



Republic of the Philippines
Supreme Court
Manila

OFFICE OF THE 2020 BAR CHAIR

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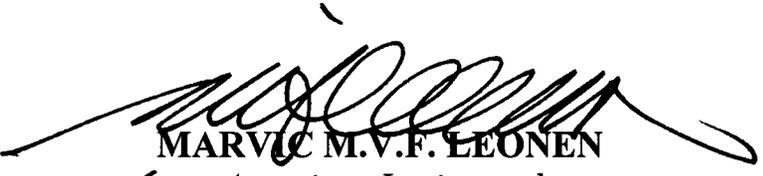
SYLLABUS FOR THE BAR EXAMINATION

REMEDIAL LAW

Attached is the coverage for the Remedial Law examination, which will be held on November 29, 2020.

For your information and guidance.

March 12, 2020.


MARVIC M.V.F. LEONEN
*Associate Justice and
2020 Bar Examinations Chair*

SYLLABUS FOR THE 2020 BAR EXAMINATIONS

REMEDIAL LAW

Notes: All Bar candidates should be guided that only laws with their respective amendments and canonical doctrines pertinent to these topics as of June 30, 2019 will be covered in the 2020 Bar Examinations, except when provided in this syllabus. The Revised Rules of Civil Procedure (A.M. No. 19-10-20-SC promulgated on October 15, 2019) and the Revised Rules on Evidence (A.M. No. 19-08-15-SC promulgated on October 8, 2019) are included. Principles of law are not covered by the cut-off period.

This syllabus is only a guide for the bar examinations. It should not be mistaken for a course syllabus.

I. GENERAL PRINCIPLES

- A. Distinguish: substantive law and remedial law
- B. Rule-making power of the Supreme Court
 - 1. Limitations on the rule-making power of the Supreme Court
 - 2. Power of the Supreme Court to amend and suspend procedural rules
- C. Nature of Philippine courts
 - 1. Meaning of a court
 - 2. Distinguish: court and judge
 - 3. Classification of Philippine courts
 - 4. Courts of original and appellate jurisdiction
 - 5. Courts of general and special jurisdiction
 - 6. Constitutional and statutory courts
 - 7. Courts of law and equity
 - 8. Principle of judicial hierarchy
 - 9. Doctrine of non-interference or doctrine of judicial stability

II. JURISDICTION

- A. Classification of jurisdiction
 - 1. Distinguish: original and appellate
 - 2. Distinguish: general and special
 - 3. Distinguish: exclusive and concurrent
- B. Doctrines of hierarchy of courts and continuity of jurisdiction
- C. Jurisdiction of various Philippine courts
 - 1. Supreme Court
 - 2. Court of Appeals

3. Court of Tax Appeals
 4. Sandiganbayan
 5. Regional Trial Courts
 6. Family Courts
 7. Metropolitan Trial Courts, Municipal Trial Courts, Municipal Trial Courts in Cities, and Municipal Circuit Trial Courts
- D. Aspects of jurisdiction
1. Jurisdiction over the parties
 - a. How jurisdiction over the plaintiff is acquired
 - b. How jurisdiction over the defendant is acquired
 2. Jurisdiction over the subject matter
 - a. Meaning of jurisdiction over the subject matter
 - b. Distinguish: jurisdiction and exercise of jurisdiction
 - c. How jurisdiction is conferred and determined
 - d. Distinguish: doctrine of primary administrative jurisdiction and doctrine of exhaustion of administrative remedies
 - e. Doctrine of adherence of jurisdiction
 - f. Objections to jurisdiction over the subject matter
 - g. Effect of estoppel on objection to jurisdiction
 3. Jurisdiction over the issues
 4. Jurisdiction over the *res* or property in litigation
 5. Jurisdiction over the remedies
- E. Distinguish: error of jurisdiction and error of judgment
- F. Distinguish: jurisdiction and venue
- G. Jurisdiction over small claims, cases covered by the rules on Summary Procedure and Barangay Conciliation
- H. How jurisdiction is determined

III. CIVIL PROCEDURE

A. GENERAL PROVISIONS

B. ACTIONS

1. Meaning of ordinary civil actions
2. Meaning of special civil actions
3. Meaning of criminal actions
4. Distinguish: civil actions and special proceedings
5. Personal actions and real actions
6. Local and transitory actions
7. Actions *in rem*, *in personam* and *quasi in rem*

C. CAUSE OF ACTION

1. Meaning of cause of action
2. Distinguish: right of action and cause of action
3. Distinguish: failure to state a cause of action and lack of cause of action
4. Test of the sufficiency of a cause of action
5. Splitting a single cause of action and its effects

6. Joinder and misjoinder of causes of action

D. PARTIES TO CIVIL ACTIONS

1. Real parties in interest; indispensable parties; representatives as parties; necessary parties; indigent Parties; alternative defendants
2. Compulsory and permissive joinder of parties
3. Misjoinder and non-joinder of parties
4. Class suit
5. Suits against entities without juridical personality
6. Effect of death of party litigant

E. VENUE

1. Venue of real actions
2. Venue of personal actions
3. Venue of actions against non-residents
4. When the rules on venue do not apply
5. Effects of stipulations on venue

