GRAND MANNERISMS: UP LAW AT 100

REFLECTIONS ON GREATNESS AND GRANDEUR*

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As a young member of the faculty of the College of Law in 2000, I distinctly remember then UP President Francisco Nemenzo introducing his remarks at an event in Malcolm Theater with a curious declaration: the UP College of Law *is* the University of the Philippines. I can only assume that it was said half-jokingly, at the very least, by a renowned academic from another department. It was the first time I ever heard someone make such a remarkably grand statement about the College of Law, an institution whose faculty and students are no strangers to grand claims. It was even more remarkable because it came from an outsider, someone who did not graduate from the College. Just recently, at a dinner in the Executive House, the home of the U.P. President, during the celebration of the centennial of the College of Law last January 11, 2011, incoming U.P. President Fred Pascual who, like Nemenzo, is an outsider, quipped that the University of the Philippines *is* the College of Law.

I can only imagine that this notion of an equivalence between the College of Law and the University itself, especially when coming from the President of the University, is something that is said tongue in cheek by anyone who is not a graduate of UP Law, but is shrewd enough to know that when you visit Malcolm Hall or are a guest at its event, proper obeisance must be observed. I am almost certain that today[1]—one can never be so sure—this notion of equivalence is

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[1] I emphasize the current status of my opinion because apparently, in the earlier days, both faculty and students had a (or an even) greater sense of self-importance. In *The U.P. College of Law—Its Founding and Accomplishments,* 35 Phil. L. J. 1121 (1960), Vicente Abad Santos, then Dean of the College of Law, spoke before the Rotary Club of Manila in 1960—"Almost every alumnus of the College of Law is wont to boast that the College of Law is the University of the Philippines. This is not at all surprising, because the principal purpose of the College of Law is to train leaders (sic) for the country.

As law dean I have not voiced any opinion that the College of Law is the University of the Philippines, for I have to get allowing with my fellow deans as well as the alumni of the other schools."

something that is not seriously held by both faculty and students of the College: it is a hyperbole, a bombshell that is dropped whenever we or our graduates feel the need to assert the supposed hegemony of the College of Law. Truth to tell, its faculty and students are capable of even grander statements, of the type that spills institutional arrogance beyond the confines of Diliman. One such claim is that the law school is the College of the Philippines, University of Law, while another is that—a veritable set of fighting words—the College of Law is not just the best law school in the Islands, but that it is the only one around because all others are bar review institutes.

These assertions about the status of the College inside and outside the University is a characterization that has ripened into a powerful meme about the institution, not just for those who are part of it, but especially for those who have seen the institution from afar, or have known it for the reputation—deserved or not, good or bad—of its graduates, or have felt the institution's influence one way or another. To be sure, it is not a reputation primarily directed, if at all, at the other departments within the University; it is an institutional goodwill that exists for the admiration or envy of those outside the University of the Philippines, that is, of the public in general, and of all the other law schools, in particular. It is the kind of institutional image that is in the mind of many prospective law students weighing their chances of admission into a law school and planning their lives after it, and those as well of good-intentioned parents who simultaneously want a stellar future for their child and the bragging rights that can potentially transcend money, influence, and good breeding. This is the kind of self-image that, transformed into hubris, apparently made Chief Justice Fernando ask every bumbling lawyer orally arguing his case before the Supreme Court: "Mr. Counsel, which law school did you graduate from?" with the assumption that the poor lawyer did not come from UP Law.

As a long-term inhabitant of the College of Law—a committed resident protected by tenure—I am of course interested in the kinds of images reflected by the institution where I spend an inordinate amount of my time. Beyond the natural curiosity of a scholar in his place of work, I am also interested in the public value of such reputation in terms of the kind of standards and expectations that are created in the minds of people whenever anyone talks about an institution and starts using the words *great* and *grand* to describe it. For an institution that is embarking on its second century of existence, the cultural impact of its image as an intellectual and social playground for movers and shakers should invite some analysis and reflection.

