

OBJECTIVES OF THE NEW CURRICULUM OF THE COLLEGE OF LAW, UNIVERSITY OF THE PHILIPPINES

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The curriculum of the College of Law was originally patterned after the curriculum of law schools in the United States. Insofar as names of courses, divisions of subject-matter, and even evaluation of legal subjects were concerned, the formal organization of the American curriculum was closely followed. The fact that Philippine private laws are largely based on the civil law system was not given much thought. Their unity and systematic arrangement as embodied in the Codes were not consciously availed of in the presentation of the different subjects included in the curriculum. The result was that fragmentation of subject-matter had to be done in the attempt to copy the curriculum of American law schools. The orderly system of the Philippine Codes was not strictly observed not because of any specific theory on a well-analyzed plan of approach but because of some impulse to copy American legal education. What seemed to have been overlooked was the fact that American law is based on the common law and, therefore, American law education has to be geared to that system. The general effect on the mind of the student was one of disorganization, contemporary Philippine law presenting itself as isolated patches without any connecting relationships to create an understandable unity. Hence, most students begin to acquire a unified or integrated idea of our law only when they come to take their review courses in their fourth year.

A realization of these conditions called for some necessary changes in our law curriculum. The problem was not so much of revision in the content of the private law courses already offered as it was for better integration and more logical arrangement in order to secure the advantages of the orderly sequence of subjects as presented in the Philippine Codes.

Another reform now introduced has to do with the order of studies. The courses prescribed for the first year are not only those that explain basic legal concepts but also subjects which are deemed similar in their approach to those prescribed for preparatory law courses. This arrangement is intended to reduce the mental jolt often experienced by students when they are introduced into the purely technical law courses.

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The law curriculum of the University of the Philippines College of Law has always been slightly richer in public law content than that of the average American law school. Public law subjects have a tendency of giving the student a broader outlook and wider comprehension of the entire field of law. Their study develops proper awareness of the social objectives of law and neutralizes the narrowing effect of the lawyer-client relationship arising from over concentration in private law courses.

The reform of the curriculum of the College of Law further includes studies of general principles and theories of the law conceived in its fundamental terms. This calls for courses in Jurisprudence, Legal History, Legal Philosophy, and Comparative Law. The law degree granted after a satisfactory course in these subjects is truly a professional rather than a merely vocational degree. It has a more solid intellectual content.

Still another feature in the new curriculum of the College of Law is the grouping together of the different basic courses, mostly in the second and third years. The purpose here again is to effect a more integrated and, therefore, a more effective, study of the different parts of each of the larger departments of the law—such as Civil Law, Commercial Law, and Political Law—which are too long to be studied in only one semester.

For various reasons to be discussed below, it has been found advisable to give the degree of Bachelor of Science in Jurisprudence to mark the completion of a course representing the cultural and intellectual phases of legal education. This portion of law studies comprehends basic concepts and ideas of Jurisprudence, Legal History, Comparative Law, and Legal Philosophy as well as the technical aspects of Philippine substantive laws. It does not include a detailed study of procedural rules which is reserved for the degree of Bachelor of Laws.

The course requires as prerequisite at least the first two years of general education in the College of Liberal Arts, provided that the student has had at least 18 units of English or of combined English and Humanities as offered in the College of Liberal Arts. To earn the degree a student has to have a general average of at least 2.75 and must not have received a "4" or "5" in any subject throughout the entire 3 years.

One purpose of this course is to meet the needs of persons who, not planning to be practicing lawyers, desire to have the advantages of legal education and the training in the legal method of approach to different social, governmental, and economic problems. Law

touches many aspects of a person's activity in his place in society. Knowledge of the law enables the executive, the businessman, the politician, and the social leader to understand many of their problems and responsibilities. In his lectures at Oxford University, Blackstone made this statement: "Advantages and leisure are given to gentlemen not for the benefit of themselves only, but also of the public, and yet they cannot, in any scene of life, discharge properly their duty either to the public or to themselves, without some degree of knowledge in the laws." Since the days of Blackstone the circle of "gentlemen" who should have some knowledge of the laws has greatly widened. In the words of Sir Paul Vinogradoff, "it comprises now all educated persons called upon to exercise the privilege and to perform the duties of citizenship." This same thought has been expressed by other responsible leaders of thought and public affairs, such as Justice Holmes, Chancellor Kent, President Woodrow Wilson, Justice Brandeis, and others, who pointed out the cultural and practical value of law when studied as a science or as an intellectual discipline in its relation with history, economics, politics, sociology, and anthropology.