F. PLEADINGS

1. Kinds of pleadings and when they should be filed
 - a. Complaint
 - b. Answer
 - i. Negative defenses
 - ii. Negative pregnant
 - c. Counterclaims
 - i. Compulsory counterclaim
 - ii. Permissive counterclaim
 - iii. Effect on the counterclaim when the complaint is dismissed
 - d. Cross-claims
 - e. Third (fourth, etc.) party complaints
 - f. Complaint-in-intervention
 - g. Reply
 - h. Extensions of time to file
2. Pleadings allowed in small claims cases and cases covered by the Rules on Summary Procedure
3. Parts and contents of a pleading
 - a. Caption
 - b. Signature and address
 - c. Verification
 - d. Certification against forum shopping
 - e. Contents of a pleading
4. Allegations in a pleading
 - a. Manner of making allegations
 - i. Condition precedent
 - ii. Fraud, mistake, malice, intent, knowledge and other condition of the mind, judgments, official documents or acts
 - b. Pleading an actionable document
 - c. Specific denials

- i. Effect of failure to make specific denials
 - ii. When a specific denial requires an oath
 - d. Affirmative defenses
- 5. Effect of failure to plead
 - a. Failure to plead defenses and objections
 - b. Failure to plead a compulsory counterclaim and cross-claim
- 6. Default
 - a. When a declaration of default is proper
 - b. Effect of an order of default
 - c. Relief from an order of default
 - d. Effect of a partial default
 - e. Extent of relief
 - f. Actions where default are not allowed
- 7. Filing and service of pleadings
 - a. Payment of docket fees
 - b. Distinguish: filing and service of pleadings
 - c. Periods of filing of pleadings
 - d. Manner of filing
 - i. Personal filing
 - ii. Filing by registered mail
 - iii. Filing by accredited courier
 - iv. Transmittal by electronic mail or other electronic means
 - e. Modes of service
 - i. Personal service
 - ii. Service by registered mail
 - iii. Service by accredited courier
 - iv. Service by electronic mail, facsimile transmission, or other electronic means
 - v. Service as provided for in international conventions
 - f. Service of judgments, final orders or resolutions; service of court-issued orders and other documents
 - g. Conventional service or filing of orders, pleadings, and other documents
 - h. When service is deemed complete
 - i. Proof of filing and service
- 8. Amendment
 - a. Amendment as a matter of right
 - b. Amendments by leave of court
 - c. Formal amendment
 - d. Effect of amended pleading
 - e. Supplemental pleadings

G. SUMMONS

- 1. Nature and purpose of summons
 - a. In relation to actions *in personam*, *in rem* and *quasi in rem*
 - b. When summons are issued
 - c. Contents of summons
 - d. Duty of counsel
 - e. Return

2. Voluntary appearance
3. Who may serve summons
4. Personal service
5. Substituted service
6. Constructive service
 - a. Service upon a defendant where his identity is unknown or where his whereabouts are unknown
 - b. Service upon residents temporarily outside the Philippines
7. Extraterritorial service, when allowed
8. Service upon prisoners and minors; upon spouses
9. Service upon domestic or foreign private juridical entities
10. Proof of service

H. MOTIONS

1. Motions in general
 - a. Definition of a motion
 - b. Distinguish: motions and pleadings
 - c. Contents and form of motions
 - d. Litigious and non-litigious motions; when notice of hearing necessary
 - e. Omnibus motion rule
 - f. Prohibited motions
2. Motions for Bill of Particulars
 - a. Purpose and when applied for
 - b. Actions of the court
 - c. Compliance with the order and effect of noncompliance
 - d. Effect on the period to file a responsive pleading

I. DISMISSAL OF ACTIONS

1. Dismissal with prejudice
2. Dismissal upon notice by plaintiff
3. Dismissal upon motion by plaintiff; effect on existing counterclaim
4. Dismissal due to the fault of plaintiff
5. Dismissal of counterclaim, cross-claim or third-party complaint

J. PRE-TRIAL

1. Concept of pre-trial
2. Nature and purpose
3. Notice of pre-trial
4. Appearance of parties; effect of failure to appear
5. Pre-trial brief; effect of failure to appear
6. Pre-trial order
7. Distinguish: pre-trial in civil cases and pre-trial in criminal cases

K. INTERVENTION

1. Requisites for intervention
2. Time to intervene
3. Remedy for the denial of motion to intervene

L. SUBPOENA

1. Subpoena *duces tecum*
2. Subpoena *ad testificandum*
3. Service of subpoena
4. Compelling attendance of witnesses; contempt
5. Quashing of subpoena

M. COMPUTATION OF TIME

N. MODES OF DISCOVERY

1. Depositions pending action; depositions before action or pending appeal
 - a. Meaning of deposition
 - b. Uses; scope of examination
 - c. When may objections to admissibility be made
 - d. When may taking of deposition be terminated or its scope limited
2. Written interrogatories to adverse parties
 - a. Consequences of refusal to answer
 - b. Effect of failure to serve written interrogatories
3. Request for admission
 - a. Implied admission by adverse party
 - b. Consequences of failure to answer request for admission
 - c. Effect of admission
 - d. Effect of failure to file and serve request for admission
4. Production or inspection of documents or things
5. Physical and mental examination of persons
6. Consequences of refusal to comply with modes of discovery

O. TRIAL

1. Adjournments and postponements
2. Requisites of motion to postpone trial
 - a. For absence of evidence
 - b. For illness of party or counsel
3. Agreed statement of facts
4. Order of trial; reversal of order
5. Consolidation or severance of hearing or trial
6. Delegation of reception of evidence
7. Trial by commissioners
 - a. Reference by consent or ordered on motion
 - b. Powers of the commissioner
 - c. Commissioner's report; notice to parties and hearing on the report