Let us start with the numbers, which speak for themselves: 4 Presidents of the Republic, 12 Supreme Court Chief Justices, 75 Associate Justices, 8 Senate

Presidents, 8 Speakers of the House of Representatives, 111 Senators, 248 Members of the House of Representatives, 52 members of the Batasang Pambansa, and 3 UP Presidents.[2] Those looking for objective measures of institutional success can find comfort and pleasure in these facts which serve the double purpose of grounding greatness in incontestable indicators and constructing the bar by which all other institutions that wish to lay claim to similar status can be compared. The numbers automatically establish a hierarchy that can settle disputes among those faithful to various institutions and available for the assessment of outsiders. Most of us do measure institutional success by the amount of influence it is able to generate over time through the individual or collective efforts of its products, who in turn become the poster boys and girls that signal to every stranger the kinds of lives offered by the institution to those whom it admits. This is true even if the overwhelming number of graduates of that institution are, to borrow from Holmes, puny anonymities. By these standards, the UP College of Law is without equal and those upstarts who wish to try to match the institution's achievements would have to bite the dust for quite some.

But these numbers, though incapable of lying, have their limitations. For one, an institution can never claim full responsibility for the deeds (or misdeeds) of its graduates—the causal relationships between the fact of graduation and the resulting achievements of the graduate can be quite difficult to establish. This is because the types of achievements the College of Law proudly advertises require an extended gestation period. A graduate who becomes a Justice of the Supreme Court must wait at least two decades before the Constitution qualifies her for the position, and at least a decade to become a Senator of the Republic. In between, she may have acquired those skills necessary for success by working in a law firm, doing advocacy work, or engaging in some other activity that actually prepares her for public life and responsibility. Given the political culture in these Islands, it is possible that regardless of the stamp of approval of the College of Law, she would have nonetheless succeeded if she bore a recognizable surname, or looked good, or was ambitious enough to give up pride and self-esteem in exchange for mobility in the social ladder. The achievements of our graduates are theirs, and every time the law school advertises their successes, we must all realize that it is the law school that gets a free ride by appropriating the achievements to increase its political capital. This strategy of claiming a graduate's success is also tainted by the long-standing belief that students of the College of Law learn not because of their professors, but in spite of them. Ed Labitag, recalling his days in law school in the 1960s, says that he and his classmates did not learn much from their teachers, although they surely got a good dose of terror.

[2]Statistics collated by the Office of the Dean and publicized during the centennial celebrations.

Perhaps instead of a narrative that grounds the success of the College of Law on its supposed responsibility for what its graduates have been able to accomplish, we can construct a different story, one in which the institution appropriates the successes of its graduates who may have done well despite what it has done to them.[3] This is a fairly plausible account that even undermines the institution's claim to intrinsic greatness and paints the picture of the College as an unintended beneficiary of whatever goodwill is generated by its alumni.

The other limitation of sheer numbers as a source of institutional pride is that these statistics say nothing about the actual contribution of these graduates of the College of Law, just the fact that they have amassed power through appointment or election to public positions which have entitled them to inflict either good or harm. We can therefore consider the numbers as a shallow gauge of the moral worth of the political credentials of the institution, assuming we want to place more subjective considerations into the question of institutional success. At best, the numbers will show that the College of Law is a haven for ambitious people whose accreditation is a stamp of approval that allows its graduates to further pursue their ambitions.

The present reputation of the College of Law is thus the result of a symbiotic relationship between the institution, on one hand, and its students and graduates, on the other, who mutually benefit from the claim to institutional greatness. At the fulcrum of this relationship is the combined force of numbers, facts that publicize the historical successes of people who believe that they have learned the law in the grand manner because they were so taught by those who professed in the way described by Holmes. From this perspective, the greatness and the grandeur of the College of Law is more of a mannerism, a habit of the mind thinking about the institution, accentuated by bits and pieces of beliefs woven together to generate a self-view that has been perpetrated to justify continued existence, and perpetuated by its students, faculty, and graduates to enhance self-esteem and create a public image.

We can even go deeper and problematize this tendency to ground pride in the rise to power of an institution's graduates, in much the same way that we smirk at the claim to fame of other law schools based solely on their performance in the national bar examinations. We usually say, so what if a law school's graduates do

[3]Interestingly, if one is able to talk with graduates of the College of Law, some as late as the latter years of the 1980s, one will find that that there are many who relish their memories of the law school not as a place where they learned law, but as a place where they learned how to deal with stress, unreasonable demands, and even injustice. In other words, the great contribution of the College of Law to the success of these graduates is, apparently, not that they learned the rules, norms, and processes of law properly, but that its depravations reflected those of real, that is, professional life. This is a very interesting topic that I hope someone who belongs to that era can write about.

well in the bar? It says nothing about how the professional licenses of these lawyers are going to be used. In the same manner, we can ask, as every citizen should perhaps do, can we really measure institutional success primarily on the basis of the combined influence of its alumni, discounted by a political assessment of how such influence was used?

