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Supreme Court
Manila

OFFICE OF THE 2020 BAR CHAIR

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SYLLABUS FOR THE BAR EXAMINATION

POLITICAL AND INTERNATIONAL LAW

Attached is the coverage for Political and International Law, which will be held on November 8, 2020.

Bar candidates are advised to be guided by the provisions of the Constitution, laws, rules, issuances, and canonical jurisprudential doctrines pertinent to the topics enumerated as of June 30, 2019 except when provided in the relevant syllabus.

For your information and guidance.

February 14, 2020.


MARVIC M.V.F. LEONEN

*Associate Justice and
2020 Bar Examinations Chair*

SYLLABUS FOR THE 2020 BAR EXAMINATIONS

POLITICAL AND INTERNATIONAL LAW

Note: All Bar candidates should be guided that — except when provided in this syllabus — only laws, rules, issuances, with their respective amendments; and canonical doctrines pertinent to these topics as of June 30, 2019 are examinable materials within the coverage of the 2020 Bar Examinations.

I. THE 1987 CONSTITUTION

- A. Nature and concept of a constitution
- B. Parts of a constitution
- C. Amendments and revisions
- D. Methods of interpreting the Constitution

II. BASIC CONCEPTS

- A. Declaration of principles and state policies
- B. Sovereignty
- C. State immunity
- D. Separation of powers
- E. Checks and balances
- F. Delegation of powers
- G. Fundamental powers of the State
 - 1. Police power
 - 2. Eminent domain
 - 3. Taxation

III. NATIONAL TERRITORY

IV. CITIZENSHIP

- A. Kinds of citizenship, purpose of distinguishing citizenship and kinds of citizenship
- B. Who are citizens
- C. Who can be citizens
- D. Modes of acquiring citizenship
- E. Modes of losing and reacquiring citizenship
- F. Dual citizenship and dual allegiance

V. LEGISLATIVE DEPARTMENT

- A. Legislative power
 - 1. Scope and limitations
 - 2. Principle of non-delegability; exceptions
- B. Chambers of Congress; composition; qualifications
 - 1. Senate
 - 2. House of Representatives
 - a. District representatives and questions of apportionment
 - b. Party-list system
- C. Legislative privileges, inhibitions, and disqualifications
- D. Quorum and voting majorities
- E. Discipline of members
- F. Process of law-making
- G. Electoral tribunals and the Commission on Appointments
 - 1. Nature
 - 2. Powers
- H. Powers of Congress
 - 1. Legislative inquiries and oversight functions
 - 2. Non-legislative
 - a. Informing function
 - b. Power of impeachment
- I. Initiative and referendum

VI. EXECUTIVE DEPARTMENT

- A. Qualifications, election, and term of the President and Vice-President
- B. Privileges, inhibitions, and disqualifications
 - 1. Presidential immunity
 - 2. Presidential privilege
- C. Powers of the President
 - 1. General executive and administrative powers
 - 2. Power of appointment
 - a. In general
 - b. Limitations on the exercise/power
 - c. Types of appointment
 - 3. Power of control and supervision
 - a. Doctrine of qualified political agency
 - b. Executive departments and offices
 - c. Local government units
 - 4. Emergency powers
 - 5. Commander-in-chief powers
 - a. Calling out powers
 - b. Declaration of martial law and suspension of the privilege of the writ of *habeas corpus*; extension
 - 6. Executive clemency
 - a. Nature and limitations
 - b. Forms of executive clemency
 - 7. Diplomatic power
 - 8. Powers relative to appropriation measures
 - 9. Delegated powers
 - 10. Residual powers
 - 11. Veto powers
- D. Rules of succession

VII. JUDICIAL DEPARTMENT

- A. Concepts
 - 1. Judicial power

2. Judicial review
 - a. Requisites
 - b. Operative fact doctrine
 - c. Political question doctrine
- B. Judicial independence and autonomy
- C. Appointments to the judiciary
 1. Qualifications of members of the judiciary
 2. Judicial and Bar Council
 - a. Composition
 - b. Powers
- D. The Supreme Court
 1. Composition
 2. Powers and functions

VIII. CONSTITUTIONAL COMMISSIONS

- A. Common provisions
- B. Institutional independence safeguards
- C. Powers and functions
- D. Composition and qualifications of members
- E. Prohibited offices and interests

