



Republic of the Philippines  
Supreme Court  
Manila

OFFICE OF THE BAR CHAIRPERSON

BAR BULLETIN No. 1

December 11, 2023

CONDUCT OF 2024 BAR EXAMINATIONS:  
MODALITY, COVERAGE, SCHEDULE, and SYLLABI

From 2020 to 2023, the Court carried out vital reforms consistent with the objectives of the *Strategic Plan for Judicial Innovations 2022-2027* to upgrade the legal education and to modernize the admission to the practice of law. Specifically, the Court shifted the framework in the conduct of Bar Examinations from the traditional pen-and-paper method to the digital platform. Considering the achievements and wealth of experience from previous years, the 2024 Bar Examinations *#BarNiJLo2024* shall remain digitalized and regionalized with condensed schedule and multiple examiners. The 2024 Bar Examinations *#MostValuableLaban* will bridge the gap between the study and practice of law, and will usher qualified examinees in their transition from law students to “*practice-ready*” and “*potentially capable*” lawyers. The questions will be geared toward practical skills and jurisprudential perspectives to evince analytical and problem-solving abilities, strong sense of ethics, professionalism, empathy for clients, and commitment to public service as minimum benchmarks for admission to the practice of law.

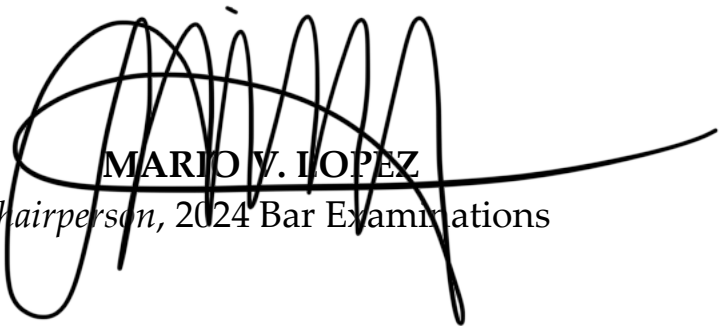
The 2024 Bar Examinations shall continue to be conducted in the month of September in local testing centers across the country. The six core subjects will be retained with the following schedules and relative weights, *viz.:*

Day	Time	Subject	Weight
September 8, 2024 (Sunday)	AM	Political and Public International Law	15%
	PM	Commercial and Taxation Laws	20%
September 11, 2024 (Wednesday)	AM	Civil Law	20%
	PM	Labor Law and Social Legislations	10%
September 15, 2024 (Sunday)	AM	Criminal Law	10%
	PM	Remedial Law, Legal and Judicial Ethics with Practical Exercises	25%

For reference, attached in this bulletin are the comprehensive and detailed syllabi of the core subjects to serve as effective roadmap and guidebook for the examinees. The syllabi offer specific provisions of law and concise statements of key principles to assist bar candidates in a more focused review. The syllabi likewise lay out a clear outline of the subjects, coverage, and exclusions.

Matters regarding the application procedures, venues of local testing centers, and other guidelines in the conduct of the 2024 Bar Examinations will be announced in subsequent bar bulletins. The Court reminds the public that only notices and issuances posted on its official website and legitimate social media accounts are true and accurate information. The public may contact the Office of the Bar Confidant at (02) 8 552 9690 or (02) 8 552 9642 for further concerns.

On behalf of the Supreme Court, I pray that you experience all the warmth of love, light of laughter, and joy of gratitude this holiday season. Good tidings and wishing you a *#MarVeLousBar* next year.



MARIO V. LOPEZ  
*Chairperson, 2024 Bar Examinations*

# POLITICAL AND PUBLIC INTERNATIONAL LAW

*2024 Bar Examinations  
Office of the Bar Chairperson*

## **I. 1987 PHILIPPINE CONSTITUTION**

- A. Definition, Nature, and Concepts of the Constitution
  - 1. Declaration of Principles
    - a. Democracy and Republicanism
    - b. Renunciation of War
    - c. Supremacy of Civilian Authority over Military
  - 2. State Policies
    - a. Independent Foreign Policy
    - b. Social Justice
    - c. Sanctity of Family and Vital Role of Youth in Nation-Building
- B. Amendment and Revision (1987 CONST., art. XVII, secs. 1-4; R.A. No. 6735)
- C. National Territory (1987 CONST., art. I; UNCLOS, arts. 1, 3-8, 33, 46-48, 50 and 55-58)
- D. Separation of Powers, and Checks and Balances
- E. State Immunity (1987 CONST., art. XVI, sec. 3; P.D. No. 1445)
- F. Delegation of Powers (1987 CONST., art. VI, secs. 1, 23(2) and 28(2))
- G. Fundamental Powers of the State – Police Power, Eminent Domain and Taxation
  - Concept, Application, and Limitations (1987 CONST., art. III, sec. 9; art. VI, sec. 28; art. XIV, sec. 4(3))

## **II. LEGISLATIVE DEPARTMENT**

- A. Congress: Senate and House of Representatives
  - 1. Compositions and Qualifications – 1987 CONST., art. VI, secs. 2-14
  - 2. Privileges and Inhibitions – 1987 CONST., art. VI, secs. 10, 11 and 13-14
  - 3. Quorum and Voting Majorities, and Discipline of Members – 1987 CONST., art. VI, sec. 16
- B. Law-Making Process (1987 CONST., art. VI, secs. 26-27)
- C. Appropriation (1987 CONST., art. VI, secs. 24-25 and 29)
- D. Legislative Inquiries and Oversight Functions (1987 CONST., art. VI, secs. 21-22)
- E. Declaration of Existence of State of War (1987 CONST., art. VI, sec. 23)

- F. Power to Revoke/Extend the Suspension of the Privilege of the Writ of Habeas Corpus and Declaration of Martial Law (1987 CONST., art. VII, sec. 18)
- G. Power of Impeachment (1987 CONST., art. XI, secs. 2-3)
- H. Electoral Tribunals (1987 CONST., art. VI, sec. 17)
- I. Commission on Appointments (1987 CONST., art. VI, sec. 18; art. VII, sec. 16; art. VIII, sec. 8)

### **III. EXECUTIVE DEPARTMENT**

- A. President and Vice President
  - 1. Term, Qualifications, and Election – 1987 CONST., art. VII, secs. 2-4
  - 2. Privileges, Inhibitions, and Disqualifications – 1987 CONST., art. VII, secs. 6 and 13
- B. Executive and Administrative Powers (1987 CONST., art. VII, secs. 1 and 17)
- C. Power of Appointment (1987 CONST., art. VII, secs. 13, 15 and 16)
  - 1. Regular and Ad Interim
  - 2. With or without COA Confirmation
  - 3. Midnight Appointments
  - 4. Removal from Office
- D. Power of Control and Supervision (1987 CONST., art. VII, sec. 17)
  - 1. Executive Departments and Offices; Doctrine of Qualified Political Agency
  - 2. Local Government Units – 1987 CONST., art. X, sec. 4
- E. Military Powers (1987 CONST., art. VII, sec. 18)
- F. Pardoning Power and Executive Clemency (1987 CONST., art. VII, sec. 19)
- G. Diplomatic Power (1987 CONST., art. VII, secs. 16 and 21)
- H. Power relative to Appropriation Measures (1987 CONST., art. VI, secs. 25(5) and 27(2); art. VII, sec. 20)
- I. Veto Power (1987 CONST., art. VI, sec. 27)
- J. Residual Power (E.O. No. 292, Book III, Title I, Chapter 7, sec. 20)
- K. Removal from Office (1987 CONST., art. XI, sec. 2)
- L. Rules of Succession (1987 CONST., art. VII, secs. 7-12)

### **IV. JUDICIAL DEPARTMENT**

- A. Definition of Judicial Power (1987 CONST., art. VIII, sec. 1)

## B. Judicial Review

1. Requisites
  - a. Actual Case or Controversy
  - b. Proper Party
  - c. Raised at the Earliest Possible Opportunity
  - d. Necessary to the Determination of the Case Itself
2. Exceptions
  - a. Political Questions
  - b. Moot Questions
  - c. Advisory Opinions
3. Operative Fact Doctrine

## C. Fiscal Autonomy (1987 CONST., art. VIII, secs. 3 and 10)

## D. Appointments to the Judiciary

1. Qualifications – 1987 CONST., art. VIII, sec. 7
2. Judicial and Bar Council – 1987 CONST., art. VIII, secs. 8 and 9

## E. Supreme Court of the Philippines

1. Composition – 1987 CONST., art. VIII, sec. 4
2. Procedural Rule-Making Power – 1987 CONST., art. VIII, sec. 5
3. Disciplinary Powers – 1987 CONST., art. VIII, sec. 11
4. Administrative Supervision – 1987 CONST., art. VIII, sec. 6
5. Jurisdiction – 1987 CONST., art. VI, sec. 30; art. VIII, sec. 5

## V. CONSTITUTIONAL COMMISSIONS (1987 CONST., art. IX)

- A. Powers, Functions, and Jurisdiction (1987 CONST., art. IX-A, sec. 8; art. IX-B, sec. 3; art. IX-C, secs. 2-5, 9 and 11; art. IX-D, secs. 2-4)
- B. Composition and Qualifications of Members (1987 CONST., art. IX-B, sec. 1; art. IX-C, sec. 1; art. IX-D, sec. 1)
- C. Prohibited Offices and Interests (1987 CONST., art. IX-A, sec. 2)
- D. Review of Final Orders, Resolutions and Decisions
  1. Rendered in the Exercise of Quasi-Judicial Functions – 1987 CONST., art. IX-A, sec. 7
  2. Rendered in the Exercise of Administrative Functions – 1987 CONST., art. IX-A, secs. 4 and 6

## VI. BILL OF RIGHTS (1987 CONST., art. III)

- A. Due Process Clause; Procedural and Substantive Requirements (1987 CONST., art. III, sec. 1; art. XIII, sec. 1)
  1. Void-for-Vagueness Rule
  2. Judicial and Administrative Due Process
- B. Equal Protection Clause (1987 CONST., art. III, sec. 1)

1. Requisites for Valid Classification
  2. Standards of Review
- C. Arrest, Search and Seizure; Requisites; Exclusionary Rule (1987 CONST., art. III, sec. 2)
- D. Privacy of Communication and Correspondence; Exclusionary Rule (1987 CONST., art. III, sec. 3; R.A. No. 4200); Informational, Decisional, Locational Privacy
- E. Freedom of Speech and Expression (1987 CONST., art. III, secs. 4 and 18(1))
1. Prior Restraint and Subsequent Punishment
  2. Content-Based and Content-Neutral Regulations
  3. Facial Challenges and Overbreadth Doctrine
  4. Tests for Valid Government Interference
  5. Doctrine of Privileged Communication – Act No. 3815, art. 354
- F. Freedom of Religion (1987 CONST., art. III, sec. 5)
1. Non-Establishment and Free Exercise Clauses
  2. Tests for Valid Government Interference
  3. Separation of Church and State – 1987 CONST., art. II, sec. 6
- G. Liberty of Abode and Right to Travel; Limitations (1987 CONST., art. III, sec. 6)
- H. Right to Information; Limitations (1987 CONST., art. II, sec. 28; art. III, sec. 7; art. XVI, sec. 10)
- I. Right to Association (1987 CONST., art. III, sec. 8; art. XIII, sec. 3; art. IX-B, sec. 2(5))
- J. Non-Impairment of Contracts (1987 CONST., art. III, sec. 10)
- K. Free Access to Courts and Adequate Legal Assistance (1987 CONST., art. III, sec. 11; R.A. No. 9999)
- L. Rights under Custodial Investigation (1987 CONST., art. III, sec. 12; R.A. No. 7438)
1. Requisites of a Valid Waiver
  2. Exclusionary Rule
- M. Rights of the Accused (1987 CONST., art. III, secs. 13-17, 21 and 22)
- N. Right against Involuntary Servitude (1987 CONST., art. III, sec. 18)
- O. Right against Excessive Fines, and Cruel and Inhumane Punishments (1987 CONST., art. III, sec. 19)
- P. Non-imprisonment for Debts (1987 CONST., art. III, sec. 20)