P. DEMURRER TO EVIDENCE

1. Ground
2. Effect of denial
3. Effect of grant
4. Waiver of right to present evidence
5. Action on demurrer to evidence

6. Distinguish: demurrer to evidence in a civil case and demurrer to evidence in a criminal case

Q. JUDGMENTS AND FINAL ORDERS

1. Judgment after pre-trial
2. Judgment without trial
3. Judgment on the pleadings
4. Summary judgments
 - a. For the claimant
 - b. For the defendant
 - c. When the case not fully adjudicated
 - d. Affidavits and attachments
5. Distinguish: judgment on the pleadings and summary judgments
6. Contents of a judgment
7. Rendition of judgments and final orders
8. Entry of judgment and final order

R. POST-JUDGMENT REMEDIES

1. Motion for new trial or reconsideration
 - a. Grounds
 - b. When to file
 - c. Denial of the motion; effect
 - d. Grant of the motion; effect
 - e. Remedy when motion is denied, fresh 15-day period rule
2. Appeals in general
 - a. Judgments and final orders subject to appeal
 - b. Matters not appealable
 - c. Remedy against judgments and orders which are not appealable
 - d. Modes of appeal
 - i. Ordinary appeal
 - ii. Petition for review
 - iii. Petition for review on *certiorari*
 - e. Issues to be raised on appeal
 - f. Period of appeal
 - g. Perfection of appeal
 - h. Appeal from judgments or final orders of the Metropolitan Trial Courts/Municipal Trial Courts/Municipal Trial Courts in Cities/Municipal Circuit Trial Courts
 - i. Appeal from judgments or final orders of the Regional Trial Courts
 - j. Appeal from judgments or final orders of the Court of Appeals
 - k. Appeal from judgments or final orders of the Sandiganbayan
 - l. Appeal from judgments or final orders of the Court of Tax Appeals
 - m. Review of final judgments or final orders of the Commission on Audit
 - n. Review of final judgments or final orders of the Commission on Elections

- o. Review of final judgments or final orders of the Civil Service Commission
 - p. Review of final judgments or final orders of the Ombudsman
 - q. Review of final judgments or final orders of the National Labor Relations Commission
 - r. Review of final judgments or final orders of quasi-judicial agencies
3. Relief from judgments, orders and other proceedings
 - a. Grounds for availing of the remedy
 - b. Time to file petition
 - c. Contents of petition
 4. Annulment of Judgments or final orders and resolutions
 - a. Grounds for annulment
 - b. Period to file action
 - c. Effects of judgment of annulment
 5. Collateral attack of judgments

S. EXECUTION, SATISFACTION, AND EFFECT OF JUDGMENTS

1. Difference between finality of judgment for purposes of appeal; for purposes of execution
2. When execution shall issue
 - a. Execution as a matter of right
 - b. Discretionary execution
3. How a judgment is executed
 - a. Execution by motion or by independent action
 - b. Issuance and contents of a writ of execution
 - c. Execution of judgments for money
 - d. Execution of judgments for specific acts
 - e. Execution of special judgments
 - f. Effect of levy on third persons
4. Properties exempt from execution
5. Proceedings where property is claimed by third persons; in relation to third party claim in attachment and replevin
6. Rules on redemption
7. Examination of judgment obligor when judgment is unsatisfied
8. Examination of obligor of judgment obligor
9. Effect of judgment or final orders
10. Enforcement and effect of foreign judgments or final orders

IV. PROVISIONAL REMEDIES

A. NATURE AND PURPOSE

B. JURISDICTION OVER PROVISIONAL REMEDIES

C. PRELIMINARY ATTACHMENT

1. Grounds for issuance of writ of attachment
2. Requisites

3. Issuance and contents of order of attachment; affidavit and bond
4. Rule on prior or contemporaneous service of summons
5. Manner of attaching real and personal property; when property attached is claimed by third person
6. Discharge of attachment and the counter-bond
7. Satisfaction of judgment out of property attached
8. Compared with garnishment and levy on execution

D. PRELIMINARY INJUNCTION

1. Definitions and differences: preliminary injunction, temporary restraining order, and *status quo ante* order
2. Requisites
3. Kinds of injunctions; kinds of temporary restraining orders
4. When writ may be issued, when writ may not be issued
5. Grounds for issuance of preliminary injunction
6. Grounds for objection to, or for the dissolution of injunction or restraining order
7. Duration of temporary restraining orders
8. Rule on prior or contemporaneous service of summons in relation to attachment

E. RECEIVERSHIP

1. Cases when receiver may be appointed
2. Requisites
3. Requirements before issuance of an order
4. General powers of a receiver
5. Two kinds of bonds
6. Termination of receivership

F. REPLEVIN

1. When may writ be issued
2. Requisites
3. Affidavit and bond; redelivery bond
4. Sheriff's duty in the implementation of the writ; when property is claimed by third party

G. PROVISIONAL REMEDIES AND INTERIM RELIEFS UNDER SPECIAL LAWS AND RULES

1. Provisional remedies of the Family Courts
2. Human Security Act
3. Anti-Violence against Women and Children Act
4. Anti-Money Laundering Act
5. Financial Rehabilitation and Insolvency Act
6. Precautionary Hold Departure Orders

