

Republic of the Philippines
Supreme Court
Manila

EN BANC
NOTICE

Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated
NOVEMBER 26, 2019, which reads as follows:*

“A.M. No. 19-10-16-SC

Rules and Regulations in the Conduct of MCLE Online

RESOLUTION

WHEREAS, in consonance with the general purpose of the Mandatory Continuing Legal Education (MCLE) as provided in Rule 1, Section 1, Bar Matter No. 850 which is

“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;”

WHEREAS, the MCLE has been going on since 2001 or for the last eighteen (18) years with all programs conducted in a traditional classroom setting;

WHEREAS, the onset of computer technology made it necessary to adopt current trends of learning and it is relevant with the changing times that an alternative mode of delivery of the MCLE be made available to members of the Bar through online and on demand MCLE;

WHEREAS, online MCLE is not something new but has long been adopted and successfully implemented in other jurisdictions;

WHEREAS, online MCLE would provide a wide variety of course/topic choices to members of the Bar wherein they can adequately select courses/topics relevant to their practice and interest;

WHEREAS, online MCLE would address the need for MCLE activities in the provinces, especially in far-flung areas where MCLE activities are few and far between, as well as for Filipino lawyers who are based abroad and would like to update their MCLE compliance;

WHEREAS, MCLE online would offer a convenient alternative to traditional MCLE lecture series, especially to old lawyers and persons with disability (PWD), and would provide a flexible way of scheduling the individual MCLE compliance of members of the Bar which is adaptable to their busy schedules;

WHEREAS, online MCLE would save time, energy and other resources of members of the Bar as they need not travel and secure accommodation at or near the venue of MCLE seminars;

WHEREAS, there is a need to clearly define the minimum requirements and responsibilities of accredited MCLE Providers desiring to conduct MCLE online;

WHEREAS, there is likewise a need to define the guidelines and minimum requirements for lawyers who want to avail themselves of MCLE online;

WHEREAS, pursuant to Memorandum Order No. 35-2019 dated June 13, 2019, the Subcommittee on Maintenance of Membership in the Philippine Bar was created and reorganized;

WHEREAS, the MCLE Governing Board approved a Resolution allowing the conduct of MCLE online as an alternative mode of delivering MCLE subject to two (2) major requirements as follows:

- a) assurance of authenticity of identity of lawyers taking online MCLE; and
- b) relevancy of content of the program;

WHEREAS, the MCLE Governing Board submitted the Resolution containing a draft guideline for the conduct of MCLE Online to the Subcommittee on Maintenance of Membership in the Philippine Bar;

WHEREAS, the Subcommittee on Maintenance of Membership in the Philippine Bar approved the Resolution and submitted the draft MCLE guidelines outlining the accreditation requirements, technical requirements, security requirements, and content requirements for providers of MCLE online for the Court's consideration;

WHEREAS, the Court resolves to approve the following rules and regulations in the application, conduct, and availment of MCLE online;

NOW, THEREFORE, acting on the letter recommendation of Associate Justice Marvic M.V.F. Leonen, Chairperson of the Subcommittee on Maintenance of Membership in the Philippine Bar, the Court resolved to **APPROVE** the "*Rules and Regulations in the Conduct of MCLE Online.*"

Rule 1
GUIDELINES FOR ACCREDITATION

Section 1. Accreditation Requirements for Providers of MCLE Online. –

- a) A duly accredited MCLE Provider in good standing with proven experience and track record in the delivery of quality and substantive MCLE programs;
- b) Letter of intent to provide MCLE online addressed to the MCLE Governing Board;
- c) Presentation to the MCLE Governing Board of a working prototype of their MCLE online offering;
- d) Must have a competent Head Legal Officer who will lead and take charge of the structure, review and verification of the contents of the MCLE online courses;
- e) Commitment to comply with the Data Privacy Act (DPA), including but not limited to, Collection, Use, Data Sharing, Accessing/Updating, Retention of data, etc., pursuant to Republic Act No. 10173 (Data Privacy Act of 2012) and any amendments thereto;