## **VII. CITIZENSHIP (1987 CONST., art. IV)**

- A. Filipino Citizens (1987 CONST., art. IV, secs. 1-2)
- B. Acquisition and Loss of Citizenship
- C. Retention and Re-acquisition of Citizenship (R.A. No. 9225)
- D. Naturalization (C.A. No. 473, secs. 2-4; C.A. No. 63, as amended; A.M. No. 21-07-22)

## **VIII. LAW ON PUBLIC OFFICERS**

- A. Public Officers; *De Facto* and *De Jure*
- B. Civil Service; Scope, Appointments, Personnel Actions, and Removal
  - 1. Preventive Suspension and Dismissal from Service
  - 2. Illegal Dismissal, Reinstatement, and Back Salaries
- C. Accountability of Public Officers; Ombudsman (1987 CONST., art. XI, secs. 5-13; R.A. No. 6770, as amended; R.A. No. 6713)

## **IX. ADMINISTRATIVE LAW**

- A. General Principles
- B. Administrative Agencies; Definition, Types, and Manner of Creation
- C. Powers of Administrative Agencies
- D. Primary Administrative Jurisdiction
- E. Exhaustion of Administrative Remedies

## **X. ELECTION LAW**

- A. Suffrage; Qualification and Disqualification of Voters (1987 CONST., art. V, sec. 1; R.A. No. 8189, secs. 9 and 11)
- B. Registration of Voters; Inclusion and Exclusion Proceedings (R.A. No. 8189; R.A. No. 10367)
  - 1. Overseas Absentee Voting – R.A. No. 9189; R.A. No. 10590
  - 2. Local Absentee Voting – E.O. No. 157, Series of 1987; R.A. No. 7166, sec. 12; R.A. No. 10380
  - 3. Persons Deprived of Liberty Voting – COMELEC Resolution No. 9371, as may be amended
- C. Political Parties and the Party-List System of Representation (1987 CONST., art. VI, sec. 5(2); art. IX-C, sec. 2 (5)); R.A. No. 7941)
  - 1. Registration – R.A. No. 7941, sec. 5



- a. Grounds for Refusal or Cancellation of Registration – R.A. No. 7941, sec. 6

*\*Exclude computation of party-list seat allocation*

#### D. Candidacy

1. Certificate of Candidacy – B.P. Blg. 881, sec. 73
2. Ministerial Duty of Comelec to Receive Certificates of Candidacy – B.P. Blg. 881, sec. 76
3. Effect of Filing of Certificate of Candidacy – B.P. Blg. 881, sec. 66
4. Eligibility and Material Misrepresentation – B.P. Blg. 881, secs. 74 and 78
5. Withdrawal of Certificates of Candidacy – B.P. Blg. 881, sec. 73
6. Effects of Denial and Cancellation of Certificate of Candidacy due to Material Misrepresentation
7. Substitution of Candidates – B.P. Blg. 881, sec. 77
8. Nuisance Candidates and Effects of Declaration of Nuisance Candidacy – B.P. Blg. 881, sec. 69; R.A. No. 6646, sec. 5
9. Disqualification of Candidates; Effects

#### E. Campaign

1. Limitations on Expenses and Prohibited Contributions – R.A. No. 7166, sec. 13
2. Lawful Election Propaganda – R.A. No. 9006
3. Statement of Contributions and Expenses – R.A. No. 7166, sec. 14

#### F. Remedies

1. Pre-election
  - a. Petition for Disqualification
  - b. Petition Not to Give Due Course or Cancel Certificates of Candidacy – B.P. Blg. 881, sec. 78
  - c. Petition to Declare a Nuisance Candidate – B.P. Blg. 881, sec. 69
2. During election
  - a. Petition to Postpone Elections – B.P. Blg. 881, sec. 5
  - b. Petition to Declare Failure of Elections – B.P. Blg. 881, sec. 6
3. Pre-Proclamation Controversy
4. Post-Proclamation
  - a. Election Contest
    - i. Election Protest
    - ii. *Quo warranto*
    - iii. Jurisdiction
      - Presidential Electoral Tribunal – 1987 CONST., art. VII, sec. 4
      - Senate Electoral Tribunal – 1987 CONST., art. VI, sec. 17
      - House of Representatives Electoral Tribunal – 1987 CONST., art. VI, sec. 17
      - COMELEC – 1987 CONST., art. IX-C, sec. 2(2); B.P. Blg. 881, secs. 250 and 253

- RTC – R.A. No. 7166, sec. 22; B.P. Blg. 881, secs. 251 and 253
- MTC – B.P. Blg. 881, secs. 252-253

G. Prosecution of Election Offenses (B.P. Blg. 881 as amended by R.A. No. 9369, sec. 265)

## **XI. LOCAL GOVERNMENTS (1987 CONST., art. X; R.A. No. 7160)**

A. Principles of Local Autonomy

B. Local Government Units

1. Powers of Local Government Units

a. Police Power and General Welfare Clause

b. Eminent Domain and Taxation

c. Requisites of a Valid Ordinance; Local Initiative and Referendum

d. Corporate Powers

2. Local Elective and Appointive Officials

3. Rules of Succession

4. Term Limitations and Recall

## **XII. PUBLIC INTERNATIONAL LAW**

A. Doctrine of Incorporation and Transformation (1987 CONST., art. II, sec. 2; art. VII, sec. 21)

B. Sources of Obligations in International Law (Statute of the International Court of Justice, art. 38)

C. Subjects of International Law

D. Diplomatic and Consular Law (Vienna Convention on Diplomatic Relations; Vienna Convention on Consular Relations)

E. Treaties; Vienna Convention on the Law of Treaties

F. Nationality and Statelessness (R.A. No. 9225; Hague Convention of 1930)

G. Jurisdiction of States

1. Territoriality Principle

2. Nationality Principle

3. Protective Principle

4. Universality Principle

5. Passive Personality Principle

6. Conflicts of Jurisdiction

H. Treatment of Aliens; Extradition and Deportation

I. International Human Rights Law (The United Nations' Universal Declaration of Human Rights)

J. International Humanitarian Law (R.A. No. 9851)

1. War Crimes, Genocide, and Other Crimes against Humanity – Sections 4-6
2. Jurisdiction and Double Jeopardy – Section 17
3. Irrelevance of Official Capacity – Section 9
4. Responsibility of Superiors – Section 10
5. Nonprescription – Section 11

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-

# COMMERCIAL AND TAXATION LAWS

2024 Bar Examinations  
Office of the Bar Chairperson

## I. CORPORATION LAW (R.A. No. 11232, Revised Corporation Code)

### A. General Principles

1. Nature and Attributes – Section 2
2. Nationality of Corporations
  - a. Control Test
  - b. Grandfather Rule
3. Doctrine of Separate Juridical Personality
4. Doctrine of Piercing the Corporate Veil
5. Trust Fund Doctrine

### B. Kinds of Corporation

1. Stock Corporation – Section 3
2. Non-Stock Corporation – Sections 86-87
3. Close Corporation – Section 95
4. Educational Corporations – Section 105
5. Religious Corporation – Sections 107-108
6. One Person Corporation – Section 115
7. Holding/Parent and Subsidiary Corporation

### C. Incorporation and Organization

1. Number and Qualifications of Incorporators – Section 10
2. Corporate Name – Sections 14 and 17-18
3. Capitalization – Section 12
4. Corporate Term – Section 11
5. Classification of Shares – Sections 6-9
6. Articles of Incorporation – Sections 13-15
7. By-Laws – Sections 45-47
8. Corporate Officers – Section 24
9. *De Facto* Corporation – Section 19
10. Corporation by Estoppel – Section 20

### D. Directors, Trustees, and Officers

1. Qualifications and Disqualifications – Sections 22-26
2. Elections – Sections 23, 25 and 91
3. Independent Directors – Section 22
4. Term, Holdover, and Removal – Sections 22 and 27
5. Compensation – Section 29
6. Vacancy – Sections 28 and 25
7. Voting Requirements
8. Duties and Liabilities
9. Doctrine of Centralized Management
10. Business Judgment Rule

11. Doctrine of Apparent Authority
  12. Doctrine of Ratification or Estoppel
- E. Powers of Corporations; Incidental Powers; Ultra Vires Doctrine (Sections 35-44)
  - F. Stockholders and Members
    1. Doctrine of Equality of Shares
    2. Participation in Management; Voting Requirements
    3. Proprietary Rights
      - a. Right to Dividends – Section 42
      - b. Right to Inspection – Sections 73-74
      - c. Pre-Emptive Right – Section 38
      - d. Appraisal Right – Sections 80-85
    4. Derivative Suit/Intra-Corporate Suit
    5. Delinquency – Sections 67-70
    6. Certificate of Stock – Sections 62-63
  - G. Mergers, Consolidations, and Acquisitions (Sections 39 and 75-79)
    1. Asset Only Transfer
    2. Business Enterprise Transfer
  - H. Corporate Dissolution and Liquidation (Sections 133-138)
  - I. Foreign Corporations (Sections 140-153)
    1. Personality to Sue and Suability
    2. Foreign Investments Act – R.A. No. 7042, as amended by R.A. No. 11647
      - a. “Doing Business in the Philippines”
      - b. Registration Requirement – R.A. No. 7042, as amended, sec. 5
      - c. Nationalized Activities and the Negative List

## II. PARTNERSHIP

- A. General Provisions
  1. Definition – Civil Code, art. 1767
  2. Rules to Determine Existence – Civil Code, art. 1769
  3. Separate Personality – Civil Code, art. 1768
  4. Partnership by Estoppel – Civil Code, art. 1825
  5. Kinds of Partnership – Civil Code, arts. 1776-1785
- B. Obligations of Partners Among Themselves (Civil Code, arts. 1784-1809)
- C. Property Rights of Partners (Civil Code, arts. 1810-1814)
- D. Obligations of Partnership/Partners to Third Persons (Civil Code, arts. 1815-1827)
- E. Dissolution and Winding Up (Civil Code, arts. 1828-1842)

F. Limited Partnership (Civil Code, arts. 1843-1867)

### **III. INSURANCE LAW (P.D. No. 612, as amended by R.A. No. 10607)**

A. Concept of Insurance (Sections 2-9)

B. Insurable Interest (Sections 10-25)

C. Concealment (Sections 26-35 and 51)

D. Representation (Sections 36-48 and 51)

E. Policy (Sections 49-66)

F. Warranties (Sections 67-76)

G. Premium (Sections 77-84)

1. Cash and Carry Rule
2. Exceptions

H. Loss (Sections 85-89)

1. Notice and Proof of Loss – Sections 90-94

I. Double Insurance; Overinsurance (Sections 95-96)

J. Reinsurance (Sections 97-100)

K. Classes of Insurance

1. Fire Insurance – Sections 169-175
2. Casualty – Section 176
3. Suretyship – Sections 177-180
4. Life Insurance – Sections 181-186
5. Compulsory Motor Vehicle Liability Insurance – Sections 386-402
6. Marine Insurance – Sections 115-122