V. SPECIAL CIVIL ACTIONS

A. NATURE OF SPECIAL CIVIL ACTIONS

- B. DISTINGUISH: ORDINARY CIVIL ACTIONS AND SPECIAL CIVIL ACTIONS**
- C. JURISDICTION AND VENUE**
- D. INTERPLEADER**
 - 1. Requisites for interpleader
 - 2. When to file
 - 3. Dismissal
- E. DECLARATORY RELIEFS AND SIMILAR REMEDIES**
 - 1. Who may file action
 - 2. Requisites of action for declaratory relief
 - 3. When court may refuse to make judicial declaration
 - 4. Conversion to ordinary action
 - 5. Proceedings considered as similar remedies
 - a. Reformation of an instrument
 - b. Consolidation of ownership
 - c. Quieting of title to real property
- F. REVIEW OF JUDGMENTS AND FINAL ORDERS OR RESOLUTION OF THE COMMISSION ON ELECTIONS AND THE COMMISSION ON AUDIT**
 - 1. Distinctions in the application of Rule 65 to judgments of the Commission on Elections and Commission on Audit and the application of Rule 65 to other tribunals, persons and officers
- G. CERTIORARI, PROHIBITION AND MANDAMUS**
 - 1. Definitions and distinctions
 - 2. Requisites
 - 3. When petition for *certiorari*, prohibition and *mandamus* is proper
 - 4. Injunctive relief
 - 5. Distinguish: *certiorari*, appeal by *certiorari*, and Article VIII, Section 1 of the Constitution
 - 6. Distinguish: prohibition, *mandamus*, and injunction
 - 7. When and where to file petition
 - 8. Exceptions to filing of motion for reconsideration before filing petition
 - 9. Reliefs petitioner is entitled to
 - 10. Acts or omissions of first-level/Regional Trial Courts in election cases
 - 11. Where to file petition
 - 12. Effects of filing of an unmeritorious petition
- H. QUO WARRANTO**
 - 1. Distinguish: *quo warranto* under the Rules of Court and *quo warranto* under the Omnibus Election Code
 - 2. When government commences an action against individuals or associations
 - 3. When individual may commence an action
 - 4. Judgment in *quo warranto* action

5. Rights of a person adjudged entitled to public office
6. Limitations

I. EXPROPRIATION

1. Matters to allege in complaint for expropriation
2. Two stages in every action for expropriation
3. When plaintiff can immediately enter into possession of the real property
4. New system of immediate payment of initial just compensation
5. Defenses and objections
6. Order of expropriation
7. Ascertainment of just compensation
8. Appointment of commissioners; commissioner's report; court action upon commissioner's report
9. Rights of plaintiff upon judgment and payment
10. Effect of recording of judgment

J. FORECLOSURE OF REAL ESTATE MORTGAGE

1. Kinds of foreclosure
 - a. Judicial foreclosure
 - b. Extrajudicial foreclosure
2. Need for special power of attorney
3. Authority to foreclose extrajudicially
4. Procedure
 - a. Where to file
 - b. Where to sell
 - c. Posting requirement
 - d. Publication requirement
 - i. Sufficiency of newspaper publication
 - ii. Need for republication in case of postponement
 - iii. Personal notice to the mortgagor when and when not needed
5. Possession by purchaser of foreclosed property
6. Remedy of debtor if foreclosure is not proper
7. Redemption
 - a. Who may redeem
 - b. Amount of redemption price
 - c. Period for redemption
 - d. Effect of pendency of action for annulment of sale
8. Writ of possession
 - a. Ministerial duty of the court
 - b. Enforcement against third parties
 - c. Pendency of action for annulment of sale
9. Annulment of sale

K. PARTITION

1. Who may file complaint; who should be made defendants
2. Matters to allege in the complaint for partition
3. Two stages in every action for partition

4. Order of partition and partition by agreement
5. Partition by commissioners; appointment of commissioners, commissioner's report; court action upon commissioner's report
6. Judgment and its effects
7. Partition of personal property
8. Prescription of action
9. When partition is not allowed

L. FORCIBLE ENTRY AND UNLAWFUL DETAINER

1. Definitions and distinction
2. Distinguish: forcible entry, unlawful detainer, *accion publiciana*, and *accion reivindicatoria*
3. Jurisdiction in *accion publiciana* and *accion reivindicatoria*
4. Who may institute the action and when; against whom the action may be maintained
5. Pleadings allowed
6. Action on the complaint
7. When demand is necessary
8. Preliminary injunction and preliminary mandatory injunction
9. Resolving defense of ownership
10. How to stay the immediate execution of judgment
11. Prohibited pleadings and motions

M. CONTEMPT

1. Kinds of contempt
2. Purpose and nature of each
3. Remedy against direct contempt; penalty
4. Remedy against indirect contempt; penalty
5. How contempt proceedings are commenced
6. Acts deemed punishable as indirect contempt
7. When imprisonment shall be imposed
8. Contempt against quasi-judicial bodies

VI. SPECIAL PROCEEDINGS

A. SETTLEMENT OF ESTATE OF DECEASED PERSONS, VENUE AND PROCESS

1. Which court has jurisdiction
2. Venue in judicial settlement of estate
3. Extent of jurisdiction of probate court
4. Powers and duties of probate court

B. SUMMARY SETTLEMENT OF ESTATES

1. Extrajudicial settlement by agreement between heirs, when allowed
2. Two-year prescriptive period
3. Affidavit of self-adjudication by sole heir
4. Summary settlement of estates of small value, when allowed

