



Republic of the Philippines
Supreme Court of the Philippines
Manila

2023 BAR EXAMINATIONS

CIVIL LAW

September 20, 2023

(8:00 A.M. – 12:00 P.M.)

1. This is a 4-hour examination consisting of 20 essay-type questions worth five points each, for a total of 100 points. There are no sub-questions.
2. Read each question carefully.
3. Provide a clear and concise answer by demonstrating your ability to give a complete analysis of the facts, apply the correct legal basis, and arrive at a sound and logical conclusion. Always begin your answer with a “yes” or “no”, unless the question requires a different response. A mere “yes” or “no” answer will not be given credit.
4. Follow the prescribed format in the *Exemplify* Manual (font style Times New Roman and font size 14). Do not make any markings on your answers. Marking of submitted answers consists of writing your name, distinguishing marks, or extraneous words or phrases in any of the answers. This may be considered cheating and may disqualify you from the 2023 Bar Examinations.
5. Allocate your time efficiently. *Exemplify* allows you to skip items and move to items that you may find easier to answer. Use the “Flag” feature to return to the unanswered items.
6. Do not panic in the rare case that you experience technical issues during the exam. Do not attempt to submit your exam answers. Call the attention of your proctor for assistance.
7. If you need to step out of the room, use the “Hide Screen” feature to prevent anyone from seeing your answers.
8. Make sure you have completed and reviewed all of your answers before submitting the exam. When submitting, the system will ask you one more time

to confirm if you are ready to submit your answer file, giving you another opportunity to review your answers.

9. Once done, show your proctor the green screen confirming your submission. If the green screen does not appear, check with your proctor before leaving the room.

10. **You can do it.**

A handwritten signature in black ink, appearing to read 'R. Hernando', is written over a horizontal line.

RAMON PAUL L. HERNANDO
Associate Justice, Supreme Court of the Philippines
Chairperson, 2023 Bar Examinations

1. Christopher, a citizen of the United States (US), married Lila, a Filipino, in Dallas, Texas. Their marriage was later terminated by a divorce decree issued by a US court. At that time, their child, Amado, was only 18 months old. Lila and Christopher returned to the Philippines and settled in El Nido, Palawan. Christopher allegedly promised to give support to Amado in the amount of US\$1,000 per month, but he never did. Subsequently, Christopher also settled in Cebu where he cohabited with another Filipino woman. When Lila learned of the whereabouts of Christopher, she filed a complaint against him for violation of the Anti-Violence Against Women and Their Children Act for his refusal to support Amado. Lila also invoked Article 195 of the Family Code, which provides for those who are obliged to support each other. She argued that notwithstanding their divorce, Christopher is not excused from complying with his obligation to support Amado. **Is Lila correct in invoking Article 195 of the Family Code? Explain.**
2. Nida and Deogracias were college sweethearts who had a child together named Mikael. When Mikael was three years old, Nida and Deogracias both died in a car accident while still planning their future wedding. Mikael was then put in the care of the unmarried sister of Nida, Nina, who officially adopted Mikael. A few years later, Nina left to work in the United States (US). Mikael was left to live with his grandmother, Aurora, in the Philippines. In the US, Nina bore an illegitimate child, Maricel, from her affair with a married man. When Maricel was 22 years old, Aurora died so Nina came home to the Philippines with Maricel for the funeral. Maricel finally met Mikael who is now 28 years old. The two of them fell in love and planned to get married. Nina objected, saying that their marriage was prohibited by law. **Can Maricel and Mikael validly get married? Explain your answer.**
3. In 1981, JR married then 16-year-old Inka in a civil ceremony solemnized by the Mayor in their hometown. The couple lived together until 2007 when JR confessed to having an affair with Elena. Inka later discovered that JR and Elena got married in 1995. Inka thus filed a criminal complaint against JR for Bigamy. In his defense, JR insisted that he could not be held criminally liable for Bigamy because his marriage with Inka in 1981 is void for lack of a valid marriage license, while his marriage with Elena is void for lack of a marriage ceremony. Meanwhile, Elena claimed that even prior to the Bigamy case, she already filed a petition for nullity of marriage before the Regional Trial Court (RTC) of Quezon City sometime in 2007 after learning about the marriage between JR and Inka. The RTC later declared the marriage of JR and Elena as void for being bigamous, and the ruling attained finality due to lack of appeal. **Does JR have a valid defense in the Bigamy case? Decide with reasons.**
4. Santiago and Lucia started to live together as common-law husband and wife in 2000. In the course of their relationship, they acquired several properties which included a 600-square meter house and lot in Quezon City, a condominium unit in Taguig City, a four-hectare rest house in Batangas, a Range Rover vehicle, Lexus RX350 car, and an Indian Chief Bobber motorcycle. The purchases were mainly due to the successful salon and water refilling business of Lucia. Unfortunately, the records of these purchases were destroyed during Typhoon

Ondoy in 2009. In 2023, their relationship turned sour and Lucia now wants to part ways with Santiago. However, there is a disagreement on how to divide their properties. Lucia filed a case in the Family Court, claiming that she is entitled to all of the properties. **Is Lucia correct? Explain briefly.**

