

ETHICAL STANDARDS OF CONDUCT FOR LAW PROFESSORS¹

PRELIMINARY MATTERS

SUBJECT: FUNDAMENTAL POSTULATES ON LAW PROFESSORSHIP

Sec. 1. Teaching is the noblest profession and when one teaches law, he or she stands high in the hierarchy of the academic nobility.

Sec. 2. The law professor has three roles: a) a teacher and trainer of future lawyers and leaders; b) a trustee of the cardinal values and great traditions of the Bar which he or she is mandated to transmit to his or her students; and c) an intellectual guide and moral counselor of his or her students.

Sec. 3. The ultimate and paramount objectives of a professor of law are to teach the students to be competent, skillful and ethical lawyers and train them for leadership and civic responsibility.

Sec. 4. A professor of law is tasked to implant in the minds of the students love of Truth, adherence to the Rule of Law, service to Fellowmen and fidelity to Justice.

¹ This issuance is patterned after the Code of Ethics of Professional Teachers (Resolution No. 435, Series of 1997 of the Professional Regulation Commission).

Sec. 5. A professor of law enjoys academic freedom but concedes that reasonable state regulation is not inconsistent with that freedom.

SUBJECT: MEANING OF TERMS

Sec. 6. Ethical Principles – These are moral prescriptions which affirm the highest professional ideals. They are aspirational in character and they represent goals which a professor should strive to attain.

Sec. 7. Standards of Professorial Conduct – These are derived from ethical principles; they state minimum levels of conduct below which a professor should not fall. These standards are mandatory in character.

SUBJECT: A PROFESSOR'S TRIPLE ENGAGEMENTS

Sec. 8. The three main sectoral engagements of a professor of law are the following:

- a) engagement with his or her students
- b) engagement with his or her colleagues
- c) engagement with his or her discipline (law profession).

SUBJECT: PROFESSOR'S ENGAGEMENT WITH STUDENTS

Sec. 9. The following ethical principles shall guide a law professor in his or her dealings with his or her students:

- a) A professor always strives to create a learning environment that nurtures the fulfillment of the students' potentials.
- b) A professor recognizes that the academic growth and the ethical orientation of his or her students are his or her

foremost concerns; so, he or she should deal with them competently and justly.

- c) A professor acts with conscientious effort to exemplify the highest ethical standards.
- d) A professor should interact with the students in a professional manner that ensures mutual respect.

SUBJECT: STANDARDS OF PROFESSORIAL CONDUCT

Sec. 10. In his or her interaction with the students, a professor should observe the following prescriptions:

- a) A professor should –
 - (1) treat all his or her students with courtesy and fairness;
 - (2) encourage free exchange of ideas between him or her and the students; therefore, during his or her free time, he or she should be accessible to the students for consultation or mentoring;
 - (3) make every reasonable effort to foster honest academic conduct; and
 - (4) ensure that his or her evaluations of students reflect each student's true merit.

- b) A professor should not –
 - (1) exploit or harass any student or discriminate against him or her;
 - (2) insult, degrade, demean or shame any student for any reason; if a student misbehaves, there are sanctions that can be imposed on him or her upon observance of due process of law;
 - (3) disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;
 - (4) have any amorous relationship with his or her student; however if he or she and the student are both qualified to marry each other, and love develops between them, then

the professor shall exercise utmost professional discretion to avoid scandal, gossip and preferential treatment;

- (5) accept favors or gifts from students in exchange for requested concessions, especially undeserved;
- (6) ask for a loan or borrow things from students or send them on errands unless extremely and urgently necessary;
- (7) distort the facts or misrepresent the ruling of the court in a particular case;
- (8) teach or introduce ideologies which are against the law, morals, good customs, public policy or public order; and
- (9) use his or her position and influence to proselytize his or her students.

SUBJECT: PROFESSOR'S ENGAGEMENT WITH HIS OR HER COLLEAGUES

Sec. 11. In dealing with his or her co-professors, a professor should abide by the following ethical principles:

- a) A professor and his or her colleagues, being all lawyers and engaged in teaching, normally feel comfortable with one another; the tradition of *compañerismo* among members of the Bar binds them to treat one another with fraternal courtesy and respect.
- b) Critical inquiry is at the core of an academic community. Professors of law recognize that exchange of ideas among them is essential to enhance scholarship. They are open-minded to the practice of professors of law of commenting, even critically, on the views or works of their colleagues.

Sec. 12. A professor should conform with the following prescriptions:

- a) A professor should –
 - (1) treat his or her colleagues with fairness and respect, and conduct himself or herself with dignity and restrain in all

professional exchanges with colleagues; this is a demand of his or her membership in a community of scholars.