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5. Remedies of aggrieved parties after extra-judicial settlement of estate
- C. PRODUCTION AND PROBATE OF WILL**
1. Nature of probate proceeding
 2. Who may petition for probate; persons entitled to notice
- D. ALLOWANCE OR DISALLOWANCE OF WILL**
1. Contents of petition for allowance of will
 2. Grounds for disallowing a will
 3. Reprobate; requisites before will proved outside allowed in the Philippines; effects of probate
- E. LETTERS TESTAMENTARY AND OF ADMINISTRATION**
1. When and to whom letters of administration granted
 2. Order of preference
 3. Opposition to issuance of letters testamentary; simultaneous filing of petition for administration
 4. Powers and duties of executors and administrators; restrictions on the powers
 5. Appointment of special administrator
 6. Grounds for removal of administrator
- F. CLAIMS AGAINST THE ESTATE**
1. Time within which claims shall be filed; exceptions
 2. Statute of non-claims
 3. Claim of executor or administrator against the estate
 4. Payment of debts
- G. ACTIONS BY AND AGAINST EXECUTORS AND ADMINISTRATORS**
1. Actions that may be brought against executors and administrators
 2. Requisites before creditor may bring an action for recovery of property fraudulently conveyed by the deceased
- H. DISTRIBUTION AND PARTITION**
1. Liquidation
 2. Project of partition
 3. Remedy of an heir entitled to residue but not given his share
 4. Instances when probate court may issue writ of execution
- I. TRUSTEES**
1. Distinguish: trustee and executor/administrator
 2. Conditions of the bond
 3. Requisites for the removal and resignation of a trustee
 4. Grounds for removal and resignation of a trustee
 5. Extent of authority of trustee

- J. ESCHEAT**
1. When to file
 2. Requisites for filing of petition
 3. Remedy of respondent against petition; period for filing a claim
- K. GUARDIANSHIP**
1. Venue
 2. Appointment of guardians
 3. General powers and duties of guardians
 4. Termination of guardianship
- L. ADOPTION**
1. Distinguish domestic adoption from inter-country adoption
 2. Domestic adoption
 - a. Effects of adoption
 - b. Instances when adoption may be rescinded
 - c. Effects of rescission of adoption
 3. Inter-country adoption
 - a. When allowed
 - b. Functions of the Regional Trial Court
 - c. "Best interest of the child" standard
- M. WRIT OF *HABEAS CORPUS***
1. Contents of the petition
 2. Contents of the return
 3. Peremptory writ and preliminary citation
 4. When not proper or applicable
 5. When writ disallowed or discharged
 6. Distinguish: writ of *habeas corpus*, writ of *amparo*, and writ of *habeas data*
 7. Writ of *habeas corpus* in relation to custody of minors
- N. WRIT OF *AMPARO***
1. Coverage
 2. Differences between *amparo* and search warrant
 3. Who may file
 4. Contents of return
 5. Effects of failure to file return
 6. Omnibus waiver rule
 7. Procedure for hearing
 8. Institution of separate action
 9. Effect of filing of a criminal action
 10. Consolidation
 11. Interim reliefs available to petitioner and respondent
 12. Quantum of proof in application for issuance of writ of *amparo*
- O. WRIT OF *HABEAS DATA***
1. Scope of writ
 2. Availability of writ

3. Who may file
4. Contents of the petition
5. Contents of return
6. Instances when petition be heard in chambers
7. Consolidation
8. Effect of filing of a criminal action
9. Institution of separate action
10. Quantum of proof in application for issuance of writ of *habeas data*

P. CHANGE OF NAME

1. Differences under Rule 103, Republic Act No. 9048 and Rule 108
2. Grounds for change of name

Q. ABSENTEES

1. Purpose of the rule
2. Who may file; when to file

R. CANCELLATION OR CORRECTION OF ENTRIES IN THE CIVIL REGISTRY

1. Entries subject to cancellation or correction under Rule 108, in relation to Republic Act No. 9048

S. APPEALS IN SPECIAL PROCEEDING

1. Judgments and orders for which appeal may be taken
2. When to appeal
3. Modes of appeal
4. Rule on advance distribution

VII. CRIMINAL PROCEDURE

A. GENERAL MATTERS

1. Distinguish jurisdiction over subject matter from jurisdiction over person of the accused
2. Requisites for exercise of criminal jurisdiction
3. Jurisdiction of criminal courts
4. When injunction may be issued to restrain criminal prosecution

B. PROSECUTION OF OFFENSES

1. Criminal actions, how instituted
2. Who may file them, crimes that cannot be prosecuted *de officio*
3. Criminal actions, when enjoined
4. Control of prosecution
5. Sufficiency of complaint or information
6. Designation of offense
7. Cause of the accusation
8. Duplicity of the offense; exception
9. Amendment or substitution of complaint or information

10. Venue of criminal actions
11. Intervention of offended party

C. PROSECUTION OF CIVIL ACTION

1. Rule on implied institution of civil action with criminal action
2. When civil action may proceed independently
3. When separate civil action is suspended
4. Effect of the death of accused or convict on civil action
5. Prejudicial question
6. Rule on filing fees in civil action deemed instituted with the criminal action

D. PRELIMINARY INVESTIGATION

1. Nature of right
2. Purposes of preliminary investigation
3. Who may conduct determination of existence of probable cause
 - a. Distinguish: executive and judicial determination of probable cause
4. Resolution of investigation prosecutor
5. Review
6. When warrant of arrest may issue
7. Cases not requiring a preliminary investigation
8. Remedies of accused if there was no preliminary investigation
9. Inquest

E. ARREST

1. Arrest, how made
2. Arrest without warrant, when lawful
3. Method of arrest
 - a. By officer with warrant
 - b. By officer without warrant
 - c. By private person
4. Requisites of a valid warrant of arrest
5. Determination of probable cause for issuance of warrant of arrest