- f) For Private Providers, pursuant to the requirement of affiliation with a law school under MCLE Governing Board Resolution No. 005-2014, it is required that faculty members of the affiliate law school must have active participation in the crafting of the MCLE online program such as, but not limited to, 30% participation of the faculty as members of a committee formed for this purpose which will take charge of the development of online courses/modules, or as talents/lecturers in the delivery of MCLE online/lecture;
- g) For IBP National Office, as the sole accredited Provider of all MCLE activities, including those organized by its Chapters pursuant to MCLE Governing Board Resolution No. 002-2014, MCLE online applications from IBP Chapters must be coursed through the IBP National Office and shall be subjected to the same standards as herein set forth;
- h) Compliance with the basic accreditation requirements, as follows:
 - 1) Private Providers:
 - i. Application for Accreditation as MCLE Provider (MCLE Form No. 01);
 - ii. Articles of Incorporation and By-laws or Business Registration showing that one of its primary purposes is to provide continuing legal education program to members of the Bar (MCLE Resolution No. 4, s. 2008); Certificate of Registration issued by the Department of Trade and Industry (DTI) for Single/Sole Proprietor stating that one of its purposes is to provide continuing legal education;
 - iii. List of officials and employees, including their resume (MCLE Resolution No. 4, s. 2008);
 - iv. Organizational structure of the applicant (MCLE Resolution No. 4, s. 2008);
 - v. Affiliation and Memorandum of Agreement with a law school (MCLE Governing Board Resolution No. 005-2014);
 - vi. Five Thousand Pesos (₱5,000.00) accreditation fee.
 - 2) IBP National Office:

- i. Application for Accreditation as MCLE Provider (MCLE Form No. 01);
 - ii. One Thousand Pesos (₱1,000.00) accreditation fee.
- 3) Educational Institutions:
- i. Application for Accreditation as MCLE Provider (MCLE Form No. 01);
 - ii. Profile and Organizational structure of the applicant (MCLE Resolution No. 4, s. 2008);
 - iii. List of faculty members;
 - iv. Five Thousand Pesos (₱5,000.00) for private educational institutions and One Thousand Pesos (₱1,000.00) for State Colleges and Universities, accreditation fee.
- 4) Government Offices and Agencies:
- i. Application for Accreditation as MCLE Provider (MCLE Form No. 01);
 - ii. Organizational structure of the applicant (MCLE Resolution No. 4, s. 2008);
 - iii. One Thousand Pesos (₱1,000.00) accreditation fee.

Section 2. Technical Requirements. –

- a) Providers must have:
- 1) Reliable internet connection;
 - 2) High bandwidth availability, able to scale and capable of supporting numerous simultaneous connections;
 - 3) Encryption mechanism to protect users' data;
 - 4) High availability/uptime and low downtimes;
 - 5) Data Retention and Destruction Policy;
 - 6) Audit Trails and Logs;
 - 7) Fast and reliable 24/7 Customer Service Support in case of technical glitches/issues.

b) Participants must have:

- 1) A device (desktop, computer, laptop, tablet, smartphones) with front-facing camera and capable of accessing online course/module;
- 2) Reliable internet connection.

The MCLE Office may seek expert assistance of the Management Information System Office (MISO) of the Supreme Court, as needed.

Rule 2 AUTHENTICATION MEASURES

Section 1. *Security Requirements in the Registration of Participants.* –

- 1) The Provider must ensure the identity of their registered participants by requiring submission of a copy, preferably of his/her IBP ID or any government-issued ID for authentication purposes;
- 2) The Provider must incorporate, as part of the registration process, statements for affirmation by the participant on the following:
 - i. As to the veracity of his/her identity;
 - ii. As to his/her faithful and truthful personal attendance in viewing and completing the MCLE online course/module.
- 3) The Provider shall ensure compliance with the Data Privacy Act (DPA) and its Implementing Rules and Regulations by securing the consent of participants through posting of privacy notices prior to personal data gathering, with assurance that processing of data is consistent with privacy principles of transparency, legitimate purpose, and proportionality;
- 4) Other authentication requirements as may be required by the MCLE Governing Board.

Section 2. *Security Requirements During the Conduct of MCLE Online.* –

- 1) The Provider must incorporate authentication mechanism/s to ensure the identity of the participant while viewing a

- course/module (*i.e.*, random snapshots, random video capturing, facial recognition, etc.);
- 2) The Provider must incorporate interactive content in the course/module by means of Q&A or other similar modes or methods to engage active participation of viewer;
 - 3) Forward streaming of course/module shall not be allowed and should only be available to the participant after finishing the whole course/module. The participant may, however, review or go back to the previous slides at his/her convenience;
 - 4) Other requirements as may be required by the MCLE Governing Board.

Rule 3
GUIDELINES FOR APPROVAL OF SEMINAR

Section 1. Substance and Content. –

- 1) Must have relevant, updated and substantial course/module created in consonance with the purpose of the MCLE;
- 2) Must have logical content flow designed with the learning objectives of the MCLE and with the specific area/s of interest covered by the course/module;
- 3) Must enable participants to download, in whole or in part, a copy of the lecture materials;
- 4) Must have an evaluation method at the end of each course/module to assess the following:
 - i. relevance of the topic;
 - ii. effectivity of delivery/speakers;
 - iii. accessibility of the system;
 - iv. other concerns,

the submission of which must be a pre-requisite for the issuance of the certificate of completion of the course/module by the Provider;

- 5) Must provide the MCLE Office with access to online course/module and dashboard to view statistical data on the

numbers of registered participants and those taking MCLE online at any given time;

- 6) May provide facility for forum discussion where participants can raise questions, clarifications and/or comments relative to the course/module viewed, as well as its presentation.