### **IV. TRANSPORTATION LAW**

A. General Principles of Common Carriers (Civil Code, art. 1732)

1. Common Carrier vs. Private Carrier
2. Diligence Required – Civil Code, art. 1733
3. Vigilance over Goods – Civil Code, arts. 1744-1754
4. Safety of Passengers – Civil Code, arts. 1755-1763
5. Sources of Liability

B. The Montreal Convention

1. Applicability
2. Extent of Liability of Air Carrier
  - a. Passenger

- b. Baggage
- c. Limitations to Liability
- 3. Liability for Delay

## **V. BANKING LAWS**

- A. The New Central Bank Act (R.A. No. 7653, as amended by R.A. No. 11211)
  - 1. Banks in Distress – Sections 29-30
  - 2. Remedy of Closed Banks – Section 30
- B. Secrecy of Bank Deposits (R.A. No. 1405 and R.A. No. 6426, as amended)
  - 1. Prohibited Acts
  - 2. Exceptions from Coverage
  - 3. Garnishment of Deposits
- C. General Banking Law (R.A. No. 8791)
  - 1. Nature of Bank Funds and Bank Deposits
  - 2. Required Diligence of Banks; Liability as Drawee Bank
  - 3. Prohibited Transactions by Bank Directors and Officers
- D. Anti-Money Laundering Act (R.A. No. 9160, as amended by R.A. Nos. 9194, 10167, 10365, 10927, and 11521)
  - 1. Policy – Section 2
  - 2. Covered Institutions and their Obligations – Section 3
  - 3. Covered Transactions – Section 3
  - 4. Suspicious Transactions – Section 3
  - 5. Safe Harbor Provision – Section 9
  - 6. Money Laundering
    - a. How Committed – Section 4
    - b. Predicate Crimes – Section 3
  - 7. Authority to Inquire; Freezing and Forfeiture – Sections 10-12

## **VI. INTELLECTUAL PROPERTY CODE OF THE PHILIPPINES (R.A. No. 8293)**

- A. Patents
  - 1. Patentable vs. Non-patentable Inventions – Section 22
  - 2. Ownership of a Patent – Sections 28-30
  - 3. Rights and Limitations of Patent Owner – Sections 71-77
  - 4. Patent Infringement – Sections 76-84
  - 5. Remedies for Infringement – Sections 79-80
  - 6. Cancellation – Sections 61-66
  - 7. Compulsory Licensing – Sections 93-102
  - 8. Voluntary Licensing – Sections 85-92
- B. Trademarks
  - 1. Marks vs. Collective Marks vs. Trade Names – Section 121
  - 2. Non-Registrable Marks – Section 123
  - 3. Ownership and Registration – Section 152

4. Rights and Limitations of Trademark Owner – Section 147
5. Trademark Infringement – Section 155
6. Unfair Competition – Section 168
7. Cancellation – Sections 151

C. Copyrights

1. Copyrightable Works – Sections 172-173
2. Non-Copyrightable Works – Sections 175-176
3. Rights Conferred by Copyright – Sections 177 and 193-199
4. Ownership of a Copyright – Section 178
5. Limitations on Copyright – Sections 184-185
6. Copyright Infringement – Section 216

**VII. DATA PRIVACY ACT OF 2000 (R.A. No. 10173)**

- A. Personal vs. Sensitive Personal Information (Section 3)
- B. Scope (Section 4)
- C. Processing of Personal and Sensitive Personal Information; Lawful Basis (Sections 12-13)
- D. General Data Privacy Principles (Section 11)
- E. Rights of Data Subject (Section 16)

**VIII. SECURITIES REGULATION CODE (R.A. No. 8799)**

- A. Framework for Regulating of Securities Trading (Sections 8-10)
- B. Concept of Securities; Howey Test (Section 3)
- C. Registration of Securities (Section 8)
  1. Exempt Securities – Section 9
  2. Exempt Transactions – Section 10

**IX. ELECTRONIC COMMERCE ACT (R.A. No. 8792)**

- A. Legal Recognition of Electronic Data Messages, Documents, and Signatures (Sections 6-11)
- B. Obligation of Confidentiality (Section 32)

**X. ACCESS DEVICES REGISTRATION ACT (R.A. No. 8484)**

- A. Access Devices (Section 3)
- B. Prohibited Acts (Section 9)



C. Frustrated and Attempted Access Device Fraud (Section 12)

**XI. PHILIPPINE COMPETITION ACT (R.A. No. 10667)**

A. Anti-Competitive Agreements (Section 14)

B. Abuse of Dominant Position (Section 15)

C. Mergers and Acquisitions (Sections 16-22)

**XII. PUBLIC SERVICE ACT (C.A. No. 146, as amended by R.A. No. 11659)**

A. Public Service as Public Utility (Section 13)

B. Critical Infrastructure (Section 2(e))

C. Powers of the President (Section 23)

D. Reciprocity (Section 25)

**XIII. TAXATION LAW (R.A. No. 8424, as amended by R.A. No. 10963; R.A. No. 11534)**

A. Definition, Characteristics, and Purpose

B. Distinguished from Police Power and Eminent Domain

C. Inherent and Constitutional Limitations

D. Requisites of a Valid Tax (1987 CONST., art. VI, sec. 28)

E. Distinguished from Other Forms of Exactions

F. Doctrines in Taxation

1. Lifeblood Theory
2. Construction and Interpretation of Tax Laws, Rules, and Regulations
3. Prospectivity of Tax Laws
4. Imprescriptibility of Taxes
5. Double Taxation
6. Tax Avoidance vs. Tax Evasion
7. Prohibition on Compensation and Set-Off
8. Compromise and Tax Amnesty

G. Income Taxation

1. Kinds of Taxpayers – Section 23
2. Definition and Nature of Income; When Taxable
3. Situs of Income Taxation – Section 42
4. Gross Income

- a. Definition; Concept of Income from Whatever Source Derived – Section 32
  - b. Sources of Income Subject to Tax – Section 24; R.R. No. 2-98, as amended
    - i. Compensation Income
    - ii. Fringe Benefits
    - iii. Professional Income
    - iv. Income from Business
    - v. Income from Dealings in Property
    - vi. Passive Investment Income
    - vii. Annuities, Proceeds from Life Insurance or Other Types
    - viii. Prizes and Awards
    - ix. Pensions, Retirement Benefit, Separation Pay
    - x. Capital Assets vs. Ordinary Assets – Sections 39-40
  - c. Exclusions from Gross Income – Section 32(B)
  - d. Deductions from Gross Income – Sections 34 and 36
    - i. Itemized Deductions
    - ii. Optional Standard Deduction
    - iii. Non-deductible Items
5. Taxable Individuals – R.A. No. 8424, as amended
- a. Resident Citizens, Non-Resident Citizens, and Resident Aliens
  - b. Non-Resident Aliens Engaged in Trade or Business
  - c. Non-Resident Aliens Not Engaged in Trade or Business
  - d. Substituted Filing
6. Taxable Corporations – R.A. No. 11534
- a. Domestic Corporations and Resident Foreign Corporations – R.A. No. 8424, as amended, sec. 27
    - i. Itemized Deductions
    - ii. Optional Standard Deduction
    - iii. Minimum Corporate Income Tax
  - b. Non-Resident Foreign Corporations
  - c. General Professional Partnerships
- H. Withholding Taxes; Concept (R.A. No. 8424, as amended, sec. 76)
- I. Transfer Taxes
- 1. Estate Tax; Basic Principles and Concepts
  - 2. Donor's Tax; Basic Principles and Concepts
- J. Value-Added Tax (VAT) (R.A. No. 8424, as amended; R.R. No. 16-2005, as amended)
- 1. Concept
  - 2. Elements of VATable Transactions
  - 3. Destination Principle and Cross-Border Doctrine
  - 4. Transactions Deemed Sale Subject to VAT
  - 5. Zero-Rated Transactions

6. VAT-Exempt Transactions
7. Input and Output VAT
8. VAT Refund or Credit – Section 112

#### K. Tax Remedies

1. Government
  - a. Assessment of Internal Revenue Taxes
    - i. Requisites of a Valid Assessment
    - ii. False Returns, Fraudulent Returns, Non-Filing of Returns
  - b. Collection of Delinquent Taxes
    - i. Requisites
    - ii. Civil action for Collection
    - iii. Criminal action for Collection
    - iv. Injunction – R.A. No. 8424, as amended, sec. 218; R.A. No. 9282, as amended, sec. 11
  - c. Statute of Limitations
2. Taxpayer's Remedies
  - a. Administrative
  - b. Judicial
  - c. Compromise and Abatement of Taxes
  - d. Refund of Tax Erroneously or Illegally Collected – R.A. No. 8424, sec. 229
3. Civil Penalties
  - a. Tax Delinquency, Tax Deficiency
  - b. Surcharge
4. Compromise Penalty

#### L. Local Taxation (R.A. No. 7160, Book II, Title I)

1. General Principles – Sections 130 and 132
2. Common Limitations on the Taxing Powers of Local Government Units – Section 133
3. Local Business Tax – Sections 143, 145 and 146
4. Validity of a Local Tax Ordinance – Section 187
5. Taxpayer's Remedies
  - a. Administrative – Section 195
  - b. Judicial
  - c. Refund or Credit – Section 196
6. Assessment and Collection of Local Taxes – Section 194
  - a. Remedies of Local Government Units
  - b. Prescriptive Period
  - c. Injunction

#### M. Real Property Taxation (R.A. No. 7160, Book II, Title II)

1. Fundamental Principles; Nature
2. Exemption from Real Property Tax – Section 234
3. Government's Remedies
  - a. Real Property Tax Assessment
  - b. Collection

4. Taxpayer's Remedies
  - a. Administrative
  - b. Judicial
  - c. Refund or Credit

N. Judicial Remedies

1. Jurisdiction of the Court of Tax Appeals – R.A. No. 1125, as amended by R.A. No. 9282; A.M. No. 05-11-07-CTA; R.A. No. 11576
  - a. Civil Cases
  - b. Criminal Cases
  - c. Institution of Civil Action in Criminal Action
  - d. Certiorari jurisdiction
2. Suspension of Collection of Taxes
3. Petition for Review on Certiorari to the SC

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-

**CIVIL LAW**  
*2024 Bar Examinations*  
*Office of the Bar Chairperson*

**I. EFFECT AND APPLICATION OF LAWS**

- A. When Law Takes Effect; Publication (Civil Code, art. 2)
- B. Ignorance of the Law; (Civil Code, art. 3) Ignorance of Fact
- C. Retroactivity of Laws (Civil Code, art. 4); Vested Rights Principle
- D. Mandatory, Prohibitory and Permissive Laws (Civil Code, art. 5)
- E. Waiver of Rights (Civil Code, art. 6)
- F. Repeal of Laws (Civil Code, art. 7)
- G. Judicial Decision (Civil Code, art. 8)
- H. Duty to Render Judgment (Civil Code, art. 9)
- I. Interpretation of Doubtful Statutes (Civil Code, art. 10)
- J. Custom (Civil Code, arts. 11-12)
- K. Legal Periods (Civil Code, art. 13, as amended by Book I, chapter 8, sec. 31 of the Administrative Code of 1987 (E.O. No. 292))
- L. Generality Principle of Penal Laws (Civil Code, art. 14)
- M. Conflict of Laws (Civil Code, arts. 15-18)
  - 1. Jurisdiction; *Forum Non Conveniens*
  - 2. Choice of Law; Doctrine of *Renvoi*; Doctrine of Processual Presumption
    - a. *Lex Nationalii*
    - b. *Lex Rei Sitae*
    - c. *Lex Contractus*
    - d. *Lex Loci Celebrationis*
    - e. *Lex Domicilii*
    - f. *Lex Fori*
    - g. *Lex Loci Delicti*
    - h. *Lex Loci Solutionis*
  - 3. Recognition and Enforcement of Foreign Judgment

