



Supreme Court of the Philippines
MANDATORY CONTINUING LEGAL EDUCATION OFFICE
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MCLE Governing Board Resolution No. 04-2020

Implementing Guidelines of the Rules and Regulations in the Conduct of MCLE Online (A.M. No. 19-10-16-SC)

**RULE 1
PRELIMINARY PROVISIONS**

To effectively carry out the provisions of A.M. No. 19-10-16-SC (Rules and Regulations in the Conduct of MCLE Online), the MCLE Governing Board hereby promulgates the following Guidelines subject to approval by the Supreme Court.

Section 1. Title. - These Guidelines shall be referred to as "Implementing Guidelines of the Rules and Regulations in the Conduct of MCLE Online".

Sec. 2. Definition of Terms. -

- a) Board – refers to the MCLE Governing Board
- b) MCLE Online Accredited Provider – an MCLE accredited Provider granted separate accreditation to provide MCLE online
- c) Course/Module – a separate video/lecture of one topic or subject in an MCLE online offering
- d) Script – written form of the lecture of the online course/module
- e) Content Referees/Critiques – known experts in their respective fields tasked to review and critique the MCLE online script and video
- f) Time-Frame – the period within which a course/module must be completed to earn MCLE credit unit
- g) Credit Unit – the measure of compliance with the MCLE requirement under Bar Matter No. 850 based on the corresponding credit unit/s per course/module completed by the viewer/user and affirmed by the MCLE Office
- h) Subject Area – refers to the subject requirements for completion of MCLE as enumerated in Rule 2, Section 2, Bar Matter No. 850
- i) MCLE Certificate of Compliance – refers to the certificate issued by the MCLE Board/Office after completion by a lawyer of the required credit units for completion of the MCLE requirements per compliance period

- j) Certificate of Attendance – refers to the certificate issued by the Provider after completion by a lawyer of a course/module
- k) Dashboard – refers to a type of a graphical user interface (GUI) providing authorized users with a summary, at-a-glance, of key performance indicators (KPI) relevant to certain areas or objectives of a specific organization, which may include, but not limited to, progress reports, statistical data, etc., on certain interest areas in relation to the needs and general goals of an organization
- l) Viewer/User – refers to a lawyer who registered in an MCLE online course/module and is viewing/using the same
- m) Working Prototype – refers to a model or sample of the MCLE online offering of the online Provider applying for accreditation

RULE 2
ACCREDITATION REQUIREMENTS FOR PROVIDERS

Section 1. *Requirements and Procedures for Accreditation as MCLE Online Provider.* -

- a) The applicant must be a duly accredited MCLE Provider pursuant to Rule 9 (Accreditation of Providers), Bar Matter No. 850.
- b) The applicant:
 - i. must have been an accredited MCLE Provider for at least one (1) accreditation period equivalent to two (2) years;
 - ii. has delivered a minimum of five (5) full programs equivalent to 36 credit units each of traditional MCLE lecture series;
 - iii. has no derogatory record or violations of MCLE Rules and Regulations and has established its good standing, proven experience and track record as MCLE Provider.
- c) The applicant must submit a letter of intent to provide MCLE online addressed to the MCLE Governing Board and a duly filled-up Application for Accreditation as MCLE online Provider.
- d) In addition to the above, for IBP and other Government Offices/Agencies:

- i. An IBP Chapter Provider must include a favorable endorsement/recommendation from the National President of the IBP or his/her representative.
 - ii. The government office/agency or government education institution must include the concurrence and/or endorsement of the Head of the Office/Agency/Institution.
- e) It is only upon issuance by the Board of a Certificate of Accreditation as MCLE online Provider that the applicant shall be officially considered as one.

Sec. 2. *Presentation of Working Prototype of MCLE Online.* -

- a) The applicant must present to the Board and the Supreme Court, as may be required, a working prototype of its MCLE online offering with specific presentation on the following:
 - i. Registration procedures;
 - ii. Security features both in the registration and during viewing of the course/module;
 - iii. Sample actual online lecture with interactive content;
 - iv. Authentication process during the conduct of MCLE online;
 - v. Sample format of required reports (e.g. names of registered participants, units earned, snapshots, log-in, log-out, etc.)
 - vi. Other features as may be required by the Board.

Sec. 3. *Head Legal Officer of Online Provider.*- The Provider must submit the resume of its Head Legal Officer.

