

MULTIPLE LEARNING SYSTEM (MULTI=LEARN)

A concept for the teaching of law based on a proposed theory for classifying law studies

INTRODUCTION:

The COVID-19 Pandemic has radically altered the conduct of instruction in all levels of the educational system, from primary to higher education. The change brought about by the pandemic has challenged the creative talents of the regulators in coming out with new and different methods of delivering instruction considering that the traditional concept face to face classroom interaction is now seen as a threat to the communities because it may cause the further spread of the virus.

It is for the above reason that the regulators of the different levels of the educational system have come out with their methods for the delivery of instruction. The Department of Education (DepEd) which has the responsibility for primary up to secondary education has come out with what is referred to as “Blended Learning,” and the Commission on Higher Education (CHED), with its “Flexible Learning.” A common thread that runs through the fabric of “Blended Learning,” and “Flexible Learning,” is the delivery of instruction through the internet which seems to be the mainspring of any distance education method. This avoids face to face interaction which is a characteristic of the class room milieu. Of course, there are weaknesses attendant to the use of the internet, the main defect being the deficiency or even lack of both physical and human structure. There are certain places in the country where the efficiency of the internet as a means of communication is at the best rather spotty.

Thus, it is incumbent upon the Legal Education Board (LEB), which oversees legal education, to devise different methods for the delivery of instruction which could be used singly or in combination with each other to achieve the desired result. The desired result being the development in law students the appropriate skills to help them become members of the Bar as well as prepare them for the practice of law. Another consideration for the development of a method for the delivery of learning is the determination of the Inter-Agency Task Force (IATF) on Emerging Infectious Diseases of various levels of quarantine protocols depending upon the location in the country of a particular community. From the original very restrictive ECQ (Enhanced Community Quarantine) there evolved various gradations of relaxation such as the GCQ (General Community Quarantine) and MCQ (Modified Community Quarantine). Certain activities and movements are allowed. So also, certain age groups may be allowed to go out and attend gatherings up to certain number of individuals.

The proposed LEB method to be referred to as the “Multiple Learning Systems,” or by its acronym “Multi=Learn” is described below. The following discussion should be amplified.

BASICS OF MULTIPLE LEARNING SYSTEM (MULTI=LEARN) sub-titled “A concept for the teaching of law based on a proposed theory for classifying law studies.”

- A. Proposed theory for classifying law.** The undersigned puts forth a theory for classifying law studies into:
- 1. A study of the physical and spiritual (the study of the what), and**
 - 2. A study of the process flow (the study of the how).**

1. **Law as a study of the physical and spiritual (the study of the what).** In its simple terms, this classification is a study of what the law is. The physical aspect is a study of tangibles: What are the various kinds of tangible real and personal properties? On the other hand, the spiritual concerns intangibles such as rights and obligations, crimes, structures of government, etc.

This aspect is different from substantive law in the sense that substantive law may include both the what and the how. This is less than substantive law. For example, the substantive law on sales may include the spiritual concept of what sales is, such as the rights and obligations arising from sales, but does not include as well, the process on how rights are acquired and obligations arise from sales.

This aspect covers only the pure definitional concepts.

2. **Law as a study of the process flow (the study of the how).** In simple terms this is the study of how rights and obligations come about and how rights are protected and obligations enforced. There are two sub-aspects of this classification of the study of law. The first is the study on how rights are acquired and how obligations arise. The second is how rights are protected and obligations are enforced.

This is different from remedial law in the sense that remedial is merely the procedure for the protection of rights and the prevention of wrongs. It does not include the procedure on how rights and obligations come into being. In short this aspect is more than remedial law.

B. Use of the proposed theory for the classification of the study of law

1. **The proposed theory may be used for curriculum development, or**
2. **Development of a system for the delivery of instruction.**

1. **Use of the theory for curriculum development.** The reader should note that there are two methods by which the proposed theory may be utilized for curriculum development: i.e. arrange the subject content separately. For example, in family law, discuss the definition of marriage in one subject and in another subject discuss the procedure by which marriage takes place its dissolution, the manner by which rights and obligations arise from marriage, etc.

So also, which should come first the what or the how?

Another approach would be to combine the what and the how in one subject. While this may be so, it should be noted that there may be concerns raised with regard to criminal law. There may be no separation between the definition of crimes and the manner by which crimes are committed. The definition of crimes includes elements and the presence of the elements results to the commission of the crime.

For example, the curriculum for Criminal Law should be arranged in such a manner that there is a definition of a specific crime, how the crime is committed, prosecution of the offenses, bail, the defenses raised, the imposable penalties, the civil penalties, probation, service of sentence, extinction of criminal liability, etc. Of course, there may be variations depending upon the nature of the offense. Furthermore, the arrangement of the syllabus for criminal law should be in accordance with the frequency by which the crimes are committed. In short common crimes should be discussed first

before “non-popular” crimes such as treason, espionage, etc, are discussed. In this manner, the student would be prepared not only for the Bar but “practice ready” as well. The other subjects may also be treated in the same manner as Criminal Law.

For example, in Transportation, the procedure for obtaining an LTFRB franchise should be discussed, in Land Titles the procedure for obtaining a title, how to open a letter of credit, etc..

There may also be gradations in the combination of the what and the how. For details please refer to the proposal for the interim unified curriculum.

