess of the requirement are earned, in which case the excess may be counted toward meeting the current compliance requirement."

WHEREAS, at the end of the 5th compliance period, the MCLE Office sent a total of 17,143 notices of non-compliance and it took the MCLE Office at least five (5) months to complete the sending of the notices in view of the difficult tasks of individually generating the notices and mailing them to the addresses on record of the lawyers concerned;

WHEREAS, more difficult than the above tasks is the individual tracking of the sixty (60)- day period from date of receipt of the notice within which to comply or clarify their respective deficiencies based on the registry return cards which indicate receipt/non-receipt of the notice;

WHEREAS, out of the total 17,143 notices of non-compliance sent, only 4,554 were included in the list submitted by the MCLE Governing Board to the Integrated Bar of the Philippines (IBP) and were recommended to be declared as delinquent members of the IBP pursuant to Rule 13 (Consequences of Non-Compliance), Section 2 (Listing as Delinquent Member), Bar Matter No. 850 as majority of the notices of non-compliance sent were returned (RTS) for various reasons (e.g. cannot be located, no one to receive, wrong/incomplete address, refused to receive, deceased, etc.) and also, a substantial number of the registry receipts did not return, thus, there was no proof of receipt thereof; hence, all these were not included in the recommendation to be declared as delinquent members of the IBP.

WHEREAS, the MCLEO is encountering administrative difficulty in sending and monitoring the result of the notices of non-compliance due to the large number of non-compliant lawyers, various dates of mailing and receipt of the notices based on numerous return cards for purposes of determining the sixty (60)-day period for compliance, and lack of workforce dedicated to do the job as the tasks are assigned as additional duty to the MCLE monitors who are out of the office from time to time to monitor MCLE activities;

WHEREAS, to simplify and expedite the process, the sending of notices of non-compliance may be done through publication in newspapers of general circulation at the end of every compliance period and individual sending of notices may be dispensed with;

WHEREAS, with publication, there would be a single reckoning date for purposes of counting the sixty (60)-day period and all lawyers named therein are deemed served with the notice;

WHEREAS, by sending the notice of non-compliance through publication, all non-compliant lawyers will be on equal footing as all of them shall be deemed served with the notice, unlike in the individual sending of the notices where only those with proof of receipt thereof were included in the list recommended to be declared as delinquent while those with no proof of receipt were placed in a better position as they were excluded therein due to presumed lack of notification which may be asserted as lack of due process;

WHEREAS, prior to the initial publication and to extend adequate due process to non-compliant lawyers, a general "REMINDER" will be issued by the MCLE Office to all lawyers to update their MCLE compliance/s.

WHEREFORE, in view of the foregoing, the MCLE Governing Board resolves that:

- 1) Prior to the publication of the names of non-compliant lawyers, a general "REMINDER" should be issued by the MCLE Office to all lawyers to update their MCLE compliance/s as the notice of non-compliance shall be done by publication in newspapers of general circulation and may also be disseminated for public information through the IBP National Office and its Chapters, the Public Information Office (PIO), Supreme Court and posted in court premises and online in the IBP website & App, MCLE website, etc. and other modes of notification as may be allowed and available.
- 2) The Notice of Non-Compliance prescribed under Rule 12 (Non-Compliance Procedures), Section 2 (Non-Compliance notice and 60-day period to attain compliance) shall be done by publication in at least two (2) newspapers of general circulation;
- 3) The initial publication as aforementioned will cover all lawyers who are non-compliant with the MCLE as defined under Section 1 (What constitutes non-compliance), Rule 12 (Non-Compliance Procedures), Bar Matter No. 850, at the end of the 6th compliance period¹ and subsequent publications of all non-compliant lawyers shall be done after every compliance period on date/s to be determined by the Board;
- 4) For wider dissemination of information, in addition to the aforementioned publication, the list of non-compliant lawyers may also be published online in the Integrated Bar of the Philippines (IBP) website & App and the MCLE Office (MCLEO) official website at mcle@judiciary.gov.ph and others as may be allowed and available;
- 5) For purposes of determining the sixty (60)-day period from date of notification to file a response clarifying the deficiency or otherwise

¹ April 14, 2019