It can be argued that the history of this country during the last century is the history of the political successes of the graduates of the College of Law. Our graduates have consistently packed important institutions of the State and their influence has been nurtured by a public awed by the reputation of the institution for producing leaders. The numbers show that our graduates' ambitions know no separation of powers, given that no other institution can match the dominance of UP Law at the highest levels of the Executive, Legislative, and Judicial branches of the government.

However, those who claim success from the assumption of such awesome responsibilities must make themselves accountable for the way they wielded public power, and this is where the institution's claim to greatness for the successes of its graduates gets mired in a conversation about the quality of the contributions of those men and women who have played significant roles in the history of the country. Those who consider the history of the College of Law as intertwined with the history of the nation should pause to consider the impact of that view in relation to the fact that the nation we profess to have influenced is a poor one, mired in tragic contradictions, and generally seen as having been failed, if not betrayed, by its elites, many of whom are the same ones whose names we so casually drop whenever we speak about our institution's greatness. Once we move beyond the factual claims and enter the subjective arena of the quality of the impact of our *who's who*—the moral contributions of our esteemed graduates to communities larger than the College of Law, the ethical examples they have set to the legal profession, and the public consequences of their political judgments on the welfare of the nation—the concreteness of our claims, when based solely on the amount of public power that has been possessed by former students of the College of Law, may become less convincing. Once we do an accounting, once we weigh costs versus benefits, some of us might be left unconvinced that the damage our recognizable graduates have inflicted on the nation is worth the contributions they have made.

Perhaps the biggest limitation in measuring institutional greatness by focusing on the publicity-laden achievements of its famous graduates is that it makes us overlook those other qualities of our beloved institution that make it at once enduring and endearing, and worth writing about. At the same time, this penchant for highlights, though understandable in the context of the inevitable

comparisons, also blinds us to the contributions of so many others—unnamed, unrecognized, and unaccounted for—the faculty, staff, and the other graduates who have made the College of Law the premier institution that it is today, a hundred years after it was transformed from a humble colonial outfit in YMCA under the leadership of George Malcolm, a young American who self-styled himself as a "colonial careerist," after whom the building of the law school is now named.

So instead of measuring the worth of the institution by looking outside it and banking on the achievements of its graduates, it is probably more appropriate to assess the College of Law by talking about the institution as it is today, and by examining the components and processes of the institution that make it the unique, influential, powerful, historic, and cultural site that, *incidentally*, has been home to the greatest achievers of the 20th century and a place of learning and experience for many others. A more sober view of the institutional characteristics of UP Law might actually yield a more concrete basis for its popular image.

The Faculty

At least in this country, the greatest peculiarity of the College of Law lies in the fact that it has a set of full-time faculty members, numbering more than twenty, whose status as such is no different from all the other regular faculty members in the various departments of the University. This feature of the College, which makes it a traditional institution within the university set-up, is what formally sets it apart from all the other law schools in the Philippines. This is not a mere technical distinction between full-time and part-time members of the faculty. It is, to be sure, a crucial institutional feature that determines the identity of a law school, whether it is purely a professional school, with or without academic pretensions, or an academic institution that also prepares its graduates for the legal profession.[4]

Not many lawyers, indeed, not many of those who teach in law schools in this country, are familiar with the trappings of the tenure system that is the standard feature of the modern university. To have such a system is to provide a mechanism for filtering different types of people who teach in an academic

[4]Ernest Weinrib wrote, "[l]egal education exists at the confluence of three activities: the practice of law, the enterprise of understanding that practice, and the study of law's possible understandings within the context of the university." *Can Law Survive Legal Education?* 60 VAND. L. REV. 401 (2007). The purely professional law school, which is what most law schools are today, focus on the first of the three activities and, to some extent, the second activity. A law school that is sensitive about its academic status will distribute its efforts and resources in performing all three activities.

institution. For instance, the University adopts a publish or perish criterion for the award of tenure across all departments, the College of Law included, thus transforming into a positive requirement the academic culture in the leading universities outside the country. This rule provides a powerful signal for those who want to permanently teach in the various departments that there is a difference between a teacher and an academic—the former can guide students along the various paths to insight and categories of knowledge, while the latter is, apart from being a classroom performer, simultaneously a collator of knowledge and a producer of new understandings. The teacher prepares for and goes to class; the academic does these things, and in addition, engages in research and writing, and publishes her findings for the academic world to judge.