5. Melchor, a Filipino, met and married Amy, a Parisian model in France. They had two daughters named Anna and Karenina. Eventually, they decided to settle in the Philippines. However, unknown to his family, Melchor was having an affair with another Parisian model, Genevieve. He arranged for Genevieve to reside in the Philippines and bought her a house in North Greenhills so that they could continue with their illicit affair. Juliette was born out of their affair. Juliette grew up not knowing that she was the illegitimate daughter of Melchor until the death of the latter. Upon discovering that her father had a legitimate family, Juliette sought to be recognized as an illegitimate daughter of Melchor since she had always longed for sisters. In her action to prove her illegitimate filiation, Juliette presented her birth certificate signed by Melchor, as well as photographs of her with Melchor in their home in North Greenhills. Amy, Anna, and Karenina opposed the action of Juliette. **Will the action of Juliette prosper? Explain your answer.**
6. With the express consent of their respective parents, Jaime and Cathy, both 21 years old, decided to get married in a destination wedding in Boracay on Valentine's Day 2022. The older brother and sister-in-law of Jaime were on their way home from the wedding on board a boat when it sank, leaving their 8-year-old son, Cesar, orphaned. Grief-stricken, Jaime and Cathy now want to adopt Cesar and raise him as their own. **Are they qualified under the law to adopt Cesar? Explain your answer.**
7. Anita is an entertainer in *Empyrea*, a men's club and lounge. One evening, Billy, the exclusive patron of Anita, asked her out on a date outside of *Empyrea*. After spending the night together, Billy got Anita pregnant. A year after giving birth to Marisol and despite the vehement opposition of Billy, Anita went back to her previous job in *Empyrea* to support her child. Anita was able to provide a house, a nanny, and other necessities for Marisol. Billy, however, insisted that Anita no longer needed to work if she and Marisol stayed with him as he could provide for them. Since Anita refused to live with Billy, the latter filed a petition for custody of Marisol. Anita contended that illegitimate children are automatically under the sole custody and parental authority of the mother. On the other hand, Billy alleged that Anita is unfit to take care of Marisol given her line of work. **If you are the judge, how will you decide the petition? Explain.**
8. Niccolo and his girlfriend Meann were classmates in medical school. When they finished their studies and started earning, they decided to invest in a condominium unit together which they hoped to lease out. Since Niccolo came from a rich family and was still receiving an allowance from his parents, the couple decided that Niccolo would shell out 2/3 (₱10 million) of the ₱15 million purchase price, while Meann would contribute 1/3 (₱5 million). They asked a mutual friend who was a law student to draw up a contract which reflected the mentioned interests. The contract also had a provision that their shares in the

benefits as well as the charges affecting the property would be equal. They then found a long-term tenant who rented the property for ₱30,000 a month. Unfortunately, Niccolo and Meann broke up and are now quarreling over their respective shares in the rental income. Niccolo insists that he should get ₱20,000 or $\frac{2}{3}$ of the monthly income while Meann claims that it should be ₱15,000 each. **Who is correct? Explain your answer.**

9. Lani and Rufino died leaving four children, two of whom are Arturo and Bugoy. The heirs signed a document selling half of the property of their parents to their friend, Honorato. One of the remaining quarters was occupied by Ildefonso and Bienvenido, the children of Arturo, while the other quarter was sold by Bugoy to the Spouses Cruz by virtue of a deed of sale. Shortly after, the Spouses Cruz filed an ejectment case against Ildefonso and Bienvenido for the $\frac{1}{4}$ portion of the subject property that they purchased. On the other hand, Bienvenido filed a complaint for recovery of ownership, quieting of title, and annulment of deed of sale against the Spouses Cruz. He alleged that the deed of sale is void since Bugoy is not the true and real owner of the subject property, which originally belonged to the estate of Rufino. On the other hand, the Spouses Cruz argued that Bienvenido availed of the wrong remedy, and claimed that the heirs had already agreed to divide the property among themselves when they allowed a portion of the property to be occupied by the heirs of Arturo. **Will the complaint of Bienvenido prosper? Discuss.**
10. Marvic inherited a piece of land and decided to farm it. The land was bordered on all sides by properties belonging to other owners. The surrounding property closest to the public highway is owned by Renato. Willing to pay compensation, Marvic talked to Renato about granting him access to the highway but Renato refused. Renato reasoned that there is another access point for Marvic through a dirt road that connects to the public highway without passing through his property. Marvic argued that this is not convenient as it is twice the distance, circuitous, and unlit. As they could not reach an agreement, Marvic filed a complaint for easement of right of way against Renato. **Should a compulsory right of way be granted in favor of Marvic? Explain your answer.**
11. Alejandro was a married airline executive who had a clandestine love affair with a pilot, Francisca. Six years later, Francisca ended the affair amicably because she wanted to get married herself and start a family. She soon met David, another pilot, and they got engaged. On the occasion of the impending nuptials of Francisca and David, Alejandro, feeling nostalgic and generous, donated a valuable painting (exclusively his own and not conjugal) to Francisca. Upon learning of the donation, the wife of Alejandro, who knew of the romantic past between the two, filed a complaint to have the donation nullified. **Is the donation valid, void, or voidable? Explain your answer.**
12. Cora, who was married to Wenceslao, executed a last will and testament where she gave all of her exclusive properties to her niece, Alma. Cora later died without issue. Wenceslao subsequently opposed the probate of her will on the ground that he was deprived of his legitime. **Is Wenceslao correct? Explain your answer.**

