



Republic of the Philippines  
Supreme Court  
Manila

OFFICE OF THE 2023 BAR CHAIR

**BAR BULLETIN No. 1**  
Series of 2023

**SCHEDULE, COVERAGE, AND OTHER PRELIMINARY MATTERS  
RELATING TO THE 2023 BAR EXAMINATIONS**

The Constitution beholds the Supreme Court as the guardian of the legal profession. In its continued pursuit for Bar reforms, the Court binds itself to institutionalize the technological measures already brilliantly introduced in the last two Bar Examinations, and ultimately have the same ensconced as the new norm. The 2023 Bar Examinations shall thus proceed as it is now – digitalized and regionalized, with a further-condensed schedule and carefully-streamlined scope for administrative efficiency.

*Schedule*

Operating under the aim of expediting the admission of successful examinees to the legal profession, **the 2023 Bar Examinations shall be held in the month of September.**

Barring any unforeseeable circumstance or fortuitous event that might warrant rescheduling, the 2023 Bar Examinations shall be conducted **in three (3) non-consecutive days, in a span of eight (8) days:**

**September 17, Sunday,  
September 20, Wednesday, and  
September 24, Sunday.**

The rationale is both practical and societal: an earlier conduct of examinations means an earlier release of examination results; successful Bar examinees can commence their practice of law as early as December 2023; and new lawyers may begin contributing to their families and to the society as members of the Bar in the same year they graduated from law school.

### *Coverage*

The 2023 Bar Examinations is divided into **six (6) core subjects**, distributed over three days of examination. **Two (2) subjects are to be taken per examination day**, segmented into morning and afternoon periods. The morning periods shall run from **8:00 a.m. to 12:00 noon**, and the afternoon periods are to be administered from **2:00 p.m. to 6:00 p.m.**

The 6 core subjects are allocated the following weights:

#### **First Day**

<b>Schedule</b>	<b>Subject</b>	<b>Weight</b>
AM	Political and Public International Law	15%
PM	Commercial and Taxation Laws	20%

#### **Second Day**

<b>Schedule</b>	<b>Subject</b>	<b>Weight</b>
AM	Civil Law	20%
PM	Labor Law and Social Legislation	10%

#### **Third Day**

<b>Schedule</b>	<b>Subject</b>	<b>Weight</b>
AM	Criminal Law	10%
PM	Remedial Law, Legal and Judicial Ethics with Practical Exercises	25%

The above subjects were determined, and some were conjoined, upon a thoughtful review of previous syllabi and due consideration of the latest developments in legal practice. Taxation Law will be coupled with Commercial Law in view of the affinity between these two fields of law in law practice. Remedial Law will be jointly administered with Legal and Judicial Ethics with Practical Exercises, both being complementary tools in the exercise of the profession.

On August 8, 2022, the Office of the 2023 Bar Chair circulated the syllabus per Bar subject among the law schools. For convenience, the full 2023 Bar Syllabi is appended to this Bar Bulletin as *Annex A* and uploaded on the Court's official website, accessible at <https://sc.judiciary.gov.ph/bar-2023/>.

All examination questions will be sourced only from laws, rules, issuances, and jurisprudence pertinent to the key topics indicated in the 2023 Bar Syllabi as **of the cut-off date of June 30, 2022**.

Principles of law appearing in the Court's decisions even after the cut-off date of June 30, 2022 may nonetheless be included in the coverage of the 2023 Bar Examinations.

Repealing and amendatory laws already effective on or before the cut-off date of June 30, 2022 are included in the 2023 Bar coverage, regardless of their designation in the syllabi.

#### *Multiple-Examiner Policy; Other Mechanics*

A bar examination is simply a qualifying test, intended to measure a candidate's basic legal knowledge and competence. As such, the 2023 Bar Examinations will be composed of a maximum of **twenty (20) straightforward, entry-level questions, in essay-type form**. Answers will not require computations, and will be **graded from 0% to 100% or 5% for each question**.

Pursuant to Bar Matter No. 1161<sup>1</sup> and in order to achieve an efficient, thorough review of answers despite the increasing number of Bar candidates every year, the 2023 Bar Examinations shall adopt a multiple-examiner policy of **four (4) examiners per subject**.

#### *Access to Information through Official Communication Channels*

The Office of the 2023 Bar Chair enjoins all applicants and concerned stakeholders to **exclusively** rely on the following official communication channels for accurate, verified, and updated information regarding the 2023 Bar Examinations:

Supreme Court Official Website: <https://sc.judiciary.gov.ph>

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<sup>1</sup> *Re: Proposed Reforms in the Bar Examinations*, June 8, 2004.

Supreme Court Official Social Media Accounts:



[https://twitter.com/SCPh\\_PIO](https://twitter.com/SCPh_PIO)



<https://www.facebook.com/SupremeCourtPhilippines>



<https://www.instagram.com/supremecourtph>



<https://tinyurl.com/2023BarViberChannel>

Inquiries may be coursed through the Office of the Bar Confidant at (02) 8 552 9690 / (02) 8 552 9642.