**II. HUMAN RELATIONS**

- A. Abuse of Rights (Civil Code, arts. 19-22)

1. Acts Contra Bonus Mores
  2. Breach of Promise of Marriage
- B. Unjust Enrichment (Civil Code, arts. 22-23 and 2142-2143)
- C. Thoughtless Extravagance (Civil Code, art. 25)
- D. Tortious Interference (Civil Code, art. 1314)

### III. PERSONS AND FAMILY RELATIONS

- A. Natural Persons
1. Capacity to Act; Restrictions – Civil Code, arts. 37-39
  2. Commencement and End of Civil Personality – Civil Code, arts. 40-42
  3. Proof of Death – Civil Code, art. 43; Rules of Court, Rule 131, sec. 3 (jj)
- B. Juridical Persons (Civil Code, arts. 44-47)
- C. Domicile; Residence (Civil Code, arts. 50-51)
- D. Surnames (Civil Code, arts. 364-380; Family Code, arts. 176, 189 and 193; R.A. No. 9048; R.A. No. 10172)
- E. Absentees (Civil Code, arts. 381-396)
- F. Marriage; General Principles (Family Code, art. 1)  
*\*Exclude: Muslim Code (P.D. No. 1083)*
1. Essential and Formal Requisites – Family Code, arts. 1-3, 5-11, 20-21, 26 and 31-35  
*\*Exclude: Duties of a Civil Registrar – Family Code, arts. 12-19 and 23-25*
  2. Effects of Absence, Defect or Irregularity – Family Code, art. 4
- G. Mixed Marriages (Family Code, art. 26)
- H. Void Marriages; Effects and Remedies (Family Code, arts. 35-44 and 50-54)
- I. Voidable Marriages; Effects and Remedies (Family Code, arts. 45-54)  
*\*Exclude: A.M. No. 02-11-10-SC and R.A. No. 6955*
- J. Legal Separation (Family Code, art. 55-67)  
*\*Exclude: A.M. No. 02-11-11-SC*
- K. Property Relations Between Spouses (Family Code, arts. 74-81)
1. Donation *Propter Nuptias*; Void Donations – Family Code, arts. 82-83, 86-87, 43(3) and 50
  2. Marriage Settlements – Family Code, arts. 75-81
    - a. Absolute Community of Property Regime – Family Code, arts. 84 and 88-104

- b. Conjugal Partnership of Gains Regime – Family Code, arts. 105-133
    - c. Separation of Property Regime – Family Code, arts. 143-146
  - 3. Judicial Separation of Property – Family Code, arts. 134-142
  - 4. Property Regime of Unions Without Marriage – Family Code, arts. 147-148
  
- L. Rights and Obligations Between Husband and Wife (Family Code, arts. 68-73)
  - \*Exclude:* R.A. No. 7192; R.A. No. 8187; R.A. No. 9710
  
- M. The Family; Family Home (Family Code, arts. 149-162)
  
- N. Paternity and Filiation
  - 1. Concepts of Paternity, Filiation and Legitimacy – Family Code, art. 163
  - 2. Legitimate and Illegitimate Children – Family Code, arts. 164-165 and 167-169
    - a. Proof of Filiation – Family Code, arts. 172, 173 and 175
    - b. Rights of Legitimate Children – Family Code, art. 174
    - c. Rights of Illegitimate Children – Family Code, art. 176 as amended by R.A. No. 9255
    - d. Action to Impugn Legitimacy – Family Code, arts. 166 and 170-171
  - 3. Legitimated Children – Family Code, arts. 177-182; R.A. No. 9858
    - \*Exclude:* A.M. No. 06-11-5-SC
    - a. Rights of Legitimated Children – Family Code, art. 179
    - b. Action to Impugn Legitimacy – Family Code, art. 182
  - 4. Adopted Children
    - a. Domestic Administrative Adoption and Alternative Child Care Act – R.A. No. 11642
    - b. Inter-Country Adoption Act – R.A. No. 8043
    - c. Simulated Birth Rectification Act – R.A. No. 11222
  
- O. Support (Family Code, arts. 194-208)
  
- P. Parental Authority (Family Code, arts. 209-233)
  - \*Exclude:* A.M. No. 03-02-05-SC; A.M. No. 03-04-04-SC; R.A. No. 8972, as amended; R.A. No. 8980; R.A. No. 9231

#### **IV. PROPERTY, OWNERSHIP, AND ITS MODIFICATIONS**

- A. Classification of Property
  - 1. Immovables and Movables – Civil Code, arts. 414-418
  - 2. Public Dominion; Patrimonial; Private – Civil Code, arts. 419-425
  
- B. Ownership (Civil Code, arts. 427-439)
  
- C. Right of Accession; Movables and Immovable (Civil Code, arts. 440-475)

- D. Quieting of Title (Civil Code, arts. 476-481)
- E. Co-Ownership (Civil Code, arts. 484-501); Condominium Act (R.A. No. 4726, as amended)
- F. Possession (Civil Code, arts. 523-561)
- G. Actions to Recover Ownership and Possession of Real Property
  - 1. *Accion Interdictal*
  - 2. *Accion Publiciana*
  - 3. *Accion Reivindicatoria*
- H. Easements; Easement of Right of Way (Civil Code, arts. 613-619 and 649-657)
- I. Nuisance (Civil Code, arts. 694-707)

#### **V. DIFFERENT MODES OF ACQUIRING OWNERSHIP (Civil Code, art. 712)**

- A. Occupation (Civil Code, arts. 713-720)
- B. Donation (Civil Code, arts. 725-773)
- C. Prescription (Civil Code, arts. 1106-1155)

#### **VI. LAND TITLES AND DEEDS**

- A. Regalian Doctrine (1987 CONST., art. XII, sec. 2)
- B. Nationality Restrictions on Land Ownership (1987 CONST., art. XII, secs. 7-8)
- C. Registry of Property (Civil Code, arts. 708-711)
- D. Torrens System; Certificate of Title (P.D. No. 1529, secs. 39 and 44)
- E. Original Registration
  - 1. Who May Apply – P.D. No. 1529, secs. 14, as amended by R.A. No. 11573; C.A. No. 141, as amended; R.A. No. 8371, sec. 12
  - 2. Decree of Registration – P.D. No. 1529, sec. 31
  - 3. Review of Decree of Registration – P.D. No. 1529, sec. 32
  - 4. Innocent Purchaser for Value; Rights – P.D. No. 1529, sec. 32
- F. Confirmation of Imperfect Titles (R.A. No. 11573)
- G. Subsequent Registration (P.D. No. 1529, secs. 51-53)
  - 1. Voluntary Dealings – P.D. No. 1529, secs. 55-59
  - 2. Involuntary Dealings – P.D. No. 1529, secs. 69, 74 and 76; Adverse Claims and Notice of *Lis Pendens* – P.D. No. 1529, secs. 70 and 77



- H. Non-Registrable Properties (Civil Code, art. 420)
- I. Dealings with Unregistered Lands (P.D. No. 1529, sec. 113)
- J. Assurance Fund (P.D. No. 1529, secs. 93-102)
- K. Reconstitution of Title (P.D. No. 1529, sec. 110)

## **VII. WILLS AND SUCCESSION**

- A. General Provisions (Civil Code, arts. 774-782)
- B. Testamentary Succession
  - 1. Wills – Civil Code, arts. 783-795
  - 2. Testamentary Capacity – Civil Code, arts. 796-803
  - 3. Notarial and Holographic Wills; Joint Will – Civil Code, arts. 804-819
  - 4. Witnesses to a Notarial Will; Qualifications and Disqualifications – Civil Code, arts. 820-824
  - 5. Codicils and Incorporation by Reference – Civil Code, arts. 825-827
  - 6. Conflict Rules – Civil Code, arts. 16-17
  - 7. Revocation of Wills – Civil Code, arts. 828-834
  - 8. Republication and Revival of Wills – Civil Code, arts. 835-837
  - 9. Allowance and Disallowance of Wills – Civil Code, arts. 838-839
  - 10. Institution and Substitution of Heirs – Civil Code, arts. 840-870
  - 11. Dispositions with a Condition or Term – Civil Code, arts. 871-885
  - 12. Compulsory Heirs; Legitime – Civil Code, arts. 886-914
  - 13. Disinheritance – Civil Code, arts. 915-923
  - 14. Legacies and Devises – Civil Code, arts. 924-959
- C. Intestate Succession
  - 1. Causes of Intestacy and Relationship – Civil Code, arts. 960-969
  - 2. Right of Representation – Civil Code, arts. 970-977
  - 3. Order of Intestate Succession – Civil Code, arts. 978-1014
- D. Provisions Common to Testate and Intestate Succession (Civil Code, arts. 1015-1105)

## **VIII. OBLIGATIONS AND CONTRACTS**

- A. Obligations
  - 1. Civil and Natural Obligations – Civil Code, arts. 1423-1430
  - 2. General Provisions – Civil Code, arts. 1156-1162
  - 3. Nature and Effect of Obligations – Civil Code, arts. 1163-1178
  - 4. Different Kinds of Obligations – Civil Code, arts. 1179-1230
  - 5. Extinguishment of Obligations – Civil Code, arts. 1231-1304
- B. Contracts
  - 1. Essential Requisites of Contract – Civil Code, art. 1318

- a. Consent – Civil Code, arts. 1319-1346
  - b. Object – Civil Code, arts. 1347-1349
  - c. Cause – Civil Code, arts. 1350-1355
- 2. Principles of Contracts – Civil Code, arts. 1159 and 1305-1317
  - a. Obligatory Force
  - b. Autonomy
  - c. Relativity
  - d. Consensuality
  - e. Mutuality
- 3. Real vs. Consensual Contracts; Forms, Reformation and Interpretation – Civil Code, arts. 1356-1379
- 4. Defective Contracts
  - a. Rescissible – Civil Code, arts. 1380-1389
  - b. Voidable – Civil Code, arts. 1390-1402
  - c. Unenforceable – Civil Code, arts. 1403-1408
  - d. Void – Civil Code, arts. 1409-1422

C. Estoppel (Civil Code, arts. 1431-1439)

## **IX. CONTRACT OF SALE**

- A. Nature and Form (Civil Code, arts. 1458-1488)
  - 1. Contract of Sale vs. Contract to Sell
  - 2. Option Contract
  - 3. Right of First Refusal
  - 4. Earnest Money in Contract of Sale and Contract to Sell
- B. Capacity to Buy or Sell (Civil Code, arts. 1489-1492)
- C. Obligations of the Vendor (Civil Code, arts. 1459-1505)
- D. Double Sale (Civil Code, art. 1544)
- E. Effects of Loss of Thing Sold (Civil Code, arts. 1493-1494)
- F. Recto Law (Civil Code, art. 1484)
- G. Maceda Law (R.A. No. 6552)
- H. Rights of Unpaid Seller (Civil Code, arts. 1525-1535)
- I. Conventional Redemption (Civil Code, arts. 1601 and 1606-1618); Legal Redemption (Civil Code, arts. 1619-1623)
- J. Equitable Mortgage (Civil Code, arts. 1602-1605)