F. BAIL

1. Nature
2. When a matter of right; exceptions
3. When a matter of discretion
4. Hearing of application for bail in capital offenses
5. Guidelines in fixing amount of bail
6. Bail when not required
7. Increase or reduction of bail
8. Forfeiture and cancellation of bail
9. Application not a bar to objections in illegal arrest, lack of or irregular preliminary investigation

- G. ARRAIGNMENT AND PLEA**
1. How made
 2. When should plea of not guilty be entered
 3. When may accused enter a plea of guilty to a lesser offense
 4. Accused plead guilty to capital offense, what the court should do
 5. Searching inquiry
 6. Improvident plea
- H. MOTION TO QUASH**
1. Grounds
 2. Distinguish from demurrer to evidence
 3. Effects of sustaining the motion to quash
 4. Exception to the rule that sustaining the motion is not a bar to another prosecution
 5. Double jeopardy
 6. Provisional dismissal
- I. PRE-TRIAL**
1. Matters to be considered during pre-trial
 2. What the court should do when prosecution and offended party agree to the plea offered by the accused
 3. Pre-trial agreement
 4. Non-appearance during pre-trial
 5. Pre-trial order
- J. TRIAL**
1. Instances when presence of accused is required by law
 2. Requisite before trial can be suspended on account of absence of witness
 3. Trial *in absentia*
 4. Remedy when accused is not brought to trial within the prescribed period
 5. Requisites for discharge of accused to become a state witness
 6. Effects of discharge of accused as state witness
 7. Demurrer to evidence
 8. Guidelines on continuous trial
 - a. Applicability
 - b. Prohibited and meritorious motions
 - c. Arraignment and pre-trial
 - d. Trial; memoranda
 - e. Promulgation
- K. JUDGMENT**
1. Requisites of a judgment
 2. Contents of judgment
 3. Promulgation of judgment; instances of promulgation of judgment in absentia
 4. Instances when judgment becomes final

L. NEW TRIAL OR RECONSIDERATION

1. Grounds for new trial
2. Grounds for reconsideration
3. Requisites before a new trial may be granted on ground of newly discovered evidence
4. Effects of granting a new trial or reconsideration

M. APPEAL

1. Effect of an appeal
2. Where to appeal
3. How appeal taken
4. Effect of appeal by any of several accused
5. Grounds for dismissal of appeal

N. SEARCH AND SEIZURE

1. Nature of search warrant
2. Distinguish from warrant of arrest
3. Application for search warrant, where filed
4. Probable cause for issuance of search warrant
5. Personal examination by judge of the applicant and witnesses
6. Particularity of place to be searched and things to be seized
7. Personal property to be seized
8. Exceptions to search warrant requirement
 - a. Search incidental to lawful arrest
 - b. Consented search
 - c. Search of moving vehicle
 - d. Check points; body checks in airport
 - e. Plain view situation
 - f. Stop and frisk situation
 - g. Enforcement of custom laws
9. Remedies from unlawful search and seizure
10. Cybercrime warrants
 - a. Scope and applicability
 - b. General provisions
 - c. Preservation of computer data
 - d. Disclosure of computer data
 - e. Interception of computer data
 - f. Search, seizure, and examination of computer data
 - g. Custody of computer data
 - h. Destruction of computer data

O. PROVISIONAL REMEDIES IN CRIMINAL CASES

VIII. EVIDENCE

A. GENERAL PRINCIPLES

1. Concept of evidence
2. Scope of the rules of evidence

3. Distinguish: proof and evidence
4. Distinguish: *factum probans* and *factum probandum*
5. Admissibility of evidence
 - a. Requisites for admissibility of evidence; exclusions under the Constitution, laws, and the Rules of Court
 - b. Relevance of evidence and collateral matters
 - c. Multiple admissibility
 - d. Conditional admissibility
 - e. Curative admissibility
 - f. Direct and circumstantial evidence
 - g. Positive and negative evidence
 - h. Competent and credible evidence
6. Burden of proof and burden of evidence
7. Presumptions
 - a. Conclusive presumptions
 - b. Disputable presumptions
 - c. Presumptions in civil actions and proceedings; against an accused in criminal cases
8. Construction of the rules of evidence
9. Quantum of evidence

B. JUDICIAL NOTICE AND JUDICIAL ADMISSIONS

1. What need not be proved
2. Matters of judicial notice
 - a. Mandatory
 - b. Discretionary
3. Judicial admissions
 - a. Effect of judicial admissions
 - b. How judicial admissions may be contradicted
 - c. Pre-trial admissions

C. OBJECT (REAL) EVIDENCE

1. Nature of object evidence
2. Requisites for admissibility
3. Categories of object evidence
4. Chain of custody in relation to Section 21 of the Comprehensive Dangerous Drugs Act of 2002
5. DNA Evidence
 - a. Meaning of DNA
 - b. Application for DNA testing order
 - c. Post-conviction DNA testing; remedy
 - d. Assessment of probative value of DNA evidence and admissibility
 - e. Rules on evaluation of reliability of the DNA testing methodology