Sec. 4. *Compliance with the Data Privacy Act upon Registration.*- The Provider shall be primarily and directly responsible for its compliance with the Data Privacy Act under R.A. No. 10173 specifically on the collection, use, sharing, accessing, updating and retention of data of registered viewers/users.

Further, it must observe and comply with the Data Privacy principles of transparency, legitimate purpose and proportionality, as well as the principles in collection, processing and retention of data provided in the Implementing Rules and Regulations of Republic Act No. 10173 also known as the "Data Privacy Act of 2012".

Sec. 5. *Participation of Affiliate Law School of Private Provider.*- The Provider shall present to the MCLE Board/Office proof of participation of the faculty members of its affiliate law school in the development and/or presentation of its MCLE online course/module in the form of Certification from the law school Dean specifying the creation of a Committee on MCLE online and the role or involvement of faculty members. The Provider may present other proof as it may deem relevant.

RULE 3 TECHNICAL REQUIREMENTS

Section 1. *General Technical Requirements for Providers.*-

- a) Must provide a system with high bandwidth capability able to deliver its courses/modules to a large number of viewers/users simultaneously;
- b) Must have a capable data encryption mechanism to keep the viewers'/users' data confidential;
- c) Must submit to the MCLE Board/Office, immediately upon request, audit trails and logs of its registered participants, which shall include the username of the viewer/user, search menu to view time logs of specific lawyer, browser used and other log-in history as may be required.
- d) Must resolve all technical glitches that may occur in the conduct of MCLE online within twenty four (24) hours from receipt of the report. In case a longer time is needed to resolve the issues, the MCLE Board/Office must be notified accordingly.

Sec. 2. *Technical Requirements for Viewers/Users.*-

- a) A desktop computer, laptop, tablet, smartphone or other device with front-facing camera capable of taking random photos/videos;
- b) Reliable internet connection capable of streaming MCLE online course/module within the time-frame provided herein.

Sec. 3. *Management Information System Office (MISO), Supreme Court to provide expert assistance to MCLE Office.*- The MCLE Office, being an office under the Supreme Court, shall rely on the expert advice and assistance of the Management Information System Office (MISO) – Supreme Court, on technical matters/issues relative to the implementation of MCLE online.

RULE 4
AUTHENTICATION PROCEDURES AND REQUIREMENTS

Section 1. *Authentication During Registration to Online Courses/Modules.-*

- a) Upon registration, the lawyers-registrants must present their IBP ID which shall be considered the primary ID for this purpose. In case of non-availability thereof, any government issued ID which is classified as primary government ID may be used for registration;
- b) It is the primary responsibility of the Provider to verify the truthfulness of the identity of the lawyers-registrants;
- c) Prior to confirmation of registration, the lawyers-registrants must attest to the veracity of their identity and faithful/truthful attendance to all online courses/modules where they registered.
- d) The Provider must incorporate in its system of registration that the lawyers-registrants have given their full consent to the Provider to gather personal information, photos, videos, and that the same may be shared with the MCLE Office, as may be required and necessary.

Sec. 2. *Security Requirements During the Conduct of MCLE Online.-*

- a) For purposes of authentication of the identity of the viewer/user for the duration of viewing the course/module, the Provider must incorporate in its system efficient identity authentication mechanisms, such as, but not limited to, random snapshots, random video capturing, facial recognition, biometrics and the like;
- b) For random snapshots/videos, the following features must be incorporated:
 - i. The interval of the snapshot/video must be unpredictable.
 - ii. The snapshot/video must be taken without intervention on the part of the viewer/user.
 - iii. A maximum notification timer of twenty (20) seconds may be allowed prior to automatic taking of snapshot/video.
 - iv. The Provider must, as far as practicable, incorporate a face recognition system or other device which may enable it to automatically compare/process the snapshots and other data necessary for authentication.

- v. In case of questionable data on the authenticity of the identity of the viewer/user, the final resolution thereof shall be made by the Board.

Sec. 3. Interactive Content of Online Course/Module.- The interactive contents incorporated in the online courses/modules in the form of pop-up questions, graphic interactions, etc., must enhance and measure the knowledge acquired by the viewers/users, helpful and useful in understanding and retaining relevant information, and must not impede the flow of the lecture.