13. Felicia and Rocky met at a training convention and subsequently became lovers. They had children named Enrico and Euriz. One night while on his way home, Rocky met his end when his car collided with a speeding 15-wheeler truck along C-5 Road. A year later, the father of Rocky, Hilario, suffered a brain aneurysm and died. In the settlement of the estate of Hilario, Enrico and Euriz claimed an interest in the estate of their grandfather. They argued that as the biological children of Rocky, they are entitled to inherit from their grandparents by right of representation. The legitimate heirs of Hilario vehemently opposed the claim on the ground that Enrico and Euriz are barred from inheriting from the ascendants of Rocky. **Are the legitimate heirs of Hilario correct? Explain your answer.**
14. The promissory note between Jhosep and Mario states: “*Jhosep agrees and understands that upon failure on his part to pay the amount of One Hundred Thousand Pesos (₱100,000) on December 31, 2015, he agrees to pay the sum equivalent to six percent (6%) interest monthly from the date of default until the entire obligation is fully paid for.*” Jhosep failed to pay on the stipulated date. On March 1, 2016, Mario filed a collection suit against Jhosep. In his defense, Jhosep stated that he was not yet in legal delay, as Mario had not made a demand against him. **Is the contention of Jhosep correct? Explain.**
15. On September 6, 2015, Mauro purchased from Antonio a motorcycle, as evidenced by a deed of sale. The purchase price was ₱88,700, with a down payment of ₱35,000, and the balance payable in 12 monthly installments, due and payable on the first day of each month starting December 1, 2015. As security for the balance, Mauro executed a chattel mortgage over the said motorcycle in favor of Antonio. However, Mauro failed to pay the monthly installments. After Antonio extrajudicially demanded payment for the balance, Mauro returned the property to Antonio. **Is the return of the motorcycle equivalent to *dación en pago*? Discuss.**
16. Nardo leased a house and lot from Jericho. Subsequently, Nardo subleased this property to Paquito. The contract of sublease contained a stipulation to the effect that the rental payments of Paquito should be paid directly to Jericho, the principal lessor. **Is this a stipulation *pour autrui*? Explain.**
17. On October 10, 2010, Joaquin executed a deed of absolute sale in favor of Juancho involving the parcel of land of Joaquin situated in Surigao del Sur. Juancho did not register the deed of absolute sale with the Register of Deeds of Surigao del Sur. On October 30, 2010, Joaquin also executed another deed of absolute sale over the same property in favor of Martina who had no knowledge of the prior sale between Joaquin and Juancho. Neither Juancho nor Martina took possession of the parcel of land subject of the two sales. However, after learning of the October 10, 2010 sale, Martina immediately caused the registration of her October 30, 2010 deed of absolute sale with the Register of Deeds of Surigao del Sur. **Will Martina be able to invoke the principle “*first in time, stronger in right*” as against Juancho? Discuss.**
18. Ibrahim borrowed money from Fidel, as evidenced by a loan agreement. Ibrahim used as collateral for the loan his parcel of land situated in Maria Luisa Estate

Park in Cebu City. Under the terms of their agreement, Fidel has the exclusive and irrevocable option to buy the collateral for the amount of ₱100 million, inclusive of the borrowed amount of ₱50 million and interest therein at 6% *per annum*. When the loan matured, Ibrahim was unable to pay his loan obligation. Ibrahim, however, refused to sell his collateral to Fidel. **May Fidel compel Ibrahim to sell his collateral by exercising the option to buy under the loan agreement? Discuss your answer.**

19. Luna owns a passenger bus driven by her employee, Tomas. One day, the passenger bus collided with a car driven by Graciano. Graciano then filed a complaint for damages based on quasi-delict against Luna. He likewise instituted a criminal action against Tomas, but failed to reserve his right to institute a separate civil action for damages in the said criminal case. Luna filed a motion with the trial court for the deferment of trial, arguing that Tomas must be impleaded in the civil case because he committed the negligent act that caused damage to Graciano. **Is Luna correct? Explain.**

20. Rene and Sebastian, who are bitter enemies, engaged in a gunfight. In the ensuing battle, Rene killed Sebastian with a shot to the head. In the criminal case for Murder filed against Rene, the heirs of Sebastian failed to establish funeral expenses due to the inadequacy of the evidence. Still, the trial court awarded temperate damages to the heirs, declaring that it cannot close its eyes to the fact that the heirs of Sebastian indeed incurred funeral expenses. **Is the award proper? Discuss.**