



Republic of the Philippines
Supreme Court of the Philippines
Manila

2023 BAR EXAMINATIONS

POLITICAL LAW AND PUBLIC INTERNATIONAL LAW

September 17, 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. As an incentive for Filipino nurses to remain or be employed in the Philippines, the “*Ang Nars Incentives Act of 2023*” was approved by the President. The law allows children of any nurse to be enrolled in any private tertiary institution without need of taking any entrance examination provided the child maintains the required passing average grade each year. A 70% tuition waiver for each child shall be extended by the institution and 50% of the tuition waiver may be creditable to any national taxes owed by the institution to the government. **Is the law constitutional? Explain briefly.**
2. Sulu Second District Representative Alfonso died during the second year of his term. House Speaker Rodil then designated Sulu First District Representative Midas as the legislative caretaker for the remaining period of the term of Alfonso. Upon the prodding of majority of the constituents of the Sulu Second District who are invoking their right to representation, the members of the party of Alfonso filed a petition before the Supreme Court for the issuance of a writ of *mandamus* to compel Rodil to call for a special election in their district. **Will the petition prosper? Explain.**
3. In the 2022 elections, the formidable tandem of Priscilla and Teodoro ran for and won as President and Vice-President, respectively, of the Republic of the Philippines. On her 15th month in office, President Priscilla suddenly resigned due to health reasons, paving the way for Vice-President Teodoro to assume office as President. President Teodoro then nominated incumbent Senator Angel, who was President of the Philippines from 2010 to 2016, to take his place as Vice-President. Voting separately and by the vote of a majority of all the members of both Houses of the Congress, Senator Angel was confirmed, and henceforth assumed office as the Vice-President. **In the coming 2028 elections, may both President Teodoro and Vice-President Angel legally run for President of the Philippines? Explain your answer briefly.**
4. In a fresh attempt by the President to seek a just and lasting peace with the *Kapisanan ng Malayang Pilipinas (KMP)*, a Government Negotiating Panel (GNP) was constituted to explore options to end the internal armed conflict in the country. After months of negotiations, the GNP and KMP leadership agreed on the crucial provision in the chapter on Transitional Justice of the Agreed Framework, which states: “*The Parties hereby recognize the need to arrive at genuine criminal justice. Towards this end, the GNP shall make the appropriate representation with the Senate and House of Representatives aimed at the passage of an amnesty law.*” The Philippine Constitution Association questioned the provision as unconstitutional for encroaching on the clemency power of the President. On the other hand, the Office of the Solicitor General argued that the present case does not present a justiciable controversy. **Who is correct? Explain your answer.**
5. Section 1, Article IV on Bangsamoro Parliament Electoral Tribunal of the Proposed Electoral Code of the Bangsamoro Autonomous Region for Muslim Mindanao states: “*Section 1. Creation and Jurisdiction. – The Bangsamoro*

Parliament shall have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of the members of the Parliament.” **Is the proposed provision constitutional? Explain.**

6. Hector, a government employee, asked Ignacio to take the Police Officer I Examination in his behalf. Upon investigation, the Civil Service Commission (CSC) observed that the picture of Hector and signature in the application form and seat plan were not identical with those found in his Personal Data Sheet. Thus, the CSC concluded that Hector conspired with Ignacio by allowing the latter to impersonate him and found him guilty of dishonesty, meting out the penalty of dismissal. Hector appealed his dismissal to the Court of Appeals. He argued that the CSC has been divested of its authority and jurisdiction to conduct investigations and render administrative decisions based on alleged anomalies in police entrance and promotional examinations after the effectivity of Republic Act No. 8551 or the Philippine National Police Reform and Reorganization Act. The law transferred the power to administer and conduct entrance and promotional examinations to police officers from the CSC to the National Police Commission based on the standards set by the latter. **Is Hector correct? Explain.**
7. Professor Chiara, a natural-born Filipino citizen, is a resident expert on global military affairs at the National Defense College where she taught for 12 years. In 2017, she was tenured as a faculty member at the leading military academy in the United Kingdom (UK). In April 2022, she was granted British citizenship. Having learned of the renowned expertise of Professor Chiara, the President invited her to return to the Philippines to be appointed as National Security Adviser. Upon her appointment, Professor Chiara took her oath of allegiance to the Philippines and renounced her allegiance to the UK. Not satisfied with these actions, Ramon, the spokesperson of a non-government organization monitoring national security affairs, demanded that Professor Chiara renounce her British citizenship. **Is Ramon correct? Explain.**
8. A public transport bus was stopped by the police at a checkpoint. All male passengers were asked to disembark while all female passengers were requested to remain seated. Paul, a police officer, then boarded the bus and upon cursory inspection, noticed a suspicious bulging black bag at the rear of the bus. Paul lifted the bag and found it to be heavy for its size. Severino, the owner of the bag and a non-paying passenger, consented to have it opened and it was revealed that the bag contained a firearm and a live grenade. When Severino failed to produce proof of his authority to carry firearms and explosives, he was arrested and eventually charged with Illegal Possession of Firearms and Explosives. Severino now contends that the search was unreasonable and unconstitutional as it was done without a search warrant. **Is Severino correct? Explain.**
9. For purposes of the investigation of work-related misconduct, the Presidential Management Staff (PMS), searched the office computer of its employee, Zenaida, without the consent of the latter and without a search warrant. The personal files of Zenaida stored in the computer, which were seized during the search, were eventually used by the PMS as evidence of misconduct. Zenaida was accordingly dismissed from service. Zenaida now comes to you for advice