Announcements regarding 2023 Bar procedure, *i.e.*, application requirements, software technical specifications, health protocols, and venue-selection processes will be separately issued in subsequent Bar Bulletins.

A personal note to the 2023 Bar Applicants:

The 2023 Bar Examinations shall test not only your knowledge, but also your resolve. Exploit your last semester in law school to the fullest and your law review courses to the last minute as opportunities for mastery. Do a **careful reading** of all official 2023 Bar Bulletins and issuances. Be vigilant against misinformation and disinformation, and be adaptable in overcoming post-pandemic challenges. Never waver. May your body be strong and your mind fortified as you step onto the final stretch of this journey. Do not leave your fate to *Fortuna*, the goddess of chance. But should you do, always remember that chance favors the prepared one. The goal is in sight. I hope to see each one of you at the finish line.

For your information and guidance.

December 8, 2022.

**RAMON PAUL L. HERNANDO**

*Associate Justice, Supreme Court of the Philippines*  
*Chair, 2023 Bar Examinations*

## **SYLLABUS FOR THE 2023 BAR EXAMINATIONS**

### **POLITICAL LAW AND PUBLIC INTERNATIONAL LAW (15%)**

**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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations.

#### **PART ONE: POLITICAL LAW**

##### **POWERS AND STRUCTURES OF GOVERNMENT**

###### **I. Preliminary Concepts**

- A. Nature of a Constitution
  - 1. Parts
  - 2. Manner of Interpretation (Self-Executing and Non-Executing Character)
  - 3. Process of Change (Amendments and Revisions)
- B. The Philippines as a State
  - 1. Elements (People, Territory, Government, and Capacity to Enter into Relations With Other States)
  - 2. Distinction Between Internal and External Self-Determination
- C. Fundamental Powers of the State
  - 1. Police Power
  - 2. Eminent Domain
  - 3. Taxation
    - a) Constitutional Exemption Principles
- D. Relevance of the Declaration of Principles and State Policies
- E. Dynamics Among the Branches of Government
  - 1. Separation of Powers
  - 2. System of Checks and Balances
  - 3. Delegation of Powers
- F. State Immunity
  - 1. Basis
  - 2. Exceptions
- G. The National Territory
  - 1. Scope (Terrestrial, Aerial, and Fluvial Domains)
  - 2. Archipelagic Doctrine

###### **II. Legislative Department**

- A. Nature of Legislative Power
  - 1. Derivative and Delegated Power
  - 2. Plenary Character
  - 3. Limitations
    - a) Substantive - Bill of Rights

- b) Procedural - Manner of Passage and Form of Bills
  - 4. Law-Making Distinguished from Law-Execution
    - a) Filling-Up Details
    - b) Ascertainment of Facts
  - 5. Exceptions to Non-Delegability
    - a) Local Governments
    - b) Presidential Power in Times of War and National Emergency, Including Martial Law and in a Revolutionary Context
    - c) Fixing Tariff Rates, Quotas, and Other Duties
  - 6. Legislative Power of the People Through Initiative and Referendum
- B. Bicameral Congress
  - 1. Senate
  - 2. House of Representatives
    - a) District Representatives and Mechanics of Apportionment
    - b) Party-List System
- C. Legislative Privileges, Disclosure of Financial and Business Affairs, Prohibitions, Inhibitions, and Disqualifications
- D. Quorum and Voting Majorities
- E. Discipline of Members
- F. Process of Law-Making
  - 1. Function of the Bicameral Conference Committee
  - 2. Limitations on Legislative Power
    - a) Limitations on Revenue, Appropriations, and Tariff
    - b) Presidential Veto and Congressional Override
- G. Rules on Appropriation and Re-Alignment
- H. Electoral Tribunals and Commission on Appointments
  - 1. Composition
  - 2. Powers and Jurisdiction
- I. Powers of Congress
  - 1. Legislative Inquiries and the Oversight Functions
  - 2. Non-Legislative
    - a) Informing Function
    - b) Power of Impeachment

### **III. Executive Department**

- A. Nature of Executive Power
  - 1. In Relation to the Implementation of Laws (Including Delegated Powers)
  - 2. Express or Implied (Including the Faithful Execution of Laws and Residual Powers)
- B. Concept of Presidential Immunity
  - 1. Conduct Covered
  - 2. Waiver and Exceptions
- C. Concept of Executive Privilege
  - 1. Types

- 2. Who May Invoke
- D. Qualifications, Election, Term of the President and Vice-President, and Rules on Succession
- E. Other Privileges, Inhibitions, and Disqualifications
- F. Powers of the President
  - 1. Executive and Administrative Powers
  - 2. Power of Appointment
    - a) Process of Confirmation by the Commission
    - b) By-Passed Appointments and their Effects
    - c) Appointments by an Acting President
    - d) Scope of Midnight Appointments
    - e) Recess of Ad-Interim Appointments
    - f) Power of Removal
  - 3. Power of Control and Supervision
    - a) Doctrine of Qualified Political Agency
    - b) Executive Departments and Offices
    - c) Local Government Units
  - 4. Emergency Powers
  - 5. Commander-in-Chief Powers
    - a) Calling Out Powers
    - b) Declaration of Martial Law and the Suspension of the Privilege of the Writ of *Habeas Corpus* (Including Extension of Period)
  - 6. Pardoning Powers
    - a) Scope and Limitations
    - b) Forms of Executive Clemency
  - 7. Foreign Relations Powers
    - a) In General
    - b) To Contract or Guarantee Foreign Loans
    - c) Entry into Treaties or International Agreements
  - 8. Powers Relative to Appropriation Measures
  - 9. Veto Powers