Section 2. *Procedure for Approval.* –

- 1) For purposes of approval of the online course/module, the MCLE Governing Board should be allowed access to the pre-recorded course/module to review its content, relevancy and delivery where the Board may engage the services of “content referees or critiques” who are known experts in their respective fields of specialization;
- 2) After approval of the course/module as part of the MCLE online offering of the Provider, the Board should still be allowed continuing access to the course/module to periodically review its relevance and knowledge content, as may be necessary.
- 3) The MCLE Governing Board may, as it deems necessary and appropriate, provide for other procedure/s for approval of MCLE online course/module.

Section 3. *Validity of Pre-recorded Course/Module.* –

- 1) The validity of the pre-recorded course/module as part of the MCLE online offering of the Provider shall be dependent on the periodic review to be conducted by the MCLE Governing Board and/or its designated “content referees or critiques,” to determine its continued relevance.
- 2) Updating of the pre-recorded course/module as may be necessary to keep its knowledge content relevant must be carried out by the Provider to preclude obsolescence of the program.
- 3) The MCLE Governing Board must be duly notified of any update/edit on previously approved course/module before the same may be made available to registered users.

Rule 4
DETERMINATION OF CREDIT UNITS

Section 1. Credit Units. – For purposes of determining the credit unit/s or equivalent weight of a course/module, the Provider, upon submission for approval of the MCLE Governing Board of a pre-recorded course/module, must indicate the proposed weight/credit unit/s and subject area/s for which it is sought to be accredited. The weight/credit unit/s shall be determined based on the following criteria:

- a) content relevancy;
- b) exhaustive content delivery;
- c) concise presentation;
- d) delivery tools used;
- e) other parameters as may be deemed relevant by the MCLE Governing Board;

The above information must state clearly the exact number of units per course/module and the subject area/s under BM No. 850 where the same is classified and to which the corresponding unit/s will be credited.

Rule 5 REPORTING DUTIES OF THE MCLE PROVIDER

Section 1. Submission Requirements. – The Provider is required to submit:

- 1) The name/s of the lawyer/s who completed online course/s, with attached certification as to the number of hours completed, and report on the summary of authentication mechanism/s employed (*i.e.*, random snapshots, random videos, facial recognition, etc.) during registration and while viewing the course/module;
- 2) Exhaustive Report detailing information in case of breach/glitches/suspicious data;
- 3) Summary of Evaluation Results;
- 4) Other reports as may be required by the MCLE Governing Board.

Rule 6 PAYMENT OF ACTIVITY FEE

Section 1. Payment of Activity Fee of Per Unit Taken by the Participants. – MCLE Online shall be subject to an activity fee. The fee and the period for payment shall be determined in the MCLE Implementing Guidelines. The fee is subject to change as may be deemed necessary by the

MCLE Governing Board/Office, subject to the approval of the Supreme Court En Banc. Sufficient notice and reasonable time allowance shall be given to the Provider in case of adjustment of fees.

Rule 7
PENALTY CLAUSE

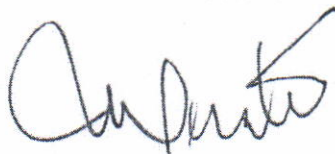
Section 1. Penalties for the Providers. – Any provider found violating any of the terms and conditions of general and online accreditation, and/or employing fraud, misrepresentation or any other form of deceit in the conduct of its online/on demand MCLE, shall be subjected to criminal and/or civil actions as may be deemed necessary and appropriate, in addition to the revocation/non-renewal of its accreditation.

Section 2. Penalties for the Participants. – Any participant found employing fraud, misrepresentation and/or deceit in the conduct of availing MCLE online/on demand shall be subjected to appropriate disciplinary action pursuant to Rule 139-B (Disbarment and Discipline of Attorneys) of the Rule of Court, as amended.

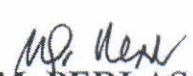
Rule 8
EFFECTIVITY

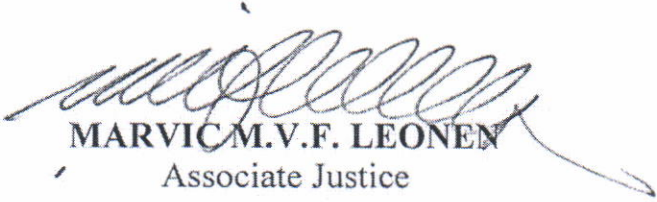
Section 1. Effectivity. – The Rules and Regulations in the Conduct of MCLE Online shall take effect immediately following its publication in the Official Gazette or two (2) newspapers of general circulation.

November 26, 2019, Manila, Philippines.



DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice