

G.R. No. 230642 — *Oscar B. Pimentel, et l. v. Legal- Education Board, as represented by its Chairperson, Hon. Emerson B. Aquende, and LEB Member Hon. Zenaida N. Elepaño.*

G.R. No. 242954 — *Francis Jose Lean L. Abayata, et al. v. Hon. Salvador Medialdea, Executive Secretary, and Legal Education Board, herein represented by its Chairperson, Emerson B. Aquende.*

A.M. 20-03-04-SC – *Re: Request for Clarification Regarding the Status and Treatment of the Philsat, Filed by the Board of Trustees of the Philippine Association of Law Schools (PALS), represented by its Chairperson, Dean Joan S. Largo, and its President Dean Marisol Dl. Anenias.*

Promulgated: November 9, 2021

SEPARATE CONCURRING OPINION

DIMAAMPAO, J.:

Foremost, I signify my concurrence with the ingenious *ponencia* of Justice Rodil Zalameda. However, I take exception to the striking down of Section 17 of LEBMO No. 1-2011 insofar as it allows non-law graduates to be admitted in the Master of Laws program.

The *ponencia* enunciated that “*the prohibition against accepting applicants for the Master of Laws without a Bachelor of Laws or Juris Doctor degree under Section 17 of LEBMO No. 1-2011 is void for infringing the right of the school to determine who to admit to their graduate degree programs.*”

I respectfully beg to differ.

Given the inauspicious repercussions it will bring, it is apropos to delve into the disquisition with a fine-tooth comb.

The *ponencia* ratiocinated in this prose:

“There is no monopoly of knowledge. Legal education would be more robust by allowing an engineer, a metallurgist, a businessperson, an agriculturist, and other graduates to further improve their crafts through this course. To note, it is also the general objective of RA 7662 to train persons for leadership and to contribute towards the promotion and advancement of justice and the improvement of its administration, the legal system, and legal institutions in light of the historical and contemporary development of law in the Philippines and other countries. Certainly, the pursuit of these objectives is not exclusive for law students or law practitioners.”

Conversely, it explicitly declared that RA 7662 is not necessarily repugnant to the academic freedom of law schools in this wise:

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Nevertheless, *Garcia* and subsequent rulings of the Court, far from legitimizing an impeded exercise of academic freedom by institutions of higher learning, had, in fact, readily acknowledged the existence of the State's right to reasonably interfere with the exercise of academic freedom "when the overriding public welfare is at stake."

Clearly, the cry for academic freedom, without more, cannot be a sufficient justification to invalidate the law. To quote Justice Lazaro Javier, "[a]cademic freedom is **not the trump card** that annihilates the experience of police power." Academic freedom is not absolute, with its optimum impact best realized where the freedom is exercised judiciously and does not degenerate into an unbridled license. Instead, it is a privilege that assumes a correlative duty to exercise it responsibly. It is thus difficult to accept that the State has no right to participate or be involved in the education the academic institutions of higher learning provide. On the contrary, it would be an abandonment of duty on the part of the State if it does not supervise and regulate educational institutions on a simplistic invocation of academic freedom by the law schools. Academic freedom cannot derogate the State's constitutional authority to reasonably supervise and regulate schools.

Corollarily, while enshrined in the Constitution, academic freedom and police power cannot be exercised without any restraint. A delineation on these rights is inherently imposed as it has been said that absolute power corrupts absolutely while absolute freedom often leads to anarchy and chaos. Thus, a law school and the people comprising it must exercise academic freedom responsibly. The State, on the other hand, can wield its police power on the condition that the same must be done reasonably and proportionately, at the very least. Though presumably done lawfully pursuant to academic freedom or police power, any act cannot be stamped with validity by this Court when it fails to comply with such parameters.

Former Associate Justice Francis H. Jardeleza was on point in stating that the exercise of academic freedom must be balanced with vital state interest such as prescribing regulations to promote education and the general welfare of the people. The need for harmony and balance in the exercise of academic freedom and police power was likewise aptly encapsulated by former Associate Justice Arturo D. Brion in his Manila Bulletin article, captioned Legal Education and Law schools, thus:

When police power and academic freedom intersect, as they inevitably must in legal education, lessons from the Constitution hold that the State has the upper hand, but only *to the extent necessary to serve the demands of public interest*. In this calibrated manner, academic freedom is meaningfully preserved."

It further ordained that the enforcement of taking an aptitude exam as a condition for law school admission is not per se unreasonable and that the State has the prerogative to administer such test in the exercise of its police power, given the existence of a compelling State interest to uplift the standards



of legal education.

To bolster this proposition, jurisprudence affirms the doctrine that *police power* is the most pervasive and comprehensive among the three fundamental powers of the State, thusly—

“The “state authority to enact legislation that may interfere with personal liberty or property in order to promote general welfare.” “As defined, it consists of (1) imposition or restraint upon liberty or property, (2) in order to foster the common good. It is not capable of exact definition but has been, purposely, veiled in general terms to underscore its all-comprehensive embrace.” The police power “finds no specific Constitutional grant for the plain reason that it does not owe its origin to the Charter” since “it is inborn in the very fact of statehood and sovereignty.” It is said to be the “inherent and plenary power of the State which enables it to prohibit all things hurtful to the comfort, safety, and welfare of the society.” Thus, **police power constitutes an implied limitation on the Bill of Rights. After all, “the Bill of Rights itself does not purport to be an absolute guaranty of individual rights and liberties. ‘Even liberty itself, the greatest of all rights, is not unrestricted license to act according to one’s will.’ It is subject to the far more overriding demands and requirements of the greater number.”**

“Expansive and extensive as its reach may be, police power is not a force without limits.” “It has to be exercised within bounds — lawful ends through lawful means, i.e., that the interests of the public generally, as distinguished from that of a particular class, require its exercise, and that the means employed are reasonably necessary for the accomplishment of the purpose while not being unduly oppressive upon individuals.”¹

It is a cold hard fact that the Master of Laws programs (LL.M.), here in the Philippines or abroad, are ordinarily afforded to lawyers or law graduates who aspire to attain a distinct specialization in the field of law. Apparently, the said degree can be deemed as an augmentation of the study of law since its predominant purpose is to ameliorate the knowledge of those already erudite in the field.

Albeit some jurisdictions allow non-law graduates to take the aforementioned curriculum, it is still my respectful submission that to genuinely accomplish the objectives of R.A. 7662 and to refine the country’s legal instruction, such program should be restricted only to those who have completed a law course (either LL.B. or J.D.).

An insightful scrutiny of the LL.M. programs in the Philippines evinces that they necessitate foundational knowledge of the subject. They are structured in a particular format which incontrovertibly intends to prepare lawyers, judges, and law professors for global legal practice through

¹ *Sabal v. Duterte*, G.R. No. 238467, February 12, 2019. Emphasis supplied.

indoctrination of international legislation and its impact on and correlation with local law.

For instance, in 2019, the University of the Philippines (UP) College of Law launched its LL.M. program with the following vision:

“The Master of Laws (LL.M.) Program of the University of the Philippines aims to prepare local and international legal practitioners, law professors, and government lawyers and judges for an increasingly cross-border, internationalized legal practice. The Program will familiarize its students with the intricacies of the evolving body of ASEAN regional law and international law, bridging it with Southeast Asian national legal traditions undergoing ASEAN Charter-based integration.

The Program offers core courses that provide students with a solid foundation in ASEAN law and international law. Through the master’s thesis, students have the opportunity to undertake innovative legal research and develop law reform proposals.”²

According to the UP College of Law website, graduate level courses emphasize the development of analytical skills, application of advanced legal thought, and production of insightful research. *Since LL.M. students are expected to be full-fledged lawyers possessed of certain competencies, courses are not going to be taught in the same way as undergraduate law courses. LL.M. courses are expected to be conducted in an environment of peer-learning and exchange, where teachers and students can learn from each other’s backgrounds and experiences and help each other achieve their respective academic goals.* Graduates of the LL.M. Program are expected to become leaders in their respective fields of practice and expertise.³

Appositely, UP offers two specialization tracks which implement the following curricula:

In Master of Laws (Cross Border and Regional Practice)⁴—

² Master of Laws (LL.M. Program), UP College of Law (9 October 2021, 7:53 PM), <https://law.upd.edu.ph/llm/>. Emphasis supplied.

³ Frequently Asked Questions for LL.M., UP College of Law (9 October 2021, 8:19 PM), <https://law.upd.edu.ph/llm-faqs/>. Emphasis supplied.

⁴ Curriculum of UP LL.M. in Cross Border and Regional Practice (9 October 2021, 8:43 PM), <https://law.upd.edu.ph/wp-content/uploads/2021/02/LLM-courses-Specialization-1-Cross-Border-and-Regional-Practice.pdf>.

| Course Code | Course Title | Number of Units | Description |
|-------------|---|-----------------|---|
| LAW 242 | International Arbitration, Negotiations, and Dispute Settlement | 5 | This highly practice-based course trains lawyers for the substantive and procedural laws and treaties governing international commercial and investment arbitration, including techniques on effective oral and written advocacy, presentation of evidence, provisional measures, recognition and enforcement of arbitral awards. The course also incorporates techniques for multi-party negotiations prior to or pending arbitration, and other dispute settlement procedures such as conciliation, mediation, mini-trials, among others. |
| LAW 243 | Cross-Border Legal Ethics | 3 | This course focuses on recurring issues of legal ethics in cross-border legal practice, including managing and avoiding conflicts of interest in cross-border client representation, client confidentiality and required disclosures, structuring fees, and discharging concurrent responsibilities to courts, clients, and the general public. The course will use practical case studies in a laboratory format that encourages students to explore ethical solutions for the client. |
| LAW 245 | International Banking and Finance Law | 4 | This course focuses on the study of the principles of international commercial, trust, and investment banking law and regulations. It will examine cross-border and domestic laws affecting retail banking relationships and investment and trust relationships in international private banks, the regulation of financial markets, as well as the laws regulating international finance transactions of private entities raising debt financing in international debt and capital markets. |
| LAW 246 | International Project Finance | 5 | This course scrutinizes the legal structuring, contract and bond documentation for project financing, particularly in the areas of energy, telecommunications, shipping, aviation, transportation, infrastructure (public-private partnerships), and natural resources (mining, oil, and gas). The course will compare and contrast approaches to structuring, financing, project oversight, debt defaults, and workouts based on English law, New York law, individual laws of ASEAN countries, and Islamic finance law. |

| Course Code | Course Title | Number of Units | Description |
|-------------|---|-----------------|---|
| LAW 247 | International Trade and Investment Law | 5 | This course examines the structure and substance of multilateral, plurilateral, regional, and bilateral treaties, international agreements governing the world trading system and the international investment system, the dispute resolution mechanisms separately available under trade law regimes and investment law regimes, and the corresponding jurisprudence of the WTO dispute settlement panels and the Appellate Body and investor-State arbitration tribunals. |
| LAW 248 | International Intellectual Property Law | 4 | This course examines intersecting multilateral and bilateral agreements, and harmonization of national laws, in the areas of intellectual property laws governing patent, copyrights, trademarks, trade secrets, licensing, domain names and software, and technological innovations. This course also explores issues of cross-border intellectual property enforcement and regulatory interests, such as those on preservation and access to traditional knowledge, privacy and data mining, public health and access to essential medicines, among others. |
| LAW 249 | International Taxation | 3 | This course applies tax principles under foreign laws to a multi-country, multi-jurisdictional transaction to evaluate and assess tax consequences for various multinational entities in the sample transactions/case studies. It examines the role of tax treaties and international agreements in preventing double taxation and ensuring the harmonization and coordination of tax rules between different tax jurisdictions. |
| LAW 252 | Cross-Border Securities Regulation Law | 3 | This course examines principles that determine the applicable national law to different transnational securities transactions, such as the law applicable to public offerings, registration, transfers or pledges of securities, swaps, among others, and the regulation of financial intermediaries trading in securities. It compares US Securities Laws with securities regulation models in Singapore, the European Union, and Hong Kong, as well as applicable ASEAN jurisdictions. |

| Course Code | Course Title | Number of Units | Description |
|-------------|--|-----------------|---|
| LAW 253 | International Insolvency Law | 2 | This course focuses on the key principles governing international insolvency rules in various jurisdictions (e.g. the United States, Europe, ASEAN jurisdictions, and other country case studies), and examines policies on creditor-debtor protection, insolvency workouts, corporate reorganizations, stays on claimants, stays on creditors, creditor attachments, the management of insolvency proceedings, rescue priorities, creditor priorities, among others. |
| LAW 254 | Contract Drafting for Cross-border Business Transactions | 2 | This course employs a practice-based approach to the drafting, review, and revision of complex commercial contracts, intended to sharpen lawyer's skills for crossborder contract documentation. |
| LAW 255 | Cross-Border Mergers and Acquisitions Law | 3 | This course compares US, European, Hong Kong, and Singapore laws on cross-border mergers and acquisitions, and assesses merger and acquisition developments in ASEAN jurisdictions with practical case studies that identify regulatory compliance issues, required disclosures, and explores the suitability of various strategies for client needs. |

*In Master of Laws (Government, Public Advocacy, and Judging)*⁵—

| Course Code | Course Title | Number of Units | Description |
|-------------|--|-----------------|---|
| LAW 262 | International Anti-Corruption Compliance | 3 | This course focuses on various cross-border, regional, and international laws and instruments aimed at eliminating corruption, such as laws against money laundering, promoting government transparency and freedom of information, laws against organized crime, trade and investment regulations. |

⁵ Curriculum of UP LL.M. in Government, Public Advocacy, and Judging (9 October 2021, 8:54 PM), <https://law.upd.edu.ph/wp-content/uploads/2021/02/LLM-courses-Specialization-2-Government-Public-Advocacy-and-Judging.docx.pdf>

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| Course Code | Course Title | Number of Units | Description |
|-------------|--|-----------------|---|
| LAW 264 | Government Contracts, Procurement, and Public Policy | 5 | This course uses a comparative approach in studying the laws and common principles involved in government contracting, including treaties and national laws (from United States law, English law, EU law, and Southeast Asian laws) on the public procurement of goods and services, and adopts a public policy theoretical lens for evaluating law reforms in government contracting. |
| LAW 265 | International Criminal Law and Transnational Crimes | 4 | This course examines the body of public law designed to ensure accountability and prevent impunity of perpetrators of serious atrocities, as well as the body of treaties and laws that address transnational crimes. |
| LAW 266 | International Human Rights and Humanitarian Law | 4 | The course provides an integrated, theoretical and practical case-based approach to the study of the international, regional, and national legal regimes and institutional systems designed to protect individuals and groups in times of peace and times of armed conflict. The course will place these bodies of laws in historical context, and then situate them in the legal analysis of current world problems and conflict situations. |
| LAW 268 | International Environmental Law and Policy | 3 | This course examines international treaties, related laws and soft instruments on environmental protection and sustainability, and also gives focus to incipient and evolving cross-border policies on environmental protection in Southeast Asia through ASEAN case studies. |
| LAW 274 | Comparative Competition Law | 3 | This course examines laws that promote or maintain market competition by regulating private companies' anti-competitive conduct through public and private enforcement models. The course, in particular, examines new competition laws in ASEAN jurisdictions, and compares the same with competition law regimes in the United States, Australia, and the European Union. For those who have taken a basic competition law course or training in their home country, this course will supplement the knowledge they already have. |

| Course Code | Course Title | Number of Units | Description |
|-------------|----------------------------------|-----------------|---|
| LAW 275 | Comparative Corporate Governance | 3 | The course examines and analyzes various models of corporate governance in ASEAN countries in a comparative format. Comparisons with corporate governance models in the United States and the European will also be made. In tackling the subject matter, the course problematizes internal control and regulatory issues of accountability between and among corporate executives, directors, shareholders, corporate fiduciaries, and other corporate stakeholders. |

In any case, candidates of either of the two specialization tracks are mandated to hurdle the two core courses of the LL.M. Program, *i.e.*, *International Law from Multiple Perspectives and ASEAN Law*, in addition to the requirements of Master's thesis-writing and defense.⁶

Veritably, fundamental knowledge in this case should not be construed in its unembellished import. For purposes of supplemental studies in the said discipline, it should be interpreted as training through the four-year law course.

