

90TH ANNIVERSARY FEATURE

THE UP OFFICE OF LEGAL AID: THIRTY YEARS OF SPIRITED SERVICE*

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INTRODUCTION

In 1986, the Supreme Court adopted Rule 138-A, or the Law Student Practice Rule:

A law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court, may appear without compensation in any civil, criminal or administrative case before any trial court, tribunal, board or officer, to represent indigent clients accepted by the legal clinics of the law school¹

This innocuously brief provision forms the cornerstone of Philippine clinical legal education (CLE). This brand of practical education enjoys a long, rich history in the United States, where a handful of law schools began to offer CLE in the late nineteenth century.² In fact, apprenticeship was once the predominant factor in preparing to practice in the United States, and it was recognized that

All documents are on file with the University of the Philippines, Office of Legal Aid, unless otherwise specified. *Cite as* Ma. Isabel Laluna & Melissa Anne Telan, Feature, *The UP Office of Legal Aid: Thirty Years of Spirited Service*, 79 PHIL. L.J. 210, (page cited) (2004).

(Chair's Note: All writing stems from human experience, and I fondly recall my feature writing days in my grade school, high school, and college paper editorships, down to a Chinese culture magazine named *Chinoy* I founded in the Ateneo in 1997. Critics of law reviews through the decades have argued that shorter, lighter, and less footnote-intensive pieces have their places in journals, and many prestigious ones now end with brief essays or book reviews. *See* Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926 (1990); W. Lawrence Church, *A Plea for Readable Law Review Articles*, 1989 WIS. L. REV. 739; Fred Rodell, *Goodbye to Law Reviews*, 23 VA. L. REV. 38 (1936). Thus, as an experiment for its 90th Anniversary year, the *Philippine Law Journal* will be featuring a series of shorter non doctrinal pieces by junior writers, on topics artfully humanized in the past by giants such as Deans Irene Cortes and Vicente Sinco.)

* First Year, LL.B., University of the Philippines (2008 expected). A.B. Political Science, *Honorable Mention*, Ateneo de Manila University (2004); Editorial Board Member, *The GUIDON* (2004).

Intern (Head of Features), Philippine Law Journal. First Year, LL.B., University of the Philippines (2008 expected). A.B. Communication, Ateneo de Manila University (2004). Raul Locsin Journalism Scholarship (2003-2004); Editor-in-Chief, *Chinoy* magazine, Ateneo Celadon (2004). Correspondent, *Philippine Daily Inquirer* (2001-present).

¹ RULE 138-A, § 1. *See also* Carlos Medina, *Legal Aid Services in the Philippines*, ¶21-24, at http://www.pilj.org/resources/cle/legal_aid_services_in_the_philippines.htm (last visited Aug. 30, 2004).

² Peter Joy, *Ethics of Law School Clinics as Student Lawyers*, 45 S. TEX. L. REV. 815, 818-19 (2004).

professional skills had to be developed alongside raw knowledge.³ One commentator described:

[CLE] will provide by far the major part of the student's legal education... [t]hey can be a purblind, blundering, inefficient, hit-or-miss learning experience in the school of hard knocks. Or they can be a reflective, organized systematic learning experience -- if law schools undertake as a part of their curricula to teach students effective technique of learning from experience.⁴

The latter has been the modern trend in American law schools, and these invest in CLE both to attract exceptional applicants and to flesh out legal training.⁵ Individual states have long since adopted similar student practice rules. Louisiana's Rule XX, for example, allows limited participation in courts and administrative tribunals, and aims to provide intensive "hands on" training.⁶ In Florida, the Law Student Practice Rule was conceptualized as early as 1961.⁷

CLE has a much shorter but no less colorful history in the Philippines. It was pioneered by the University of the Philippines, College of Law in July 1974, when it established its Office of Legal Aid (OLA).⁸ Today, six other law schools have CLE programs sanctioned by the Supreme Court. More do not have formal programs, but still maintain free legal aid offices.⁹

I. BACKGROUND

The UP College of Law is the only law school in the Philippines that requires students to actually practice in court before graduating. Graduating seniors man OLA for two semesters, and are credited with eight units on a pass or fail basis. Unlike other schools' programs, OLA is thus integrated into the UP Law curriculum, and gives seniors the opportunity to represent real clients, and prosecute or defend actual cases under supervision.

The UP OLA defines itself in four ways:

³ James Maxeiner & Keiichi Yamanaka, *The New Japanese School: Putting the Professional in Legal Education*, 13 PAC. RIM L. & POL'Y J. 303, 305 (2004).

⁴ Jorge deNeve et al., *Submission to Louisiana Supreme Court Regarding Challenge to the State's Student Practice Rule*, 4 CLINICAL REV. 539, 544, citing Anthony Amsterdam, *Clinical Legal Education – A 21st Century Perspective*, 34 J. LEGAL EDUC. 612, 616 (1984).

⁵ Stephen Golub, *Forging the Future: Engaging Law Students and Young Lawyers in Public Service, Human Rights, and Poverty Alleviation*, ¶27 (January 2004), at <http://www.justiceinitiative.org/publications/papers/golub>.

⁶ De Neve, *supra* note 4, at 548.

⁷ Paul Barnard, *Milestones and Memories: Stetson's Public Defender Clinic Faces the Florida Supreme Court*, 30 STETSON L. REV. 177, 177 (2000).

⁸ See University of the Philippines, College of Law website, at <http://law.upd.edu.ph/research.html> (last visited Aug. 30, 2004).

⁹ Medina, *supra* note 1, ¶25.

First, it is an institution that practice law under the Student Practice Rule;

Second, a clinical legal education program that draws material for academic discourse from the concrete experience of handling cases accepted by the institution;

Third, a public interest law group that concerns itself not only with the nature of its clientele but also the impact of its cases;

Fourth, a venue that provides more individual interaction between faculty and the student and therefore enhances the latter's reflection on future career options.¹⁰

Its objectives include:

- (1) Providing free legal services to those who cannot afford it;
- (2) Providing law interns practical experience and learning opportunities from actual handling of legal problems, albeit, confined to those faced by the poor;
- (3) Conscienticizing interns to the plight of the poor and oppressed sectors in society;
- (4) Striving to improve the administrative disciplinary proceedings against erring members of the Bar, and
- (5) Assisting in law reform activities.¹¹

II. HISTORY

OLA sprung from the desire of former dean and Justice Irene Cortes to instill a sense of public service in students while immersing them in practical training. Professor Arturo Balastro, OLA's founder and first director,¹² explains that classroom learning is insufficient. "Even if you graduate with highest honors," he explains, "the first time you appear in court, you must be shaking, because you are afraid of something you do not know. So the idea is that if you know about what's happening in the proceedings, you will not be afraid and you will be prepared."

