

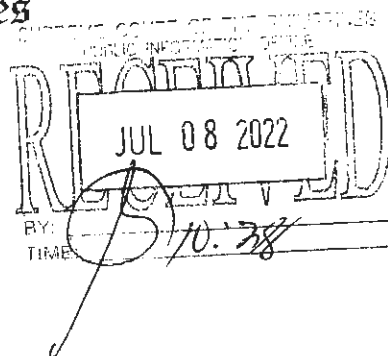


Republic of the Philippines
Supreme Court

Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated JUNE 14, 2022, which reads as follows:

“B.M. No. 3967 – IN RE: 2022 BAR EXAMINATIONS

X-----X

RESOLUTION

WHEREAS, the exclusive authority¹ to promulgate rules concerning the admission to the practice of law, including the administration of the Bar Examinations, is vested in the Supreme Court;

WHEREAS, pursuant to said power, the Court affirms that central to the conduct of the Bar Examinations is the primacy of ensuring the integrity thereof;

WHEREAS, to ensure the integrity of the Bar Examinations, there is need to continuously create and improve policies and measures to safeguard its organizational, physical, and technical security;

WHEREAS, in accordance with the foregoing mandate, the Court, among other measures, promulgated Sections 10² and 13³ of Rule 138 of the

¹ 1987 CONSTITUTION, Art. VIII, Sec. 5(5).

² SEC. 10. *Bar examination, by questions and answers, and in writing.* — Persons taking the examination shall not bring papers, books or notes into the examination rooms. The questions shall be the same for all examinees and a copy thereof, in English or Spanish, shall be given to each examinee. Examinees shall answer the questions personally without help from anyone.

Upon verified application made by an examinee stating that his penmanship is so poor that it will be difficult to read his answers without much loss of time, the Supreme Court may allow such examinee to use a typewriter in answering the questions. Only noiseless typewriters shall be allowed to be used.

The committee of bar examiners shall take such precautions as are necessary to prevent the substitution of papers or commission of other frauds. Examinees shall not place their names on the examination papers. No oral examination shall be given.

³ SEC. 13. *Disciplinary measures.* — No candidate shall endeavor to influence any member of the committee, and during examination the candidates shall not communicate with each other nor shall they give or receive any assistance. The candidate who violates this provision, or any other provision of this rule, shall be barred from the examination, and the same to count as a failure against him, and

Rules of Court, which provide, in part, for the safeguard against the commission of frauds during the conduct of the Bar Examinations;

WHEREAS, the Court is constantly called upon to examine its institutional experiences with the Bar Examinations in order to guarantee that its conduct is both fair and free from any acts of fraud or undue influence on the part of any of the participants thereto;

WHEREAS, pursuant to upholding the incorruptibility of the Bar Examinations process, the Court recognizes that the integrity and transparency of all the Bar personnel and volunteers are central thereto;

WHEREAS, there is also a need to simplify the submission of documentary requirements for the 2022 Bar Examinations;

NOW, THEREFORE, acting on the recommendation of Associate Justice Alfredo Benjamin S. Caguioa, Chairperson, 2022 Committee on Bar Examinations, the Court, sitting *En Banc*, Resolves to

(a) **FURTHER AMEND** Section 5, Rule 138 of the Rules of Court insofar as the 2022 Bar Examinations is concerned, *viz.*:

Section 5. Additional requirements for other applicants. – All applicants for admission other than those referred to in the two preceding sections shall, before being admitted to the examination, satisfactorily show that they have regularly studied law for four years, and successfully completed all prescribed courses, in a law school or university officially approved and recognized by the Secretary of Education. **The certification from the university or school of law that the applicant is a candidate for graduation for academic year 2021-2022 shall be filed as evidence of such fact. Prior to taking the lawyer's oath, the applicant must also submit the official law degree transcript of records, and further evidence may be required by the Court.**

No applicant shall be admitted to the bar examinations unless he has satisfactorily completed the following courses in a law school or university duly recognized by the government: civil law, commercial law, remedial law, criminal

law, public and private international law, political law, labor and social legislation, medical jurisprudence, taxation and legal ethics.
[Amendments in bold]