In the case of UP, it requires its applicants to meet the following requirements in order to be eligible for admission to its LL.M. Program:

1. A prior law degree (LL.B., J.D., B.C.L. or equivalent) from any jurisdiction in the world;
2. A demonstrated aptitude for law studies in the English language (through IELTS, TOEFL or analogous evidence), or previously pursued law studies taught in English; and
3. A strong academic record or a demonstrated strength in legal practice, dispute settlement, governmental or intergovernmental counseling work, or law teaching.⁷

The foregoing eligibilities breathe life into the very purpose why UP offered a Master of Laws Program, *i.e.*, *to arm its graduates, who were already law practitioners upon their admission, with the necessary knowledge and skill set for 'an increasingly cross-border and internationalized legal practice'*.

⁶ UP LL.M. Core Courses and Thesis Course (9 October 2021, 9:05 PM), <https://law.upd.edu.ph/wp-content/uploads/2021/04/LLM-courses-Core-and-Thesis.pdf>.

⁷ LL.M. Admission, UP College of Law (9 October 2021, 9:15 PM), <https://law.upd.edu.ph/llm-admission/>.

The aspiration to open the doors of LL.M. study to non-law degree holders is laudable but will render the goal to enhance the legal system chimeric.

Should a non-law graduate be permitted to take the Master of Laws program, these queries come down the pike: 1) How can such an individual cope, let alone excel, if they do not possess a rudimentary understanding of the statutes taught in law school, more so when the LL.M. instructors' assignments, lectures, and lessons inevitably encompass the learnings obtained during the preceding course and the primary mode of instruction consists of sharing of practical experiences of law practitioners, law professors, government lawyers, and judges? 2) How will the student truly assimilate? 3) How can it be useful to the student or to the public? 4) Elsewise stated, how can one be an expert in a specified academic work if one did not go through the punctilious process of accomplishing its prerequisite baccalaureate program? 5) Can one truly be a master in a sphere in which he has never been a proper novice of?

There is no gainsaying that the title *Magister Legum* is not a mere frivolous epithet and achieving it is not a doddle. In respecting academic freedom, the least that the State can do is to ensure that it will be genuinely advantageous not only to the individual but to public interest as well. Quite palpably, one can become word-perfect in all the law materials available yet could still be inept if one did not experience the apposite priming and inculcation which is law school.

In sooth, academic freedom is neither unconditional nor limitless, and the State, in the exercise of police power, can regulate and supervise it by establishing minimum requirements for admission in the program.

In light of the aforementioned tests for a valid exercise of police power, such qualification that candidates for the Master of Laws program be holders of LL.B. or J.D. degrees, aside from satisfying the lawful subject requirement, is fairly rational and does not encroach on the institution's academic freedom.

Just as the *ponencia* propounded that the requirement of an aptitude exam is constitutional since it is a reasonable exercise of the State's police power, all the more reason should the prerequisite of an LL.B. or J.D. degree be rendered as sensibly logical before someone may enroll in an LL.M. course.

As aptly articulated by Associate Justice Lazaro-Javier:

“Academic freedom **cannot overrun** the exercise of police power **that complies with the requisites** of compelling, lawful and public objectives and reasonable and proportional means.

Even the **original intent** of the Constitutional Commission **accepted** this doctrine as an **imperative** in the **operationalization** of the **constitutional right of academic freedom.**"

Invariably, exclusivity of knowledge should not be countenanced. Achievement of certain titles necessitates particular constraints.

At this juncture, the intricacies of the discipline cannot be overemphasized. This is not to say that the realm of legal studies is superior to others. Rather, it is more accurately described as one deeply imbued with the protection of life and liberty. It is so intertwined with a being's life that a fallacious application or explication shall culminate in the curtailment or even deprivation of these cherished rights. Indeed, the law is an esoteric province and that there are notable distinctions between holders of a law degree and those who are not. Along this grain, *Biraogo v. The Philippine Truth Commission of 2010*⁸ is quite instructive:

"According to a long line of decisions, equal protection simply requires that all persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed." It requires public bodies and institutions to treat similarly situated individuals in a similar manner." "The purpose of the equal protection clause is to secure every person within a state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through the state's duly constituted authorities." In other words, the concept of equal justice under the law requires the state to govern impartially, and it may not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective."

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Indeed, the equal protection clause permits classification. Such classification, however, to be valid must pass the test of reasonableness. The test has four requisites: (1) The classification rests on substantial distinctions; (2) It is germane to the purpose of the law; (3) It is not limited to existing conditions only; and (4) It applies equally to all members of the same class. "Superficial differences do not make for a valid classification."

