



Republic of the Philippines  
Supreme Court  
Manila

2019 BAR EXAMINATIONS  
LEGAL ETHICS AND PRACTICAL EXERCISES


NOVEMBER 24, 2019

2:00 P.M. – 6:00 P.M.

**INSTRUCTIONS**

1. This Questionnaire contains TEN (10) pages including this page. Check the number of pages and their proper sequencing. You may write notes on this Questionnaire.
2. This Questionnaire is divided into two (2) parts: Part I and Part II. Write your answers to the questions in **Part I** (consisting of problem sets labelled **A.1. to A.10.**) in **Booklet I** and the answers to questions in **Part II** (consisting of problem sets labelled **B.11. to B.17.**) in **Booklet II**. **Answers written on the wrong booklet shall not be given any credit.**
3. Read each question carefully and note the points allocated for each question. In your answers, follow the sequence and the numbering system used in the Questionnaire. Answer each numbered question on a separate page; an answer to a sub-question under the same number set may be written continuously on the same page and succeeding pages until completed.
4. Your answers should demonstrate your ability to analyze the facts, apply the pertinent laws and jurisprudence, and arrive at sound and logical conclusions. Always support your answers with the pertinent laws, rules, and/or jurisprudence. A mere “yes” or “no” answer without any corresponding explanation or discussion may not be given full credit.
5. Marking of your booklets with your name or other identifying signs or symbols extraneous to the subject matter of the questions may be considered as cheating, and may disqualify you for the whole examinations.

**YOU CAN BRING HOME THE QUESTIONNAIRE.**

  
**JUSTICE ESTELA M. PERLAS-BERNABE**  
Chairperson  
2019 Bar Examinations

# **PART I**

**Note:** As stated in the Instructions, **Part I** covers problem sets labelled **A.1. to A.10.** All answers to these questions should be written on **Booklet I.**

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## **A.1.**

Atty. A, a duly licensed notary public, has maintained several notarial registers in his separate offices in order to cater to the needs of his clients and accommodate their growing number. Due to Atty. A's busy schedule, Atty. A's secretary would usually perform the notarial acts on his behalf.

Sometime in April 2017, Mrs. B, an Overseas Filipino Worker staying in Singapore, sought the legal services of Atty. A for the nullification of her marriage. Consequently, Atty. A drafted a petition with verification which was sent from his law office in Manila to Singapore for the signature of Mrs. B, who, after signing the same, sent it back to Atty. A. When the document arrived in Atty. A's office, his secretary, as per usual practice, notarized the signed document upon Atty. A's instruction.

**(a) Name at least two (2) violations of the Rules on Notarial Practice committed by Atty. A. (3%)**

**(b) May Atty. A be also held liable under the Code of Professional Responsibility for the same infractions committed by him as a notary public? Explain. (2%)**

**(c) What does the phrase "competent evidence of identity" refer to under the Rules on Notarial Practice? (3%)**

## **A.2.**

Y, who is a businessman, and Atty. X are good friends. Due to their closeness, Atty. X was able to borrow ₱300,000.00 from Y, which amount was intended to refurbish Atty. X's law office.

Months after, Y got into a contractual dispute with Z, one of his business partners. Hence, Y sought the legal services of Atty. X for the filing of the proper action against Z. In consideration for his legal services, Y paid Atty. X an acceptance fee of ₱50,000.00.



Unfortunately, Atty. X and Y's relationship turned sour. Thus, all communications between them were cut, and worse, Atty. X failed to file the required initiatory pleading against Z on the date agreed upon. Aggrieved, Y filed an administrative complaint, seeking that Atty. X be sanctioned and that the ₱50,000.00 acceptance fee and the ₱300,000.00 personal loan be returned to him.

**(a) What administrative violation/s did Atty. X commit, if any? Explain. (3%)**

**(b) May Y's prayer for the return of the ₱50,000.00 acceptance fee and the ₱300,000.00 personal loan prosper? Explain. (5%)**

### **A.3.**

Pending resolution of a high-profile case against him, Justice K uttered, in a public forum hosted by a local Integrated Bar of the Philippines chapter, his comments on the perceived bias of the court against him, as well as on the issues raised by the complainants, his defenses, and the commentaries published by some local newsmen in relation to the case. This is only one instance of his many appearances in different gatherings of such nature in order to defend his public image.