The original idea was to coordinate with alumni and start summer apprenticeships in law offices. However, the program was hampered by lawyer-client confidences. As the students were not members of the firm, and not yet

¹⁰ OFFICE OF LEGAL AID (hereinafter "OLA"), Accomplishment Report, January-September 2002.

¹¹ UP College of Law website, *supra* note 8.

¹² The authors regret that the current director, Professor Rowena Daroy-Morales, was out of the country at the time the Journal had to go to press, and was unavailable for interview.

lawyers to boot, the participating firms could not grant them access to case records without committing ethical violations. Professor Balbastro described the result, “When the students went to the court without knowing what the case was about, they just watched there, and they did not learn anything. So we found it, in short, ineffective.”

After this initial setback, the faculty experimented with other methods, until OLA was eventually inaugurated in July 1974. Dean Cortes’s twin goals remained at the fore: to add a concrete, practical component to the curriculum, and to instill a sense of service in graduates. Professor Balbastro exclaims, “Because that’s what you promised when you were interviewed for the admission! That you will be the lawyer for the disinherited, for the poor, to fight for their rights!” Finances were a constraint at the outset as the office did not charge its indigent clients. Thus, one of the first things OLA tried to do was obtain an exemption from docket and filing fees, including fees for transcripts of stenographic notes. OLA today, incidentally, still faces the same problems, but it has established enough of a reputation that many stenographers, at least, readily give free copies to students when they introduce themselves as interns.

Describing the original grading system, half the grade was then given by Professor Balbastro as director, and the other half was given by the professor in charge of trial technique. The office began with only one lawyer – the director – so Professor Balbastro immediately sought the help of other faculty members. He reminisces, “The most active faculty member then was (former Associate Dean) Myrna Feliciano, [who] used to go with me. But I had to [drive] a car to bring the students. And some other faculty members [also helped] depending [on] their specialty. [For] Civil Law we used to ask (Professor Ruben) Balane, then we had (Professor Salvador) Carlota for Administrative Law... [As for] Remedial Law, I took care of these things.”

In those foundational days, Professor Balbastro divided students into ten teams, each assigned to man the office for a whole morning or afternoon. The setup has survived until today, and ensures that students are always on duty to interview and receive applicants. Each team is assigned to a set of cases, and Professor Balbastro saw to it that each group handled the range of OLA cases, and experienced everything by the end of the school year.

III. THE PRESENT

OLA has undergone substantial improvements throughout its three decades of existence. Supervising lawyer Rhoderick de la Paz¹³ explains that such development covers the various systems and procedures adopted by the office for

¹³ J.L.B., University of the Philippines (1998). B.A. Philosophy, *Cum Laude*, University of the Philippines (1993). Deputy Director, Integrated Bar of the Philippines, National Committee on Legal Aid. Managing Partner, De La Paz Guinhawa & Barcenas Law Offices.

client interview and evaluation, case handling and monitoring, record keeping, preparation of pleadings, and other office management areas. Today, graduating students sign up for OLA during enrollment the same way they sign up for their regular classes. Students who sign up for the same time slot form a team, and elect a team leader who takes charge of raffling the group's cases to individual interns. A student will not necessarily be assigned cases in every field of law, but interns within teams tend to swap assignments and share work.

Today, OLA work consists of "interviewing clients, counseling, investigation, limited appearance in lower courts and administrative agencies."¹⁴ The first, interviewing prospective clients, can be as important as actually handling accepted cases. Professor Balbastro explains that during the interview, "The intern will not give an opinion yet, [he or she will] only get the data." Student interviewers fill out an application form that goes to the director for approval,¹⁵ and they must learn how to obtain enough data for the director to base a decision on. For example, applicants must be indigents, which means they must have insufficient income to support their family and shoulder the expenses of litigation, though not necessarily have no income at all. Thus, an intern must learn to probe an applicant's background and not take all statements at face value. To cite another basic policy, OLA does not accept cases if the client already has counsel.

Before the semester ends, each intern has to submit a status report that summarizes the cases he or she is handling, along with a detailed confidential memorandum for each case. The latter provides a starting point for the next semester's intern, who will likely consult with his or her predecessor regarding the case.¹⁶

III. THE DUTIES OF INTERNS

Interns have the basic responsibility of meeting with clients and learning about their cases. OLA emphasizes that students should be exposed to more than the professional attorney-client relationship, and should develop a sense of warmth in dealing with clients.¹⁷

As discussed, OLA interns receive firsthand experience. An intern with an active case will find himself entering into the middle of litigation, while another with an initiatory case will have to lay the groundwork needed to file a complaint or petition, or an initial answer to one. Ryan Reyes¹⁸ opines that much of OLA work involves gathering evidence and other relevant documents which the client lacks.

¹⁴ Irene Cortes, *The Integrated Bar and Legal Education*, in LEGAL PROFESSION: READINGS, MATERIALS AND CASES 98 (Jorge Coquina ed. 1999).

¹⁵ OLA, THE OLA PRIMER ON OFFICE GUIDELINES 5 (2004).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Fourth Year, LL.B., University of the Philippines (2005 expected). B.A. Mass Communications, University of the Philippines (2001).

Although teams work under supervising lawyers (SLs), the latter merely review and criticize work, and then sign them. The actual research and conceptualization are done almost independently by the students themselves.

