

2018 BAR EXAMINATIONS

CIVIL LAW

I. GENERAL PRINCIPLES

A. Effect and Application of Laws (Civil Code)

Include: Conflict of Laws (Private International Law)

B. Human Relations (Arts. 19-22, Civil Code)

Exclude:

1. Independent civil actions and prejudicial questions which are covered under Remedial Law

II. PERSONS AND FAMILY RELATIONS

A. Persons and Personality (Civil Code)

B. Marriage (Family Code)

Exclude:

1. P.D. No. 1083 (Code of Muslim Personal Laws of the Philippines)
2. Duties of a Civil Registrar under Articles 12-19, 23-25 (Family Code)
3. A.M. No. 02-11-10-SC on the Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages
4. R.A. No. 6955 ("An Act to Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail Order Basis and Other Similar Practices xxx") and R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003)

C. Legal Separation (Family Code)

Exclude:

1. A.M. No. 02-11-11-SC on the Rule on Legal Separation

D. Rights and Obligations between Husband and Wife (Family Code)

Exclude:

1. R.A. No. 7192 (Women in Development and Nation Building Act); R.A. No.8187 (Paternity Leave Act of 1996); R.A. No. 9710 (The Magna Carta of Women)

E. Property Relations of the Spouses (Family Code)

Exclude:

1. Summary Judicial Proceedings in Family Law Cases

- F. The Family (Family Code)

1. The family as an institution
2. The family home

- G. Paternity and Filiation (Family Code)

Exclude:

1. A.M. No. 06-11-5-SC or the Rule on DNA Evidence
2. Care and Education of Children (Articles 356-363, Civil Code)

- H. Adoption

1. R.A. No. 8552 (Domestic Adoption Act of 1998)

- a) Who may adopt
- b) Who may be adopted
- c) Rights of an adopted child (include Art. 189-190, Family Code)
- d) Instances when adoption may be rescinded
- e) Effects of rescission

Exclude:

- a) A.M. No. 02-6-02-SC on Rule on Adoption
- b) R.A. No. 9523 ("An Act Requiring Certification of the Department of Social Welfare and Development to Declare a 'Child Legally Available for Adoption' as a Prerequisite for Adoption Proceedings xxx")

2. R.A. No. 8043 (Inter-Country Adoption Act of 1995)

- a) When allowed
- b) Who may adopt
- c) Who may be adopted

3. Distinction between domestic adoption and inter-country adoption

Exclude:

- a) Articles 183-188, 191-193, Family Code

- I. Support (Family Code)

- J. Parental Authority (Family Code)

1. R.A. No. 7610 (Special Protection of Children against Abuse and Discrimination Act), specifically Sec. 10(c)

Exclude:

1. A.M. No. 03-02-05-SC on Rule on Guardianship of Minors

2. A.M. No. 03-04-04-SC on Rules on Custody of Minors and Writ of *Habeas Corpus* in Relation to Custody of Minors
 3. R.A. No. 8972 (Solo Parents' Welfare Act of 2000)
 4. R.A. No. 8980 (The Early Childhood Care and Development Act)
 5. R.A. No. 9231 ("An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child xxx," which is covered under Labor Law)
- K. Emancipation (Arts. 234 and 236, Family Code, as amended by R.A. No. 6809 which lowered the age of majority)
- L. Retroactivity of the Family Code (Art. 256)
- Exclude:
1. Arts. 254-255, 257, Family Code
- M. Funerals (Arts. 305-310, Civil Code)
- N. Use of Surnames
1. Arts. 364-380, Civil Code (other articles not repealed by Family Code)
 2. R.A. No. 9255 (An Act Allowing Illegitimate Children to Use the Surname of Their Father)
- O. Absence
1. Art. 41, Family Code
 2. Art. 381-389, Civil Code
 3. Art. 390-392, Civil Code (Presumption of Death)

III. PROPERTY

- A. Characteristics
- B. Classification
- C. Ownership
- D. Accession
- E. Quieting of Title to or Interest in and Removal or Prevention of Cloud over Title or Interest in Real Property
- F. Co-ownership
- G. Possession
- H. Usufruct
- I. Easements
- J. Nuisance

- K. Modes of Acquiring Ownership
- L. Donations
- M. Prescription
 - 1. Definition
 - 2. Acquisitive and Extinctive Prescription
 - 3. Instances when prescription is not allowed
 - 4. Prescription or limitation of actions

IV. OBLIGATIONS AND CONTRACTS

- A. Obligations
 - 1. Definition, elements
 - 2. Sources of Obligations
 - 3. Nature and Effects of Obligations
 - 4. Kinds of Obligations
 - a) Pure and Conditional
 - b) Obligations with a Period
 - c) Alternative Obligations
 - d) Joint and Solidary Obligations
 - e) Divisible and Indivisible Obligations
 - f) Obligations with a Penal Clause
 - 5. Extinguishment of Obligations
 - a) Payment or Performance
 - b) Loss of the Thing Due
 - c) Condonation or remission of debt
 - d) Confusion or merger of rights of creditor and debtor
 - e) Compensation
 - f) Novation
- B. Contracts
 - 1. Essential Requisites
 - 2. Kinds of Contracts
 - 3. Objects, Causes and Forms of Contracts
 - 4. Reformation of Instruments
 - 5. Interpretation of Contracts
 - 6. Rescissible Contracts
 - 7. Voidable Contracts