Sec. 4. Forward Streaming and Time-frame of Online Course/Module.-

- a) Forward streaming of the video lecture shall not be allowed. However, the viewers/users may rewind the same at their option. Further, to ensure comprehensive acquisition of knowledge, reasonable retention and continuity thereof, the following time-frame should be observed in viewing and completing the course/module for purposes of earning MCLE credit units:

| Creditable Units | Time-frame for completion |
|-------------------------|----------------------------------|
| 1 c.u. Video | 24 hours |
| 2 c.u. Video | 48 hours |
| 3 c.u. Video | 72 hours |
| 4 c.u. Video | 96 hours |

- b) The counting of the time-frame shall begin once the viewer/user starts watching the online course/module;
- c) The online course/module shall be re-set from the beginning upon expiration of the time-frame for completion without further obligation on the part of the viewers/users.
- d) The time-frame shall apply on a per online course/module basis.

**RULE 5
GUIDELINES FOR APPROVAL OF COURSES/MODULES**

Section 1. Substance and Content of MCLE Online Course/Module.-

- a) The Provider must ensure that all online courses/modules are in consonance with the purpose of MCLE as provided in Rule 1, Section 1, of Bar Matter No. 850¹.
- b) The script of the online course/module must give the members of the Board and content referees/critiques a complete view of the contents of the video course/module.

Sec. 2. Evaluation Requirements. -

- a) Evaluation questions must be incorporated at the end of every course/module and must include the following:
 - i. relevance of the topic;
 - ii. effectivity/clarity of delivery of the lecture;
 - iii. accessibility of the video course/module;
 - iv. over-all viewing experience;
 - v. other concerns/comments.
- b) Other survey/evaluation questions relative to the Provider's interest may be incorporated subject to disclosure to the MCLE Board/Office.
- c) The evaluation shall be a mandatory submission for completion of the course/module and for issuance of the certificate of attendance of the viewer/user.

Sec. 3. Dashboard Requirements.- The Provider must provide the MCLE Board/Office with a dashboard which can be accessed 24/7 which contains the following:

- a) A graphical representation of data which may be generated at random dates, showing the following:
 - i. Quantitative Metrics-
 - 1.1 The names and number of users currently online (Participation Rate);
 - 1.2 The names and number of users enrolled in a particular video/subject area (Subject Area Preference Rate);

¹ Purpose of Mandatory Continuing Legal Education is required of members of the Integrated Bar of the Philippines (IBP) to ensure that throughout their career, they keep abreast with law and jurisprudence, maintain the ethics of the profession and enhance the standards of the practice of law.

- 1.3 The names and number of users able to finish or earn credit units for a particular topic (Success Rate);
- ii. Qualitative Metrics-
 - 2.1 The summary of ratings and survey results obtained (lecturer / topic / subject area, etc.) (Satisfaction Rate);
 - 2.2 Exam Pass / Fail (Pass / Fail Statistics); if integrated and required.
- iii. Such other data (i.e. Demographics information by Chapter, Region, if feasible) which the MCLE Governing Board upon consultation with the Provider may require in pursuance of its mandate.

In consideration of the pilot implementation of MCLE online on a **transition period**, the Board allows other means, mode or device by which the online Provider may comply with the intended purpose of a dashboard as the Board may deem sufficient and acceptable, such as, but not limited to, providing auto-generated reports of the required data.

Sec. 4. Forum Discussion of Users.- The MCLE Board/Office shall have access to forum discussion and to the comments on the course/module viewed and shall require the Provider to furnish the Board with copies thereof.

Sec. 5. Procedure.-

- a) Procedures for approval of course/module:
 - i. The Providers shall submit to the MCLE Office script of online course/module by e-mail, flash drive, cd, etc.; specifying therein actual number of minutes/hours of video lecture, subject area/s, topic, credit unit/s applied for;
 - ii. The MCLE Office shall submit the same script to the Board for its review and approval;
 - iii. Upon approval, the Board shall refer the same to the PHILJA for assignment to its designated content referee/critique;
 - iv. If there are comments/corrections on the script, the Provider shall be advised to make appropriate adjustments;
 - v. Upon approval by the content referee/critique of the video of the script, the same will be submitted to the Board for final approval;

- vi. If there are no comments/corrections on the script, the Provider shall likewise be notified;
 - vii. Upon approval by the Board, a Certificate of Approval of the online course/module will be issued indicating thereon the number of unit/s given and the subject area/s for which it is accredited.
- b) Online courses/modules are subject to continuous review by the Board, as it may deem necessary.
 - c) The Provider may submit an online course/module at anytime to build up its library and to provide lawyers a wide range of topics and subject areas they can choose from.
 - d) The herein laid down procedure may be supplemented or modified as the need arises.