Atty. de la Paz states that students are not expected to begin appearing in court with a high confidence level. For example, they have yet to become comfortable with the courtroom jargon that is second-nature to long-time practitioners. For him, there is a unique manner of making manifestations acquired only through experience. The student is, further, naturally a greenhorn when it comes to court processes. However, they ease into their roles quickly after being “given a feel of the actual courtroom atmosphere and are further honed in the field of legal argumentation, not to mention the art of direct and cross-examination of witnesses, which is accomplished before an actual judge while pitted against opposing counsels, some of whom are seasoned litigators and trial practitioners.” However, Atty. de la Paz emphasizes that most UP students enter a courtroom more familiar with the law and rules than actual lawyers, after having spent long hours researching, going over the records of the case and preparing for trial. This is especially true when they face opponents who have not kept abreast with new doctrinal developments, or are simply too busy to review these.

As advocates, OLA interns perform very well, and Erica Encabo¹⁹ believes, “UP Law students can think on their toes and speak with conviction... and that impresses some judges.” Reyes adds that students’ performance is directly proportional to the time, effort, and energy they invest. Some students tread more cautiously, however. Marcelo Fernandez²⁰ remarks, “There are some judges who dislike law interns, so one must be extra careful and prepared when faced with a hostile environment.”

Thus, students become acquainted with how the bar, the bench, and the public interrelate.²¹ The experience imparts valuable skills a law student would not learn so early. “[A classmate] was recently successful in helping a family stay in their house when they were about to be ejected. She was able to file a Temporary Restraining Order, conduct a direct examination and make a formal evidence all in one day,” says Karen Jimeno.²²

Reyes, finally, concludes that OLA reminds him why he decided to enter law school in the first place. “I’ve learned that the legal profession is what I’ve expected it to be: people-oriented,” he affirms. “Classroom learning has never been my cup of tea, but now that I have seen that the legal profession involves dealing

¹⁹ Fourth Year, LL.B., University of the Philippines (2005 expected). A.B. Philosophy, Ateneo de Manila University (2001). President, UP Women in Law.

²⁰ Fifth Year, LL. B, University of the Philippines (2005 expected).

²¹ Cortes, *supra* note 14.

²² Fourth Year, LL. B, University of the Philippines (2005 expected). A.B. Humanities, major in Management, *Magna Cum Laude*, University of Asia and the Pacific (2001).

with people on a personal level, it gives me the satisfaction that I am in the right field.”

IV. THE ROLE OF SUPERVISING LAWYERS

Aside from the interns themselves, the young supervising lawyers are probably the most familiar figures in OLA. First of all, their physical presence is required by the Student Practice Rule, unless the intern can make arrangements with the public prosecutor or appropriate Public Attorney's Office. Their presence is crucial for a number of reasons. First, they stand ready to step in for a student who proves incompetent or unprepared, though this is hardly a problem for UP. Second, they provide a measure of protection for law schools from possible vicarious liability arising from an intern's actions. Third and most obviously, an unlicensed and unqualified person cannot practice a profession.²³

Atty. de la Paz explains that SLs, as the name implies, see to it that the law interns are all performing their assigned tasks. “My relationship with our [supervising lawyer] is excellent since our SL is easy to talk to and readily gives advice as to the handling of a case,” Reyes comments. Encabo echoes this, and adds the SL is “even the one who tells us to relax when we get too stressed out about a case.” Rapport is key, and SLs end up entertaining questions even beyond office hours. Fernandez describes the ideal relationship as “close and congenial, but at the same time very professional,” since “the SL is there to guide you, not to be your nursemaid.” Moreover, given the pressure of handling real cases, SLs have learned to give advice gently, or as Fernandez shares, to encourage interns “to seek answers for ourselves where substantive law is concerned.”

V. BREAKDOWN OF OLA CASES

The bulk of students' time is spent working cases, mostly criminal, civil, labor, and administrative cases. Each student handles a combination of active and inactive cases, and keeps track of all approaching trial and hearing dates. He is also responsible for notifying the office clerk of any new or postponed hearing dates.²⁴

Reyes notes that cases are seldom conveniently limited to the scope of a single Bar subject. In fact, OLA encourages the interns to view a legal problem from all angles. Some cases involve combinations of topics from the following sampling: land dispute, homicide, slander, serious neglect of duty, declaration of

²³ Bar Matter No. 730, June 13, 1997, ¶6, *available at* http://www.lawphil.net/courts/bm/bm_730_1997.html (“In re: Need That Law Student Practicing Under Rule 138-A Be Actually Supervised During Trial”).

²⁴ OLA PRIMER, *supra* note 15, at 10.

nullity of marriage, adoption, declaration of nullity of corporate elections, and illegal dismissal.

Table 1: Active Cases for 2002 and 2003²⁵

Type	2002	%	2003	%
Criminal	380	33.57	379	36.90
Civil	397	35.07	385	37.49
Labor	278	24.56	271	26.39
Administrative	77	6.80	53	5.16
<i>Total</i>	<i>1,132</i>		<i>1,027</i>	

Table 2: Cases Resolved in 2003²⁶

Resolution	Cases	%
Won	42	45.65
Lost	19	20.65
Settled	31	33.40

A high number of settlements evidences the standing policy to settle cases and avoid litigation whenever possible, saving time, effort and money. Other cases are withdrawn by OLA for various reasons: material evidence cannot be found or produced, the client cannot be located, the client has lost interest or found other counsel, or irreconcilable differences with OLA, among others.²⁷ Prior to accepting a client, the latter first signs an agreement that allows OLA to withdraw as counsel, for reasons such as misrepresentation, or the client's own neglect in attending hearings.

VI. COMMENDATIONS

Atty. de la Paz observes that the level of success of OLA is quite impressive and judges have often cited the effectiveness of student law practice of the UP OLA. He says, "OLA is itself a direct proof that the University is able to create students who excel not only in terms of academics but also in the practical application of the principles and theories... they have learned during their first three years of law school. OLA is often cited by various non-governmental agencies

²⁵ OFFICE OF LEGAL AID, ANNUAL REPORT (2002, 2003).

²⁶ ANNUAL REPORT (2003).

²⁷ *Id.*

and even by the Supreme Court for its valuable effort and contribution designed specifically to provide adequate legal assistance to the less fortunate members of society.”

