



Republic of the Philippines
Supreme Court
Manila

2024 BAR EXAMINATIONS

POLITICAL AND PUBLIC INTERNATIONAL LAW

September 8, 2024
8:00 a.m. – 12 noon

#BarNiJLo2024
#MostValuableLaban
#MarVeLousBar

1.

The Senate conducted investigations on how to strengthen the efforts of the government against fugitives from justice after prominent personalities covertly left the country to escape prosecution. The Senate invited Winston as a resource person. Winston is a notorious drug dealer who managed to avoid his warrants of arrest and hold departure orders. At the hearing, the Senators asked Winston about the *modus operandi* and the names of immigration officers who helped him escape. Yet, Winston responded: "*I will leave it to the Senate to find out the information about these immigration officers.*" Dissatisfied, the Senators immediately cited Winston in contempt and ordered his detention until he answers the question. **Did the Senate lawfully cite Winston in contempt? Explain.**

2.

Rocco, a lawyer, filed a petition for mandamus to compel the President of the Philippines to defend the West Philippine Sea against Chinese invasion. Rocco alleged that the President has a ministerial duty to protect the national territory. Rocco likewise asked the President to bring the territorial dispute before the United Nations Security Council after diplomatic protests proved futile. **Will the petition for mandamus prosper? Explain.**

3.

The *Zuri Republic* and *Wanda Republic* are members of the United Nations Convention on the Law of the Sea (UNCLOS). In 2024, the Permanent Court of Arbitration rejected *Zuri Republic's* claim over the entire South Wrigley Sea and declared it as part of *Wanda Republic's* exclusive economic zone. However, *Zuri Republic* refused to recognize the arbitral award and continued its reclamation activities. Thereafter, *Xena Republic*, a non-UNCLOS state, filed a protest against *Zuri Republic* before the United Nations Security Council to respect the arbitral award and to stop reclamation efforts that destroy the fragile ecosystem. The *Zuri Republic* then challenged the legal standing of *Xena Republic* and argued that only state parties to the UNCLOS can enforce the arbitral award. **Does *Xena Republic* have legal standing to initiate the protest? Explain.**

4.

In the 2022 elections, Pho Goh, 27 years old, won as provincial governor. Pho Goh took his oath of office and discharged his duties. Maxwell, a registered voter, filed a petition for *quo warranto* against Pho Goh on the ground that he cannot hold the Office of the Provincial Governor. Maxwell alleged that Pho Goh was born in Vietnam and submitted his

Vietnamese passport as conclusive evidence that he is not a Filipino citizen. In contrast, Pho Goh opposed the petition and presented his belatedly registered birth certificate stating that his mother is a natural born citizen of the Philippines. **Is Maxwell correct that Pho Goh cannot hold the Office of the Provincial Governor? Explain.**

5.

Omar, an Iranian national, was admitted in the Philippines as a refugee. After more than 10 years in the Philippines, Omar filed a petition for naturalization as a Filipino citizen. The trial court found that Omar possessed all the qualifications and none of the disqualifications to become a Filipino citizen. However, the Office of the Solicitor General opposed the petition because the laws of Iran do not grant reciprocal rights to Filipinos to become naturalized citizens. **Will the lack of the reciprocity requirement bar Omar's application for naturalization? Explain.**

6.

The Congress passed a law prohibiting the “*transmission of commercial electronic communications with the use of a computer system which seeks to advertise, sell, or offer products and services without prior consent of the recipient.*” The digital marketplace Buy and Ship Online (BSO) questioned the constitutionality of the law for being a class legislation because it specifically targets online businesses. The BSO added that the measure must be tested using the “*strict scrutiny test*” because it interferes with the exercise of fundamental rights since commercial advertisements are forms of free speech and expression. In contrast, the Office of the Solicitor General invoked the “*rational basis test*” and argued that the State has a legitimate interest to protect the public from unsolicited advertisements. **Considering the levels of judicial scrutiny, what is the proper test to determine the constitutionality of the subject law? Explain.**

7.

Andrew, a long-time advocate of women's rights, is a *bona fide* member of the *BINI-bini Party* registered with the Commission on Elections under the party-list system. *BINI-bini Party* seeks to represent the women sector in the House of Representatives. In the 2022 elections, *BINI-bini Party* secured one seat, and its first nominee, Andrew, took his oath of office and started to serve his term as a Member of the House of Representatives. However, an electoral protest was filed against Andrew on the ground that he is not qualified to represent the women sector

because he is a male. **Is Andrew qualified to represent BINI-bini Party in the House of Representatives? Explain.**

8.