Recently, the case of *Zomer Development Company, Inc. v. Court of Appeals*⁹ imparted enriching discourse, viz.:

"The right to equal protection of the laws guards "against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality." Equal protection, however, was not intended to prohibit the legislature from enacting statutes that either tend to create specific classes of persons or objects, or tend to affect only these specific classes of persons or objects. Equal protection "does not demand absolute

⁸ G.R. No. 192935, 7 December 2010.

⁹ G.R. No. 194461, 7 January 2020.

equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced.” As aptly discussed in *Victoriano v. Elizalde Rope Workers Union*:

The guaranty of equal protection of the laws is not a guaranty of equality in the application of the laws upon all citizens of the state. It is not, therefore, a requirement, in order to avoid the constitutional prohibition against inequality, that every man, woman and child should be affected alike by a statute. Equality of operation of statutes does not mean indiscriminate operation on persons merely as such, but on persons according to the circumstances surrounding them. It guarantees equality, not identity of rights. The Constitution does not require that things which are different in fact be treated in law as though they were the same. The equal protection clause does not forbid discrimination as to things that are different. It does not prohibit legislation which is limited either in the object to which it is directed or by the territory within which it is to operate.

The equal protection of the laws clause of the Constitution allows classification. Classification in law, as in the other departments of knowledge or practice, is the grouping of things in speculation or practice because they agree with one another in certain particulars. A law is not invalid because of simple inequality. The very idea of classification is that of inequality, so that it goes without saying that the mere fact of inequality in no manner determines the matter of constitutionality. All that is required of a valid classification is that it be reasonable, which means that the classification should be based on substantial distinctions which make for real differences; that it must be germane to the purpose of the law; that it must not be limited to existing conditions only; and that it must apply equally to each member of the class.

This Court has held that the standard is satisfied if the classification or distinction is based on a reasonable foundation or rational basis and is not palpably arbitrary.

In the exercise of its power to make classifications for the purpose of enacting laws over matters within its jurisdiction, the state is recognized as enjoying a wide range of discretion. It is not necessary that the classification be based on scientific or marked differences of things or in their relation. Neither is it necessary that the classification be made with mathematical nicety.

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Invariably, *Mosqueda et, al., v. Pilipino Banana Growers & Exporters Association, Inc., et al.*¹⁰ teaches Us that:

“Equal treatment neither requires universal application of laws to all persons or things without distinction, nor intends to prohibit legislation by limiting the object to which it is directed or by the territory in which it is to operate. The guaranty of equal protection envisions equality among equals determined according to a valid classification. If the groupings are

¹⁰ G.R. No. 189185, 16 August 2016.

characterized by substantial distinctions that make real differences, one class may be treated and regulated differently from another.”

True it is that no one has the monopoly of knowledge. Still and all, equally true is the fact that the condition of being a law graduate (either LL.B. or J.D.) in order to be eligible for admission in a Master of Laws program rests on substantial distinctions.

Along this vein, the Legal Education Board under *Resolution No. 2019-406*¹¹ ordained:

“**Whereas**, it is equitable and fair to consider the basic law degrees, now consolidated to J.D. Degree, equivalent to an academic doctoral degree in other disciplines for the following reasons:

- The total aggregate graduate-level curricular requirement to finish a doctoral degree is approximately 100 units (combined for master’s and doctoral studies), with a dissertation, while the curricular requirement to finish the J.D. Degree Non-Thesis (previously LL.B. Degree) and the J.D. Degree with Thesis are 152 units and 168 units respectively;
- While the basic law degrees do not require a dissertation, its curricular requirement is, however, significantly more than that for doctoral studies; and
- The curricular duration to complete the combined master’s and doctoral studies is substantially the same as that for the basic law course[.]”

Accordingly, it resolved as follows:

“**Wherefore, be it resolved**, as it is hereby resolved that the basic law degrees (whether LL.B. or J.D.) earned from law schools recognized or supervised by the LEB and its predecessor regulatory agencies shall be considered as equivalent to doctoral degrees in other non law academic disciplines for purposes of "appointment/ employment, ranking, and compensation.”