The office’s highest accolade came in *Salvacion v Sandiganbayan*,²⁸ when it was recognized by no less than the Supreme Court. Here, OLA represented a postmaster in Misamis Oriental and challenged his conviction for technical malversation after he failed to produce P30, 083.85 after an audit. The client claimed the money was stolen from him while he was riding a tricycle to the bank. He testified that he was held at gunpoint and forced to board a jeepney, and then a waiting car. He was then pushed out of the vehicle. The Sandiganbayan found several flaws in the petitioner’s account, and wondered:

why the amount deposited was only P30,083.85, suspiciously the exact amount reported as stolen, when the petitioner was supposed to maintain a cash reserve in his office of only P10,000.00. The trial court thought it strange that he did not include in his deposit the amount of P6,785.88 in cash items (e.g., checks and treasury warrants) and that even after the commission of the alleged robbery, an amount double the authorized cash reserve still remained in his accounts. It appears, however, that the supposed excess of some P20,000.00 consisted of post-dated checks (which could not have been deposited then), advances of the post office clerks, and collections made later that day and two days later, or received after the petitioner had left to make his deposit in the morning of April 30, 1982.²⁹

The Sandiganbayan even concluded that the alleged robbery was pre-planned. However, the Supreme Court reversed:

[I]t does not say how such a finding could contribute to the guilt of the petitioner, much less that the petitioner participated in the planning; indeed, it does not even so suggest. In fact, all the Sandiganbayan does is ask, to make the point that the story was incredible, why the petitioner was detained when the robbers already had the money; why they seared his arm with lighted cigarettes; why they forbade him from observing the route they were taking; why it took seven hours before they finally released him; what they were doing in that period, etc.³⁰

Justice Isagani Cruz, the *ponente*, noted that the accused could not be punished for the criminals’ seeming irrationality, nor the inefficient response of the police after the incident was promptly reported. Thus, the petitioner was acquitted because OLA successfully refuted the presumption that a public officer who fails to account for funds in his custody is presumed to have applied them to personal use.³¹ With the Tanodbayan unable to prove actual misappropriation, the Supreme Court granted the petition and commended OLA with commendations for “its able

²⁸ G.R. 68633, 142 SCRA 707, July 11, 1986.

²⁹ *Id.* at 710.

³⁰ *Id.* at 711.

³¹ REV. PEN. CODE., art. 217, *amended by* Rep. Act. No. 1060.

representation of the petitioner, who, without its able defense, could have been unjustly condemned.”³²

VII. CONTINUING ITS LEGACY

OLA continues its legacy, and each year’s interns strive to improve upon the thirty-year foundation, hurdling new challenges. A common difficulty is “fitting OLA into the schedule of an already time constrained law student,” as Reyes puts it. OLA work demands several hours per case, competing with regular subjects. In fact, Professor Balbastro believes that other law schools have not implemented similar programs because they fear students’ study hours will be drastically reduced, which will in turn adversely affect their bar examination percentages. However, he is convinced that UP students are still in the more advantageous position, having concretely applied what they have learned in the classrooms, thus able to better remember and understand these.

More importantly, however, UP Law students build up an invaluable store of spiritual capital. Many feel the program has changed their perspective regarding the profession. “[Through OLA] I’ve met a lot of interesting people,” shares Encabo. “My world immediately became bigger. I realized that my problems are very trivial compared to what other people are facing.” She is currently handling cases on illegal dismissal, adoption, and neglect of duty, among others.

Thirty years later, Dean Cortes’s twin goals of enhancing academic training with a practical component and while instilling a sense of service in students remain the vision OLA strives for. The program remains, as Atty. de la Paz puts it, “a living testimony to the aphorism that ‘those who have less in life should have more in law.’”

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³² *Salvation*, at 711.

RULE 138-A LAW STUDENT PRACTICE RULE

Section 1. Conditions for Student Practice. A law student who has successfully completed his third year of the regular four-year prescribed law curriculum and is enrolled in a recognized law school's clinical legal education program approved by the Supreme Court, may appear without compensation in any civil, criminal or administrative case before any trial court, tribunal, board or officer, to represent indigent clients accepted by the legal clinics of the law school.

Sec. 2. Appearance. The appearance of the law student authorized by this rule shall be under the direct supervision and control of a member of the Integrated Bar of the Philippines duly accredited by the law school. Any and all pleadings, motions, briefs memoranda or other papers to be filed, must be signed by the supervising attorney for and in behalf of the legal clinic.

Sec. 3. Privileged Communications. The rules safeguarding privileged communication between attorney and client shall apply to similar communications made to or received by law students, acting for the legal clinic.

Sec. 4. Standard of Conduct and Supervision. The law student shall comply with the standards of professional conduct governing members of the Bar. Failure of an attorney to provide adequate supervision of student practice may be ground for disciplinary action (SC Circular No. 19, prom. Dec. 19, 1986).

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90TH ANNIVERSARY FEATURE

OLA AND BEYOND: EXPANDING THE UP LAW INTERNSHIP EXPERIENCE*

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INTRODUCTION

Among other things, University of the Philippines, College of Law graduates pride themselves in having a strong analytical, practical side to their legal training. This is grounded in the Office of Legal Aid (OLA) component of the curriculum, widely regarded as pioneering clinical legal education in the country when it was founded in July 1974.¹ In the words of former dean and Justice Irene Cortes:

Clinical legal education serves a threefold purpose: (1) it affords law students with opportunity to participate in legal work, through the interviewing of clients, counseling, investigation, limited appearances in lower courts and administrative agencies; (2) it acquaints them with real problems and enables them to see how the Bar, the Bench and the public interrelate; and (3) it gives them the opportunity to extend legal assistance to persons who would otherwise be unable to engage the services of a lawyer.²

While other law schools simply make summer internships in law firms and other organizations a requirement for graduation, UP Law seniors spend a mandatory two semesters staffing OLA, handling real cases for real clients, and actually practicing in court with minimal supervision. Because outside internships are not formally credited in lieu of OLA, not many UP students participate in them. Or at least not many did before the last two years, before Dean Raul Pangalangan began to encourage students to invest their summers to round out their legal education and perhaps earn a little extra vacation money while doing so.

Cite as Sophia Marie Lee & Teresa Geraldine Sia, Feature, *OLA and Beyond: Expanding the UP Law Internship Experience*, 79 PHIL. L.J. 221, (page cited) (2004).

* First year, LL.B., University of the Philippines (2008 expected). B.A. Broadcast Communication, *Cum Laude*, University of the Philippines (2003).