This is not, in any way, meant to demean the work of the part-time teacher, which today comprises more than half of the faculty of the College of Law.[5] After all, it is in the classroom that the enterprise of teaching locates its altar, where primarily the interests of the faculty, the law school, and the students intersect. But the academic's concern goes beyond the classroom experience. She is one who not only teaches but has also found a home in the university, where she lives the life of the mind—reading, writing, conversing with colleagues, stress-testing ideas, and adding to the universe of existing knowledge. Her concern is how to tie the past and the future struggling for control of the meaning of the present moment, with the added ethical burden of calibrating the extent to which she should infuse her legal insight with her politics. This task, given her status, is a full-time job, and is not an option for those who have free time only after private practice.

The life experienced by those who are not full-time academics is radically different from that of the private practitioner who dabbles in teaching, and this distinction spills into the law school, affecting the variety and content of legal know-how assimilated by the students, and constructing a different epistemic environment for every institution of legal learning. It is a fact that almost all law teachers in the country are practitioners in the daytime and teachers at dusk. This is why law schools are late-afternoon or early evening operations in Manila and elsewhere.[6] Almost all law teachers spend most of their daily lives making a living

[5]Part-time members of the faculty are appointed on a contractual basis, mostly for periods between six months and one year. These positions are reserved to private practitioners who have an interest in teaching, retired full-time members of the law faculty, and young academics who wish to become members of the regular or full-time faculty.

[6]The other reason for this is entirely financial. Hiring a set of full-time law professors is out of the question for private schools which have to worry about the fiscal impact of a full-time academic's salary and benefits which not only include the usual benefits accorded other full-time teachers such as health insurance and retirement plans, but will also encompass the cost of a post-graduate education and allowance for attending conferences, among others. Given that the private practice of law can be very profitable (on the

in the private market for justice, immersing themselves in the operations of the legal system as merchants of legal service, and in the evening take on a different hat to, in the way some of them have described, relieve themselves of the stresses of private practice by talking about it in classrooms while preparing students for the bar exams.

We can highlight the distinction between the full-time legal academic and the part-time teacher by focusing on the amount of time available to either in their pursuit of learning, as well as the expectations of them as they go about the task of dispensing legal knowledge. The full-time academic is paid to live the life of the mind—she is expected to spend her time historicizing her subject, communing with fellow scholars, and expounding on her views through her publications. By the sheer amount of time given to the full-time academic, her understanding of her subject will be, in all likelihood, both broader and deeper than that of the part-time lecturer. This is especially true when, as in the case of the College of Law, almost all the members of the full-time faculty have advanced degrees awarded by reputable legal institutions abroad.

There is another aspect that distinguishes the legal scholar from the part-time teacher, and it is in the kind of perspective that is developed by the former in the course of her academic life. Those who spend a lot of time with their subject tend to see not only the status of the law, or the law as it is, but also its direction, either back in time or into the future. The broad perspective of the scholar usually translates into a normative understanding when mixed with a set of positions as to how politics should be practiced. In the College of Law, when professors speak about teaching or learning law in the grand manner, they are usually speaking of the possibility of using legal knowledge in an instrumental way: the transformation of law and its practice into an *ism*, a play of ideas imbued with the kind of power that affects the life of the nation and spills into the private lives of every Filipino.

The sense, so powerful in the College of Law, that the legal education of students is not limited to a contractual engagement with the teacher to provide a descriptive account of legal rules, doctrines, and procedures in order that the former may be qualified to take the bar examinations, pass, and therefore practice law, is but a manifestation of the idea that the grand manner of teaching the law and its processes is not a private affair but an intensely public enterprise that involves not just the student and the teacher but, and perhaps more important, "the innocent society upon which the law students will be unleashed," to quote

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contrary, it is very difficult to think of "private practice" for historians, philosophers, or anthropologists,), academic institutions must be able to pay the opportunity cost of such private practice or at least provide for comparable benefits, monetary or otherwise. It is very unlikely that the money taken from the tuition and other fees of students can match this economic barrier.

Raul Pangalangan. This is evident not simply in the tendency to moralize about the law which, one would suppose, will probably be common enough with a lot of teachers who would like to transform their classrooms into altars and take advantage of the opportunity to become armchair revolutionaries three to five hours a week, perhaps to purge their conscience with what they actually do in private practice the rest of time. It is likewise discernible in the approach to thinking about law exhibited at both the theoretical and the practical levels.