The Regional Trial Court issued warrants of arrest against Mayor Leroy for charges of tax evasion and graft and corruption. Mayor Leroy secretly left the country and sought refuge in *Essex Republic*. The Philippines requested from *Essex Republic* the surrender of Mayor Leroy pursuant to their extradition treaty. The *Essex Republic* conducted judicial investigation and established *prima facie* case against Mayor Leroy. The *Essex Republic*, through its court, issued a warrant of surrender. Mayor Leroy questioned the legality of the warrant of surrender and argued that it violated the right of non-refoulement. **Is the warrant of surrender valid? Explain.**

9.

Fidel, a government official, was charged with and convicted of three separate crimes: (1) receiving a gift in connection with government contracts where he intervened in his official capacity under Section 3(b) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act; (2) acceptance of gift in connection with transactions affected by the functions of his office under Section 7(d) of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees; and (3) direct bribery under Article 210 of the Revised Penal Code. On appeal, Fidel invoked a violation of his right against double jeopardy when the trial court convicted him of three separate crimes. **Is Fidel's contention that his right against double jeopardy was violated correct? Explain.**

10.

Politico Film Productions (PFP) conceptualized a mockumentary called "*Covidubidapdap*" which will detail the poor government response during the pandemic. The Department of Health (DOH) Secretary was scared that he would be portrayed as a lazy and incompetent public officer. Thus, the DOH Secretary warned PFP that he would not approve the use or exhibition of his name or image in the film. Nevertheless, PFP began the production of the mockumentary and used the name and image of the DOH Secretary. Aggrieved, the DOH Secretary applied for injunction against PFP invoking his right to privacy. **Is there a violation of the DOH Secretary's right to privacy? Explain.**

11.

The members of the Barangay Council wanted to make the yuletide celebrations of their constituents more festive. Accordingly, the Barangay Council adopted a resolution authorizing the solicitation of funds from private individuals to build a seven-meter tall statue of “*Rudolph the Red-Nosed Reindeer*” in the plaza in front of the basilica. The residents from other barangays questioned the resolution for alleged violation of Section 5, Article III of the 1987 Constitution which states that “[n]o law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.” **Is the barangay resolution invalid for violation of the non-establishment of religion clause? Explain.**

12.

Gabby won as Senator in the May 2022 elections for a term of six years. Upon proclamation, Gabby took his oath of office before the Senate President in open session and assumed office at the start of his term. In August 2022, Senator Gabby resigned for personal reasons. In January 2023, Congress enacted a law merging two existing government agencies with a Presidential appointee as head of office. In August 2024, the President appointed former Senator Gabby as head of the merged government agencies. **Is former Senator Gabby’s appointment as head of the merged government agencies valid? Explain.**

13.

In June 2024, Carina, a private citizen, filed a verified impeachment complaint against the Vice President of the Philippines for culpable violation of the Constitution and betrayal of public trust. The impeachment complaint was referred to the House of Representatives Committee on Justice. In July 2024, the House of Representatives approved the report of the Committee on Justice dismissing the impeachment complaint due to the absence of resolution or endorsement of any Member of the House of Representatives. In August 2024, a party-list representative filed a second verified impeachment complaint against the Vice President based on the same facts and grounds as the first complaint. In September 2024, the second impeachment complaint was referred to the Committee on Justice. The Vice President moved to dismiss the second complaint arguing that no impeachment proceeding can be initiated against the same official more than once within a period of one year. **May the second impeachment complaint be dismissed for violation of the one-year bar rule? Explain.**

14.

Under the 2020 Rules of the Senate Electoral Tribunal, any election protest against a Member of the Senate shall be filed “*within thirty (30) days after assumption of office of the protestee.*” Subsequently, the Senate promulgated its Internal Rules of Proceedings which shortened the period of filing election protests “*within fifteen (15) days*” from assumption of office of the protestee. **Is the Senate Internal Rules of Proceedings relative to election protest constitutional? Explain.**

15.