## **X. CONTRACT OF LEASE**

- A. General Provisions (Civil Code, arts. 1642-1645)
- B. Rights and Obligations of Lessor and Lessee (Civil Code, arts. 1654-1679)
- C. Sublease and Assignment of Lease (Civil Code, arts. 1649-1652)

## **XI. AGENCY**

- A. Nature, Form, and Kinds (Civil Code, arts. 1868-1883)
- B. Obligations of Agent and Principal (Civil Code, arts. 1864-1918)
- C. Extinguishment (Civil Code, arts. 1919-1932)

## **XII. CREDIT TRANSACTIONS**

- A. Mutuum and Commodatum (Civil Code, arts. 1933-1961)
- B. Deposit (Civil Code, arts. 1962-2009)
- C. Guaranty and Suretyship (Civil Code, arts. 2047-2081)
- D. Real Estate Mortgage (Civil Code, arts. 2124-2126 and 2128-2131)
- E. Personal Property Security Act (R.A. No. 11057)

## **XIII. COMPROMISE AGREEMENT (Civil Code, arts. 2028-2041)**

## **XIV. QUASI-CONTRACTS (Civil Code, arts. 2142-2143)**

- A. *Negotiorium Gestio* (Civil Code, arts. 2144-2153)
- B. *Solutio Indebiti* (Civil Code, arts. 2154-2163)
- C. Other Quasi-Contracts (Civil Code, arts. 2164-2175)

## **XV. TORTS AND DAMAGES**

- A. Common Principles
  - 1. Torts vs. Crimes
  - 2. Torts vs. Contracts
- B. Classification of Torts
  - 1. Negligence – Civil Code, arts. 2176-2194
  - 2. Degrees of Diligence and Negligence; Presumption
  - 3. Intentional – Civil Code, arts. 19-35
  - 4. Strict Liability – Civil Code, arts. 2183-2193; R.A. No. 7394, arts. 97-102

- C. The Tortfeasor; Joint and Direct Liabilities (Civil Code, art. 2194)
- D. Proximate Cause; Concept; Doctrine of Last Clear Chance
- E. Vicarious Liability (Civil Code, art. 2180; Family Code, art. 211)
- F. *Res Ipsa Loquitur*
- G. *Damnum Absque Injuria*
- H. Defenses in Tort Actions
- I. Medical Negligence and Malpractice
- J. Damages; Kinds of Damages; When May Be Recovered (Civil Code, arts. 2197 and 2216)
  - 1. Actual and Compensatory Damages – Civil Code, arts. 2199-2215
  - 2. Moral Damages – Civil Code, arts. 2217-2220
  - 3. Nominal Damages – Civil Code, arts. 2221-2223
  - 4. Temperate or Moderate Damages – Civil Code, arts. 2224-2225
  - 5. Liquidated Damages – Civil Code, arts. 2226-2228
  - 6. Exemplary or Corrective Damages – Civil Code, arts. 2229-2235
- K. Damages in Case of Death
- L. Duty of Injured Party

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-

# LABOR LAW AND SOCIAL LEGISLATIONS

*2024 Bar Examinations  
Office of the Bar Chairperson*

## I. FUNDAMENTAL PRINCIPLES AND CONCEPTS

### A. Sources of Labor Laws

1. 1987 Constitution
2. Civil Code
3. Labor Code
4. Department of Labor and Employment (DOLE) Issuances
5. Jurisprudence

### B. State Policies

1. Labor as Primary Social Economic Force – 1987 CONST., art. II, sec. 18
2. Full Protection to Labor – 1987 CONST., art. XIII, sec. 3
3. Security of Tenure – 1987 CONST., art. XIII, sec. 3
4. Social Justice – 1987 CONST., art. II, sec. 10; Labor Code, Art. 218, as renumbered by DOLE D.A. No. 01-2015
5. Equal Work Opportunities – 1987 CONST., art. XIII, sec. 3; Labor Code, art. 3
6. Right to Self-Organization and Collective Bargaining – 1987 CONST., art. XIII, sec. 3; Labor Code, arts. 3 and 253
7. Construction in Favor of Labor – Labor Code, art. 4; Civil Code, art. 1702

## II. RECRUITMENT AND PLACEMENT OF WORKERS

### A. Recruitment and Placement of Local and Migrant Workers (Labor Code, art. 13)

#### 1. Regulatory Authorities

- a. Department of Migrant Workers – R.A. No. 11641, secs. 4-6
- b. DOLE Secretary; Regulatory and Visitorial Powers – Labor Code, arts. 33, 36 and 37

#### 2. Regulation of Recruitment and Placement Activities

- a. Ban on Direct Hiring; Exceptions – Labor Code, art. 18
- b. Entities and persons prohibited from recruiting – Labor Code, art. 26; R.A. No. 8042, as amended by R.A. No. 10022, sec. 6 (j); Revised POEA Rules 2016 for Land-based Workers, Part II, Rule I, sec. 3
- c. Non-transferability of License or Authority – Labor Code, art. 29
- d. Suspension or cancellation of license or authority – Labor Code, art. 35; Revised POEA Rules 2016 for Land-based Workers, Part III, Rule I, secs. 101 and 104
- e. Prohibited Practices – Labor Code, art. 34; R.A. No. 8042, as amended by R.A. No. 10022, sec. 6; Revised POEA Rules 2016 for Land-based Workers, Part I, Rule X, sec. 76
- f. Illegal Recruitment

- i. Elements and Types – Labor Code, art. 38; R.A. No. 8042, as amended by R.A. No. 10022, sec. 6
    - ii. Illegal recruitment vs. Estafa – R.A. No. 8042, as amended by R.A. No. 10022, sec. 6; Revised Penal Code, art. 315, par. 2 (a)
  - g. Solidary Liability of Local Recruitment Agency and Foreign Employer – R.A. No. 8042, as amended by R.A. No. 10022, sec. 10; Theory of Imputed Knowledge
  - h. Termination of Contract of Migrant Workers – R.A. No. 8042, as amended by R.A. No. 10022, sec. 10
- B. Employment of Non-Resident Aliens (Labor Code, arts. 40-42; DOLE D.O. No. 186-17, secs. 1-3 and 12-14, as amended by DOLE D.O. No. 221-21; DOLE D.O. No. 205-19, secs. 1-3, 7-8)

### III. EMPLOYER-EMPLOYEE RELATIONSHIP

- A. Employer-Employee Relationship
- 1. Tests to Determine Employer-Employee Relationship – DOLE D.O. No. 147-15, Rule I-A, sec. 3
  - 2. Kinds of Employment – Labor Code, arts. 295-296
    - a. Regular
    - b. Casual
    - c. Probationary
    - d. Project
    - e. Seasonal
    - f. Fixed-Term
  - 3. Related Concepts
    - a. Floating Status – Labor Code, art. 301; DOLE D.O. No. 215-20
    - b. Employment Subject to a Suspensive Condition
- B. Legitimate Contracting vs. Labor-Only Contracting (Labor Code, arts. 106-109; DOLE D.O. No. 174-17; DOLE D.C. No. 01-17; E.O. No. 51, Series of 2018)

### IV. LABOR STANDARDS

- A. Conditions of Employment
- 1. Covered Employees; Exceptions – Labor Code, art. 82; Omnibus Rules Implementing the Labor Code, Book III, Rule I, secs. 1-2
  - 2. Hours of work
    - a. Normal hours of work – Labor Code, arts. 83-84; Omnibus Rules Implementing the Labor Code, Book III, Rule I, secs. 3-4
    - b. Meal periods – Labor Code, art. 85; Omnibus Rules Implementing the Labor Code, Book III, Rule I, sec. 7
    - c. Night-shift – Labor Code, art. 86; Omnibus Rules Implementing the Labor Code, Book III, Rule II, secs. 1-6
    - d. Overtime work – Labor Code, arts. 87-90; Omnibus Rules Implementing the Labor Code, Book III, Rule I, secs. 8-10

- e. Compressed work week, flexible work arrangement, alternative work arrangements, telecommuting program – DOLE D.A. No. 02-04; DOLE D.A. No. 02-09; DOLE D.A. No. 04-10; R.A. No. 11165, secs. 3-5
- f. Non-compensable hours
- 3. Rest periods – Labor Code, arts. 91-93; Omnibus Rules Implementing the Labor Code, Book III, Rule III, secs. 1-9
- 4. Holidays – Labor Code, art. 94; Omnibus Rules Implementing the Labor Code, Book III, Rule IV, secs. 1-11
- 5. Service charges – Labor Code, art. 96; Omnibus Rules Implementing the Labor Code, Book III, Rule VI, secs. 1-7; R.A. No. 11360; DOLE D.O. No. 206-19; DOLE L.A. No. 14-19
- 6. Occupational Safety and Health Standards Law – R.A. No. 11058, secs. 4-6, 8 and 12

## B. Wages

- 1. Components and Exclusions
  - a. Wages – Labor Code, art. 97(f)
  - b. Facilities
  - c. Supplements
  - d. Bonus
  - e. 13<sup>th</sup> Month Pay – P.D. No. 851; Revised Guidelines on the Implementation of the 13<sup>th</sup> Month Pay Law
  - f. Holiday Pay – Labor Code, art. 94; Omnibus Rules Implementing the Labor Code, Book III, Rule IV, secs. 1-7
- 2. Principles
  - a. No Work, No Pay
  - b. Equal Pay for Equal Work
  - c. Fair Wage for Fair Work
  - d. Non-Diminution of Benefits – Labor Code, art. 100
- 3. Payment of Wages – Labor Code, arts. 102-105; Omnibus Rules Implementing the Labor Code, Book III, Rule VIII, secs. 1-7 and 10-14
- 4. Prohibitions Regarding Wages – Labor Code, arts. 112-119; DOLE L.A. No. 11-14
- 5. Wage Distortion – Labor Code, art. 124
- 6. Minimum Wage – Labor Code, art. 99; Omnibus Rules Implementing the Labor Code, Book III, Rule VII, secs. 7, 9 and 15

## C. Leaves

- 1. Service Incentive Leaves – Labor Code, art. 95; Omnibus Rules Implementing the Labor Code, Book III, Rule V, secs. 1-6
- 2. Leaves under Special Laws
  - a. Expanded Maternity Leave – R.A. No. 11210
  - b. Paternity Leave – R.A. No. 8187, as amended by R.A. No. 11210
  - c. Solo Parent Leave – R.A. No. 8972, as amended by R.A. No. 11861
  - d. Gynecological Leave – R.A. No. 9710
  - e. Battered Woman Leave – R.A. No. 9262

D. Special Groups of Employees

1. Women – Labor Code, arts. 130 and 132-136
2. Minors – R.A. No. 7610, as amended by R.A. No. 9231
3. *Kasambahays* – R.A. No. 10361
4. Homeworkers – Labor Code, arts. 151-153
5. Night Workers – Labor Code, arts. 154-161
6. Apprentices and Learners – Labor Code, arts. 58-60 and 73-74
7. Persons with Disabilities – R.A. No. 7277, as amended by R.A. No. 9442, R.A. No. 10070 and R.A. No. 10524

E. Sexual Harassment in the Work Environment (R.A. No. 7877); Safe Spaces Act (R.A. No. 11313, Article IV)

F. Discriminatory Practices

1. Age – R.A. No. 10911
2. Gender and Marital Status – R.A. No. 9710
3. Pregnancy – R.A. No. 10354, sec. 23(c)
4. Illness – DOLE D.A. No. 05-10; DOLE D.O. No. 73-05
5. Solo Parents – R.A. No. 8972, as amended by R.A. No. 11861, sec. 7
6. Persons with Disability – R.A. No. 7277, as amended