At the theoretical level, many faculty members of the College of Law see the teaching of law not as a way to prepare students for the licensure examinations but as a step in the acculturation of citizens in a legal system that is immersed in various social processes that are full of contradictions and mired in injustices. The full-time faculty is especially known for this approach most likely because time has given them the opportunity to look at the theoretical foundations of their discourse and the time to access comparative accounts of the development of law across jurisdictions. Given this intellectual tradition, it is therefore not uncommon to hear in the College of Law that legal learning would be such a waste if limited only to the demands of the bar examinations.

This thinking is but a natural consequence of the belief that the four or five years of training in the College of Law is a unique engagement with a powerful social force whose potency for reforming society is just too precious to give up in exchange for a high passing rate.[7] The idea that law is not an autonomous discipline powered by reason and its most powerful weapon, logic, but a phenomenon of public force that is parasitic upon history, philosophy, sociology, social psychology, and many other disciplines can easily be translated into a perspective of law as something quite difficult to distinguish from politics itself. Of course, once the teacher realizes that the foundations of the rules and the doctrines they produce are but the epiphenomenal manifestations of the kind of problematic politics that has been played before and is still in force today, it is no longer easy to make students *just* memorize provisions of law or decisions of the Supreme Court, even if the bulk of their teaching still includes those sorts of activities. The consequence of this view of law is the highly normative approach to both teaching and writing about the subject, usually tending towards critique and the development of a good eye for injustice.

[7]That the debate over the extent to which the faculty of the College of Law should accommodate the demands of the bar exams is, I think, itself unique to the institution. On the one hand are those who think that law teaching should at least include some preparation for the bar examinations, and on the other are those who think or simply teach as if law teaching should not be tainted by the demands of the bar exams.

In contrast, the bar-oriented approach so deeply entrenched in other law schools forces their faculty to teach law in a descriptive manner. To focus on the bar examination in the classroom is to limit oneself to the current status of doctrine, with little interest in questions about the direction the law is taking and where it should go; it is to train one's students in the high art of formalism and prepare them to become legal technicians, with abstract logic as the weapon. Technical legal skills are, of course, essential, because these are needed both by the private practitioner and the advocate, though for varying instrumentalist purposes. The technician uses her skills to promote the interests of her client, a private person or entity, for material gain; the advocate plays the game for her client, the public or a favored community, for psychic income.

To this perspective is added another layer of belief that because members of the faculty of the College of Law are employed by the National State University and that its students are the quintessential *iskolar ng bayan,* then the content of law teaching and learning, the know-how discussed in the College of Law should have an other-regarding aspect. This thinking is not unique to it, and in fact might even be stronger in the other departments of the University or in other publicly funded institutions. Nonetheless, the notion that graduates of the College should be taught in an environment that makes other-regarding a powerful (or at the very least, relevant) professional consideration, even if they are not actually taught to be so but is either hoped or expected to be at some point in their professional lives, makes the College of Law a haven for advocates. This is clearly evident in the profusion of graduates of the College who have embraced advocacy as a way of life. One can search the roster of counsels of most of the successful non-government organizations, civic societies, and private organizations participating in the progressive movement and find graduates of the College of Law who have severely undervalued themselves for the opportunity to be able to transform hope and idealism into change that benefits many of their economically challenged and disempowered fellow citizens. We need not go far and simply go through the list of the current members of the law faculty to see that many of its members regularly leave the comforts of the classroom to practice what they preach. In fact, some of the current regular members of the law faculty have assumed the status of public figures for their work outside of the law school, particularly in the enforcement of accountability in government, promotion of human rights, protection of the environment, among many other public concerns. The presence of multiple examples in the College of Law of what lawyers can do with their professional license provides students not just templates for what they can do in the future but also that sense of comfort that a life of meaning in the law beyond private practice is actually possible and perhaps even worth pursuing.

The close nexus between the academic work of the law faculty and its political engagements is an exemplar which diversifies the kinds of professional lives available to the Law School's graduates. This is no minor advantage of the College of Law, as I think students react differently when their professors, on one hand, teach them the pleasures and challenges of an ethical professional life or tell them how things should be done, and, on the other, when they actually try to show the way, even when they are wrong. The net effect of this environment is to broaden and deepen the students' sense of the possible. I suspect that if learning in the College of Law would ever qualify as grand, part of it is because of this institutional characteristic.

The Students

We cannot speak about the institutional success of a school without talking about its products, the students who carry with them the badge of institutional pride and therefore act as ambassadors of the type of learning they imbibed. We can, as I have previously discussed, talk about the students' relationship with their law school by reflecting on accomplishments which are then traced to the efforts of the law school. But we can also move to an earlier time frame, asking not why is it that so many graduates of the Law School have achieved so much, but what is it in the College of Law that makes young people want to be part of its traditions and why these students turn out to be so exceptional? A big part of the answer lies in its admissions process.

