



Republic of the Philippines
Supreme Court
Manila

2024 BAR EXAMINATIONS

CRIMINAL LAW

September 15, 2024
8:00 a.m. – 12 noon

#BarNiJLo2024
#MostValuableLaban
#MarVeLousBar

1.

In 2019, government-sponsored militias in Sudan known as “*Janjaweed*” conducted a campaign of slaughter, starvation, rape, and kidnapping of a certain racial and ethnic group. An estimated 1,000,000 people were systematically killed and 300,000 families have been displaced. In August 2024, Maverick, a known leader of *Janjaweed*, was spotted in Boracay. Maverick was criminally charged for the widespread and systematic attacks directed against the civilian population. The Regional Trial Court (RTC) then issued a warrant of arrest. Maverick challenged the jurisdiction of the RTC to prosecute the offense since none of his actions was committed in the Philippines, and none of the alleged victims is a Filipino citizen. **Can Maverick be prosecuted in the Philippines? Explain.**

2.

Bruno, 17 years old and a first-time offender, was charged with and convicted of illegal sale of dangerous drugs under Section 5 of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. In the imposition of the penalty, the trial court appreciated the privileged mitigating circumstance of minority in favor of Bruno and sentenced him with the indeterminate penalty of seven years of *prision mayor*, as minimum, to 14 years, eight months and one day of *reclusion temporal*, as maximum. Thereafter, Bruno applied for probation invoking Section 70 of Republic Act No. 9165 which entitles first-time minor offenders to probation “*even if the sentence provided under this Act is higher than that provided under existing law on probation.*” However, the trial court ruled that Bruno is ineligible for probation following Section 24 of Republic Act No. 9165 which provides that “[*a*]ny person convicted for drug trafficking or pushing under this Act, regardless of the penalty imposed by the court, cannot avail of the privilege granted by the Probation Law....” **Is Bruno eligible for probation? Explain.**

3.

Olivia went to the office of Louis after learning that he was giving out franchises to operate public utility vehicles. Louis told Olivia that she can have a certificate of public convenience within a month for PHP 30,000.00. Olivia delivered to Louis the full payment. Thereafter, Louis falsified the franchise certificate and handed it to Olivia. Later, Olivia discovered that the franchise was fake. Louis was charged with and convicted of complex crime of *estafa* through falsification of public document. **Did the trial court properly convict Louis of the complex crime? Explain.**

4.

Taylor received Harry in her house and told him to feel at home. Inside the house, Harry planned to steal money from Taylor and covertly got hold of her cellphone. Harry tried to access Taylor's electronic wallet account. After several attempts, Harry successfully opened Taylor's electronic wallet but it has zero balance. Harry returned Taylor's cellphone and left the house disappointed. Harry was charged with and convicted of impossible crime of theft. **Is Harry liable for the impossible crime of theft? Explain.**

5.

Yari is a lesbian who had a romantic relationship with Malou. Yari financially supported Malou and her brother Bobby, and even rented a condominium unit for them. After five years, Malou broke up with Yari because she is longing the affection from a real man. Yari suffered mental and emotional anguish because of the separation. Later, Yari learned through friends that Malou is flaunting her boyfriend in social media. Yari discovered that Bobby is Malou's long-time boyfriend, and that they just pretended to be siblings. Yari filed a criminal complaint for violation of Republic Act No. 9262 or the Anti-Violence Against Women and their Children Act of 2004 (Anti-VAWC) against Malou and Bobby. As supporting evidence, Yari submitted a medical report which diagnosed her with major depressive disorder with symptoms of psychosis. At the trial, Malou argued that she is not criminally liable because the Anti-VAWC law is inapplicable to homosexual relationships. On the other hand, Bobby contended that the law is inapplicable to him because he is not in a relationship with Yari. **Are Malou and Bobby criminally liable for violation of the Anti-VAWC law? Explain.**

6.

Andy paid Billie PHP 50,000.00 to kill Charlie. Thereafter, Billie went to the house of Charlie and found him sound asleep. Billie took this opportunity and stabbed Charlie to death. The trial court convicted Andy and Billie of the crime of murder with aggravating circumstances of reward and treachery. Under Article 248 of the Revised Penal Code as amended by Republic Act No. 7659, the prescribed penalty for murder is *reclusion perpetua* to death. Considering that there are two aggravating circumstances, the trial court imposed upon Andy and Billie the penalty of *reclusion perpetua* without benefit of parole in lieu of death penalty in accordance with Republic Act No. 9346 or the law prohibiting the imposition of death penalty. Only Andy elevated the case to the Court of Appeals. Andy questioned the penalty and argued that he should only be liable for homicide with the prescribed penalty of *reclusion temporal*

because the circumstances of reward and treachery cannot be appreciated against him. **Decide what crime Andy committed and impose the proper penalty. Explain.**

7.