- (2) defend his or her colleague's academic freedom;
- (3) be objective and tactful in making a professional judgment on his or her colleague's work;
- (4) defend or protect a colleague when he or she is falsely maligned;
- (5) respect colleague's confidentialities;
- (6) respect his or her colleague's freedom of inquiry; in the exchange of ideas, he or she should be tolerant to those he or she does not agree with.

b) A professor should not –

- (1) intrude into the privacy of a colleague;
- (2) willfully make false statements about a colleague;
- (3) badmouth a colleague or gossip against him or her;
- (4) threaten or show abusive behavior or language to a colleague under any circumstance while in the school campus or even outside of it;
- (5) knowingly misrepresent the views or positions of a colleague;
- (6) appear to be self-righteous nor intellectually arrogant.

SUBJECT: PROFESSOR'S ENGAGEMENT WITH HIS OR HER DISCIPLINE

Sec. 13. As a lawyer, a professor of law is bound by the following ethical norms:

- a) As a member of the Bar, he or she is required to act not only legally but more importantly, ethically. He or she is aware of the Latin maxim; "*Non omne quad licit bonestim est.*" (Not everything permitted is honorable).
- b) A professor of law adheres to the lawyer's mantra; "No master but the law/no guide but conscience/no goal but justice".

- c) A professor accepts the obligation to exercise ethical self-discipline and judgment in using, extending and transmitting knowledge.
- d) A professor practises intellectual honesty.

SUBJECT: STANDARDS OF PROFESSORIAL CONDUCT

Sec. 14. As a lawyer, a professor of law is required to adhere to the following prescriptions:

- a) A professor should –
 - (1) upgrade and update his or her knowledge of the subjects he or she teaches;
 - (2) manifest excellence and integrity in all scholarly endeavors;
 - (3) always aspire to improve his or her teaching methods; he or she should be open to new methodologies in teaching;
 - (4) attend seminars on law and in teaching strategies.
- b) A professor should not –
 - (1) downgrade other disciplines nor undermine the confidence of students in other duly approved programs of the school;
 - (2) allow subsidiary interest to hamper or compromise his or her freedom of inquiry;

SUBJECT: SOME IMPERMISSIBLE ACTS OR BEHAVIORS OF A PROFESSOR OF LAW

Sec. 15. The impermissible acts or behaviors of a professor includes the following:

- a) incurring unnecessary absences
- b) arriving in class habitually late
- c) going to class unprepared

- d) going to class under the influence of alcoholic drinks
- e) going to class improperly attired
- f) making indecent jokes in class
- g) making remarks which disparage any religion, sect, race, etc.
- h) making insensitive remarks about the norms, customs, habits, practices, beliefs, etc. of any group or community especially in regard to indigenous people or to those belonging to the disadvantaged sector of our society
- i) giving quizzes or test without correcting the papers; or if corrected, not returning the papers to the students
- j) not submitting the grades of the students on time
- k) smoking, eating or drinking (except water) while teaching
- l) over-staying in the classroom
- m) using intemperate, insulting or vulgar language in class
- n) using injudicious words in criticizing decisions of courts in class
- o) spending a good part of his or her period telling irrelevant stories
- p) teaching in a spiritless manner
- q) playing favorites with students.
- r) intriguing against a member of the school administration
- s) giving the impression that his or her ideas expressed in media reflect those of his or her school's
- t) going to public gambling places or indecent establishments

SUBJECT: ENFORCEMENT OF THE ETHICAL STANDARDS

Sec. 16. The ethical standards prescribed herein are without prejudice to institutionalized ethical rules and standards already in place or those to be subsequently adopted by the law school or the higher education institutions to which the law school is a part.

Sec. 17. The President or head of the higher education institution and the law dean are primarily responsible in the enforcement of these ethical standards. In the exercise of the academic freedom of the school, reasonable sanction may be imposed by said officials on erring members of the law faculty; however, the demands of due process of law must at all times be heeded.

Sec. 18. The Legal Education Board, in deference to the primary authority of the head of the higher education institution and the law dean, shall not interfere in the exercise of that institutional authority; however, when an aggrieved member of the law faculty brings up to the Board for review any adverse decision, order or disposition of said law school officials, the Board shall initially determine whether there is a prima facie showing in the petition that the said school officials have acted capriciously, oppressively or unlawfully, and if it finds that there is, then it may give due course to the petition, otherwise, it would outrightly deny the same.

Approved in the City of Manila, April 30, 2013.

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