Another purpose of this course is to prepare persons for some specialized positions which require legal training for an intelligent performance of their functions but not necessarily membership of the bar. Among these are that of legal researcher, law secretary, law librarian, writer or editor of legal publications. To do the work of persons in these positions, the degree of Bachelor of Laws or membership in the bar is not necessary. It should be said in this connection that the work of higher civil service officials can be better done if they are trained in the fundamentals of law which this course includes.

The purpose is better appreciated by a brief consideration of European law training, the objectives of which being not merely preparation for law practice but also instruction for civil service and private administrative and technical work. Legal education in Continental Europe, particularly in Germany, Austria, and France is divided into two fundamental parts. The first part is purely theoretical. This is given by the law faculty of a university for a period of 4 years. It is not a study of specific codes and cases but of concepts, ideas, principles, theories of law, legal philosophy, jurisprudence, legal history, economics, and public law. This is intended to give him an understanding and insight of the intellectual foundations of law as a social phenomenon and force in human society. It is believed that such insight will promote his understanding of any concrete law with which he will be confronted.

The second part of European legal education is the practical or professional apprenticeship training, not in the university, but in courts, administrative departments, and law offices. It extends over a period of 3 or more years. This is followed by an additional theoretical training, or post-graduate work, which one has to have to qualify for the professional examination for membership in the bar. This advanced theoretical study is not required for eligibility to judicial or administrative offices.

The first part of European legal education as explained above is intended to supply the basic education not only for the practice of law but also for the training of judges and officials of the higher civil service. In other words, this part of legal education is the required basic course in public administration. It is completed, in the case of the higher civil service, by a form of in-service training in different administrative and judicial offices. Obviously, the efficiency of the civil service in those countries has been the result, in no small degree, of this highly cultural course in legal science with its accompanying practical training. Government officials and public administrators in our country can be more efficient in the performance of the technical or the discretionary phases of their administrative work if they have a thorough understanding of the legal basis and implications of their duties which is better acquired through training in fundamental principles and theories.

It is this idea of a broadened basis of legal education followed in European law schools, which has also somewhat infiltrated into the better law schools in the United States, that explains in part the conception of the course in Bachelor of Science in Jurisprudence and the modification of the curriculum of the College of Law of the University of the Philippines. Law studies constitute one of the old intellectual disciplines, and the legal profession has been considered a learned profession. But in our country it has deteriorated into an ordinary bread-and-butter vocational trade when it departed from its intellectual and cultural moorings. The result is that lawyers in general have practically lost their place in the circle of the educated and the cultured. It is the aim of the College of Law of this University to help law students regain the proper place of the lawyer as an intellectual worker.

More specifically, the course leading to the degree of Bachelor of Science in Jurisprudence is to serve as some kind of an equivalent to the theoretical portion of European legal education. Its content, however, covers much of the actual laws of the country embodied in the codes, special statutes, and constitutional provisions together with their authoritative interpretations.

The degree of Bachelor of Science in Jurisprudence does not entitle its holder to take the bar examinations. He has to take another year of what may be called the technical and vocational part of the legal profession consisting of a detailed and analytical study of the procedural laws. While this is not exactly identical in duration and nature with the apprenticeship period required in Europe for the practice of law, it is a step in the same direction. To come to a closer approximation of the European apprenticeship system, it should be supplemented with a guided and controlled observation of proceedings before courts, administrative hearings, and legislative proceedings and investigations.

It is hoped that the Supreme Court of the Philippines may eventually reform the requirements for admission to the bar along the general conception which this reform of our law curriculum has started. The decline of the quality of law practitioners may yet be arrested by having a more selective process for the admission of persons to the bar. Many of those who have taken the bar examinations, at any rate, have not practiced the profession; and it is likely that most of them would not have spent so much time and effort in order to be able to take the bar examinations when what they were after is a good training in law which they could have secured if there had been a terminal course such as this that we now offer.

In time the Supreme Court might yet see the necessity of lengthening the period of apprenticeship or something equivalent to apprenticeship after the B. S. J. course before allowing him to take the bar examinations. It is quite evident that procedural subjects are the most suitable studies for the more professional portion of legal education. While they also involve theoretical concepts, they have a direct bearing on the mechanics for the settlement of disputes and a more immediate use for actual law practice.

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