A crucial institutional feature that provides the Law School the reputation it has so long enjoyed is the exclusivity of the institution's admissions process, which acts both as a filtering process that substantially determines the kinds of students that enter the Law School and a public advertisement of the value of being a part of it. There are many who assume that most law students who are not from the College of Law fall into two categories: (1) those who attempted but failed to get in, and (2) those who never even dared. This manner of thinking about the profile of law students outside the Law School is not necessarily borne out of pure arrogance, given the overwhelming number of students who apply for admission into the College of Law and the small number of those eventually admitted.

From the beginning the young George Malcolm envisioned the College of Law as a breeding ground of lawyers trained under the auspices of the American colonial regime. This is understandable considering that the goal of the colonial regime was essentially the transformation of Philippine law into something that was simultaneously familiar and favorable to the interests of the United States.

Part of this program consisted of the creation of institutions of support to the new forms and traditions of the legal system, and the establishment of a law school controlled by Americans was an essential project. The assimilation of American law into Philippine law and the inculcation of common law-type of thinking and legal practice has been, in fact, one of the most lasting influences of the United States on its former colony. Given this original goal, the College of Law created an almost all-American faculty of renowned judges and practitioners.[8] This was supplemented by a small group of law students who were expected to become, as they eventually did, the legal elite of Philippine society.[9]

The initial, if almost guaranteed, success of the College of Law in the bar examinations[10] validated the expectations about it and set the tone for its ensuing reputation. As the unofficial law school of choice of the colonial regime, it became the premiere institution for legal learning almost by default. But this institutional success, even if almost fortuitous, only explains why those first steps did not lead to an early demise. We therefore have to identify those institutional features that have made this initial achievement itself a tradition that has been translated into an institutional image.

Insofar as the admissions process is concerned, it appears that the advantages it gives to the College of Law is borne more by a mix of necessity and chance, than by deliberate institutional design. The reality is that the College of Law can accommodate no more than 200 students per year level given the limited number of teachers (ideally the major subjects should be taught by the full-time faculty), the limitations of space at Malcolm Hall (which has remained in size ever since the law school transferred to it in the 1950s), and the resources of the College (which, as a public institution, will always suffer from lack of funds). These are constraints the administrators of the UP Law have to deal with annually when they receive the applications of an average of 2,500 applicants from all over the nation.

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[8]The members of the law faculty were Charles Burke Eliott, E. Finley Johnson, Charles Summer Lobingier, Amase Crossfield, Clyde DeWitt, Dean Fanslar, George Malcolm, Adam Carson, Jorge Bocobo, Carlos Sobral, John Ferrier, and John Weissen-hagen. *See* Leopoldo Yabes, *FIRST AND FOREMOST: A HISTORY OF THE COLLEGE OF LAW OF THE UNIVERSITY OF THE PHILIPPINES*. Unpublished manuscript, on file with the U.P. Law Library.

[9]For a list of the initial set of graduates of the College of Law, see Yabes, *Id.* at 26-28. The list includes Manuel Roxas, Ricardo Paras, Jr., Eulogio Benitez, Quirino Abad Santos, Jorge Vargas, Jose Yulo, Jose Laurel, Elpidio Quirino, Conrado Benitez, and Jesus Paredes.

[10]As narrated by Yabes, "[p]roof of the effectiveness of instruction in the College was the result obtained by its candidates in the bar examinations. The percentage of successful candidates from the U.P. Law College for its first five classes was higher than that of other schools; and the topnotchers for the same years (1913-1917) all came from the UP College of Law. *Id,* at 9.

The social capital that has been generated by the College of Law, the reputation of its individual faculty members, the relatively low cost of tuition, the successful careers of many of its students—these factors combine to ensure that many of the best and the brightest apply to the Law School. They, in turn, are filtered by the admissions process[11] to produce a set of students whose academic achievements are very difficult to match.

The most unique feature of the admissions process is the desire to ensure that the College of Law admits no more than a fixed number of students every year. This creates a bottleneck that increases the probability of obtaining quality students for every admissions cycle. Added to this is the fact that the small number of students that are admitted into the College will generally come from a wide spectrum (at both economic and social levels from the various regions) because of the relatively affordable tuition, the generally tolerant and diverse environment in U.P., and perhaps even the lack of a dress code. The consequence of these conditions coming together is that almost all of the students admitted into the College of Law are well-suited for the challenges the law faculty can throw at them. Put otherwise, the admissions process ensures that the Law School is able to work on very good hardware that can internalize both the experience and wisdom of renowned scholars and the implications of living a life in law.