**V. SOCIAL WELFARE BENEFITS**

A. SSS Law (R.A. No. 8282, as amended by R.A. No. 11199)

1. Benefits; Coverage and Exclusions
2. Dependents and Beneficiaries

B. GSIS Law (R.A. No. 8291)

1. Benefits; Coverage and Exclusions
2. Dependents and Beneficiaries

C. Limited Portability Law (R.A. No. 7699)

D. Disability and Death Benefits; Labor Code and Civil Code

E. Claims of Seafarers; 2010 Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers On-Board Ocean-Going Ships (Secs. 20, 32 and 32-A)

**VI. MANAGEMENT PREROGATIVE**

A. Occupational Qualifications

B. Productivity Standards

C. Change of Working Hours

D. Transfer of Employees



- E. Discipline of Employees
- F. Grant of Bonuses and Other Benefits
- G. Clearance Process
- H. Post-Employment Restrictions

## **VII. POST-EMPLOYMENT**

- A. Termination of Employment by Employer
  - 1. Just Causes – Labor Code, art. 297; DOLE D.O. No. 147-15
  - 2. Authorized Causes – Labor Code, arts. 298-299; DOLE D.O. No. 147-15
  - 3. Due Process Requirements – Labor Code, art. 292 (b); DOLE D.O. No. 147-15
- B. Termination of Employment by Employee
  - A. Resignation vs. Constructive Dismissal – Labor Code, art. 300
  - B. Abandonment
- C. Preventive Suspension (Omnibus Rules Implementing the Labor Code, Book V, Rule XIV, secs. 3-4)
- D. Reliefs from Illegal Dismissal (Labor Code, art. 294)
- E. Retirement (Labor Code, art. 302)

## **VIII. LABOR RELATIONS**

- A. Right to Self-Organization
  - 1. Coverage and Eligibility for Membership; Exceptions – Labor Code, arts. 253-255; DOLE D.O. No. 40-03, Rule II, secs. 1-2
  - 2. Doctrine of Necessary Implication (Confidential Employees)
  - 3. Bargaining Unit – DOLE D.O. No. 40-03, Rule I, sec. 1(e)
    - a. Commingling or Mixed Membership
    - b. Inclusion as Members of Employees Outside the Bargaining Unit – Labor Code, art. 256
  - 4. Registration of Unions, Chartering, Cancellation of Registration – Labor Code, arts. 240, 241, 245 and 247
  - 5. Sole and Exclusive Bargaining Agent (SEBA) (DOLE D.O. No. 40-03, Rule I, Sec. 1(u)); Modes to Acquire Status (DOLE D.O. No. 40-I-15)
    - a. SEBA Certification – DOLE D.O. No. 40-03, Rule I, Sec. 1, as amended by DOLE D.O. No. 40-J-22

- b. Certification and Consent Election – DOLE D.O. No. 40-03, Rules VII and VIII, as amended
    - c. Bars to the Holding of Certification Election – DOLE D.O. No. 40-03, Rule VIII, Sec. 14, and Rule XVII, Sec. 7, as amended; Omnibus Rules Implementing the Labor Code, Book V, Rule III, Sec. 14 (e)
    - d. Failure of Election, Run-off Election, Re-run Election – DOLE D.O. No. 40-03, Rule IX, Secs. 17-19, as amended
  - 6. Employer as a Mere Bystander Rule – DOLE D.O. No. 40-03, Rule IX, sec. 1, as amended
- B. Rights of Legitimate Labor Organizations**
- 1. Check Off, Assessment, and Agency Fees – Labor Code, arts. 250 (n), (o) and 259 (e); DOLE D.O. No. 40-03, Rule XIII, sec. 1
  - 2. Collective Bargaining
    - a. Procedure in Bargaining – Labor Code, art. 261
    - b. Duty to bargain collectively – Labor Code, arts. 262-264
    - c. Economic Provisions and Conditions
    - d. Non-Economic Provisions and Conditions
    - e. Mandatory Provisions in a Collective Bargaining Agreement
    - f. Freedom Period
    - g. Union Security Clause
- C. Unfair Labor Practices**
- 1. By Employers – Labor Code, art. 259
  - 2. By Labor Organizations – Labor Code, art. 260
- D. Peaceful Concerted Activities**
- 1. Strikes, Picketing, and Lockouts – Labor Code, art. 278; Omnibus Rules Implementing the Labor Code, Book V, Rule XIII
  - 2. Assumption of Jurisdiction by Secretary of Labor and Employment – Labor Code, art. 278 (g); DOLE D.O. No. 40-H-13

## **IX. JURISDICTION AND REMEDIES**

- A. Labor Arbiter**
- 1. Jurisdiction – Labor Code, arts. 124 and 224; R.A. No. 8042, as amended by R.A. No. 10022, sec. 10; 2011 NLRC Rules of Procedure, as amended, Rule V, sec. 1
  - 2. Mode of Appeal to the NLRC – 2011 NLRC Rules of Procedure, as amended, Rule VI
  - 3. Reinstatement and/or Execution Pending Appeal – Labor Code, art. 229; 2011 NLRC Rules of Procedure, as amended, Rule IX, sec. 12
- B. National Labor Relations Commission**

1. Jurisdiction
    - a. Original – Labor Code, arts. 225 (d), (e) and 278 (g); 2011 NLRC Rules of Procedure, as amended, Rule XII, sec. 1
    - b. Appellate – Labor Code, art. 129; 2011 NLRC Rules of Procedure, as amended, Rule VI, sec. 1
  2. Mode of Appeal and Requisites
- C. Court of Appeals; Requisites (Rules of Court, Rule 65)
- D. Supreme Court; Requisites (Rules of Court, Rule 45)
- E. Bureau of Labor Relations; Jurisdiction and Procedure (DOLE D.O. No. 40-03, Rule XI)
- F. National Conciliation and Mediation Board (Executive Order No. 126, as amended by E.O. No. 251); Conciliation v. Mediation
- G. DOLE Regional Directors; Jurisdiction (Labor Code, arts. 128-129; Omnibus Rules Implementing the Labor Code, Book III, Rule X, Secs. 2 and 3(a))
- H. DOLE Secretary
  1. Visitorial and Enforcement Powers – Labor Code, arts. 128 and 289
  2. Power to Suspend Effects of Termination – Labor Code, art. 292 (b)
- I. Voluntary Arbitrator; Jurisdiction and Procedure – Labor Code, arts. 274-277; Revised Procedural Guidelines in the Conduct of Voluntary Arbitration Proceedings
- J. Prescription of Actions
  1. Money Claims – Labor Code, art. 306
  2. Illegal Dismissal – Civil Code, art. 1146
  3. Unfair Labor Practices – Labor Code, art. 305
  4. Illegal Recruitment – R.A. No. 8042, as amended, sec. 12

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-

**CRIMINAL LAW**  
*2024 Bar Examinations*  
*Office of the Bar Chairperson*

**I. FUNDAMENTAL PRINCIPLES OF CRIMINAL LAW**

- A. Schools of Thought
  - 1. Classical Theory
  - 2. Positivist Theory
  - 3. Eclectic or Mixed Theory
  - 4. Utilitarian Theory
  
- B. Construction or Interpretation of Penal Laws
  - 1. Effects of Repeal/Amendments of Penal Laws; Repeal by Reenactment
  - 2. Retroactive Effect of Penal Laws
  - 3. *Pro Reo* Principle
  - 4. Suppletory Application of the Revised Penal Code to Special Laws – RPC, art. 10
  
- C. *Mala in se* and *mala prohibita*
  
- D. Principles of Generality, Territoriality and Prospectivity
  
- E. Constitutional Limitations on the Power of Congress to Enact Penal Laws
  - 1. Equal Protection
  - 2. Due Process
  - 3. Bill of Attainder
  - 4. *Ex post facto* Law
  - 5. Cruel and Unusual Punishment; Excessive Fine

**II. REVISED PENAL CODE – BOOK ONE**

- A. Felonies (Article 3)
  - 1. Criminal Liability – Article 4(1)
    - a. *Actus reus* and *mens rea*; Objective and Subjective Elements
    - b. *Aberratio ictus*, *error in personae*, and *praeter intentionem*
    - c. Proximate Cause and Efficient Intervening Cause
  - 2. Impossible Crime – Article 4(2)
  - 3. Gravity of Felonies: Grave, Less Grave, and Light – Article 9, as amended by R.A. No. 10951
  - 4. Stages of Execution – Article 6
    - a. Subjective Phase and Objective Phase
    - b. Preparatory and Overt Acts
    - c. Attempted, Frustrated, and Consummated Stages
    - d. Spontaneous Desistance
  - 5. Duty of the Courts in Case of Non-Punishable Act and Excessive Penalty – Article 5

6. Supplementary Application of the Revised Penal Code – Article 10

B. Circumstances Affecting Criminal Liability

1. Justifying Circumstances – Article 11
2. Exempting Circumstances – Article 12
3. Mitigating Circumstances – Article 13
4. Aggravating Circumstances – Article 14
5. Alternative Circumstances – Article 15
6. Absolutory Causes

C. Persons Criminally Liable and Degree of Participation

1. Principals, Accomplices, and Accessories – Articles 16-20
2. Conspiracy and Proposal – Article 8
  - a. As a mode of incurring criminal liability
  - b. As a crime
3. Liability for Multiple Commission of Crimes
  - a. Recidivism – Article 14(9)
  - b. Habituality – Article 14(10)
  - c. Quasi-recidivism – Article 160
  - d. Habitual delinquency – Article 62(5)

D. Plurality of Crimes (Real and Ideal)

1. Absorption System
2. Single Impulse Rule
3. Complex Crime – Article 48
4. Special Complex Crime
5. Continuous/Continued Crime
6. Continuing Crime

E. Penalties

1. *Nullum crimen, nulla poena sine lege* – Article 21
2. Philosophical Theories
3. Classification of Penalties – Articles 25-26, as amended by R.A. No. 10951
4. Duration and Effects of Penalties – Article 27
5. Application and Graduation of Penalties – Articles 46, 50-57, 61-65 and 76-77
6. Accessory Penalties – Article 25
7. Preventive Imprisonment – Article 29, as amended by R.A. No. 10592
8. Subsidiary Penalty – Article 39, as amended by R.A. No. 10159, sec. 1
9. Community Service – Article 88a, as inserted by R.A. No. 11362, sec. 3; A.M. No. 20-06-14-SC
10. Release on Recognizance – R.A. No. 10389
11. Successive Service of Sentence – Article 70
12. Three-Fold Rule – Article 70
13. Indeterminate Sentence Law – Act No. 4103, as amended by Act No. 4225 and R.A. No. 4203, secs. 1-2
14. Anti-Death Penalty Law – R.A. No. 9346, secs. 1-3

## 15. Pecuniary Liabilities – Article 38

(Note: The specific penalty for each crime is not included. The questions will provide the prescribed penalties in problems involving application and graduation of penalties.)