(b) **APPROVE** the following changes to the requirements outlined in the Bar Application Form:

(i) Applicants born abroad shall be required to submit either the original or the certified true copy of their Foreign Birth Certificate and their Report of Birth;

(ii) Applicants who obtained Philippine citizenship *via* naturalization shall be required to submit the original or certified true copy of their Foreign Birth Certificate or Philippine Statistics Authority (PSA)-issued Birth Certificate, as well as other pertinent documents relating to their acquisition of Philippine citizenship;

(iii) Applicants with decided cases of whatever nature before any jurisdiction which have been filed against them shall be required to submit a clearance from the Court/Prosecutor's Office/ Agency Concerned, which shall attest that the applicant no longer has any case that remains pending at the time of the application; and

(iv) With regard to the requirement of the completion of Refresher Courses if applicable, one certification for all refresher subjects will suffice if all the said subjects were completed in one school. In the event that the refresher course subjects were completed in more than one school, the individual certifications from the professors of each subject must be submitted;

(c) **APPROVE** the Revised Bar Application Form;

(d) **APPROVE** the following proposed rules which will apply to those who will serve in various capacities during the 2022 Bar Examinations, thus:

(i) the Local Testing Center Personnel may not serve in a venue which will serve as the testing site of an examinee they are related


to up to the third degree of consanguinity or affinity;

- (ii) no member of the Bar Academic Team may serve in such capacity if he or she is related to any examinee up to the third degree of consanguinity or affinity;
- (iii) all members of the Office of the Bar Confidant Personnel must disclose in writing to the Office of the Bar Chairperson all relations or affiliations with an examinee; and
- (iv) no member of the Command Center Personnel may serve during the Bar preparations and related activities if his or her spouse or child shall be an examinee, and all his or her relations and affiliations with an examinee must also be disclosed in writing to the Office of the Bar Chairperson;

and

(e) **APPROVE** the Amended Draft Bar PLUS Privacy Notice for the 2022 Bar Examinations, attached herewith as Annex "A," in order to build upon and strengthen the current privacy policy of the Bar Personal Login Unified System (PLUS). Lazaro-Javier, J., on official leave. (adv37 & 41a)

By authority of the Court:


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court *MBP*

HON. ALFREDO BENJAMIN S. CAGUIOA (x)
Associate Justice and Chairperson
2022 Committee on Bar Examinations
Supreme Court

ATTY. AMOR P. ENTILA (x)
Officer-in-Charge
Office of the Bar Confidant
Supreme Court

~~PUBLIC INFORMATION OFFICE (x)~~
Supreme Court

THE NATIONAL PRESIDENT (reg)
Integrated Bar of the Philippines
15 Doña Julia Vargas Avenue
Ortigas Center, Pasig City 1600

THE PRESIDENT (reg)
Philippine Bar Association
Suite 347, Valero Plaza
124 Valero Street
Salcedo Village, Makati City

THE CHAIRPERSON (reg)
Philippine Association of Law Schools
Ermita Center Building 1350
Manila

B.M. No. 3967
sarah 061422 (adv37 & 41a) 070722



PHILIPPINE BAR EXAMINATIONS

Data Privacy Notice for the Bar Applicants

SUPREME COURT OF THE PHILIPPINES' BAR PERSONAL LOGIN UNIFIED SYSTEM (BAR PLUS) DATA PRIVACY NOTICE FOR THE BAR APPLICANTS

Statement of commitment to data privacy and security

The Supreme Court of the Philippines ("Supreme Court," "we," "our") respects your privacy and your data privacy rights, as well as employs reasonable measures to protect your personal data in accordance with Republic Act (RA) No. 10173, otherwise known as the Data Privacy Act (DPA) of 2012, its Implementing Rules and Regulations (IRR), and related National Privacy Commission (NPC) issuances.

Brief description of the system and general purpose

The Bar Examinations is the professional licensure examination exclusively administered by the Supreme Court of the Philippines that a law graduate must pass to be admitted to the Philippine Bar. It is the Supreme Court, as the guardian of the legal profession, that has the constitutional prerogative to admit persons to engage in the practice of law. Its authority stems from Section 5(5), Article VIII of the 1987 Philippine Constitution, which vests the Supreme Court with the power to promulgate rules concerning the admission to the practice of law.