- 8. Unenforceable Contracts
- 9. Void and Inexistent Contracts
- C. Natural Obligations
- D. Estoppel

V. SALES

- A. Nature and Form of Contract
- B. Capacity to Buy or Sell
- C. Effects of the Contract when the Thing Sold has been lost
- D. Obligations of the Vendor
- E. Obligations of the Vendee
- F. Breach of Contract

Include:

- 1. Recto Law: sale of movables on installment (Articles 1484-1486, Civil Code)
- 2. Maceda Law: sale of immovable on installment (R.A. No. 6552)
- G. Extinguishment of Sale
- H. Assignment of Credits

VI. LEASE

- A. General Provisions
 - 1. Lease of Things
 - 2. Lease of Work and Services
- B. Lease of Rural and Urban Lands
- C. Rights and Obligations of Lessor and Lessee
- D. Special Rules for Lease of Rural/Urban Lands

Exclude:

- 1. Household Service, Contract of Labor, Contract for Piece of Work which is covered under Labor Law

VII. PARTNERSHIP

- A. Contract of Partnership
- B. Rights and Obligations of Partnerships
- C. Rights and Obligations of Partners among Themselves
- D. Obligations of Partnership/Partners to Third Persons

- E. Dissolution and Winding Up
- F. Limited Partnership

VIII. AGENCY

- A. Definition
- B. Nature, Form and Kinds of Agency
- C. Obligations of the Agent
- D. Obligations of the Principal
- E. Modes of Extinguishment

IX. TRUST

- A. Definition
- B. Kinds of Trust
 - 1. Express Trust
 - 2. Implied Trust

X. CREDIT TRANSACTIONS

- A. Loan
- B. Deposit
- C. Guaranty and Suretyship
- D. Pledge, Mortgage and Antichresis, Chattel Mortgage (include Act No. 1508 and Section 47 of R.A. No. 8791 or the General Banking Act of 2000)
- E. Quasi-Contracts
- F. Concurrence and Preference of Credits
 - Include:
 - 1. Section 133 of R.A. No. 10142 [Financial Rehabilitation and Insolvency Act (FRIA) of 2010]

XI. SUCCESSION

- A. General Provisions
- B. Testamentary Succession/Wills
- C. Legal or Intestate Succession
- D. Provisions Common to Testate and Intestate Succession
 - Exclude:
 - 1. Executors and administrators (Articles 1058-1060, Civil

Code), which is covered under Remedial Law

XII. LAND TITLES AND DEEDS

- A. Torrens System (General Principles)
- B. Original Registration
- C. Subsequent Registrations
 - 1. Voluntary dealings
 - 2. Involuntary dealings
- D. Non-registrable Properties
- E. Dealings with Unregistered Lands

Exclude:

- 1. History of land laws
- 2. Remedies, which is covered under Remedial Law
- 3. Registration of Judgments, orders and partitions
- 4. Assurance fund
- 5. Registration of patents
- 6. Administrative structure of the Register of Deeds
- 7. Consultas

XIII. TORTS AND DAMAGES

- A. Torts/Quasi-Delicts (Articles 2176-2194, Civil Code)
 - 1. Definition, Elements
 - 2. Classification of Torts
 - a) Negligent Torts
 - b) Intentional Torts
 - c) Strict Liability
 - 3. The Tortfeasor
 - a) Direct tortfeasor
 - b) Persons made responsible for others
 - c) Nature of liability
 - 4. The Concepts and Doctrines of *Res Ipsa Loquitur*, Last Clear Chance, Proximate Cause, *Damnum Absque Injuria*, Presumption of Negligence, Vicarious Liability.
 - 5. Legal Injury
- B. Damages (Articles 2195-2235, Civil Code)

1. General Provisions
2. Actual and Compensatory Damages
3. Moral Damages
4. Nominal Damages
5. Temperate or Moderate Damages
6. Liquidated Damages
7. Exemplary or Corrective Damages
8. Damages in Case of Death

IMPORTANT NOTES:

- The listing of covered topics is not intended and should not be used by law schools as a course outline. This listing has been drawn up for the limited purpose of ensuring that the Bar candidates are guided on the coverage of the 2018 Bar Examinations.
- All laws, rules, issuances, and jurisprudence pertinent to every subject and its listed topics as of June 30, 2017 are examinable materials within the coverage of the 2018 Bar Examinations.
- Principles of law are not covered by the cut-off period stated herein.