**(a) Did Justice K, in his capacity as a lawyer, commit any violation of the Code of Professional Responsibility? If so, what rule did Justice K violate? Explain. (3%)**

**(b) Arguing that he should be treated as any other ordinary litigant in the said case, may Justice K validly claim that his comments were made in a purely private capacity and hence, not subject to administrative sanction? Explain. (3%)**

### **A.4.**

Mr. L sought legal advice from his lawyer, Atty. M, regarding the possibility of annulling his marriage. In the course of their conversation, Mr. L mentioned that he would be able to immediately pay Atty. M's legal fees because he received a huge kickback from a favored supplier in relation to his work as member of his Municipality's Bids and Awards Committee.

**(a) Is the communication made by Mr. L to Atty. M regarding the kickback he received presumed to be confidential? Explain. (3%)**

**(b) What is the duty of a lawyer when, in the course of his representation, he discovered that his client committed fraud upon a person or a tribunal? (2%)**

**A.5.**

P was dismissed by his former employer, Company X, for allegedly misappropriating company funds entrusted to him. P alleged that there was no proof to substantiate the same; hence, his dismissal was invalid.

Aggrieved, P engaged the services of ABCDE Law Office to represent him in an illegal dismissal case against Company X. Atty. A, a partner of the said law firm, was assigned to handle P's case.

Eventually, the illegal dismissal case was terminated upon settlement by all parties, and thus, P's engagement with ABCDE Law Office ceased.

Two (2) years after, a criminal case for Qualified Theft was filed by Company X against P based on the same events which led to his dismissal. To his surprise, P found out that Company X was being represented by ABCDE Law Office in the criminal case. Decrying a violation of the rule on conflict of interest, P filed an administrative complaint against Attys. A, B, C, D, and E, the partners of ABCDE Law Office.

**(a) Was the rule on conflict of interest violated in this case? Explain. (3%)**

**(b) Is the prior termination of P's engagement with ABCDE Law Office a valid defense to the administrative charge against Attys. A, B, C, D, and E? Explain. (2.5%)**

**(c) May Attys. B, C, D, and E be held administratively liable for violating the rule on conflict of interest despite the fact that it was only Atty. A, the handling lawyer, who had knowledge of P's engagement as a client? Explain. (2.5%)**

### **A.6.**

Atty. U was being investigated by the Integrated Bar of the Philippines regarding a complaint for immorality filed by his wife, Y. Pending resolution of the case, complainant Y filed an affidavit of desistance and withdrawal of the complaint on the ground that she mistakenly filed the complaint out of jealousy.

**What is the effect of Y's filing of an affidavit of desistance and the withdrawal of her complaint in the administrative case against Atty. U? Explain. (2.5%)**

### **A.7.**

Every new lawyer must be acquainted with the consequences of non-compliance with the essential obligations attendant to the legal profession. Among these obligations are compliance with the requirements on Mandatory Continuing Legal Education (MCLE), and payment of Integrated Bar of the Philippines (IBP) dues.

**(a) What are the consequences of non-compliance with the requirements on MCLE? (2.5%)**

**(b) What are the consequences of non-payment of IBP dues? (2.5%)**

### **A.8.**

A lawyer advertised in the newspaper the following:

*"Expert in annulment of marriage. Fast and sure. Consult anytime."*

**Is the advertisement proper? Explain. (2.5%)**

### **A.9.**

Mr. O was disbarred from the practice of law in 2009 for gross immorality. Ten (10) years later, at age 58, he asked for judicial clemency and filed a petition for his reinstatement in the Roll of Attorneys. Mr. O had asked forgiveness from his children and maintained a cordial relationship with his complainant wife. He also submitted a certification from the parish priest and members of the Integrated Bar of



the Philippines chapter to which he belongs of his civic mindedness and good moral character.

**Based on the guidelines for the reinstatement of a disbarred lawyer, may Mr. O be reinstated as a member of the Bar? Explain. (2.5%)**

### **A.10.**

Atty. B is a newly admitted member of the Philippine Bar. As a means to manage his heavy case load, Atty. B delegated the preparation and signing of all motions for extension of time to his secretary, Ms. D. On the signature page of every motion, the following would appear:

“Ms. D for B Law Office”

X, one of Atty. B’s clients, expressed concern over such practice. Atty. B reassured him that the same is completely permissible as lawyers are allowed to devise means to efficiently manage their workload. Besides, Ms. D is acting under his full knowledge and authority.