D. DOCUMENTARY EVIDENCE

1. Meaning of documentary evidence
2. Requisites for admissibility

3. Original document rule
 - a. Meaning of the rule
 - b. When not applicable
 - c. Meaning of original document and duplicate
 - d. Secondary evidence; summaries
4. Electronic evidence
 - a. Meaning of electronic evidence; electronic data message
 - b. Probative value of electronic documents or evidentiary weight; method of proof
 - c. Authentication of electronic documents and electronic signatures
 - d. Electronic documents and the hearsay rule
 - e. Audio, photographic, video and ephemeral evidence
5. Parol evidence rule
 - a. Application of the parol evidence rule
 - b. When parol evidence can be introduced
 - c. Distinguish: original document rule and parol evidence rule
6. Authentication and proof of documents
 - a. Meaning of authentication
 - b. Classes of documents
 - c. When a private writing requires authentication; proof of a private writing
 - d. When evidence of authenticity of a private writing is not required
 - e. Genuineness of handwriting
 - f. Public documents as evidence; proof of official record
 - g. Attestation of a copy
 - h. Public record of a public document
 - i. Proof of lack of record
 - j. How a judicial record is impeached
 - k. Proof of notarial documents
 - l. Alterations in a document
 - m. Documentary evidence in an unofficial language

E. TESTIMONIAL EVIDENCE

1. Qualifications of a witness
2. Disqualifications of witnesses
 - a. Disqualification by reason of marriage
 - b. Disqualification by reason of privileged communications; rule on third parties
 - i. Husband and wife
 - ii. Attorney and client; exceptions
 - iii. Physician and patient
 - iv. Priest and penitent
 - v. Public officers
 - c. Parental and filial privilege rule
 - d. Trade secrets
3. Examination of a witness
 - a. Rights and obligations of a witness

- b. Order in the examination of an individual witness
- c. Leading and misleading questions
- d. Impeachment of witness
 - i. Adverse party's witness
 - ii. By evidence of conviction of crime
 - iii. Own witness
 - iv. How the witness is impeached by evidence of inconsistent statements
- e. Referral of witness to memorandum
- f. Examination of a child witness
 - i. Applicability of the rule
 - ii. Meaning of "child witness"
 - iii. Competency of a child witness
 - iv. Examination of a child witness
 - v. Live-link TV testimony of a child witness
 - vi. Videotaped deposition of a child witness
 - vii. Hearsay exception in child abuse cases
 - viii. Sexual abuse shield rule
 - ix. Protective orders
- 4. Admissions and confessions
 - a. Admission by a party
 - b. *Res inter alios acta* rule
 - c. Admission by a third party
 - d. Admission by a co-partner or agent
 - e. Admission by a conspirator
 - f. Admission by privies
 - g. Admission by silence
 - h. Confessions
 - i. Similar acts as evidence
 - j. Admissibility of offers of compromise
- 5. Hearsay rule
 - a. Meaning of hearsay
 - b. Reason for exclusion of hearsay evidence
 - c. Exceptions to the hearsay rule
 - i. Dying declaration
 - ii. Statement of decedent or person of unsound mind
 - iii. Declaration against interest
 - iv. Act or declaration about pedigree
 - v. Family reputation or tradition regarding pedigree
 - vi. Common reputation
 - vii. Part of the *res gestae*
 - viii. Records of regularly conducted business activity
 - ix. Entries in official records
 - x. Commercial lists and the like
 - xi. Learned treatises
 - xii. Testimony or deposition at a former trial
 - xiii. Residual exception
 - d. Independently relevant statements
- 6. Opinion rule

- a. Opinion of expert witness; weight given
- b. Opinion of ordinary witness
- 7. Character evidence
 - a. Criminal cases
 - b. Civil cases
 - c. Criminal and civil cases
- 8. Judicial affidavits
 - a. Scope
 - b. Submission in lieu of direct testimony
 - c. Contents
 - d. Offer and objection
 - e. Application in criminal cases
 - f. Effect of non-compliance

F. OFFER AND OBJECTION

- 1. Offer of evidence
- 2. When to make an offer
- 3. Objection
- 4. Repetition of an objection
- 5. Ruling
- 6. Striking out of an answer
- 7. Tender of excluded evidence

IX. REVISED RULES ON SUMMARY PROCEDURE

- A. Cases covered by the Rule
- B. Effect of failure to answer
- C. Preliminary conference and appearances of parties
- D. Prohibited pleadings and motions
- E. Appeal

X. KATARUNGANG PAMBARANGAY

- A. Cases covered
- B. Subject matter for amicable settlement
- C. Venue
- D. When parties may directly go to court
- E. Execution
- F. Repudiation

XI. RULES OF PROCEDURE FOR SMALL CLAIMS CASES

- A. Scope and applicability of the Rule
- B. Commencement of small claims action; response
- C. Prohibited pleadings and motions



- D. Appearances
- E. Hearing; duty of the judge
- F. Finality of judgment

XII. RULES OF PROCEDURE FOR ENVIRONMENTAL CASES

- A. Scope and applicability of the Rule
- B. Civil procedure
 - 1. Prohibition against temporary restraining order and preliminary injunction
 - 2. Pre-trial conference; consent decree
 - 3. Prohibited pleadings and motions
 - 4. Temporary environmental protection order
 - 5. Judgment and execution; reliefs in a citizen's suit
 - 6. Permanent environmental protection order; writ of continuing mandamus
 - 7. Strategic lawsuit against public participation
- C. Special proceedings
 - 1. Writ of *kalikasan*
 - 2. Prohibited pleadings and motions
 - 3. Discovery measures
 - 4. Writ of continuing *mandamus*
- D. Criminal procedure
 - 1. Who may file
 - 2. Institution of criminal and civil action
 - 3. Arrest without warrant, when valid
 - 4. Procedure in the custody and disposition of seized items
 - 5. Bail
 - 6. Arraignment and plea
 - 7. Pre-trial
 - 8. Subsidiary liabilities
- E. Evidence
 - 1. Precautionary principle
 - 2. Documentary evidence