We are currently implementing an online facility called the Bar Personal Login Unified System (Bar PLUS) for the submission of applications to take the Bar Examinations, where the applicants can register and submit the required documents. As the online facility for taking the Bar Examinations, it is necessary for the Supreme Court to collect your personal data for the purposes stated in this notice. This Data Privacy Notice will inform you on how we collect, process, and protect your personal data.

I. Definition of Terms used in this Notice

Bar PLUS – covers the online application for the Bar Examinations. It facilitates the registration of the Bar applicants, submission of the application to take the Bar Examinations along with the supporting documents, and online payment of the Bar application fee. The applicant can track the status of his or her application using the online platform.

Data subject – refers to an individual whose personal information is processed. For purposes of this Privacy Notice, the Bar applicants are the data subjects.

E-Payment channel partners – are third parties (Land Bank of the Philippines Link.BizPortal and Judiciary e-Payment Solution powered by Union Bank of the

Philippines) that facilitate the online payment of the Bar application fee through Bar PLUS.

Personal data – refers to all types of personal information and sensitive personal information.

Personal Information – refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information or when put together with other information would directly and certainly identify an individual.

Personal Information Controller (PIC) – refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

1. A person or organization who performs such functions as instructed by another person or organization; and
2. An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

The Supreme Court is the PIC, as the Bar Examinations is exclusively administered by the Supreme Court. It is the Supreme Court, as the guardian of the legal profession, that has the constitutional prerogative to admit persons in the practice of law. Its authority stems from Section 5 (5), Article VIII of the 1987 Philippine Constitution, which vests the Supreme Court with the power to promulgate rules concerning the admission to the practice of law.

Personal Information Processor (PIP) – refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

The systems provider is the PIP to whom the PIC may outsource or instruct the processing of personal data. Aside from the systems provider, the e-payment channel partners for the Bar application fees are also considered as PIP.

Processing – refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

Sensitive Personal Information – refers to personal information:

1. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations;
2. About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
3. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
4. Specifically established by an executive order or an act of Congress to be kept classified.

II. What personal data do we collect?

To apply for the Bar Examinations, we will be collecting the following information:

1. Applicants' full name, sex assigned at birth, date and place of birth, citizenship, civil status, permanent address and present address;
2. Contact information and email address;
3. Educational background; and
4. Other information required to take the Bar Examinations, such as information relating to pending and/or decided case/s.

The additional documents that should be submitted together with the Application Form, are the following:

1. A legible original copy of the Birth Certificate issued by the Philippine Statistics Authority (PSA).

If the PSA copy is not legible, the applicant must submit, in addition to the PSA-issued Birth Certificate, a legible original copy of the Birth Certificate issued by the Local Civil Registrar (LCR).

If the applicant has no record of birth with the PSA, the applicant must submit a legible original copy of the Birth Certificate issued by the LCR.

If the applicant has no record of birth with the PSA and the LCR, the applicant must instead submit:

- a. a Negative Results Certification issued by the PSA; and
- b. an Affidavit for Delayed Registration executed by the applicant's father, mother or guardian, explaining the reason(s) therefor.

In cases where there are erroneous entries in the Birth Certificate, the applicant must first have the Birth Certificate corrected accordingly and submit the corrected original certificate issued by the PSA.

For applicants born abroad, the applicant must submit the original or certified true copies of the following:

- a. Foreign Birth Certificate (if not written in English, the applicant must submit an official English translation duly notarized and authenticated in the country of birth); and
- b. Report of Birth issued by the PSA.