**Does the practice of Atty. B of having his motions for extension of time signed by Ms. D constitute any violation of the Code of Professional Responsibility? Explain. (2.5%)**

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**- END OF PART I -**

**Note:** This marks the end of Part I. The forthcoming problem sets will fall under Part II and the answers therefor should be written on Booklet II.



## **PART II**

**Note:** As stated in the Instructions, **Part II** covers problem sets labelled **B.11.** to **B.17.** All answers to these questions should be written on **Booklet II.**

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### **B.11.**

The Cultural Heritage Association of Manila filed an injunction case to stop the construction of a 40-storey condominium building owned by XYZ Corp., a well-known real estate developer. Eventually, the injunction case was dismissed with finality by Judge T, and an entry of judgment was issued. Two (2) years later, Judge T bought condominium units in the same 40-storey building owned by XYZ Corp.

**Did Judge T commit an act of impropriety? Explain. (3%)**

### **B.12.**

Judge B and his family went on vacation in an island resort in Coron, Palawan. One night, he was photographed by a local boatman who witnessed him appearing very drunk and in the act of dancing naked by the seashore. The photos were uploaded to a social media site and became viral.

**May Judge B be subjected to any disciplinary sanctions? Explain. (3%)**

### **B.13.**

**(a) Distinguish compulsory from voluntary inhibition of judges. (3%)**

**(b) State at least two (2) instances when a judge must compulsorily inhibit from a case. (3%)**

**B.14.**

While driving on his way to court, Judge D personally witnessed a vehicular accident between a motorcycle and a car. Subsequently, a criminal case arising from said accident was raffled to his court.

**Should Judge D inhibit from this case? Explain. (3%)**





**Practical Exercises Note:** The final three (3) problems labelled **B.15.** to **B.17.** all pertain to the same set of parties and facts.

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Mr. B, a resident of Quezon City, engaged you as counsel to assist him in acquiring the house and lot being sold by Ms. S, also a resident of Quezon City, which lot is covered by Transfer Certificate of Title No. 54321, with an area of 500 square meters, located at Barangay 123, Quezon City, Philippines (subject property). At the meeting where Mr. B, Ms. S, and you were present, the following terms and conditions were agreed upon:

1. the purchase price for the subject property is ₱50,000,000.00;
2. Ms. S will pay the capital gains tax and documentary stamp tax arising from the sale, as well as the real estate taxes up to the date of the sale, within thirty (30) days from execution of the deed of sale, while the rest of the expenses to effect the transfer of title will be shouldered by Mr. B; and
3. Ms. S gave the assurance that the subject property would be free from any occupant/s within the same thirty-(30) day period.

The Deed of Absolute Sale was scheduled to be signed by the parties on November 24, 2018 in Quezon City.

### **B.15.**

**Draft a Deed of Absolute Sale including the required notarial certificate reflecting the foregoing. (15%)**

[*continuation*] On December 27, 2018, Mr. B visited the subject property and found out that Ms. S's brother, Mr. C, was still occupying the same. Furthermore, on the same day, Mr. B checked with the Bureau of Internal Revenue and discovered that the capital gains tax and the documentary stamp tax remained unpaid. Disappointed with the failure of Ms. S to duly fulfill her obligations based on their contract, Mr. B asked for your assistance regarding this matter.

## **B.16.**

**Draft a Demand Letter seeking fulfillment of Ms. S's obligations under the Deed of Absolute Sale within fifteen (15) days from receipt. (5%)**

[*continuation*] Unfortunately, Ms. S did not heed the demand letter, constraining you, on behalf of Mr. B, to file the necessary complaint before the Regional Trial Court of Quezon City. The complaint was filed on February 15, 2019, docketed as Civil Case No. 654321 and was raffled to Branch 77. Eventually, Ms. S was duly served with summons on March 15, 2019. However, she failed to file an answer or any motion requesting for an extension to file the same.

## **B.17.**

**Draft a Motion to Declare Ms. S in Default including the required Notice of Hearing. (15%)**

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**- END OF PART II -**

Nothing follows