claiming that the search was unconstitutional for being violative of her right to privacy and right against unreasonable searches and seizures. **Provide your legal advice with reasons.**

10. The Secretary of the Department of Education (DepEd) issued Department Order (DO) No. 35 providing guidelines for teaching good manners and right conduct in all primary educational institutions. As part of the materials to be used during the sessions, the handbook for instructors contains a chapter on “Values from Religious Traditions and Indigenous Cultures”. The DepEd will provide the handbooks, but educational institutions shall be free to adapt the contents of the handbook in accordance with their respective mission and vision. Attendance at the sessions shall be compulsory for all students. Concerned parents and teachers questioned DO No. 35 before the Supreme Court as being violative of the establishment clause and their primary right and duty to rear their children. **Are the parents and teachers correct? Explain briefly.**
11. The property of Anne was expropriated by the government for public use more than ten years ago without proper expropriation proceedings and without payment of just compensation. Since then, the value of the Philippine peso has greatly depreciated, while the inflation rate has substantially increased. Anne now contends that in the interest of justice and fair play, the inflation rate and the depreciated value of the peso should be taken into consideration in the computation and payment of her long-delayed just compensation. **Is Anne correct? Explain briefly.**
12. Ricardo, a third-year law student, was subjected to custodial investigation for the crime of Rape. He was duly informed by the police of his right to remain silent and his right to have counsel of his choice if he could afford one, and if not, he could be provided with one. Ricardo proudly informed the arresting officer that he is perfectly aware of his rights, being a law student, and that he is voluntarily waiving them. He then proceeded to issue a written statement truthfully detailing his participation in the crime of Rape. During trial, his written statement was presented as the primary evidence of his guilt. Atty. Alexander, counsel for Ricardo, promptly and vociferously objected to the presentation and admissibility of his written statement on the ground that Ricardo executed it without assistance of counsel. **Is the objection justified and tenable? Explain briefly.**
13. Maasikaso Water Company (MWC), a private concessionaire, entered into a 25-year concession agreement in 2009 with the Metropolitan Waterworks and Sewerage System (MWSS) for the delivery of water supply, wastewater, and sanitation services in the City of Manila. In 2019, residents of Manila filed a complaint against MWC with the Department of Environment and Natural Resources Pollution Adjudication Board for violation of the Clean Water Act (CWA). The residents alleged that the severe flooding in Manila and worsening pollution in Manila Bay had been due to the failure of MWC to provide for adequate sewage and/or septage treatment facilities, as mandated under the concession agreement. MWC countered that the primary duty to construct sewage and/or septage treatment facilities rests upon the local government unit (LGU) under Section 7 of the CWA, which states: “*Each LGU shall appropriate*

the necessary land, including rights-of-way/road access to the land for construction of the sewage and/or septage treatment facilities". MWC thus maintained that it must be absolved from any form of liability considering that the City of Manila clearly failed to comply with Section 7 of the CWA. **Is MWC correct? Explain.**