2. Development of a system for the delivery of instruction.

Multi=Learn is any, all or a combination of the following as a method for delivery of instruction:

1. Use of the internet;
2. Use of self-directed learning materials;
3. Use of the modular approach or subject by subject teaching;
4. Testing at regular intervals;
5. Minimum face-to-face classroom interaction; and
6. Non-numerical scalar grading system

A. USE OF THE INTERNET

1. The Supreme Court through A.C. Nos. 40-2020 and 41-2020 and other issuances has implemented the provisions of the 2019 Amendments to the 1997 Rules of Civil Procedure as well as provisions of the 2000 Rev. Rules on Criminal Procedure on the matter of electronic filing of pleadings as well as other matters of procedure (conduct of hearings for both civil and criminal cases) which may be done through the internet. The pilot courts covered by the procedure for hearings through video conferencing have likewise been expanded through OCA Circular No. 100-2020.

Even before the pandemic the Supreme Court, through A.M. No. 19-10-16-SC, has already provided rules for the conduct of MCLE on line.

The LEB/PALS Committee to be created for the purpose of crafting guidelines for the delivery of instruction and training of law professors through the internet could probably take the cue from the various issuances of the Supreme Court. I believe that even after the pandemic the Supreme Court would make the use of the internet a regular feature in the practice of law.

2. The use of the internet should not be the solitary method to be utilized. Multi=Learn, whose other features are discussed below, should be used should be used.
3. The method for the delivery of instruction through the WEB may be either of the following or their gradations:
 - 3.1 Pre-recorded learning modules, with the professor conducting tests and evaluation of performance through the scalar non-numerical grading system.

- 3.2 Pre-recorded learning modules with the professor providing enhancements, conducting tests and evaluation of performance through the scalar non-numerical grading system.
- 3.3 The professor using the distributed learning modules as guides does the live lectures, conducts tests and evaluation of performance through the scalar non-numerical grading system.
- 3.4 The professor using the distributed learning modules as guides provides enhancements, does the live lectures, conducts tests and evaluation of performance through the scalar non-numerical grading system.

B. USE OF SELF-DIRECTED LEARNING MATERIALS

1. There shall be prepared detailed syllabus for each of the subjects on a day to day basis including case assignments.
2. The detailed syllabi could be used either as the basis for the conduct of online classes or to be used on a supervised self-directed learning basis. The student is given reading assignments which could be the basis for quizzes and periodical examinations.

C. USE OF THE MODULAR APPROACH

1. The traditional approach for teaching law is to have different subjects taught simultaneously.
2. The modular approach may be evaluated by teaching the subjects on a sequential basis. The foundational subjects should be completed before the other subjects. There must be identified which subjects to finished ahead of the others. For example, for the First Year, First Semester, the no. 1 on the list should be finished first before proceeding to no. 2, thence 3, 4, 5 and 6.

First Semester
1. Philosophy of Law
2. Legal Research and Writing
3. Legal Methods
4. Constitutional Law I: Foundations and principles of the Philippine State
5. Criminal Law I: Foundations and principles
6. Persons and Family Relations

D. TESTING AT REGULAR INTERVALS

1. To be tested are the following:
 - 1.1 Ability to recollect
 - 1.2 Knowledge in applying the recalled concepts in the solution of problems
 - 1.3 Skill in writing the solution to problems in an understandable, coherent and logical manner
 - 1.4 Ability to do all of the above within a certain time frame
2. The quizzes and periodical examinations may be:
 - 2.1 To test recollection: Definitions, distinctions and enumerations

- 20% MCQ
- 10% Essay
- 2,2 70% Fact based problems on concepts usually tested in Bar Examinations
 - 20% MCQ
 - 60% Essay
- 3. Administration of the quizzes and periodicals
 - 3.1 Each subject should have a least two (2) quizzes and one (1) Preliminary periodical test to cover all the materials covered for the subject.
 - 3.2 The quizzes could use MCQs in order to test ability to recall and apply concepts to problems. The test giver must be trained on how to prepare MCQ questions. As it is now the MCQ questions merely center on the ability to recall and not the ability to solve fact-based problems. Sometimes the MCQ objective questions (not fact-based problems) merely omit words, add words to arrive at a definitional question. Thus, the questions become either “giveaways” or very difficult to answer.
 - 3.3 There should be a Final Examination for all the subjects at the end of the Semester. In this manner the student would always be on his/her toes in recalling concepts and applying the same to fact-based problems.

E. MINIMUM FACE-TO-FACE INTERACTION

- 1. The Inter-Agency Task Force (IATF) on Emerging and Infectious Diseases has set protocols with different gradations under the various levels of quarantine, Enhanced Community Quarantine (ECQ), General Community Quarantine (GCQ), and Modified Community Quarantine (MCQ).
- 2. In the areas where the IATF of the LGU allows for it, face to face, classroom interaction may be conducted on a limited basis for certain subjects or for the purpose of administering quizzes and periodical examinations.

F. NON-NUMERICAL SCALAR GRADING SYSTEM

- 1. A “pass-fail” system degrades the pursuit for academic excellence. The intellectually endowed individual is pulled down to the level of the intellectually challenged.

Unlike the Bar Examination where a “pass-fail” system may be employed for comparability between Bar passers of different Bar years, the “pass-fail” system should not be used for measuring academic performance. This is so because the Bar questions vary from year to year while the criteria for measuring academic performance could be held constant so the basis for comparison is on a logical basis.

Although denominated as “non-numerical” numbers are still going to be referred to in the determination of the scalar measures. The numbers are not going to be shown in the grading sheets only the “non-numerical scalar grade”.

2. A non-numerical scalar grading system should be provided to still maintain a set of criteria for awarding Latin honors. The schools determine the criteria for the grant of Latin honors.
3. The following non-numerical scalar grading system is proposed:

Extraordinary	96-100
Excellent	91-95
Superior	86-90
Good	81-85
Satisfactory	76-80
Passed	75
Failed	below 75

Or the present use of letters:

A+	96-100
A	91-95
B+	86-90
B	81-85
C	76-80
D	75
F	below 75

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