XIII. ALTERNATIVE DISPUTE RESOLUTION

- A. Types of processes and procedures in alternative dispute resolution; comparison with court-annexed mediation
- B. Domestic arbitration
- C. Judicial review of arbitral awards
- D. Appeal from court decisions on arbitral awards
- E. Venue and jurisdiction
- F. Special Rules of Court on Alternative Dispute Resolution
 - 1. Subject matter
 - 2. Summary proceedings in certain cases
 - 3. Prohibited submissions

4. Judicial relief involving the issue of existence, validity and enforceability of arbitration agreements
5. Interim measures of protection
6. Enforcement and recognition or setting aside of an international commercial arbitral award
7. Recognition and enforcement of a foreign arbitral award
8. Special civil action for certiorari



LIST OF RELEVANT MATERIALS

I. THE 1987 CONSTITUTION

II. LAWS

B.P. Blg. 129 as amended by: a. Rep. Act No. 9276 b. Rep. Act No. 9252 c. Rep. Act No. 7902 d. Pres. Decree No. 1860	The Judiciary Reorganization Act of 1980
B.P. Blg. 881, Art. XXI	Omnibus Election Code of the Philippines
Pres. Decree No. 1083	Code of Muslim Personal Laws of the Philippines
Pres. Decree No. 1606 as amended by Rep. Act No. 10660	Creating a Special Court to be Known as "Sandiganbayan" and for Other Purposes
Rep. Act No. 1125 as amended by: a. Rep. Act No. 3457 b. Rep. Act No. 9503 c. Rep. Act No. 9282	An Act Creating the Court of Tax Appeals
Rep. Act No. 7160, ch. 2, sec. 19	Local Government Code of 1991
Rep. Act No. 7438	Rights of Persons Arrested, Detained, or Under Custodial Investigation
Rep. Act No. 8043 as amended by Rep. Act No. 9523	Inter-Country Adoption Act of 1995
Rep. Act No. 8369 as amended by Rep. Act No. 9775	Family Courts Act of 1997
Rep. Act No. 8552 as amended by: a. Rep. Act No. 8552 b. Rep. Act No. 10165 c. Rep. Act No. 11222	Domestic Adoption Act of 1998

Rep. Act No. 8974	An Act to Facilitate the Acquisition of Right-Of-Way, Site or Location for National Government Infrastructure Projects and for Other Purposes
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. 9048 as amended by Rep. Act No. 10172	An Act Authorizing the City or Municipal Civil Registrar or the Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register Without Need of a Judicial Order, Amending for This Purpose Articles 376 and 412 of the Civil Code of the Philippines
Rep. Act No. 9160 as amended by: a. Rep. Act No. 9194 b. Rep. Act No. 10167 c. Rep. Act No. 10365 d. Rep. Act No. 10927	Anti-Money Laundering Act of 2001
Rep. Act No. 9165, sec. 21 as amended by Rep. Act No. 10640	Comprehensive Dangerous Drugs Act of 2002
Rep. Act No. 9262 as amended by Rep. Act No. 9710, sec. 41	Anti-Violence Against Women and their Children Act of 2004
Rep. Act No. 9285	The Alternative Dispute Resolution Act
Rep. Act No. 9372	Human Security Act of 2007
Rep. Act No. 10142	Financial Rehabilitation and Insolvency Act of 2010



III. RULES

The Rules of Court

A.M. No. 19-10-20-SC	2019 Proposed Amendments to the 1997 Rules of Civil Procedure
A.M. No. 19-08-15-SC	2019 Proposed Amendments to the Revised Rules on Evidence
A.M. No. 13-7-05-SB	2018 Revised Internal Rules of the Sandiganbayan
A.M. No. 19-08-06-SC	Rule on Administrative Search and Inspection under the Philippine Competition Act
Resolution of the Court En Banc Dated October 15, 1991 as amended by A.M. No. 02-11-09-SC	Revised Rules on Summary Procedure
Administrative Circular No. 14-93	Katarungang Pambarangay
A.M. No. 00-4-07-SC	Rule on Examination of a Child Witness
A.M. No. 01-7-01-SC	Rules on Electronic Evidence
A.M. No. 02-6-02-SC	Rule on Adoption
A.M. No. 02-11-12-SC	Rules on Provisional Orders
A.M. No. 03-04-04-SC	Rules on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors
A.M. No. 06-11-5-SC	Rule on DNA Evidence
A.M. No. 07-9-12-SC	The Rule on the Writ of Amparo
A.M. No. 07-11-08-SC	Special Rules of Court on Alternative Dispute Resolution
AM No. 08-1-16-SC	The Rule on the Writ of Habeas Data

A.M. No. 08-8-7-SC	The Revised Rules of Procedure for Small Claims Cases
A.M. No. 09-6-8-SC	Rules of Procedure for Environmental Cases
A.M. No. 10-4-1-SC	Rules of Procedure in Election Contests before the Courts involving Elective Municipal and Barangay Officials
A.M. No. 12-8-8-SC	The Judicial Affidavit Rule
A.M. No. 12-12-11-SC & A.M. No. 15-04-06-SC	Financial Rehabilitation Rules of Procedure
A.M. No. 15-06-10-SC	Revised Guidelines for Continuous Trial of Criminal Cases
A.M. No. 17-11-03-SC	The Rule on Cybercrime Warrants
A.M. No. 18-07-05-SC	Rule on Precautionary Hold Departure Order

- NOTHING FOLLOWS -

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