For applicants who acquired Philippine Citizenship through Naturalization or other means, the applicant must submit the original or certified true copies of the following:

- a. Birth Certificate issued by the PSA or Foreign Birth Certificate, whichever is applicable; and
 - b. Other pertinent documents relating to the applicant's acquisition of Philippine citizenship.
2. For married female applicants, the original Marriage Contract issued by the PSA must also be submitted. If married within the last six (6) months, the original Marriage Contract issued by the LCR must be submitted.
 3. Certificate of completion of all the requirements of the law degree, to be issued by the Law School or University where the applicant graduated. Prior to taking the Lawyer's Oath and after passing the Bar Examinations, the applicant must also submit the official Law Degree Transcript of Records (TOR).

For Foreign Law Graduates, the applicant must submit the following documents, per Bar Matter No. 1153 (Re: Letter of Atty. Estelito P.

Mendoza Proposing Reforms in the Bar Examinations through Amendments to Rule 138 of the Rules of Court):

- a. Proof of completion of all courses leading to the degree of Bachelor of Laws or its equivalent degree;
 - b. Recognition or accreditation of the Law School or University by the proper authority; and
 - c. Completion of all fourth year subjects in the Bachelor of Laws academic program in a Law School or University duly recognized by the Philippine Government.
4. Certificate of No Derogatory Record (CNDR) duly signed by the Law Dean. For foreign graduates, the CNDR must be issued by the Law Dean of the Law School where they took their fourth year subjects.
 5. Government or latest Law School-issued ID bearing the photo and signature of the applicant.
 6. Unretouched photo (1 1/2 x 1 1/2) of the applicant, with white background, taken not more than six (6) months prior to the submission of the Application Form, with the handwritten name and signature of the applicant appearing at the bottom of the photo.

The name must follow this format: *Surname, Given Name, Middle Initial, Suffix.*

7. Testimonial of Good Moral Character executed by two (2) different members of the Philippine Bar who are not related to the applicant by consanguinity or affinity within the fourth (4th) civil degree, to be submitted by the applicant before taking the Lawyer's Oath, should the applicant pass the Bar Examinations.

In addition to the foregoing requirements, the applicant must also submit the following when applicable:

8. For applicants with PENDING CASES of whatever nature before any jurisdiction, they must submit a LIST of all the pending cases, together with:
 - a. Complaint/Information (Original or Certified True Copy of the Court, Prosecutor's Office or Agency concerned); and
 - b. Certification as to the pendency and status of the case.

For applicants with DECIDED CASES of whatever nature that were filed against them before any jurisdiction, they must submit a LIST of all decided cases, together with:

- a. Judgment/Decision/Order/Resolution, whichever is applicable (Original or Certified True Copy of the Court, Prosecutor's Office or Agency concerned);
- b. Entry of Judgment/Certificate of Finality, whichever is applicable; and
- c. Clearance from the Court, Prosecutor's Office or Agency concerned, which attests that the applicant has no pending case as of the time of application.

The list of pending and/or decided cases must follow this format:
Case Number, Title, Nature of the Case, Status (whether pending or decided).

9. For refreshers, or those who did not pass the Bar Examinations for three (3) or more times, the applicant must submit all of the following as proof of completion of the refresher course:
 - a. Notarized Certification issued by the University or Law School that the applicant passed the following subjects, with the applicant's corresponding grades indicated therein:
 - Political/Constitutional Law Review
 - Labor Law Review
 - Civil Law Review I
 - Civil Law Review II
 - Taxation Law Review
 - Commercial Law Review
 - Criminal Law Review
 - Remedial Law Review I
 - Remedial Law Review II

In cases where the above subjects were completed in different Universities or Law Schools, the applicant shall submit the Notarized Certification issued by the individual professors of each of the subjects, with the corresponding grades of the applicant.

- b. Notarized Certification issued by the School Registrar and duly noted by the Law Dean stating that the professors mentioned are *bona fide* professors of the Law School or University where the refresher courses were taken and completed; and

- c. Notarized Certification issued by the School Registrar that the applicant completed the Pre-Bar Review Course (to be submitted after completion of the course). The refresher courses may be taken and completed online.

The Application Form must be submitted in the form prescribed by the Supreme Court. Any alteration, revision, or deletion of any of its provisions is strictly prohibited and may be a ground for disqualification in taking the Bar Examinations.

