MCLE GOVERNING BOARD RESOLUTION NO. 01-2018

(Resolution Clarifying MCLE Board Resolution No. 09-2013 specifically Item No. 2, paragraph 2, relative to incumbent court lawyers)

WHEREAS, in its meeting on 29 January 2018, the MCLE Governing Board revisited the 2/3 rule as laid down in the aforementioned Resolution, following numerous applications for exemption for the 5th compliance period of court lawyers appointed/designated as such with less than two years remaining of the then current MCLE compliance period; and who have availed of at least two (2) days PHILJA program of continuing judicial education;

WHEREAS, MCLE Governing Board Resolution No. 009-2013, Item No. 2 provides that *"Incumbent court lawyers covered by the PHILJA program of continuing judicial education must have been incumbent for at least two (2) years of each compliance period and must have attended at least two (2) days PHILJA program of continuing judicial education before they can qualify for exemption. Application for exemption filed prior to the lapse of two (2) years of the compliance period shall be considered premature.*

In cases where less than two (2) years remain in the MCLE compliance period at the time of appointment, the applicant must complete his/her deficiency for the current compliance period before he/she shall be granted exemption for the succeeding compliance periods."

WHEREAS, the requirement of at least two (2) years incumbency of the compliance period is an unreasonable and impracticable requirement for those court lawyers who have been newly admitted to the bar and appointed/designated as such with less than two years remaining before the end of the then current compliance period;

WHEREAS, it is an indispensable requirement for court lawyers to take at least a two-day PHILJA seminar to qualify for exemption; hence, to require them to attend another MCLE seminar when they cannot meet the two (2) years incumbency requirement for their initial MCLE compliance period is an additional imposition which has no rational basis;

WHEREAS, Rule 7, Section 1 of Bar Matter No. 850 provides that *"The following members are exempt from the MCLE*

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requirement", letter c of which states only *"x x x incumbent court lawyers covered by the Philippine Judicial Academy program of continuing judicial education"* without qualification.

WHEREFORE, the MCLE Governing Board resolves and approves the following:

1. Initial applications for exemption of incumbent court lawyers newly admitted to the bar irrespective of the period of incumbency, may be considered valid provided that he/she attended at least two (2) days PHILJA program of continuing judicial education;

   Provided further, that the exemption without considering the two (2) years incumbency requirement shall apply only to his/her initial MCLE compliance period upon admission to the bar. Exemptions from the MCLE for succeeding compliance periods shall still be governed by the two-thirds (2/3) rule pursuant to MCLE Resolution No. 3, s. 2010 dated 03 March 2010 and Item No. 2, paragraph one of MCLE Governing Board Resolution No. 009-2013 dated 17 September 2013.

   An applicant who fails to attend at least two (2) days PHILJA program of continuing judicial education, shall be required to comply with the proviso of MCLE Governing Board Resolution No. 009-2013 (*complete his/her deficiency for the current compliance period before he/she shall be granted exemption for the succeeding compliance periods).*

   "Newly admitted lawyers" for purposes of this Resolution is defined as those admitted to the bar at anytime within the three year MCLE compliance period who will undertake initial compliance with the MCLE requirement and were appointed/designated as court lawyers at anytime within the same compliance period.

2. The other requirement of at least two (2) days PHILJA program of continuing judicial education is additionally clarified herein to include *all other PhilJA-sponsored seminar/s,* related to legal education which may consist of one-day program each, not necessarily a series of at least two (2) days, in consonance with the minimum requirement of at least two (2) days.

3. Any other resolution, opinion, practice or policy issued and observed prior to the issuance of this Resolution is considered amended accordingly.

This Resolution shall take effect immediately.

21 March 2018.

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Chairperson, MCLE Governing Board

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