** First Year, LL.B., University of the Philippines (2008 expected). B.S. Management – Honors Program, Ateneo de Manila University (2001).

¹ Ma. Isabel Laluna & Melissa Anne Telan, Feature, *The UP Office of Legal Aid: Thirty Years of Spirited Service*, 79 PHIL. L.J. 210, 211 (2004).

² *The Integrated Bar and Legal Education*, in LEGAL PROFESSION: READINGS, MATERIALS AND CASES 106 (Jorge Coquina ed. 1999)

The Dean explains that OLA, as a core, provides students with a holistic experience by exposing them to a wide variety of cases and actual courtroom or agency settings. Despite OLA's excellent track record, however, no one program can expose students to the legal profession's entire range. OLA, for example, cannot simulate the law firm environment many students consider entering after graduation.

"My belief is that after First Year, a UP [Law] student can do anything," he affirms. He elaborates that law is not a matter of accumulating knowledge, but building a discipline; thus, after exposure to the basic legal framework in freshman year, a UP Law student should be equipped to research more specialized fields. This is especially true after sophomore year, when the basic trial practice subjects are completed, and most firms do welcome sophomore interns. The Dean envisions a spin-off from what he experienced during his years at the Harvard School of Law, where students had so many options during summers that should one decide not to pursue an internship that year, it would not be for lack of things to do.

Today's internship programs cover law firms, government offices, non-governmental organizations, and apprenticeships to individual practitioners. As Joel Seligman articulated:

"[Today's lawyers must have] skills and knowledge in addition to the analytic and expressive skills at the core of the profession. He must negotiate, interview witnesses, and persuade judges, administrators and bureaucrats, not to mention both adversaries and clients. The prevailing assumption is that these and other practical skills will be acquired in an apprenticeship along with better human understanding."³

I. HISTORICAL BACKGROUND

While outside internships are a new option for many UP students, they actually hearken back to the profession's roots. At the height of the British empire, law schools were known as the Inns of Court. As with students in schools of trade, students of law worked intimately with their mentors day in and day out until the latter deemed them ready. Even then, the Inns' graduates were not expected to immediately practice without supervision, and it was only at World War II's end that law school graduates were allowed, on practical grounds, to practice immediately after passing the bar examination.⁴

Currently, England has four Inns of Court: Gray's Inn, Lincoln's Inn, Inner Temple, and Middle Temple.⁵ They provide support for lawyers and law students with a range of educational activities, lunch and dinner gatherings, access

³ Joel Seligman, *The High Citadel: The Influence of Harvard Law School*, 92 HARV. L. REV. 1170, 1179 (1979).

⁴ Anthony Sestric, *In Defense of Law Schools*, 53 J. MO. B. 232, 233 (1997).

⁵ BLACK'S LAW DICTIONARY, *Inn of Court* (8th ed. 2004).

to common rooms and gardens, and access to various grants and scholarships. Legal training remains their key function; the Inns alone have the power to “call” a student to the Bar and award the degree of barrister. Pursuant to this, the Inns also maintain disciplinary tribunals to deal with complaints.⁶

American legal education began similarly. Apprenticeship was likewise its foundation, and most American lawyers of the time began under the guidance of veteran lawyers. Even when universities such as Harvard and Columbia instituted formal schools of law, a degree in law was unnecessary to practice. In fact, it was sometimes considered a liability; it was time-consuming and expensive, yet not a prerequisite for practice.⁷ It was years before the idea of a “true professionalization of legal education” was made a reality, with the appointment of Harvard University’s Dean Christopher Columbus Langdell.⁸ He was a proponent of hiring full-time, non-practicing law professors, and created the case method of legal instruction in the late 1800s. Langdell approached the study of law as a science, deriving its rules in the “classroom laboratory.” Langdell’s vision of law schools and legal education has, for the most part, continued to thrive.⁹

The United States adopted the Inn concept, but less formally. In the 1980s, the American Inns of Court were formally established as combinations of a fraternal order, a social club, a course in continuing legal education, a lecture series, and an apprenticeship program. At present, they include more than 20,000 members, from judges to students. The highest-ranking members, Masters of the Bench, are judges, experienced lawyers, and law professors. Less experienced lawyers are designated Barristers and Associates, and third-year law students are pupils. Each Inn has an average of 80 members, divided into “pupilage teams” of mixed ranks to facilitate mentoring.¹⁰

With the evolution of the university system, apprenticeship moved from the focal point of legal education to its periphery, and modern law schools strive to emphasize it to round out formal academic training.

⁶ J.H. Baker, *Judicial Review of the Judges As Visitors to the Inns of Court*, 1992 PRAC. LAW. 411, 412-16.

⁷ M.H. Hoeflich, *Plus Ça Change, Plus C’est La Meme Chose: The Integration of Theory & Practice In Legal Education*, 66 TEMP. L. REV. 123, 124 (1993).

⁸ Gene Shreve, *Law School: Legal Education in America from the 1850s to the 1980s*, 97 HARV. L. REV. 597, 600-601 (1983) (book review).

⁹ Emily Grant, *Toward A Deeper Understanding Of Legal Research And Writing As A Developing Profession*, 27 V.T. L. REV. 371, 375 (2003).

¹⁰ American Inns of Court, *General Information regarding the American Inns of Court*, at <http://www.innsofcourt.org/contentviewer.asp?breadcrumb=6,9> (last visited August 31, 2004).

II. FUNCTIONS OF THE INTERNSHIP PROGRAM

A. THE RANGE OF OPTIONS

Undergraduate law students have a range of choices to apply for each summer. Each has its own set of advantages and experiences. Large private firms such as Villaraza & Angangco, Abello Cruz Concepcion & Regala (ACCRA), and Sycip Salazar Hernandez & Gatmaitan have formal, well-funded programs. Professor Susan Villanueva,¹¹ Villaraza's hiring partner, says their firm provides interns with weekly lectures on different fields of law, and assigns a primary lawyer to each intern to monitor the latter's hours and progress in assigned tasks. Juan Paolo Colet,¹² one of Villaraza's interns last summer, reports:

Their program was seamless. The head of the program was devoted to ensuring its success and would constantly check our progress, not just as to our work, but our adjustment to the culture. The seminars were both informative and insightful. The workload was not excessive. On top of it all, there was a special effort to foster friendship.