III. How do we collect your personal data?

The process flow in Bar PLUS begins with the applicants' registration on the platform using their valid email addresses. Upon logging in with their registered email address, the applicants will be redirected to the Application Page, where they will be required to enter their application type, personal information, educational attainment, and contact information. They will also be required to upload the documentary requirements to take the Bar Examinations. Thereafter, the applicants will be asked to agree to the Bar PLUS Privacy Notice by ticking the appropriate checkbox.

Thus, personal data is collected in real-time when the Bar applicant (*i.*) registers an account on Bar PLUS, (*ii.*) applies for the Bar Examinations by filling out the required fields therein, and (*iii.*) uploads the necessary documentary requirements.

IV. Why do we collect your personal data?

The primary purpose of collecting your personal data is to ascertain your qualifications to take the Bar Examinations and other relevant processes as provided by the Rules of Court. The data will be used and further processed only for purposes of the applicant's admission to the practice of law, pursuant to the Supreme Court's constitutional mandate and rules issued for such purpose. The email address you provide will be used to send you information in relation to your application to take the Bar Examinations. The personal data may also be used for purposes of communication and publication of related information on the Supreme Court Microsite.

The Bar applicant's personal data shall be processed for the following purposes:

1. Pre-Bar Examinations

- a. For processing and facilitating the Bar applicant's Bar PLUS account registration and Bar Examinations application
- b. For contacting or providing the Bar applicant with any information related to the Bar Examinations application

- c. For verifying and processing the Bar applicant's application, requirements to take the Bar Examinations, and payment of the Bar application fee
- d. For those who will not be able to select their local testing centers within the deadline, the designated and authorized personnel of the Supreme Court will check and assess the Bar applicant's present address or law school to determine the appropriate local testing center
- e. For processing the Notice of Admission and Undertaking
- f. For the integration of data into the Bar Examinations Monitoring System (BEMS)

2. *Bar Examinations Proper*

- a. For the preparation of the seating plan
- b. For the conduct of the Bar Examinations

3. *Post-Bar Examinations*

- a. For the release of grades
- b. For the issuance of clearance for purposes of taking the Lawyer's Oath and signing the Roll of Attorneys
- c. For the integration of data into the Roll of Attorneys Information System (RAIS)
- d. For the verification of the Bar applicant's records pursuant to a lawful request of a verifying individual or organization
- e. For the maintenance and storage of the various records of the Bar applicant after the Bar Examinations
- f. For the submission of requirements for admission to the Bar and the Mandatory Continuing Legal Education (MCLE)

4. *Administrative*

- a. For the preparation of various reports to be transmitted to the Office of the Bar Chairperson, Integrated Bar of the Philippines (IBP), and administrative agencies in compliance with the law

- b. For the management, storage, and retrieval of the Bar applicant's records maintained on the Bar PLUS
- c. For reference to the Supreme Court, should such information be necessary for the fulfillment of a lawful and legitimate objective
- d. To establish, exercise, or defend legal claims

V. How do we process your personal data?

The Supreme Court has put in place organizational, physical, and technical security measures designed to help protect your personal data from loss, misuse and unauthorized access, alteration and destruction, taking into due account the risks involved in the processing and the nature of your personal data. We have implemented security measures intended to maintain the confidentiality, integrity, and availability of your personal data for every stage of the data processing.

The Supreme Court collects, records, stores, updates/modifies, retrieves, uses, or consolidates your personal data during the Bar application process under the purposes stated above.

The collection of information will be done online based on the information and digital/scanned documents to be provided by the applicants to take the Bar Examinations. The data will be stored and further processed in an electronic form.

The information collected from the website is encrypted before being transmitted to a database maintained in the Office of the Bar Confidant (OBC). This will be accessible only to the authorized persons from the Supreme Court and to the representatives of the systems provider responsible for maintaining the system, who are required to keep the information confidential.

Limited information will also be provided to our authorized e-payment channel partners for purposes of processing the Bar application fees.

Finally, the physical documents to be submitted by the Bar applicant containing his or her personal data are stored in a sealed and secured manner in the OBC *bodega*. All those with access to the system and the collected information online and the physical documents are obliged to comply with the DPA and its IRR, including the duty to keep personal data confidential.

