



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. 07-2019

(Resolution Prescribing that Cessation of the Ground for Exemption Constitutes a Change of Status and Compliance with the MCLE is Thereafter Required Pursuant to Rule 7, Section 4, Bar Matter No. 850)

WHEREAS, Section 4, Rule 7, Bar Matter No. 850 provides:

"Section 4. Change of status. – The compliance period shall begin on the first day of the month in which a member ceases to be exempt under Sections 1,2,3 of this Rule and shall end on the same day as that of all other members in the same Compliance Group."

WHEREAS, a reading of the aforesaid provision on change of status of exempt lawyers indicates that the intent thereof is to exempt them from the requirements of the MCLE during the period of their incumbency only as it expressly stated that their compliance period shall begin on the first day of the month the member "ceases" to be exempt;

WHEREAS, the practice of applying the two-thirds (2/3) rule¹ was adopted for purposes of convenience and ease of monitoring the period of exemption of the numerous lawyers enumerated in Section 1², Rule 7, Bar Matter No. 850, as well

¹ Lawyers who are exempt under Rule 7, Section 1, Bar Matter No. 850 must have occupied the position for at least two (2) years of the three-year compliance period before exemption may be granted but the validity of the exemption is extended to the next compliance period

² *"Section 1. Parties exempted from the MCLE. – The following members of the Bar are exempt from the MCLE requirement:*

- (a) *The President and the Vice President of the Philippines, and the Secretaries and Undersecretaries of Executive Departments;*
- (b) *Senators and Members of the House of Representatives;*
- (c) *The Chief Justice and Associate Justices of the Supreme Court, incumbent and retired members of the judiciary, incumbent members of the Judicial and bar Council, incumbent members of the Mandatory Continuing Legal Education Committee, incumbent court lawyers who have availed of the Philippine Judicial Academy programs of continuing legal education;*
- (d) *The Chief State Counsel, Chief State Prosecutor and Assistant Secretaries of the Department of Justice;*
- (e) *The Solicitor General and Assistant Solicitors General;*
- (f) *The Government Corporate Counsel, Deputy and Assistant Government Corporate Counsel;*
- (g) *The Chairmen and members of the Constitutional Commissions;*
- (h) *The Ombudsman, the Overall Deputy Ombudsman, the Deputy Ombudsmen and the Special Prosecutor of the Office of the Ombudsman;*
- (i) *Heads of government agencies exercising quasi-judicial functions;*
- (j) *Incumbent deans, bar reviewers and professors of law who have teaching experience for at least ten (10) years in accredited law schools;*

as those under Sections 2³ and 3⁴, but may not exactly be in consonance with the aforesaid provision on "change of status" of the exempt lawyer;

WHEREAS, it is a general rule in statutory construction that if the wordings of the law are clear and unambiguous the plain language of the statute should be applied to accomplish the intent of the framers thereof; hence, considering that the wordings of Section 4, Rule 7, Bar Matter No. 850 are clear and unambiguous, the same should be applied as it is;

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

- 1) Applications/Attestations for Exemption under Sections 1,2,3, Rule 7, Bar Matter No. 850 may be filed at the start of the MCLE compliance period applied for except in some cases where other than incumbency to the position, a different requirement must be fulfilled prior to exemption (ex. professors of law who have teaching experience of at least ten (10) years, post graduate study where completion of the course is a requirement, etc);
- 2) The exemption shall be valid only during incumbency to the position or while the ground for exemption still exist and is considered invalidated once the ground for exemption ceased, in which case the lawyer concerned must comply with the MCLE requirement on the first day of the month following the cessation of his/her ground for exemption and his/her compliance period shall end as all others;
- 3) For purposes of counting the required number of units following the cessation of the ground for exemption, the thirty-six (36)-unit requirement per compliance period⁵ shall be divided to the thirty-six (36)-month compliance period, such that the remaining number of months upon cessation of exemption must be complied at the ratio of one is to one or

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- (k) *The Chancellor, Vice-Chancellor and members of the Corps of Professors and Professorial Lecturers of the Philippine Judicial Academy; and*
(l) *Governors and Mayors."*

³Section 2. *Other parties exempted from the MCLE.- The following members of the Bar are likewise exempt:*

(a) *Those who are not in law practice, private or public.*

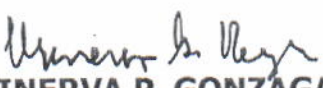
(b) *(b) Those who have retired from law practice with the approval of the IBP Board of Governors.*


⁴ *Good cause for exemption from or modification of requirement.- A member may file a verified request setting forth good cause for exemption (such as physical disability, illness, post graduate study abroad, proven expertise in law, etc) from compliance with or modification of any of the requirements, including an extension of time for compliance, in accordance with a procedure to be established by the MCLE Committee.*


⁵ *Every three (3) years pursuant to Section 1, Rule 3, Bar Matter No 850 "all compliance periods shall be for thirty-six (36) months and shall begin the day after the end of the previous compliance period"*

- one (1) MCLE unit per month still remaining in the compliance period upon termination of the ground;
- 4) For purposes of determining the subjects to be taken after cessation of the ground for exemption, the lawyer concerned may choose any of the subject areas provided under Rule 2, Section 2⁶, Bar Matter No. 850, as long as each subject area does not exceed the maximum number of hours prescribed in the rule;
 - 5) It is incumbent upon the lawyers granted exemption to truthfully declare the cessation of the ground of their exemption and to comply with the MCLE as provided under Section 4, Rule 7, Bar Matter No. 850. This obligation shall be expressly stated in the Attestation/Application for Exemption which must be executed under oath;
 - 6) Any Board resolution, practice or policy inconsistent with this Resolution is deemed amended;
 - 7) Any issue or concern that may arise relative to the implementation of this Resolution should be referred to the MCLE Governing Board for appropriate action.

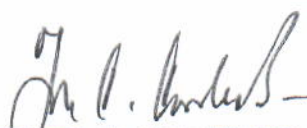
03 September 2019


MINERVA P. GONZAGA- REYES
Chairperson, MCLE Governing Board


SEDFREY M. CANDELARIA
Member, PHILJA Representative


NILO T. DIVINA
Member, PALS Representative


ABDIEL DAN ELIJAH FAJARDO
Member, IBP Representative


FIDES C. CORDERO-TAN
Member, UP Law Center Representative

⁶ 6 units-Legal Ethics, 4 units Trial and Pre-trial Skills, 5 units-Alternative Dispute Resolution, 9 units-Updates on Substantive and Procedural Law, 4 units-Legal Writing and Oral Advocacy , 2 units-International Law and Conventions and 6 units- MCLE Prescribed Subjects