The Local Government Code allocated shares in revenue collections to local government units (LGUs) in the following manner: 23% for the provinces, 23% for the Cities, 34% for the Municipalities, and 20% for the Barangays. In 2023, the proposed General Appropriations Act (GAA) provided a different distribution scheme of revenue collections to LGUs, to wit: 25% for the provinces, 25% for the Cities, 35% for the Municipalities, and 15% for the Barangays. Congressman Macky assailed the constitutionality of this item in the proposed GAA. The House of Representatives Budget Committee countered that it is within the power of Congress to enact laws to increase or decrease the just share of the LGUs in the revenues. **Is the new distribution scheme in the proposed GAA lawful? Explain.**

16.

MVL, a government-owned corporation, has three Cabinet Secretaries as *ex-officio* members of its Board of Directors. In 2024, the MVL Board of Directors resolved to grant additional benefits to qualified corporate officers and employees. The Commission on Audit (COA) disallowed the grant of benefits because there was no prior approval of the President. However, the MVL Board of Directors invoked the *alter ego* principle and argued that the President deemed approved the benefits when the three Cabinet Secretaries, as *ex-officio* board members, voted in favor of the resolution. **Is the COA correct in disallowing the grant of benefits? Explain.**

17.

Kenneth had a romantic relationship with Mabel, a 14-year-old minor. Kenneth and Mabel constantly exchanged pictures through online messaging applications. One day, Kenneth rented a laptop in a computer shop and had an online chat and videocall with Mabel. Kenneth left the shop but forgot to logout his social media account. The next customer read the sensual conversations between Kenneth and Mabel as well as their nude videos and photos. The customer reported the matter to the police.

Accordingly, Kenneth was charged with violation of Republic Act No. 11930 or the Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials. At the trial, Kenneth objected to the admissibility of the pictures and videos as evidence for having been obtained against his right to privacy. **Are the pictures and videos admissible in evidence to prosecute Kenneth of the criminal offense? Explain.**

18.

The sovereign *Republic of Handskaland*, represented by Ambassador Hansen, entered into a five-year contract with Hardee Services Corporation (HSC) for the maintenance and repair of the electrical facilities of its embassy in the Philippines. Ambassador Hansen pre-terminated the agreement after discovering HSC's faulty electrical works. Aggrieved, HSC filed against the *Republic of Handskaland* and Ambassador Hansen a complaint for damages. HSC argued that the *Republic of Handskaland* and Ambassador Hansen waived their immunity from suit when they entered into a contract. **Did the Republic of Handskaland and Ambassador Hansen waive their immunity from suit? Explain.**

19.

The Regional Trial Court (RTC) convicted Luciano of illegal sale of dangerous drugs. Luciano sought reconsideration. The RTC reversed its judgment of conviction and acquitted Luciano of the crime, thus:

ORDER

For resolution is the accused's motion for reconsideration assailing his conviction for the offense of illegal sale of dangerous drugs. The prosecution did not file any comment. Hence, the motion is now submitted for resolution.

After a perusal of the motion for reconsideration, the Court finds merit that the prosecution miserably failed to overcome the accused's presumption of innocence.

For this reason, the motion for reconsideration is **GRANTED**. The accused is **ACQUITTED** in the criminal case for illegal sale of dangerous drugs.

SO ORDERED.

The Office of the Solicitor General (OSG) questioned the order of acquittal before the Court of Appeals. The OSG explained that the RTC

failed to comply with the constitutional requirements in rendering a valid judgment amounting to grave abuse of discretion. On the other hand, Luciano invoked his right against double jeopardy and argued that the order of acquittal is already final and not subject to review. **Is the RTC guilty of grave abuse of discretion when it rendered the order of acquittal? Explain.**

20.

The Congress enacted the “*Battered Partner Law*” which amended Republic Act No. 9262 or the *Anti-Violence Against Women and Their Children Act*. The amendatory law changed the term “*women*” to “*partners*” to make it gender neutral and to recognize husbands and boyfriends as victims of domestic violence. The amendatory law likewise included LGBTQ+ members who are victims of domestic abuse within the coverage of the law. However, several groups and activists challenged the constitutionality of the amendatory law on the ground that it blurs the substantial distinctions between men and women. **As a “*practice-ready*” and “*potentially capable*” lawyer, will you support the validity of the amendatory law under the equal protection clause? Explain.**