ACCRA began its program in 1981, and Atty. Regina Geraldez states that it is now an "adjunct to hiring." The internship aims to expose top students to the firm's practice, and she explains:

Each of the interns rotate among the different practice groups (Retainer, Intellectual Property, Corporate and Special Project, Labor, Litigation, Tax and Immigration) for one to two weeks each... In addition, a Partner is assigned to serve as a brother or sister to an intern and to see to it that he receives adequate assignments to make the experience worthwhile.

Their interns sign a confidentiality agreement on their first day and work on departments' regular cases, excluding only the most sensitive ones.

Similarly, Atty. Jaime Renato Gatmaytan,¹³ the partner in charge of the internship program at the Sycip Salazar Hernandez & Gatmaitan Law Offices talks about how their firm conducts the summer internship program:

The program is structured so that the interns are exposed to work in the three main departments of the firm: corporate (which is further divided into sub-departments, such as banking, finance and securities; intellectual property, general corporate services, infrastructure and construction; energy and natural resources, and other transactional work), litigation and employment and labor relations work (which includes immigration work).

¹¹ Partner, Villaraza & Angangco Law Offices. LL.M, Yale Law School (1995). LL.B., *Cum Laude*, University of the Philippines (1991). A.B. History, University of the Philippines (1987).

¹² Third year, LL.B., University of the Philippines (2006 expected). B.A. Political Science, *Magna Cum Laude*, University of the Philippines (2002).

¹³ Partner, Sycip Salazar Hernandez & Gatmaitan Law Offices. LL.B. University of the Philippines.

On the date that they report for work, the apprentices are given an orientation on the firm and its work. They are immediately asked to sign confidentiality agreements under which they undertake to keep in confidence and not to disclose information and documents that are provided to them in the course of their apprenticeship and to return all materials provided to them during their stay. They are also made familiar with the administrative operations of the firm – including in terms of dress requirements, daily work schedules, filling out time sheets, and the like.

The apprentices may be given work by the partners and senior associates of the firm. Junior associates (except for associates in their first year with the firm, who are still undergoing training) may request assistance from apprentices, but only after obtaining the consent of the partner in charge of the case or the project. In this way, the giving of work to interns is controlled and not abused by associates.

Atty. Alex-Erlito Fider,¹⁴ a senior partner of Picazo Buyco Tan Fider & Santos Law Offices, describes:

Our apprentices in principle are expected to do what our new junior associates are ordinarily expected to do, except to appear in court. In terms of fields of law, they are limited by the subjects they have already taken. Thus, they do legal search, including survey of cases, they go to hearings as observers, they attend (and even participate in) stockholders meetings, and all these under close supervision.

Large firms offer more structured programs, and an intern is assured of exposure to various fields, especially if the program involves weekly rotations through the firm's departments. Smaller firms, on the other hand, may suit those who prefer less structured programs. Here, the learning curve is traversed more quickly, because interns are treated more like junior associates and are delegated greater responsibility than interns in larger firms with a large number of junior associates. Atty. Mary Rose Tan,¹⁵ a former Sycip intern, recalled that apprentices were not involved in client meetings and could not be made privy to confidential cases.

Regardless of the firm's size, an intern has to take the initiative, build relationships quickly especially if rotating within a larger firm, and learn to volunteer for assignments he wants to try. Atty. Fider elaborates:

We have a specific partner in-charge of apprentices. He interviews the applicants to ascertain the work that they can do, the subjects they have taken, and any preferences that they may have. The information is circulated among the partners and they are encouraged to tap them. But whether or not any partner utilizes any apprentice is purely voluntary.

¹⁴ LL.B., University of the Philippines (1984). A.B. Economics, University of the Philippines Diliman (1975). Fellow, Institute of Corporate Directors. Fellow, Australian Institute of Company Directors.

¹⁵ Court Attorney IV, Office of the Chief Justice, Supreme Court. LL.B., University of the Philippines (2001). B.A. Psychology, University of the Philippines (1997). Apprentice, Sycip Salazar Hernandez & Gatmaitan (April-May 2000).

Christopher Rodriguez,¹⁶ an intern at the Soo Gutierrez Leogardo & Lee Law Offices, was allowed to meet with clients, and was even given the opportunity to post bail on several instances. He shares:

It's flattering to do a lawyer's work, especially since I'm just a sophomore student. But of course, it comes with an awareness of responsibility. People tend to expect more when they know you're training and you're doing that. When I posted bail, my dilemma was how to handle a client who was so panicky. So, I had to be on top of things, and not be nervous myself. But really when you think about it, it's the best of both worlds.

Of course, in a smaller firm, the work a student gets is entirely dependent on the assigned lawyer's willingness to accommodate her. Villanueva cautions that not all firms will have equal programs and internal standards, so the benefits of interning vary. An internship without a formal structure, she opines, can be "a hit-or-miss event, wherein you either learn something, or you don't." Again, the student must also exert effort to make the stay fruitful.

Firm internship is the traditional stereotype of summer apprenticeship, but students can and do opt for a different experience by selecting a non-governmental organization. Atty. Ma. Cherrie Cruz,¹⁷ a Soo senior associate, recalls that she was able to work with indigenous communities all over the country. For her, NGO internships are markedly different because one goes beyond the four-corners of a cozy corporate office, and handles cases involving more than the usual clients. NGOs also have limited resources, and interns do a lot of creative leg work.

Government institutions present still another option. Atty. Aimee Jane Villaflor¹⁸ spent the summers of 1999 and 2000 in the office of Laguna's Provincial Attorney, right after her freshman year. She drafted legal opinions, answered legal queries from the Sangguniang Bayan, and reviewed the province's contracts. Her most vivid memories were of Mondays, when the office held what they called "People's Day." The governor and the heads of offices would directly hear the people's grievances in a big hall. Sometimes, she had to answer impromptu legal questions and even draft affidavits for people who needed them.

¹⁶ Second Year, J.D., Ateneo de Manila School of Law. BS Commerce, Major in Legal Management, *Honorable Mention*, De La Salle University (2002). Intern, Soo Gutierrez Leogardo & Lee (May 2004-present). Intern, Equitable-PCI Bank – Legal Division (September 2002). Intern, Rodriguez Delos Santos & Naidas Law Offices (January-June 2003).