### F. Extinction of Criminal Liability

1. Total Extinction
  - a. Death of Convict
  - b. Service of Sentence
  - c. Amnesty
  - d. Absolute Pardon
  - e. Prescription of Crimes – Article 90; See Periods of Prescription for Violations Penalized by Special Acts – Act No. 3326, secs. 1-2
  - f. Prescription of Penalties – Article 91
  - g. Marriage between the Offender and the Offended Party – Articles 266-C and 344
  - h. Probation – P.D. No. 968, as amended by R.A. No. 10707, secs. 4, 9 and 16
2. Partial Extinction – Article 94, as amended by R.A. No. 10592, secs. 2-5
  - a. Conditional Pardon – Article 95; Act No. 1524
  - b. Commutation of Sentence – Article 96
  - c. Good Conduct Allowances – Article 97, as amended by R.A. No. 10592, sec. 3
  - d. Parole – Act No. 4103, sec. 5

### G. Civil Liability *Ex-Delicto*

1. Primary and Subsidiary
2. Restitution, Reparation, and Indemnification – Articles 104-108
3. Civil Liability of an Offender Exempted from Criminal Liability – Article 101
4. Share of Each Person Civilly Liable for a Felony – Article 109
5. Preference in Payment – Article 110
6. Persons Who Participated Gratuitously – Article 111
7. Extinction and Survival of Civil Liability *Ex-Delicto* – Articles 112-113

## III. REVISED PENAL CODE – BOOK TWO

### A. Title One - Crimes Against National Security and the Law of Nations (Articles 114-123)

1. Anti-Terrorism Act – R.A. No. 11479, secs. 3-12, 25, 26, 29 and 36
2. Terrorism Financing Prevention and Suppression Act – R.A. No. 10168, secs. 4-9, 17 and 19
3. Anti-Piracy and Anti-Highway Robbery Law – P.D. No. 532, secs. 2-4
4. Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity – R.A. No. 9851, secs. 3-6, 10-12 and 17

### B. Title Two - Crimes against the Fundamental Law of the State (Articles 124-133)

- C. Title Three - Crimes against Public Order (Articles 134-160)
- D. Title Four - Crimes against Public Interest (Articles 161-187)
- E. Title Six - Crimes against Public Morals (Articles 200-201)
- F. Title Seven - Crimes Committed by Public Officers (Articles 203-245)
  - 1. Anti-Graft and Corrupt Practices Act – R.A. No. 3019, as amended by B.P. Blg. 195 and R.A. No. 10910, secs. 2-6, 9 and 11
  - 2. Anti-Plunder Act – R.A. No. 7080, as amended by R.A. No. 7659
    - a. Definition of Terms – Section 1
    - b. Definition of the Crime of Plunder – Section 2
    - c. Series and Combination
    - d. Pattern
    - e. Wheel and Chain Conspiracy
- G. Title Eight - Crimes Against Persons (Articles 246-266-D)
  - 1. Anti-Hazing Act of 2018 – R.A. No. 8049, as amended by R.A. No. 11053, secs. 2-3, 12 and 14
- H. Title Nine - Crimes against Personal Liberty and Security (Articles 267-292)
- I. Title Ten - Crimes against Property (Articles 293-332)
  - 1. Anti-Fencing Law of 1979 – P.D. No. 1612, secs. 2 and 5-6
  - 2. Bouncing Checks Law – B.P. Blg. 22, secs. 1-3 and 5; A.C. No. 12-2000; A.C. No. 13-2001
  - 3. New Anti-Carnapping Act of 2016 – R.A. No. 10883, secs. 2(e), 3 and 4
  - 4. Motorcycle Crime Prevention Act – R.A. No. 11235, secs. 4, 7, 9 and 11-13
  - 5. Law on Arson – P.D. No. 1613, secs. 1-7
- J. Title Eleven - Crimes against Chastity (Articles 333-346)
- K. Title Twelve - Crimes against the Civil Status of Persons (Articles 347-352)
- L. Title Thirteen - Crimes against Honor (Articles 353-364)
  - Guidelines for the Imposition of Penalties in Libel Cases – A.C. No. 08-2008
- M. Title Fourteen - Quasi-Offenses (Article 365)

#### **IV. SPECIAL PENAL LAWS**

- A. Comprehensive Firearms and Ammunition Regulation Act (R.A. No. 10591, secs. 3 and 28-41)

- B. Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act (R.A. No. 11930, secs. 3-8, 11-13, 14, 20, 22 and 25)
- C. Anti-Photo and Video Voyeurism Act of 2009 (R.A. No. 9995, secs. 3-7)
- D. Anti-Trafficking in Persons Act of 2003 (R.A. No. 9208, as amended by R.A. Nos. 10364 and 11862, secs. 4-6)
- E. Anti-Violence Against Women and their Children Act of 2004 (R.A. No. 9262, secs. 3, 5, 8-16 and 24-27)
- F. Comprehensive Dangerous Drugs Act of 2002 (R.A. No. 9165, as amended by R.A. No. 10640, secs. 4, 5, 6, 11-15, 21, 23-27, 29, 66, 68 and 98; A.M. 18-03-16-SC; IRR of R.A. No. 9165, sec. 21)
- G. Cybercrime Prevention Act of 2012 (R.A. No. 10175, secs. 4-7)
- H. Special Protection of Children Against Abuse, Exploitation, and Discrimination Act (R.A. No. 7610, as amended by R.A. Nos. 9231 and 11648, secs. 3, 5, 6, 10, 12 and 16)
- I. Safe Spaces Act (R.A. No. 11313, secs. 3-7 and 11)
- J. An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape (R.A. No. 11648, secs. 1-3)
- K. Juvenile Justice and Welfare Act (R.A. No. 9344, as amended by R.A. No. 10630, secs. 4, 6-7, 20 and 38)

## **V. PRACTICAL EXERCISES**

Preparation of criminal complaint and/or information

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-



**REMEDIAL LAW, LEGAL AND JUDICIAL ETHICS  
WITH PRACTICAL EXERCISES**

*2024 Bar Examinations  
Office of the Bar Chairperson*

**I. GENERAL PRINCIPLES**

- A. Substantive Law vs. Adjective Law
- B. Rule-Making Power of the Supreme Court
- C. Hierarchy of Courts; Doctrine of Non-Interference and Judicial Stability
- D. Suppletory Application of the Rules of Court in Administrative Bodies
- E. Construction of the Rules of Court (Rule 1, sec. 6)

**II. JURISDICTION**

- A. Aspects of Jurisdiction
  - 1. Over the Subject Matter
  - 2. Over the Parties
  - 3. Over the Issues
- B. Classification of Jurisdiction
  - 1. Original vs. Appellate
  - 2. General vs. Special
  - 3. Exclusive vs. Concurrent
- C. Jurisdiction of the Philippine Courts (B.P. Blg. 129, as amended)
  - 1. Supreme Court – 1987 CONST., art. VIII, sec. 5
  - 2. Collegiate Courts
    - a. Court of Appeals – B.P. Blg. 129, as amended by R.A. No. 7902
    - b. Sandiganbayan – P.D. No. 1606, as amended by R.A. No. 7975, R.A. No. 8249 and R.A. No. 10660
    - c. Court of Tax Appeals – R.A. No. 1125, as amended by R.A. No. 9282 and R.A. No. 9503
  - 3. Second-Level Courts – B.P. Blg. 129 as amended by R.A. No. 7691, R.A. No. 11576 and R.A. No. 8369; A.M. No. 22-04-06-SC, A.M. No. 03-03-03-SC, November 9, 2021
  - 4. First-Level Courts – B.P. Blg. 129 as amended by R.A. No. 7691 and R.A. No. 11576
  - 5. Inherent Powers and Means to Carry Jurisdiction – Rule 135, secs. 5-6
- D. Revised *Katarungang Pambarangay* Law (R.A. No. 7160)
- E. Rules on Expedited Procedures in the First Level Courts (A.M. No. 08-8-7-SC,

March 1, 2022)

- F. Doctrine of Adherence to Jurisdiction and Residual Jurisdiction
- G. Jurisdiction vs. Exercise of Jurisdiction
- H. Primary Jurisdiction and Exhaustion of Administrative Remedies
- I. Venue in Criminal and Civil Actions

### **III. CIVIL PROCEDURE (1997 Rules on Civil Procedure as amended by A.M. No. 19-10-20-SC)**

- A. General Provisions (Rule 1)
- B. Kinds of Action
  - 1. Ordinary and Special
  - 2. Personal and Real
  - 3. Action *in personam*, *in rem*, *quasi in rem*
- C. Cause of Action (Rule 2)
  - 1. Splitting
  - 2. Joinder and Misjoinder
- D. Parties to Civil Actions (Rule 3)
  - 1. Kinds of parties
  - 2. Joinder of parties
    - a. Compulsory
    - b. Permissive
  - 3. Third (Fourth, etc.) Parties
  - 4. Class Suit
  - 5. Death of a Party
  - 6. Transfer of Interest
- E. Pleadings
  - 1. Kinds – Rule 6
  - 2. Parts and Contents; Formal Requirements – Rule 7
  - 3. Manner of Making Allegations – Rule 8
  - 4. Effect of Failure to Plead – Rule 9
  - 5. Amended and Supplemental Pleadings – Rule 10
  - 6. Period to File Responsive Pleadings – Rule 11
  - 7. Filing and Service – Rule 13
    - a. Rules on Docket Fees and Effect of Non-Payment
    - b. A.M. No. 10-3-7-SC, June 1, 2022 or the Revised Guidelines on Submission of Electronic Copies of Supreme Court-Bound Papers pursuant to the Efficient Use of Paper Rule
- F. Summons (Rule 14)

1. Nature and Purpose
  2. Who May Serve
  3. Valid Service of Summons; Alias Summons
  4. Service of Summons
    - a. Personal Service
    - b. Substituted Service
    - c. Constructive Service
    - d. Extraterritorial Service
  5. Proof of Service
  6. Voluntary Appearance
- G. Motions (Rule 15)
1. Litigious and Non-litigious Motions
  2. Prohibited Motions
- H. Dismissal of Actions (Rule 17)
- I. Pre-Trial (Rule 18 and A.M. No. 03-1-09-SC)
- J. Intervention (Rule 19)
- K. Subpoena (Rule 21)
- L. Computation of Time (Rule 22)
- M. Modes of Discovery (Rules 23-29)
- N. Trial (Rule 30)
- O. Consolidation and Severance (Rule 31)
- P. Demurrer to Evidence (Rule 33)
- Q. Judgments and Final Orders
1. Judgment on the Pleadings – Rule 34
  2. Summary Judgment – Rule 35
  3. Rendition and Entry of Judgment and Final Orders – Rule 36
- R. Remedies before Finality of Judgment
1. Motion for New Trial or Reconsideration – Rule 37
  2. Appeals and Other Modes of Review – Rules 40-45; Rule 64
- S. Remedies after Judgment Becomes Final
1. Petition for Relief from Judgment – Rule 38
  2. Annulment of Judgment – Rule 47
  3. Collateral Attack on Judgments
- T. Execution, Satisfaction, and Effects of Judgments (Rule 39)

1. As a Matter Right and as a Matter of Discretion – Sections 1-4
2. By Motion or by Independent Action – Section 6
3. Execution of Money Judgment – Section 9
4. Execution of Judgments for Specific Act – Section 10
5. Remedies When Property of Third Person is Levied – Section 16
6. Examination of the Judgment Obligor – Sections 36-37
7. Effect of Judgments or Final Orders – Section 47
8. Effect of Foreign Judgments or Final Orders – Section 48

U. Provisional Remedies

1. Preliminary Attachment – Rule 57
2. Preliminary Injunction and Temporary Restraining Order – Rule 58
3. Replevin – Rule 60

**IV. SPECIAL CIVIL ACTIONS**

A. Interpleader (Rule 62)

B. Declaratory Relief and Similar Remedies (Rule 63)

C. Certiorari, Prohibition and Mandamus (Rule 65)

D. Quo Warranto (Rule 66)

E. Expropriation (Rule 67)

1. Two Stages in an Action for Expropriation
2. Determination of Just Compensation
3. Effect of Failure to Pay Just Compensation
4. When to File Motion for Issuance of Writ of Possession
5. R.A. No. 10752, Guidelines for Expropriation Proceedings of National Government Infrastructure Projects