IX. BILL OF RIGHTS

- A. Concept of Bill of Rights
 1. Privacy and autonomy
 2. Relation to human rights
- B. Due process of law
 1. Concept of right to life, liberty and property
 2. Kinds of due process
 - a. Substantive

- b. Procedural
 - i. Judicial
 - ii. Administrative
 - c. Levels of scrutiny
- C. Equal protection of laws
 - 1. Concept
 - 2. Requisites for valid classification
 - 3. Levels of scrutiny
- D. Right against unreasonable searches and seizures
 - 1. Concept of privacy
 - 2. Concept of a search
 - 3. Requisites of a valid warrant
 - 4. Warrantless searches
 - 5. Warrantless arrests and detention
 - 6. Exclusionary rule
 - 7. Effects of unreasonable searches and seizures
 - 8. Effects of illegal detention
- E. Privacy of communications and correspondence
 - 1. Concept of communications, correspondence
 - 2. Intrusion, when and how allowed
 - 3. Exclusionary rule
- F. Freedom of speech and expression
 - 1. Concept
 - a. Continuum of thought, speech, expression, and speech acts
 - b. Purposes of free speech doctrines
 - c. Balance between unbridled expression and liberty
 - 2. Types of regulation
 - a. Prior restraint and subsequent punishment
 - b. Content based and content neutral
 - c. Incitement and advocacy
 - d. Specificity of regulation and overbreadth doctrine
 - e. Speech regulation in relation to election
 - f. Speech regulation in relation to media

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3. Judicial analysis, presumptions and levels and types of scrutiny
 4. Special topics in free expression cases
 - a. Hate speech
 - b. Defamation and libel
 - c. Sedition and speech in relation to rebellion
 - d. Obscenity/pornography
 - e. Commercial speech
 - f. National emergencies
 - g. Speech of public officers
 5. Cognate rights
 - a. Freedom of assembly
 - b. Freedom of association
 - c. Freedom of information
- G. Freedom of religion
1. Basic principles
 - a. Purpose
 - b. Concept of religion
 2. Principle of separation of church and state
 3. Non-establishment clause
 4. Free exercise clause
- H. Liberty of abode and freedom of movement
1. Scope and limitations
 2. Watch-list and hold departure orders
- I. Eminent domain
1. Concept
 2. Just compensation
 3. Abandonment of intended use and right of repurchase
 4. Expropriation by local government units
- J. Non-impairment of contracts
- K. Adequate legal assistance and free access to courts

- L. Right against self-incrimination
 - 1. Scope and coverage
 - 2. Application
 - 3. Immunity statutes
- M. Rights of persons under custodial investigation
 - 1. Availability
 - 2. Requisites
 - 3. Waiver
- N. Rights of the accused
 - 1. Criminal due process
 - 2. Bail
 - 3. Presumption of innocence
 - 4. Right to be heard
 - 5. Assistance of counsel
 - 6. Right to be informed of the nature and cause of accusation
 - 7. Right to speedy, impartial, and public trial
 - 8. Right of confrontation
 - 9. Compulsory process
 - 10. Trials *in absentia*
- O. Right to the speedy disposition of cases
- P. Right against excessive fines and cruel, degrading, and inhuman punishments
- Q. Non-imprisonment for debts
- R. Right against double jeopardy
 - 1. Requisites; scope
 - 2. Limitations
- S. Right against involuntary servitude
- T. *Ex post facto* laws and bills of attainder

X. LAW ON PUBLIC OFFICERS

- A. General principles
- B. Modes of acquiring title to public office
- C. Modes and kinds of appointment

- D. Eligibility and qualification requirements
- E. Disabilities and inhibitions of public officers
- F. Powers and duties of public officers
- G. Rights of public officers
- H. Liabilities of public officers
 - 1. Preventive suspension and back salaries
 - 2. Illegal dismissal, reinstatement, and back salaries
- I. Immunity of public officers
- J. Distinguish: *de facto* and *de jure* officers
- K. Termination of official relation
- L. Civil service
 - 1. Scope
 - 2. Appointments to the civil service
 - 3. Personnel actions
- M. Accountability of public officers
 - 1. Types of accountability
 - a. Administrative
 - b. Criminal
 - 2. The Ombudsman and the Office of the Special Prosecutor
 - 3. The *Sandiganbayan*
- N. Term limits

XI. ADMINISTRATIVE LAW

- A. General principles
- B. Administrative agencies
- C. Powers of administrative agencies
 - 1. Rule-making power
 - a. Kinds of administrative rules and regulations
 - b. Requisites for validity