14. Lorenzo was re-elected as Mayor of Roxas City for his third consecutive term in the 2022 local elections. In 2023, Lorenzo was administratively charged before the Office of the Ombudsman (OMB) for acts committed during his second term. Lorenzo moved to dismiss the complaint before the OMB on the ground that his re-election to a third term effectively exonerated him from the administrative charge pursuant to the condonation doctrine. **Is Lorenzo correct? Explain briefly.**
15. Filed before the House of Representatives were Articles of Impeachment against Chief Justice Urduja for corruption, betrayal of public trust, and culpable violation of the Constitution. After a heavily publicized trial, the Senate, sitting as Impeachment Court, rendered a judgment removing Urduja from her position, with the additional penalty of disqualification to hold any other public office. However, during the pendency of the criminal, administrative, and civil cases subsequently filed against her, Urduja died due to health complications. The heirs of Urduja filed a petition before the Supreme Court for the release of her accrued retirement benefits and other gratuities as a member of the Judiciary. Senate President Francisco opined that the petition of the heirs of Urduja should be denied in view of her removal by impeachment. **Is Francisco correct? Decide with reasons.**
16. Bea filed a civil case for collection of a sum of money for non-payment by the province of Cagayan of various hospital supplies it purchased from her, as evidenced by invoices duly received and signed by its authorized representatives. After Bea completed the presentation of her evidence, the province moved to dismiss the case on the ground that the primary jurisdiction over her money claim belongs to the Commission on Audit (COA), as it arose from a series of procurement transactions with the province. The trial court dismissed the case on the ground that jurisdiction over the case lies with the COA. Bea argued that the trial court erred since a collection suit is within the jurisdiction of the courts and the province belatedly invoked the doctrine. **Is Bea correct? Explain.**
17. Congress enacted a law providing for mandatory biometrics voter registration. The Commission on Elections (COMELEC) then issued resolutions implementing said law and further providing that registered voters who fail to submit their biometrics for validation by the last day of filing of application for registration for the May 2025 elections shall be deactivated. Consequently, those who fail to be validated, those without biometrics data, or those who have incomplete biometrics data will be deactivated and shall not be allowed to vote. A petition for *certiorari* and prohibition was filed before the Supreme Court assailing the constitutionality of the law and the COMELEC resolutions, on the ground that biometrics validation constitutes an additional and substantial qualification not contemplated by the 1987 Constitution, because non-

compliance therewith results in voter deactivation. **Will the petition prosper? Explain briefly.**

18. Gerardo, a public official, filed a certificate of candidacy for the position of Representative of the lone legislative district of his province. Despite such filing, Gerardo continued to occupy his public office since, according to his lawyer, he can only be considered resigned from public office upon the commencement of the campaign period for local officials. **What is the effect of the filing of certificate of candidacy by Gerardo? Explain.**

19. The island of Coron belongs to the province of Palawan. The Bureau of Local Government Finance certified that the average annual income of the island of Coron based on the 1991 constant prices was ₱82,696,433.23. Based on the latest Census of Population and Housing conducted by the Philippine Statistics Authority, the population of Coron is 371,576, while its land area is 802.12 square kilometers as certified by the Land Management Bureau. Republic Act No. 222 was enacted by Congress creating the province of Coron Island and was approved by the President. Thereafter, a plebiscite was held which yielded 69,943 affirmative votes and 63,502 negative votes. **Is the creation of the province of Coron Island consistent with the requirements under Section 10, Article X of the 1987 Constitution and Section 461 of the Local Government Code? Explain briefly.**

20. Bartolome is the Deputy Chief of Mission of the Embassy of Argentina. One week before the expiry date of the appointment of Bartolome in the Mission, he went on a three-day vacation in Brazil, a country known for its rich biodiversity and abundant natural resources. Determined to carry along a precious gift to his wife, Bartolome packed into his luggage a protected species of orchid found only in Brazil. Sniffing dogs at the Rio de Janeiro International Airport sensed something in his checked-in luggage, drawing the attention of airport officials. When asked to open the luggage, Bartolome presented his diplomatic identification and refused to submit to any inspection. Airport officials informed him of the penal sanctions for transporting illegal items suspected in any luggage. **May Bartolome validly invoke diplomatic immunity and inviolability of his personal luggage? Explain briefly.**