The MVL Times is a daily newspaper with printed and online publications. Harvey, a news reporter, wrote an article that Mike is a scammer and a womanizer. The article was published on both printed and online editions of MVL Times on the same day. Mike filed two separate criminal complaints against Harvey for Libel under Article 353 of the Revised Penal Code and Cyberlibel under Section (4)(c)(4) of Republic Act No. 10175 or Cybercrime Prevention Act of 2012. Harvey countered that he can only be prosecuted for one count of libel. **Can Harvey be prosecuted for two counts of libel under the Revised Penal Code and Republic Act No. 10175? Explain.**

8.

Zayn bought a toy gun which is a replica of 9 mm pistol. Zayn went inside a convenience store and pointed the imitation firearm to the security guard and the cashier who both dropped to the ground. Zayn took all the money from the cash register. The police arrested Zayn and charged him with robbery with intimidation of persons. At the trial, Zayn argued that he is liable only for theft because the toy gun cannot hurt or intimidate the security guard and the cashier. **Is Zayn criminally liable for robbery or theft? Explain.**

9.

Sweethearts Hector and Rubi are both adventurous and daring lovers. In one of their escapades, Hector and Rubi agreed to record their coitus with a mobile phone. After a year, Rubi broke up with Hector and found a new boyfriend. Hector got extremely jealous and circulated their sex videos. Rubi filed a criminal complaint for violation of Republic Act No. 9995 or the Anti-Photo and Video Voyeurism Act of 2009. At the trial, Hector argued that he is not criminally liable because Rubi consented to the taking of the sex videos. **Is Hector criminally liable for violation of Republic Act No. 9995 despite Rubi's consent to the recording of the videos? Explain.**

10.

Hugo and Hunter conspired to rape Aubrey. Pursuant to their plan, Hugo and Hunter intoxicated Aubrey and brought her to an abandoned house. Thereafter, Hunter received a call from his wife who was about to give birth. Hunter hurriedly left the scene and advised Hugo to postpone their

plan. Yet, Hugo ignored Hunter and raped Aubrey. The next day, the police arrested Hugo and Hunter and charged them with rape. At the trial, the prosecution argued that both Hugo and Hunter are collectively liable for rape by reason of conspiracy where the act of one is the act of all. **What crime/s did Hugo and Hunter commit? Explain.**

11.

Camila surprised her legitimate husband Shawn in the act of sexual intercourse with his paramour Sabrina. Immediately, Sabrina stood up and jumped out of the window. Camila took a .45 calibre firearm from her drawer. Camila chased and caught up with Sabrina. Camila aimed her firearm against Sabrina. However, Sabrina snatched the firearm and shot Camila to death. At the trial, Sabrina invoked self-defense. **Did Sabrina act in self-defense to justify the killing of Camila? Explain.**

12.

Adele, a grocery cashier, was charged under the following information which reads: *“the accused with intent to gain and abuse of confidence feloniously stole grocery items worth PHP 1,500.00 without consent of her employer.”* In due course, the trial court convicted Adele of qualified theft. The trial court ruled that Adele took advantage of her position as a cashier which entails high degree of confidence because it involves handling of the properties of the employer. **Did the trial court properly convict Adele of qualified theft? Explain.**

13.

Allen, David, and Edward are investigative journalists who exposed public officials engaged in corrupt practices. They received death threats every day from unknown sources. One day, they received a letter which states: *“Are you ready to meet the Lord tomorrow??? ... Allen @1pm David @3pm Edward @7pm.”* The following day, Allen was fatally stabbed at 1:00 p.m. while David was gunned down dead at 3:00 p.m. At that moment, Edward sensed that his life was in danger. At 7:00 p.m., Edward went to church and prayed for his safety. A parishioner sat beside Edward and whispered to him: *“The Lord will not protect you!”* The parishioner repeatedly stabbed Edward on his chest resulting in his instantaneous death. The police arrested the parishioner, later identified as Harold, and charged him with murder qualified by treachery. At the trial, Harold argued that the death threats and the manner of attack forewarned Edward about his impending death which negate treachery. **Is Harold criminally liable for murder aggravated by treachery? Explain.**

14.