2. Adjudicatory power
 - a. Administrative due process
 - b. Administrative appeal and review
 - c. Administrative *res judicata*
 3. Fact-finding, investigative, licensing, and rate-fixing powers
- D. Judicial review
1. Doctrine of primary administration jurisdiction
 2. Doctrine of exhaustion of administrative remedies
 3. Doctrine of finality of administrative action

XII. ELECTION LAW

- A. Suffrage
1. Qualification and disqualification of voters
 2. Registration and deactivation of voters
 3. Inclusion and exclusion proceedings
 4. Local and overseas absentee voting
 5. Detainee voting
- B. Political parties
1. Jurisdiction of the Commission on Elections over political parties
 2. Registration of political parties
- C. Candidacy
1. Qualifications and disqualifications of candidates
 2. Filing of certificates of candidacy
 - a. Effect of filing
 - b. Substitution and withdrawal of candidates
 - c. Nuisance candidates
 - d. Effect of disqualification
- D. Campaign
1. Premature campaigning
 2. Prohibited contributions
 3. Lawful and prohibited election propaganda

4. Limitations on expenses
5. Statement of contributions and expenses
- E. Board of Election Inspectors and Board of Canvassers.
 1. Composition
 2. Powers
- F. Remedies
 1. Petition to deny due course to or cancel certificate of candidacy
 2. Petition for disqualification
 3. Failure of election; call for special election
 4. Pre-proclamation controversy
 5. Election protest
 6. *Quo warranto*

XIII. LOCAL GOVERNMENTS

- A. Autonomous Regions and their relation to the National Government
- B. Public corporations
 1. Concept; distinguished from Government-Owned or Controlled Corporations
 2. Classifications
 - a. Quasi-corporations
 - b. Municipal corporations
 - i. Elements
 - ii. Nature and functions
 - iii. Requisites for creation, conversion, division, merger or dissolution
- C. Principles of local autonomy
- D. Powers of local government units
 1. General welfare clause
 2. Eminent domain
 3. Taxing power
 4. Closure and opening of roads
 5. Legislative power
 - a. Requisites for valid ordinance

- b. Local initiative and referendum
- 6. *Ultra vires* acts
- 7. Corporate powers
- 8. Liability of local government units
- 9. Settlement of boundary disputes
- 10. Local officials
 - a. Vacancies and succession
 - b. Discipline
 - i. Elective officials
 - (a) Grounds
 - (b) Jurisdiction
 - (c) Preventive suspension
 - (d) Removal
 - (e) Administrative appeal
 - (f) Doctrine of condonation
 - ii. Appointive officials
- 11. Recall
- 12. Term Limits

XIV. NATIONAL ECONOMY AND PATRIMONY

- A. Exploration, development, and utilization of natural resources
- B. Franchises, authorities, and certificates for public utilities
- C. Acquisition, ownership, and transfer of public and private lands
- D. Practice of professions
- E. Organization and regulation of private and public corporations
- F. Monopolies, restraint of trade, and unfair competition

XV. SOCIAL JUSTICE AND HUMAN RIGHTS

- A. Concept of social justice
- B. Economic, social, and cultural rights

- C. Commission on Human Rights
 - 1. Powers
 - 2. Composition and qualification of members

XVI. EDUCATION, SCIENCE, TECHNOLOGY, ARTS, CULTURE AND SPORTS

- A. Academic freedom

XVII. PUBLIC INTERNATIONAL LAW

- A. Concepts
- B. Relationship between international and Philippine domestic law
- C. Sources of international law
 - 1. Article 38, International Court of Justice Statute
 - 2. Effect of United Nations Declarations, Security Council Resolutions
 - 3. Effect of actions of organs of international organizations created by treaty
- D. Subjects of international law
 - 1. States
 - 2. International organizations
 - 3. Individuals
 - 4. Others
- E. Jurisdiction of states
 - 1. Basis of jurisdiction
 - a. Territoriality principle
 - b. Nationality principle and statelessness
 - c. Protective principle
 - d. Universality principle
 - e. Passive personality principle
 - 2. Exemptions from jurisdiction
 - a. Act of State doctrine
 - b. International organizations and their officers
- F. Diplomatic and consular law



