



Republic of the Philippines
Supreme Court
Manila

EN BANC

B.M. No. 3756

RE: ONLINE REFRESHER COURSES FOR CANDIDATES WHO HAVE
FAILED THE BAR EXAMINATIONS THREE TIMES

RESOLUTION

Rule 138, Section 16 of the Rules of Court disqualifies those who have failed the bar examinations thrice from taking it again unless they undergo refresher courses. The rule states:

SECTION 16. *Failing candidates to take review course.* — Candidates who have failed the bar examinations for three times shall be disqualified from taking another examination unless they show to the satisfaction of the court that they have enrolled in and passed regular fourth year review classes as well as attended a pre-bar review course in a recognized law school.

The professors of the individual review subjects attended by the candidates under this rule shall certify under oath that the candidates have regularly attended classes and passed the subjects under the same conditions as ordinary students and the ratings obtained by them in the particular subject.

Hence, they are required to attend both fourth year review classes and pre-bar review courses.

The Office of the Bar Confidant has been enforcing this provision on refresher courses by requiring those covered by this Rule to submit proof of compliance along with their petitions to take the bar examinations. Specifically, the Office of the Bar Confidant requires covered candidates to show:

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- a. Completion of the fourth year refresher course with the following subjects, to wit:
 1. Political/Constitutional Law Review
 2. Labor Law Review
 3. Civil Law Review I
 4. Civil Law Review II
 5. Taxation Law Review
 6. Commercial Law Review
 7. Criminal Law Review
 8. Remedial Law Review I
 9. Remedial Law Review II
- b. Individual Certification under-oath by Bona fide Professors that the applicant passed the aforesaid review subjects indicating therein the grades obtained.
- c. Certification under-oath by the Law Dean or School Registrar that the Professors are bona fide professors of the law school where the refresher course was taken.
- d. Certification under-oath by the School Registrar that the bar applicant is currently enrolled in and regularly attending the Pre-bar Review Course
- e. Certification under-oath by the School Registrar that the bar applicant completed the Pre-Bar Review Course (to be submitted after the completion of the course).¹

However, due to physical restrictions brought about by the COVID-19 pandemic, schools have been constrained to find alternatives to the traditional method of conducting on-site classes. These restrictions necessarily extend to the conduct of regular fourth-year review classes and pre-bar review courses. With some schools shifting their method of instruction to virtual classes, law review centers have since raised their concerns to the Office of the Bar Confidant about the possibility of also allowing bar review and refresher courses to be conducted online to accommodate bar applicants who might need them.²

The objective of requiring these refresher courses is to make sure those who previously failed the bar examinations undertake the necessary steps to prepare before taking it again. They are required to attend review classes from a recognized law school to receive quality instruction that will increase their chances of passing. The content taught in these review classes are also specifically designed to help students pass, which is why they are mandatory. Classes conducted through lectures or recitations are important to ensure that the course content is properly and exhaustively delivered. In addressing the restrictions brought by the current situation, it is necessary to guarantee that this objective is still achieved.

¹ Memorandum of the Office of the Bar Confidant to Chief Justice Diosdado Peralta (2020), p. 2.

² Memorandum of the Office of the Bar Confidant to Chief Justice Diosdado Peralta (2020), p. 2.

Thus, while online and remote learning as an alternative mode of conducting classes is relatively new, they shall be allowed provided proper guidelines are put in place.

NOW, THEREFORE, the Court resolves as follows:

Fourth year review classes and pre-bar review courses may be conducted online, provided the following guidelines are followed:


1. **Qualified law schools.** Law schools authorized to offer Refresher Courses under valid Special Government Permits issued by the Legal Education Board shall be qualified to offer online fourth year and pre-bar review courses.
2. **Curriculum.** The curriculum for refresher courses shall be maintained. It shall cover all the review classes required in the fourth year levels of both the Bachelor of Laws (Ll.B.) and the Juris Doctor (J.D.) programs in the Model Law Curricula. The curriculum for the refresher course shall still cover the subjects required by this Court:
 - a. Political/Constitutional Law Review
 - b. Labor Law Review
 - c. Civil Law Review I
 - d. Civil Law Review II
 - e. Taxation Law Review
 - f. Commercial Law Review
 - g. Criminal Law Review
 - h. Remedial Law Review I
 - i. Remedial Law Review II
3. **Delivery of instruction.** The delivery of the course contents online is permitted.
 - a. **Online classes.** Online classes, to be valid as a refresher course, shall be conducted synchronously through videoconferencing. Attendance of students for the entire duration of the virtual classes is required. Attendance and grading should not be solely based on academic requirements such as performance examinations or written submissions.
 - b. **On-site classes still allowed.** Notwithstanding the permission to conduct online refresher courses, traditional on-

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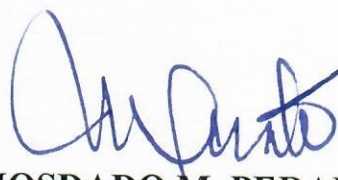
site physical classes shall still be allowed subject to hygiene requirements.

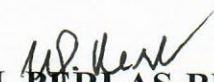
- c. **Certification under Rule 138 still required.** Professors of the individual review classes conducted online or on-site shall certify under oath that the students regularly attended classes and passed the subjects under the same conditions as ordinary students, and the ratings obtained by them in each subject.

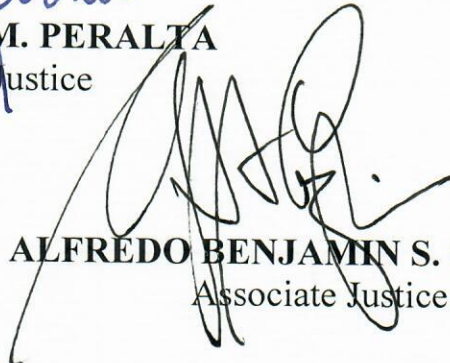
SO ORDERED.

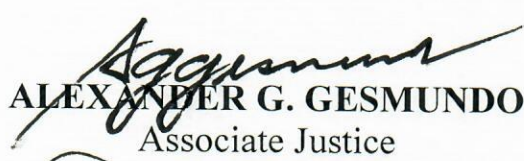

MARVIC M.V.F. LEONEN
 Associate Justice

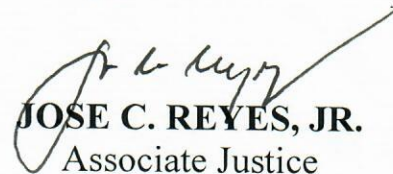
WE CONCUR:

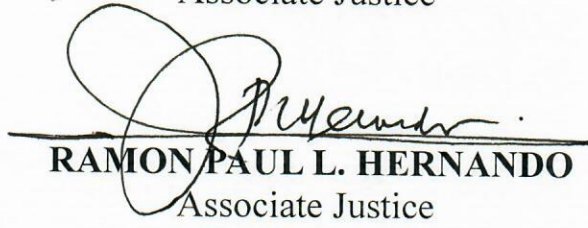

DIOSDADO M. PERALTA
 Chief Justice

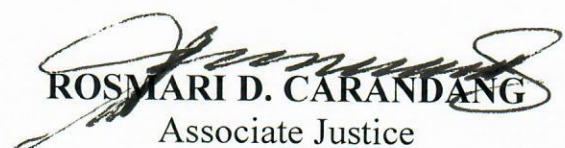

ESTELA M. PERLAS-BERNABE
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RAMON PAUL L. HERNANDO
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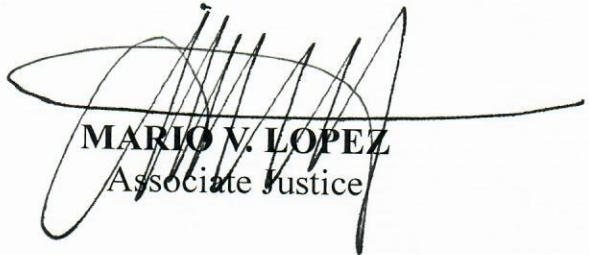

ROSMARI D. CARANDANG
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