Sec. 6. *Validity of Pre-recorded Course/Module.-*

- a) The online course/module shall remain valid for a period of three (3) years from approval thereof, after which, the Provider must update the same.
- b) In case no update is necessary after the validity period of three (3) years, the Provider must justify the non-necessity thereof.
- c) The Provider must give the MCLE Board/Office continued access to its online courses/modules for purposes of review of its content relevance at anytime.
- d) The Provider must be ready to update the content of its online course/module at anytime as may be required by the Board. The Provider will be given a reasonable time after due notice to update its online course/module. In case of voluntary update on the part of the Provider within the three-year validity period, the Board must be duly notified before undertaking the same.

**RULE 6
DETERMINATION OF CREDIT UNITS**

Section 1. *Determination of Credit Units of Online Course/Module.-*

The credit unit/s per course/module shall depend on the content relevance, in depth coverage of the topic and on the parameters as may be determined by the content referees/critiques and approved by the Board.

Sec. 2. Credit Units Per Course/Module. - The number of units for which an online course/module and the subject area/s for which it is accredited must be clearly specified upon registration thereto.

Sec. 3. Crediting of Units Earned.- The credit unit/s earned by the viewers/users shall be recorded in their individual MCLE records after a report has been received or generated by the MCLE Office on the names of the viewers/users, topics, subject areas, number of units completed, results of verification of identity and after validation of said information. No credit unit/s shall be earned by the viewer/user for a course/module not completed within the time-frame provided.

Sec. 4. Resolution of Issues.- Any issue/conflict as to the number of units/s earned, subject area/s, etc., shall be resolved by the Board.

**RULE 7
REPORTING DUTIES OF THE MCLE PROVIDER**

Section 1. Reporting Duties of MCLE Online Provider.-

- a) The Provider is required to submit to the MCLE Office the name/s of the lawyer/s and credit units completed on a daily basis to facilitate immediate posting to the lawyers' records of MCLE unit/s earned, based on the following format:

i. Summary Report

| SUMMARY REPORT ON THE COURSE/MODULE COMPLETED | | | |
|--|----------|-------|--------------|
| Date (mm/dd/yyyy) | | | |
| Names | Roll No. | Topic | Credit Units |
| | | | |
| | | | |
| | | | |

ii. Comprehensive Report

| COMPREHENSIVE REPORT | | | | | |
|-----------------------------|----------|-------|----------|-----|--|
| Date (mm/dd/yyyy) | | | | | |
| Names | Roll No. | Topic | Time Log | | Viewing Duration per Log-in (in minutes) |
| | | | In | Out | |
| | | | | | |
| | | | | | |
| | | | | | |

- iii. Report on Authentication Mechanism. - A separate folder containing the authentication mechanism (e.g. snapshots, snapvideos, biometrics, etc.) shall be submitted by the Provider as may be required.
- b) In case of breach/glitches/suspicious data, an exhaustive report must be submitted to the MCLE Governing Board within 48 hours from occurrence/acquisition of knowledge thereof;
- c) Summary of collated Evaluation Results must be submitted on a monthly basis;
- d) Other reports as may be necessary.

RULE 8 ACTIVITY FEE FOR MCLE ONLINE

Section 1. Activity Fee.- The activity fee for MCLE online shall be:

- a) P25/unit for private Providers;
- b) P12/unit for IBP, UP Law Center, Government Offices, State Universities and Colleges.

Sec. 2. Assessment of Fees.- For purposes of assessment of activity fee, the online Provider must submit a list of registered lawyers on a daily basis by email or other electronic means.

Sec. 3. Period of Payment.- The activity fee must be paid within ten (10) days from receipt of assessment.

Sec. 4. Adjustment of Activity Fee.- The activity fee is subject to change as may be necessary upon determination by the Board.

RULE 9 TRANSITION PROVISION

Section 1. General Transitional Provision.- In light of the pilot implementation and transitional operation of MCLE online, the Board may revise and supplement these Guidelines and issue resolutions and other subsidiary issuances as it deems necessary for the effective implementation of the provisions of the MCLE Online Rules and Regulations.

**RULE 10
EFFECTIVITY CLAUSE**

Section 1. Effectivity.- This Implementing Guidelines shall take effect upon approval by the Supreme Court.

10 July 2020

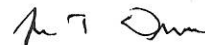
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