¹⁷ Senior Associate, Soo Gutierrez Leogardo & Lee Law Office (July 2000-present). Associate, Carpio Villaraza & Cruz Law Offices (1994-2000). Lecturer, John Gokongwei School of Management, Ateneo de Manila University (June 2001-March 2004). J.D., *Second Honors*, Ateneo de Manila School of Law (1994). B.S. Legal Management, Ateneo de Manila University (1990). Apprentice, Ateneo Human Rights Center (1993). General Apprentice, Regional Trial Court of Quezon City (1992).

¹⁸ Court Attorney IV, Office of Associate Justice Dante Tinga, Supreme Court (July 2004-present). Junior Associate, Soo Gutierrez Leogardo & Lee Law Offices (June 2002-June 2004). LL.B., University of the Philippines, College of Law (2001). B.S. Legal Management, Ateneo de Manila University (1996). Intern, Office of the Provincial Attorney of Laguna (April-May 1999 and April-May 2000).

She felt a certain fulfillment after observing how a many of her municipal councilors and provincial board members were not conversant with basic legal concepts nor trained in drafting laws. One memorable incident involved a request that she draft a law that would prohibit the burial of prostitutes in the municipal cemetery. Another request proposed to require that all overnight visitors to the town first register at the Baranggay Hall before proceeding to their host's houses. Because of the office's limited resources, she was never wanting for work, and was always kept busy. She recommends this kind of internship for those who have plans of entering public service and politics because one gains invaluable insight into the local government system. The best part, she ends, lies in "knowing that you are making a difference in the community, no matter how small."

Unknown to many, some international programs are actually accessible to UP Law students. Josephina Tapia¹⁹ tried an international clerkship with Baker & McKenzie, an international firm affiliated with the Philippine firm Quisimbing Torres & Evangelista, and she was based in Hong Kong for six weeks. Another summer, she worked as an international clerk at Foley & Lardner in San Francisco. Internship programs abroad, she reports, present a wider view of law. One has to deal with the more than one set of laws, since one may be asked to compare laws on similar subjects but from different countries. She notes, however, that seeing the dynamics of various legal systems interacting has a satisfying beauty that only an international perspective can show a student.

Perhaps another unconventional choice is spending summer assisting a professor, and seeing how he applies his own lectures. Rene Chester Pangan III²⁰ worked under Remedial Law legend Professor Antonio Bautista, who also happened to be his Evidence teacher. He felt that it was certainly more demanding than OLA, but provided more insights and experiences. One advantage, he opines, is that "though they are lawyers, they are professors first," and already have 'a mindset predisposed to teaching and imparting knowledge.

The College of Law actually has a number of in-house internship programs, and most place students in government or NGO apprenticeships. There are currently five: Professor Marvic Leonen's Law and Society Program, Professor Ibarra Gutierrez III's Human Rights Program, Professor Antonio Oposa, Jr.'s Environmental Law Program, Prof. Elizabeth Aquiling-Pangalangan's Child's Rights and Welfare internships, and the Supreme Court Internship program supervised by Prof. Herminio Harry Roque, Jr.

Assigned to different NGOs, the interns are then deployed to different areas, usually provinces, where they are exposed to local legal issues. For example, one has the Environmental Legal Assistance Center, Inc. (ELAC), allied with the

¹⁹ Fifth Year, J.L.B., University of the Philippines (2005 expected). B.S. Secondary Education, *Cum Laude*, University of the Philippines (2000).

²⁰ Fourth Year, J.L.B., University of the Philippines (2005 expected). B.S. Management, Ateneo de Manila University (2001)

Law and Society program. It is based in Palawan and the Visayas and is dedicated to the protection of environmental rights and equitable access to and control of natural resource use by the communities there.

Joseph Cruz²¹ fondly recalls his experience after enrolling in Professor Leonen's class and being assigned to ELAC in Palawan for six weeks. He narrates:

The Palawan internship was different. I handled cases involving the environment, specifically against the mining companies, illegal loggers, illegal fishermen, and land grabbing. I also handled paralegal seminars, community meetings and conferences. I also climbed mountains, went diving, slept along a spring, and slept on the beach. It was not boring at all, and I was even privy to important cases.

Another student, Gerard Chan²², was similarly assigned to ELAC, but deployed to Cebu. There, he wrote legal opinions on environmental law, drafted complaints against a real estate developer, met and consulted with town mayors, and even participated in a raid. He relates:

[My experience in Cebu] showed me the world of alternative lawyering, and more specifically, the alternative albeit dying career of lawyering for the environment.... My brief stay here made me feel richer and more fulfilled. Richer in knowledge about the environment and richer in the number of friendships I made in my brief stay here.

B. THE ADVANTAGES OF INTERNING

Although there is such a wide range of options available, a student may choose not to apply for one because he or she does not know what to expect. One common fear, for example, is being left to do clerical or administrative work –Cruz articulates this as doing one week's worth of work over and over for six weeks – and students interviewed concede that the fear is well-grounded regardless of the institution one enters. Others may simply wish to go home to the province for a long vacation. Students should, however, be able to intelligently weigh their fears and expectations against the benefits, educational and otherwise.

From interviews of interns from the entire spectrum described earlier, the authors culled the following:

1. Experience

Interns, regardless of the apprenticeship's nature, have the opportunity to experience actual cases from the onset, and research and prepare the documents for

²¹ Fifth Year, LL.B., University of the Philippines (2005 expected). B.A. Philosophy, University of the Philippines Diliman (1999).

²² Fifth Year, LL.B., University of the Philippines (2005 expected). B.S. Legal Management, Ateneo de Manila University (1999).

these. Interns also imbibe the organization's culture. Bai Ashrafia Aymee Biruar,²³ who interned at Villaraza last summer, even expressed appreciation for lawyers who shared advice on balancing one's career and personal life after the bar. Simply, the law ceases to be an abstraction, and students are able to form more realistic expectations of law practice in general.

2. Learning

The primary reason for interning, these programs provide invaluable insight in applying classroom lessons to real-life problems, especially if accommodated by a veteran practitioner. Interns also learn professional, non doctrinal skills such as time management in research and the preparation of memos for use by a more senior lawyer.