The police officers received confidential information that Larry was engaged in illegal drug trade activities. The authorities organized an entrapment operation and designated PO1 Miguel as poseur buyer. The operatives proceeded to the target area. The confidential informant introduced PO1 Miguel to Larry who intended to buy PHP 1,000.00-worth of *shabu*. Larry demanded payment but PO1 Miguel insisted that he should see the item first. Larry then took out a sachet from his pocket. PO1 Miguel wasted no time and executed the pre-arranged signal. The operatives rushed to the scene, arrested Larry, and seized the sachet. The confiscated item tested positive for *shabu*. Accordingly, Larry was charged with and convicted of illegal sale of dangerous drugs under Section 5 of Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. Larry appealed and argued that he is not criminally liable for illegal sale of dangerous drugs because there was no meeting of minds between him and PO1 Miguel as to the object and price of the transaction. **Is Larry liable for violation of Republic Act No. 9165 even if the sale of dangerous drugs was not consummated? Explain.**

15.

The Ombudsman found probable cause against Governor Rocky and Quentin, a private individual, who both allegedly conspired in committing a violation of Section 3(e) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act. However, Governor Rocky was killed in an ambush. Yet, the Ombudsman still filed the information against Quentin before the Sandiganbayan. Quentin moved to quash the information on the ground of extinction of criminal liability. Quentin argued that the prosecution for violation of the anti-graft law cannot prosper with the death of Governor Rocky because there is no public officer charged in the information. **Is Quentin's criminal liability extinguished with the death of Governor Rocky? Explain.**

16.

Franco and Amber are in an illicit relationship. Amber informed Franco that she is seven months pregnant and showed her baby bump. Franco got furious and planned to abort the fetus to conceal his infidelity. Franco instructed Xian to use drugs on Amber that will induce labor and make sure that she suffers a miscarriage. Xian secretly administered drugs on Amber who then experienced abdominal cramping and contractions. Amber was brought to the hospital and delivered a baby girl. However, the baby died after three days because of multiple organ failure secondary to induced abortion. **Absent any conspiracy, discuss the respective**

participation and criminal liability of Franco and Xian for the death of the baby. Explain.

17.

Alvin and Dennis together with a John Doe, who remained unidentified and at large, were charged with the crime of rape. The information reads: *“Alvin, Dennis, and John Doe, through force, violence, and intimidation, conspiring together and mutually helping one another, did then and there, willfully, unlawfully and feloniously have carnal knowledge of AAA and took turns raping her, by inserting their penises into the vagina of AAA, to her damage and prejudice.”* At the trial, the prosecution established that the rapes were committed in the following order, first by Alvin, second by Dennis, third by John Doe, and fourth by Alvin again. The trial court convicted Alvin and Dennis of three counts of rape to the exclusion of the rape that John Doe committed. **Is the judgment of conviction correct as to the number of rapes? Explain.**

18.

Levi engaged the escort services of Leo for PHP 50,000.00. Levi and Leo then checked in at the hotel and had sex. Afterwards, Levi paid Leo PHP 10,000.00. Leo felt shortchanged when he received an amount smaller than what was promised. At that instance, Leo grabbed a knife from the kitchen and repeatedly stabbed Levi. Thereafter, Leo rummaged through the belongings of Levi and took his wallet, cellphone, and watch. Leo was charged with and convicted of the special complex crime of robbery with homicide. The trial court explained that the killing was by reason of or on occasion of robbery. **Is the judgment of conviction correct as to the crime committed? Explain.**

19.

PO3 Wyatt personally witnessed how Lucas mauled and threatened to kill his neighbor. PO3 Wyatt introduced himself as police officer but Lucas ran away. PO3 Wyatt chased Lucas and grabbed his right arm. Lucas punched PO3 Wyatt on the chest to free himself. Lucas then entered his house and slammed the gate shut which caught PO3 Wyatt's left hand resulting in slight abrasions. Lucas then surrendered to the authorities. The prosecution charged Lucas with direct assault because he intentionally used force and injured PO3 Wyatt while performing his duties as a police officer. Lucas countered that he was merely evading arrest without intention to defy the authority of PO3 Wyatt. **What crime did Lucas commit, if any? Explain.**

20.

AAA executed a sworn complaint-affidavit at the police station narrating how a certain Carson sexually abused her on September 11, 2024, thus:

Q: What is your name and age?

A: I am AAA, 17 years old.

Q: What is your complaint all about?

A: On September 11, 2024, I was sexually abused by Carson, the live-in partner of my mother, in our house in Quezon City.

Q: How did Carson sexually abuse you?

A: Carson entered my room, pointed a knife at my side, and threatened to kill me. Thereafter, Carson undressed me and inserted his penis into my vagina. Carson warned me not to tell anyone what happened and that he would take responsibility should I get pregnant.

Based on these narrations, prepare the information charging the appropriate crime that Carson committed. Omit the caption and certification.