It may surprise some that the ultimate basis of the capacity of the Law School to maintain this kind of admissions process is almost entirely dependent on its lack of interest in using the admissions process to generate funds. Because the College of Law is a public institution, public funding ensures that it will be able to operate even without tuition money which, incidentally, does not even go to the law faculty or its administration. There is thus no institutional incentive to relate the administration of the Law School with the private money of students and their families. Compare this with the realities of existence for private law schools and we can get a fair assessment of the economic challenges faced by law school administrators and how these challenges partly determine the environment of legal learning in private schools.

Unless funded by donations from private individuals or organizations, law schools will have to eke out an existence by imposing fees that need to be justified. Today, the source of this justification basically comes from an objective standard called the bar examinations. It takes some explaining to convince students and their parents of the value of a good background in legal theory, or a strong

[11]The College of Law uses the aggregate of weights assigned to an applicant's scores in the Law Aptitude Examination and undergraduate General Weighted Average (GWA), in addition to the scores obtained during an interview with the admissions committee composed of faculty members. Recently, the College of Law did away with the interview.

interdisciplinary curriculum, or the tendency to view law in prescriptive terms, or of having a good law journal. But most parents and students do not require convincing when shown a law school's good performance in the bar exams. This dynamic among law schools, the bar exams, and the interests of parents and their children powerfully drives law schools to be primarily bar-oriented, as excellence in the bar translates into positive advertisement.

The economic pressure on private law schools also affects their admissions process. The most palpable manifestation of this pressure is seen in the practice of private law schools to admit as many students as they can enroll, coupled with a Social Darwinist policy of weeding out students until they reduce the number of graduates to a minimum number the administrators are confident will be able to pass the bar.

In the College of Law on the other hand, apart from the individual standards of the members of the law faculty, there is really not a lot of incentive on the part of the institution to massacre students for purposes of the bar. For a while, the College implemented a Quality Point Index, a system that requires students to maintain a certain grade point average under pain of dismissal. But the faculty had always been divided over either the usefulness of the system or its ability to implement the system properly. Today the system is under indefinite suspension.

Second, whether the issue is the admission or the retention of students, the dominant policies of the College of Law are open-mindedness and experimentation. To be sure, it is not as if bar performance is not a concern of the Law School. It is. But it is an entirely different matter when the institution is pressed into looking at the bar exams as a very important, if not the primary, concern for establishing an admissions or retention system or creating an institutional reputation. So far as I know, the only ones who are fixated about bar exam performance are the alumni, who always think they studied during some golden age of the College of Law—regardless of when they graduated—and thus feel worried that the institution's best years are over when its graduates do not end up garnering the top scores in the bar. Without the economic pressure to squeeze in more students and fix a market rate for the value of education, the institutional rationale for any admissions or retention policy will most likely be geared towards the question of how to properly distribute the resources of the College to ensure the quality and diversity of the students,[12] rather than how to make its operations profitable through good performance in the bar.

[12]Because the College of Law is a public institution, the faculty regularly debates the question of how to distribute the resources of the institution through the admissions process. It is not difficult to see that the use of the grading system of universities in which applicants to the College of Law graduated from

The consequence of these structural qualities reflects on the kinds of students who enter the College of Law—highly accomplished and full of potential, and economically, socially, and ideologically diverse. Place these students in an environment that has minimal interests in minimum standards such as the bar exams and let them interact with the kind of faculty the Law School has always had and you will probably get a sense of the organized chaos that is the College of Law.

The Law Center

Almost invisible to the public, the U.P. Law Center is a chartered institution—a special creation of law—dedicated to promoting research and bridging the gap between theory and practice. In other words, the Law Center is the epitome of legal realism's belief in the possibility that law can be used for progressive ends. Though technically separate from the College of Law, it is practically an arm of the Law School in the promotion of its various projects. It is a place where faculty, researchers, and students work together, providing everyone the opportunity to work on specific projects and thus a chance to learn about the processes of law closer to the ground minus the traditional constraints of classroom learning in the law school.