3. Contacts

Another intangible, internships are one venue to interact with both students from other institutions and lawyers from various fields. Such contacts prove invaluable later in one's career. Atty. Gatmaytan stresses that this is one reason why they began the formalized internship program: [We hold the program] "to get to know potential hires from the leading law colleges (i.e., the potential top graduates of the leading universities), and likewise to expose these potential hires to the work and culture of the firm." Professor Villanueva adds that contacts built during an internship may even lead to employment. Villaraza hires many of its former interns, and Colet attests, "The youngest partner, in fact, was the first apprentice." Atty. Giraldez estimates that ACCRA hires 30-40% of its interns.

4. Career awareness

All interviewees stress how much the internship experience helps one gauge the path one feels set on pursuing. For example, apprentices may experience firm culture firsthand and decide early that such is not the practice for them. On the other hands, others may be inspired to work harder because they feel they can thrive in such an environment.

5. Adaptability

Having seen actual practice, students who have experienced an internship carry themselves more confidently, and adjust easier to another professional environment. They are also more comfortable interacting with lawyers. Academically, they are more flexible, having had to research areas of law not part of the regular law school curriculum, and are no longer intimidated by such specialized assignments.

It must be emphasized, of course, that mentors do keep in mind that interns are still students and are on summer vacation. Rodriguez, for example, shares how associates, and sometimes the partners themselves, helped him pick out

²³ Third Year, LL.B., University of the Philippines (2006 expected). B.A. English Studies, *Cum Laude*, University of the Philippines (2002).

clothes for dates on Friday nights. Beyond work and regardless of the organization's size, an internship is a venue for beginning strong personal relationships. The benefits last beyond the internship, and even large firms make efforts to foster these. Atty. Tan, having interned there, recalls how easily she adapted to Sycip's office environment as a junior associate. She also appreciates its Friday Club, a regular Friday fellowship where all the lawyers gather for dinner and entertainment, ranging from poetry readings with celebrities to videoke nights with the partners themselves.

C. THE QUALIFICATIONS A PROSPECTIVE INTERN MUST BUILD

While internships offer many benefits, including the prospect of being remembered for future employment as early as the summer after one's sophomore year, the best opportunities are only accessible to those who work hard for them. Undeniably, the primary consideration remains having good grades – most firms only invite the top ten students of the sophomore and the junior batches. Atty. Geraldez outlines:

Since the program is supposed to serve as an adjunct to hiring, the Top Twenty students are preferred. The application form requires the applicant to submit his latest grades. The selection process includes an evaluation of the applicant's academic performance and other leadership qualifications. Third-Year students are preferred, but Second Year students are also admitted.

In addition to grades, she adds that ACCRA looks for students with good research and writing skills.

Credentials aside, it is likewise important to have a clear idea of one's direction, or at least what one wants to experience for the summer. Most firms will examine one's work experience and infer what field of legal expertise he or she is leaning towards. Tapia opines firms will not gamble on a student who seems unsure of what he or she wants. Citing herself as an example, she feels she was able to secure international internships with a consistent direction towards international trade, as seen in her electives, for example. However, a diverse background is also valued. She also advises students to strive to be well-rounded, as no lawyer is limited to a narrow field. A willingness to learn in unfamiliar areas is always valuable and allows one to get the most out of an internship experience.

Finally, there are a handful of intangibles. Atty. Villafior feels, for example, that a brazen assertiveness helped her secure a job. When she applied:

*Kapalan lang ng mukha.*²⁴ I told Atty. Ragaza (the Provincial Attorney) that I was an incoming junior at the UP College of Law and that I wanted to do

²⁴ Literally, "just thicken your face."

something law-related during the summer. I said that I was volunteering my services and that I do not expect to be paid for my work. *Syempre payag sya.*²⁵

Of course, having friends always helps, and one never knows who might hear what bit of information. Pangan and Rodriguez, for example, were both referred by friends who knew about the internship openings.

III. THE FUTURE OF INTERNSHIPS IN UP LAW

One does not need to sift through history to appreciate how broad practical training makes classroom education whole. As Justice Alejo Labrador articulated, "what is necessary to complement such knowledge of the law is practice and experience and its application to particular facts and circumstances or situations."²⁶

Dean Pangalangan stresses that students must see the value of such a holistic approach. He encourages students never to limit themselves to the Law curriculum's minimum requirements, but to take it upon themselves to sample the many options now made available to them. If students do not internalize their value, efforts to offer these programs would be to no avail. Harvard lecturer Allan Stone notes that faculty acceptance of such practical training is crucial in forming students' own attitudes and towards institutionalizing programs. It is key, he argues, that students see these opportunities as more than just another extra-curricular activity.²⁷

Nevertheless, it is undeniable that the profession places a premium on practical experience built during law school. Justice Alejo Labrador, for example, made the radical proposal to simply replace the bar examinations and replace these with structured, carefully monitored apprenticeships. He believed "the bar examinations cannot be an instrument in legal education,"²⁸ and that academic curricula should be geared towards application.

At present, UP Law students enjoy an expanded range of internships, beyond the mandatory OLA duty come senior year. However, the breadth of the College's extensive alumni and institutional network has hardly been tapped, and perhaps still closer integration with the regular subjects will be seen in the future. There is great value in taking part of legal education back to its roots, and even extending this to younger practitioners as the American Inns of Court have done.

²⁵ "Of course he agreed."

²⁶ Alejo Labrador, *The Bar Examinations as an Instrument of Legal Education*, in LEGAL PROFESSION, *supra* note 2, at 300.

²⁷ Allan Stone, *Legal Education On The Couch*, 85 HARV. L. REV. 392, 427 (1971).

²⁸ Labrador, *supra* note 24.

Maintaining high standards early benefits not only the young and future practitioners, but ultimately uplifts the quality of the Bar in general.²⁹

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²⁹ Judge William Enright of the United States District Court for the Southern District of California, one of the American Inns' early organizers, quips, "[E]veryone gripes about professional standards and advocacy skills and here, by God, is something you can do about it." Jack George, *The American Inns of Court in Louisiana: "The Quiet Crusade" is Getting Louder and Stronger*, LA. B.J. 35, 36 (1995).