- G. Nationality and statelessness
- H. General principles of treaty law
- I. Doctrine of state responsibility
- J. Refugees
- K. Treatment of aliens
 - 1. Extradition
 - a. Fundamental principles
 - b. Procedure
 - c. Distinguished from deportation
- L. International human rights law
 - 1. Universal Declaration of Human Rights
 - 2. International Covenant on Civil and Political Rights
 - 3. International Covenant on Economic, Social and Cultural Rights
- M. International humanitarian law
 - 1. Categories of armed conflicts
 - a. International armed conflicts
 - b. Internal or non-international armed conflict
 - c. War of national liberation
 - 2. Core international obligations of States
 - 3. Principles of international humanitarian law
 - a. Treatment of civilians
 - b. Prisoners of war
 - 4. Law on neutrality
- N. Law of the sea
 - 1. Baselines
 - 2. Archipelagic States
 - a. Straight archipelagic baselines
 - b. Archipelagic waters
 - c. Archipelagic sea lanes passage
 - d. Regime of islands
 - 3. Internal waters
 - 4. Territorial sea
 - 5. Contiguous zone

6. Exclusive economic zone
 7. Continental shelf
 8. International Tribunal for the Law of the Sea
- O. International environmental law
1. Principle 21 of Stockholm Declaration
 2. Precautionary principle

LIST OF RELEVANT LAWS AND TREATIES

I. THE 1987 CONSTITUTION

II. LAWS

Batas Blg. 881 (As amended)	Omnibus Election Code of the Philippines
Executive Order No. 200, s. 1987	Publication of Laws as Requirement for Their Effectivity
Executive Order No. 292, s. 1987	Administrative Code of 1997 Introductory Provisions, section 2; Book I, sections 3-11.
Rep. Act No. 6735	The Initiative and Referendum Act
Rep. Act No. 6770	The Ombudsman Act of 1989
Rep. Act No. 7160 As amended by: a. Rep. Act No. 8553 b. Rep. Act No. 8150 c. Rep. Act No. 9640	Local Government Code of 1991
Rep. Act No. 7166 As amended by: a. Rep. Act No. 7887 b. Rep. Act No. 9369 c. Rep. Act No. 8173	Synchronized Elections Law of 1991
Rep. Act No. 7438	Rights of Persons Arrested, Detained or Under Custodial Investigation
Rep. Act No. 7887	Institution of Electoral Reforms
Rep. Act No. 7941	Party-List System Act

Rep. Act No. 8171	Repatriation of Filipino Women and of Natural-Born Filipinos Who Lost Their Philippine Citizenship
Rep. Act No. 8436	Election Automation Law
as amended by:	
a. Rep. Act No. 9369	
b. Rep. Act No. 9006	
Rep. Act No. 8975	Prohibiting Lower Courts from Issuing Temporary Restraining Orders, Preliminary Injunctions or Preliminary Mandatory Injunctions on Government Infrastructure Projects
Rep. Act No. 9006	Fair Elections Act
as amended by:	
Rep. Act No. 11207	
Rep. Act No. 9189	The Overseas Absentee Voting Act of 2003
as amended by:	
Rep. Act No. 10590	
Rep. Act No. 9225	Citizenship Retention and Re-acquisition Act of 2003
Rep. Act No. 9244	An Act Eliminating the Preparatory Recall Assembly as a Mode of Instituting Recall of Elective Local Government Officials
Rep. Act No. 9346	An Act Prohibiting the Imposition of Death Penalty in the Philippines
Rep. Act No. 9522	An Act to Define the Baselines of the Territorial Sea of the Philippines

Rep. Act No. 9851 Philippine Act on Crimes against
International Humanitarian Law,
Genocide, and Other Crimes Against
Humanity

Rep. Act No. 10368 Human Rights Victims Reparation and
Recognition Act of 2013

III. TREATIES

1. Statute of the International Court of Justice, art. 38(1)(a).
2. Charter of the United Nations
3. Vienna Convention on the Law of Treaties
4. United Nations Convention on the Law of the Sea
5. Vienna Convention on Diplomatic Relations
6. Convention on the Privileges and Immunities of the UN
7. Convention on the Privileges and Immunities of the Specialized
Agencies
8. Universal Declaration of Human Rights
9. International Covenant on Civil and Political Rights
10. International Covenant on Economic, Social, and Cultural Rights
11. Protocol Additional to the Geneva Conventions of 12 August 1949
12. 1949 Geneva Conventions (first to fourth)
13. 1977 Additional Protocols to the Geneva Conventions
14. 1951 Convention Relating to the Status of Refugees and the 1967
Protocol

– NOTHING FOLLOWS –