The charter of the Law Center comes in the form of a Republic Act[13] supplemented by Presidential Decrees.[14] The charter meant to clarify the relationship between the College of Law and the Law Center, and provide funding for the latter's operations. As finally established, the Law Center came under the control of the College of Law, with four institutes—The Institute of Government and Law Reform, The Institute of Human Rights, The Institute for Judicial Administration, and The Institute for International Legal Studies—and the Training and Convention Division. These institutes, whose functions are self-explanatory, are headed by the regular members of the faculty appointed by the Dean.

The existence of the Law Center is crucial to the various aims of the Law School.

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may have an economic bias. It is thus a legitimate question to ask whether the College of Law can craft its admissions process in such a way as to reduce the effects of economic bias to ensure greater diversity in the classroom.

[13]See R.A. No. 3870, AN ACT DEFINING THE FUNCTIONS OF THE U.P. LAW CENTER, PROVIDING FOR ITS FINANCING AND FOR OTHER PURPOSES. 12 JUNE 1964.

[14]See P.D. Nos. 200 (27 May 1973) and 1856 (26 December 1982).

First, it allows members of the faculty to simultaneously diversify their interests and focus on the narrower concerns of their work at the practical level. The institutes are general-purpose research outfits for broad categories of policy concerns both at the local and international level. They are also platforms for networking and socialization with diverse stakeholders from different communities. Projects ranging from the drafting of bills to the implementation of statutes to policy studies are regularly participated in by faculty members, researchers, members of the different departments of government, and non-government organizations. These engagements not only make the Law Center an important arena of policy-making, they also provide the faculty the opportunity to use and develop their skills as they assist in the transformation of aims to reality. The Law Center, therefore, ensures that members of the law faculty are able to keep themselves grounded. This tempers the tendency among scholars, so common in the age of specialization, to divorce their work from the relevant concerns of present society. It is not difficult to assume that all the value added to the law professors by their more practical engagements at the Law Center make them more well-rounded teachers, an advantage that redounds to the benefit of the students and the Law School.

Second. An important learning experience provided by the Law Center comes in the form of positions for graduate and research assistants that are regularly needed for pursuing the various projects in the Law Center. Because these positions are reserved to students of the College of Law, they are given a monopoly at paid positions some other students might actually want to pay for. But more important than the allowances obtained by students who work at the Law Center are the valuable lessons, which are not otherwise available in the classroom environment, that they get from the people they work with at the Law Center and the kinds of projects they handle.

Working at the Law Center provides the students the opportunity to see law in action, sometimes even as a participant. This type of experience is the kind that allows the student to level up her skill sets, specifically for policy work, thus placing her, as Roberto Concepcion once wrote of UP Law students, "at the vanguard of the movement for reforms."[15] Work experience with the different institutes of the Law Center can broaden the minds of students, as they are exposed to the workings of government (as when they help draft bills and implementing rules), the processes of partner institutions (as when they coordinate with international and local organizations), and become more sensitive to social

[15]Roberto Concepcion, *The U.P. College of Law and Its Heritage,* 46 Phil. L. J. 426 431 (1971).

problems (as when they help organize forums and conferences that are usually directed towards critique and review of government policies).

CONCLUSION

What I have tried to do in this piece is to describe certain institutions and institutional processes that constitute the background in which people who inhabit the College of Law work and play and create meaning for themselves and others. The purpose of this effort is to identify the structural qualities of an institution that make it stand out from others, allow it to perform its stated goals, and set itself as the ultimate standard by which institutional success is measured.

The resort to structural qualities (as opposed to the highlighting of individual achievements) as markers for the capacity of an institution to make a dent, if not dents, in the lives of private individuals, diverse communities, and the law school's inarticulate constituency—the public—is meant to provide a more stable, maybe even objective grounds, for claims that are made about, or against, the College of Law. It is also meant to formally establish the fact that the College is separate from the people who inhabit it in various capacities, even if its achievements are a consequence of the actions of these people, not the sheer existence of the qualities I have just described. To resort to institutional qualities as standards for assessment is to say that these qualities are a strong determinant of the kinds of human beings that are attracted by the institution, that they interact with human beings to form an institutional culture and, to the extent that they inculcate in people not just ideas but a broad and deep sense of what the world is like and the possibilities for dealing with the world around them, that they have a profound influence on whatever is achieved by these human beings.

Perhaps, these are good reasons why those who are not part of the Law School, some U.P. Presidents included, heap praises—or feel the need to do so—whenever they talk about the College of Law, and why, on the other hand, many of those who are a part of it feel they are either justified or entitled to those grand mannerisms which, apart from providing comic relief to non-combatants, can sometimes detract people from the true reasons why we are so proud to be from UP Law.

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