F. Foreclosure of Real Estate Mortgage (Rule 68)

1. Judicial Foreclosure
2. Extrajudicial Foreclosure – Act No. 3135, as amended
3. Bank Foreclosure – R.A. No. 8791, Section 47

G. Partition (Rule 69)

H. Forcible Entry and Unlawful Detainer (Rule 70)

I. Contempt (Rule 71)

**V. SPECIAL PROCEEDINGS AND SPECIAL WRITS**

A. Settlement of Estate of Deceased Persons

1. Venue and Process – Rule 73
2. Summary Settlement of Estates; Liability of Distributees and Estate –

Rule 74

3. Allowance or Disallowance of Will – Rule 76
4. Letters Testamentary and of Administration – Rule 78
5. Claims against the Estate – Rule 86
6. Action by and against Executors and Administrators – Rule 87
7. Payment of the Debts of the Estate – Rule 88
8. Sales, Mortgages, and other Encumbrances of Property of Decedent – Rule 89
9. Distribution and Partition of the Estate – Rule 90

B. Guardianship

1. Venue
2. Appointment of Guardians; Kinds of Guardians
3. General Powers and Duties of Guardians
4. Termination of Guardianship
5. Rule on Guardianship of Minors – A.M. No. 03-02-05-SC

C. Adoption

1. Domestic Administrative Adoption and Alternative Child Care Act – R.A. No. 11642
2. Re: Rule on Adoption – A.M. No. 02-6-02-SC, April 19, 2022

D. Habeas Corpus (Rule 102); Custody of Minors (A.M. No. 03-04-04-SC)

E. Writ of Amparo (A.M. No. 07-9-12-SC)

F. Writ of Habeas Data (A.M. No. 08-1-16-SC)

G. Change of Name (Rule 103)

H. Cancellation or Correction of Entries in the Civil Registry (Rule 108; R.A. 9048, as amended by R.A. No. 10172)

I. Rule of Procedure for Environmental Cases (A.M. No. 09-6-8-SC)

## **VI. CRIMINAL PROCEDURE**

A. Criminal Jurisdiction

B. Prosecution of Offenses (Rule 110)

1. Public vs. Private Crimes
2. Role of Public Prosecutor – Section 5
3. Complaint and Information – Sections 1-4
4. Sufficiency of Complaint or Information – Sections 6-12
5. Duplicity of Offense – Section 13
6. Amendment or Substitution of Complaint or Information – Section 14
7. Venue of Criminal Actions – Section 15
8. Intervention of Offended Party – Section 16

9. Injunction in Criminal Cases – OCA Circular No. 79-03, Item 14

C. Prosecution of Civil Action (Rule 111)

1. Implied Institution of Civil Action Arising from Crime
2. Prior Reservation, Suspension, Waiver of Civil Actions
3. Independent Civil Actions (*See also* Civil Code, arts. 31-34)
4. Civil Liability *Ex-delicto*
  - a. In cases of Acquittal (*See also* Civil Code, art. 29)
  - b. Death of the Accused
5. Prejudicial Question (*See also* Civil Code, art. 36)

D. Preliminary Investigation (Rule 112)

1. Authorized Officers; Determination of Probable Cause – Sections 2-4
2. Cases Not Requiring Preliminary Investigation – Section 1
3. Motion to Reopen; Motion for Reinvestigation
4. Modes of Review – DOJ Department Circular No. 027, Series of 2022
5. Inquest Proceedings; Waiver of Article 125 of the Revised Penal Code

E. Arrest, Search and Seizures

1. Warrant of Arrest
  - a. Requisites
  - b. Enforcement – Rule 113, sec. 7
  - c. Lawful Warrantless Arrest – Rule 113, sec. 5
2. Search Warrant – Rule 126
  - a. Requisites
  - b. Enforcement – Sections 7-13
  - c. Lawful Warrantless Search
  - d. Rules on Cybercrime Warrants – A.M. No. 17-11-03
3. Fruit of the Poisonous Tree

F. Bail (Rule 114); Recognizance Act of 2012 (R.A. No. 10389)

G. Rights of the Accused (Rule 115)

H. Arraignment and Plea (Rule 116)

I. Motion to Quash Information (Rule 117)

1. Grounds – Sections 3 and 9
2. Double Jeopardy – Section 7
3. Provisional Dismissal – Section 8

J. Pre-trial (Rule 118)

K. Trial (Rule 119)

1. Revised Guidelines on Continuous Trial – A.M. No. 15-06-10-SC
2. Order of Trial

L. Judgment (Rule 120)

M. New Trial or Reconsideration (Rule 121)

N. Appeal (Rule 122)

O. Provisional Remedies (Rule 127)

## **VII. EVIDENCE (A.M. No. 19-08-15-SC)**

### **A. Key Concepts**

1. Factum Probandum vs. Factum Proban
2. Proof vs. Evidence
3. Burden of Proof vs. Burden of Evidence
4. Weight and Sufficiency of Evidence – Rule 133
5. Admissibility; Relevance and Competence – Rule 128
6. Judicial Notice; Mandatory and Discretionary – Rule 129, secs. 1-3
7. Judicial Admission – Rule 129, sec. 4
8. Presumptions – Rule 131

### **B. Kinds**

1. Object Evidence – Rule 130, A
2. Documentary Evidence – Rule 130, B
  - a. Original Document Rule
  - b. Secondary Evidence
  - c. Parol Evidence
3. Testimonial Evidence – Rule 130, C
  - a. Qualifications and Disqualifications of Witnesses – Sections 21-24
  - b. Testimonial Privilege – Sections 25-26
  - c. Admissions and Confessions – Sections 27-34
  - d. Previous Conduct as Evidence – Sections 35-36
  - e. Hearsay; Exceptions – Sections 37-50
  - f. Opinion – Sections 51-53
  - g. Character Evidence – Section 54

### **C. Presentation of Evidence (Rule 132)**

1. Examination of Witnesses – Sections 1-18
2. Child Witness Rule – A.M. No. 00-4-07-SC, secs. 4, 6, 8, 20 and 28
3. Authentication and Proof; Public and Private Documents – Sections 19-33
4. Apostille – Section 24
5. Offer and Objection; Tender of Excluded Evidence – Sections 34-40

### **D. Judicial Affidavit Rule (A.M. No. 12-8-8-SC)**

### **E. Rules on Electronic Evidence (A.M. No. 01-7-01-SC)**

### **F. Rules on the Use of Body-Worn Camera in the Execution of Warrants (A.M.**

## VIII. LEGAL AND JUDICIAL ETHICS WITH PRACTICAL EXERCISES

- A. Basic Concepts on Admission to Practice
  - 1. Supreme Court's Administrative Supervision and Control over Members of the Philippine Bar – 1987 CONST. art. VIII, sec. 5 (5)
  - 2. Requisites for Admission to the Practice of Law
  - 3. The Revised Lawyer's Oath
  
- B. Code of Professional Responsibility and Accountability (A.M. No. 22-09-01-SC)
  - 1. Canon 1 – Independence; Merit-Based Practice – Section 2
  
  - 2. Canon 2 – Propriety
    - a. Proper Conduct; Dignified Conduct – Sections 1 and 2
    - b. Use of Dignified, Gender-Fair, and Child- and Culturally-Sensitive Language – Section 4
    - c. Duty to correct false or inaccurate statements and information made in relation to an application for admission to the bar – Section 11
    - d. Duty to report dishonest, deceitful, or misleading conduct – Section 12
    - e. Duty to disclose relationship or connection – Section 20
    - f. Duty not to mislead the court, tribunal or other government agency on the existence or content of any document, argument, evidence, law, or other legal authority, or pass off as one's own the ideas or words of another – Section 8
    - g. Duty not to solicit or advertise one's legal service – Section 17
    - h. Duty not to use any forum or medium to comment or publicize opinion pertaining to a pending proceeding – Sub-Judice Rule; Section 19
    - i. Duty not to give gifts and donations to any court, tribunal or other government agency – Section 21
    - j. Duty not to institute multiple cases; Forum Shopping – Section 23
    - k. Duty not to encroach or interfere in another lawyer's engagement – Section 24
    - l. Responsible Use of Social Media
  
  - 3. Canon III – Fidelity
    - a. Definition of the Practice of Law – Section 1
    - b. Definition of Lawyer-Client Relationship – Section 3
    - c. Conflict of interest – Sections 13-22
    - d. Limited Legal Services – Sections 35-40
    - e. Responsibility of a Solo Practitioner – Canon II, sec. 25
    - f. Responsibility of a Law Firm – Canon II, sec.26
    - g. Responsibility of a Government Lawyer and those in the Prosecution Service – Canon II, secs. 28-29



- h. Responsibility of a Paralegal – Canon II, secs. 34-35
- i. Responsibility of Lawyers in the Academe – Canon II, sec. 32
- j. Responsibility of Law firms; Supervisory and Supervised Lawyers – Canon III, secs. 10-12
- k. Responsibility of a Legal Clinic – Canon III, secs. 39-40
- l. Attorney’s Fees – Section 41
- m. Attorney’s Lien – Sections 47, 53 and 54
- n. Prohibition on Lending and Borrowing; Exceptions – Section 52
- o. Prohibition against Acquiring Interest in the Object of Litigation or Transaction – Section 51; Civil Code, art. 1491
- p. Termination of Engagement by the Lawyer – Section 53
- q. Termination of Engagement by the Client – Section 54
- r. Termination of Engagement upon Death – Section 55
- s. Accounting and Turn-over of Funds and Properties upon Termination of Engagement – Section 56

#### 4. Canon IV – Competence and Diligence

- a. Duty to provide competent, efficient, and conscientious legal service – Section 1
- b. Duty to diligently and seasonably act on any legal matter entrusted by the client – Sections 3-6
- c. Duty to engage in lifelong learning – Section 8

#### 5. Canon V – Equality

- a. Duty to make representation on the basis of non-discrimination – Section 1
- b. Duty to provide a higher standard of service to vulnerable persons and indigents – Sections 2-3
- c. Duty to provide the same standard of service – Section 4

#### 6. Canon VI – Accountability

- a. How instituted – Sections 2 and 30
- b. Proceedings against a government lawyer – Section 6
- c. Proceedings against members of the judiciary – Section 2
- d. Preventive suspension – Section 31
- e. Quantum and burden of proof – Section 32
- f. Executory nature of the decision or resolution – Section 43
- g. Sworn statement after service of suspension – Sections 45-46
- h. Judicial Clemency – Sections 47-51
- i. Prohibition against employment of disbarred or suspended lawyer – Section 52

### C. The New Code of Conduct for the Philippine Judiciary

- 1. Independence, Integrity, Impartiality, Propriety, Equality, and Competence and Diligence
- 2. Disqualification and Inhibition of Judicial Officers – Rule 137
- 3. Discipline of Members, Officials, Employees and Personnel of the Judiciary under Rule 140, further amended by A.M. No. 21-08-09-SC

D. Practical Exercises

1. Judicial Affidavit
2. Special Power of Attorney
3. Petition for Correction of Entries in the Civil Registry
4. Extrajudicial Settlement
5. Petition for Issuance of Writ of Habeas Corpus
6. Petition for Enforcement of Foreign Judgment
7. Motion for Execution of Judgment

**NOTE:** All Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2023** are within the coverage of the 2024 Bar Examinations.

-NOTHING FOLLOWS-