VI. Information Sharing and Disclosure

The personal data is disclosed to the following recipients for the following purposes, in accordance with regulations prescribed by law:

1. Systems Provider, which is responsible for maintaining the Bar PLUS system; and
2. E-Payment Channel Partners, which are responsible for the processing of the online payment of the Bar application fee. The facilities for the online payment in Bar PLUS are the following: (a) Land Bank of the Philippines (LBP) Link.BizPortal, and (b) Judiciary e-Payment Solutions powered by Union Bank.

The limited personal data transmitted to the e-payment channel partners are the related information needed for the payment to proceed, such as the Applicant Reference Number and the Applicant's Name.

In this regard, the Bar applicants are encouraged to review the applicable privacy policy of their chosen e-payment channel partner.

VII. Retention of personal data

The personal data submitted to the Supreme Court is retained indefinitely and will become part of the personal records of all the Bar applicants and lawyers in the Philippines. Indefinite retention of personal data is necessary for any future concerns that require records to be reviewed or for the fulfillment of the purposes for which the data was obtained.

The Supreme Court will retain and use your personal data as necessary to comply with the following obligations:

1. For the maintenance and storage of the various records of the Bar applicant before and after the Bar Examinations
2. For the conduct of the Bar Examinations
3. For determination of whether the application of the Bar applicant should be approved or denied
4. For the release of grades and issuance of certificates pursuant to a valid and lawful request
5. For the process of discontinuance, withdrawals, disqualifications, and re-admissions, if necessary
6. For enforcement of the security measures being implemented by the Supreme Court.

VIII. What are your rights as data subjects?

We would like to make sure that you are fully aware of all your data protection rights. As a data subject, you have the following rights under the DPA, which you may exercise at your discretion:

1. The right to be informed

You have the right to be informed whether personal data pertaining to you shall be, are being or have been processed.

2. The right to access personal data

Under the DPA, individuals can request access to any of their personal data held by the Supreme Court, subject to certain restrictions. Any such request should be addressed to the Data Protection Officer.

3. The right to correct

If you wish to correct or update your personal data, resubmit documents, or have any concerns about your application, you may contact the OBC in the details provided below.

4. The right to object to the processing of personal data

You have the right to object to the processing of your personal data, including processing for direct marketing, automated processing, or profiling. Please note that some of the personal data you have provided to us is necessary for us to comply with our constitutional mandate for your admission to the practice of law and is thus required to be collected and processed.

5. The right to erasure or blocking

You have the right to suspend, withdraw or order the blocking, removal, or destruction of your personal data from our filing system.

6. The right to data portability

You have the right to obtain a copy of data in an electronic or structured format that is commonly used and allows for further use by the data subject.

7. The right to lodge a complaint before the NPC

If you feel that your rights have been violated or your personal data has been misused, maliciously disclosed, or improperly disposed of, you have the right to file a complaint before the NPC.

8. The right to damages

You have the right to be indemnified for any damages sustained due to inaccurate, incomplete, outdated, false, unlawfully obtained, or unauthorized use of personal data, taking into account any violation of your rights and freedoms as a data subject.

IX. Changes to our Privacy Notice

The Privacy Notice may be updated from time to time. If material changes to the Bar PLUS Notice are required, any revisions shall be published on the Bar PLUS website under the News and Announcements section for the applicants' immediate guidance. Therefore, we encourage you to review this privacy notice periodically so that you are up to date on our most current policies and practices.

This privacy notice was last updated on June 8, 2022.

X. How do you contact us?

If you have any privacy concerns or questions about your data privacy rights or our privacy notice, please contact us through:

OFFICE OF THE BAR CONFIDANT
Supreme Court of the Philippines
Padre Faura St., Ermita
1000 Manila, Philippines
(02) 8552-9690 or (02) 8552-9642
obc.helpdesk.sc@judiciary.gov.ph

If you have other concerns regarding your application, please contact us through:

OFFICE OF THE BAR CONFIDANT HELPDESK
(02) 85529690 or (02) 85529642
or you may fill out the form at <https://bit.ly/2022BarExamHelpDesk>