Evidently, a Bachelor of Laws degree is in a dissimilar position juxtaposed with other baccalaureates or even post-graduate diplomas. *Such condition is germane to the purpose of the law.* To reiterate, RA 6772 seeks to boost the standards of legal education.

It cannot be stressed enough that the requirement shall ensure that those who will take the Master of Laws program are qualified in a sense that they are well-equipped to further concentrate on their selected area of law and their triumph though their contributions thereafter will unequivocally refine legal education and benefit society.

¹¹ A Resolution Setting the Graduate-Level Degree Equivalency of the Basic Law Course.

The said imperative is not confined to existing conditions only as it applies equally to all members of the same class since the proscription shall be enforced to all non-law graduates.

Suffice it to say that as long as the classification is valid and not trivial, a statute that treats one class differently from another class will not contravene the equal protection clause.

One of the reasons conveyed in the *ponencia* is that: “the general objective of RA 7662 to train persons for leadership and to contribute towards the promotion and advancement of justice and the improvement of its administration, the legal system, and legal institutions in light of the historical and contemporary development of law in the Philippines and other countries. Certainly, the pursuit of these objectives is not exclusive for law students or law practitioners.”

I opine otherwise.

Noscitur a sociis—where a particular word or phrase is ambiguous in itself or is equally susceptible of various meanings, its correct construction may be made clear and specific by considering the company of the words in which it is found or with which it is associated, or stated differently, its obscurity or doubt may be reviewed by reference to associated words.¹²

Upon this point, the basic statutory construction principle of *ejusdem generis* states that where a general word or phrase follows an enumeration of particular and specific words of the same class, the general word or phrase is to be construed to include – or to be restricted to – things akin to or resembling, or of the same kind or class as, those specifically mentioned.¹³

The purposes are reproduced in full, hereunder:

Section 3. *General and Specific Objective of Legal Education.* - (a) Legal education in the Philippines is geared to attain the following objectives:

- (1) to prepare students for the practice of law;
- (2) to increase awareness among members of the legal profession of the needs of the poor, deprived and oppressed sectors of society;
- (3) to train persons for leadership;
- (4) to contribute towards the promotion and advancement of justice and the improvement of its administration, the legal system and legal institutions in the light of the historical and contemporary development of law in the Philippines and in other countries.

(b) Legal education shall aim to accomplish the following specific

¹² See *Oil and Natural Gas Commission v. Court of Appeals*, G.R. No.114323, 23 July 1998.

¹³ See *Emeteria Liwag v. Happy Glen Loop Homeowners Association, Inc.*, G.R. No. 189755, 4 July 2012.

objectives:

- (1) to impart among law students a broad knowledge of law and its various fields and of legal institutions;
- (2) to enhance their legal research abilities to enable them to analyze, articulate and apply the law effectively, as well as to allow them to have a holistic approach to legal problems and issues;
- (3) to prepare law students for advocacy, counselling, problem-solving and decision-making, and to develop their ability to deal with recognized legal problems of the present and the future; (4) to develop competence in any field of law as is necessary for gainful employment or sufficient as a foundation for future training beyond the basic professional degree, and to develop in them the desire and capacity for continuing study and self-improvement;
- (5) to inculcate in them the ethics and responsibilities of the legal profession; and
- (6) to produce lawyers who conscientiously pursue the lofty goals of their profession and to fully adhere to its ethical norms.¹⁴

Given the foregoing, the phrase “to train persons for leadership...” should be accentuated vis-à-vis the avowed relevant objectives. Such general words pertain to those who are law students, law graduates, legal practitioners, and other members of the legal profession in accordance with the other itemized intentions.

A final word. In the *ponencia's* thorough exploration of the legal system's desideratum to improve, only the foregoing individuals were alluded to. Needless to state, the unequivocal purpose of the law is to encompass only this classification of people.

With this discourse, I take exception to the declaration of unconstitutionality of Section 17 of *LEBMO No. 1-2011*. Nonetheless, I concur with the rest of the *ponencia's* disquisitions.


JAFAR B. DIMAAMPAO
Associate Justice

¹⁴ Republic Act No. 7662 (An Act Providing for Reforms in the Legal Education, Creating for the Purpose, a Legal Education Board and for Other Purposes).