#### **IV. Judicial Department**

- A. Concept of Judicial Power
- B. Judicial Review
  - 1. Requisites
  - 2. Political Questions Doctrine
  - 3. Moot Questions
  - 4. Operative Fact Doctrine
- C. Judicial Independence and Fiscal Autonomy
- D. Appointments to the Judiciary
  - 1. Qualifications of Members
  - 2. Judicial and Bar Council
    - a) Composition
    - b) Powers
- E. The Supreme Court

1. Composition, Powers, and Functions
2. *En Banc* and Division Cases
3. Administrative Supervision Over Lower Courts
4. Original and Appellate Jurisdiction

**V. Constitutional Commissions (COMELEC, COA, CSC)**

- A. Constitutional Safeguards to Ensure Independence of Commissions
- B. Common Provisions
- C. Powers, Functions, and Jurisdiction
- D. Composition and Qualifications of Members
- E. Prohibited Offices and Interests
- F. Judicial Review of Final Orders, Resolutions, and Decisions
  1. Rendered in the Exercise of Quasi-Judicial Functions
  2. Rendered in the Exercise of Administrative Functions

**THE CITIZEN IN RELATION TO THE STATE**

**I. Citizenship**

- A. Who are Filipinos
- B. Modes of Acquiring Citizenship
- C. Loss and Re-Acquisition of Philippine Citizenship
- D. Dual Citizenship and Dual Allegiance
- E. Foundlings
  1. Foundling Recognition and Protection Act (RA 11767)

**II. Bill of Rights**

- A. Private Acts and the Bill of Rights
- B. Due Process
  1. Procedural and Substantive
  2. Void-for-Vagueness
  3. Judicial and Administrative Due Process
- C. Equal Protection
  1. Requisites for Valid Classification
  2. Standards of Judicial Review
    - a) Rational Basis Test
    - b) Strict Scrutiny test
    - c) Intermediate Scrutiny Test
- D. Arrests, Searches, and Seizures
  1. Requisites of a Valid Warrant
    - a) Arrest Warrant
    - b) Search Warrant
  2. Warrantless Arrests and Detention
  3. Warrantless Searches
  4. Administrative Arrests
  5. Exclusionary Rule
- E. Privacy of Communications and Correspondence

1. Private and Public Communications
2. When Intrusion is Allowed
3. Exclusionary Rule
- F. Freedom of Speech and Expression
  1. Prior Restraint and Subsequent Punishment
  2. Content-Based and Content-Neutral Regulations
  3. Facial Challenges and Overbreadth Doctrine
  4. Tests to Determine the Validity of Governmental Regulation
  5. State Regulation of Different Types of Mass Media
  6. Commercial Speech
  7. Unprotected Speech
- G. Freedom of Religion
  1. Non-Establishment and Free Exercise Clauses
  2. Benevolent Neutrality and Conscientious Objector
  3. Tests to Determine the Validity of Governmental Regulation
    - a) Clear and Present Danger
    - b) Compelling State Interest
- H. Liberty of Abode and Right to Travel
  1. Scope and Limitations
  2. Watch-List and Hold Departure Orders
- I. Right to Information
  1. Scope and Limitations
- J. Eminent Domain
  1. Concept
  2. Public Use
  3. Just Compensation
  4. Expropriation by Local Government Units
- K. Right to Association
  1. Scope and Limitations
- L. Non-Impairment of Contracts
  1. Scope and Limitations
- M. Free Access to Courts and Adequate Legal Assistance
- N. Custodial Investigation
  1. Meaning of Custodial Investigation
  2. Rights of a Person Under Custodial Investigation
  3. Requisites of a Valid Waiver
  4. Exclusionary Doctrine
- O. Rights of the Accused
  1. Criminal Due Process
  2. Bail
  3. Presumption of Innocence
  4. Right to be Heard
  5. Right to Counsel
  6. Right to be Informed of the Nature and Cause of Accusation
  7. Right to Speedy, Impartial and Public Trial
  8. Right of Confrontation
  9. Right to Compulsory Processes
  10. Trial in Absentia

- P. Right to Speedy Trial and Speedy Disposition of Cases
- Q. Right Against Self-Incrimination
  - 1. Scope and Limitations
  - 2. Immunity Statutes
- R. Right Against Double Jeopardy
  - 1. Requisites and Limitations
- S. Right Against Involuntary Servitude
- T. Right Against Excessive Fines, and Cruel and Inhuman Punishments
- U. Non-Imprisonment for Debts
- V. *Ex Post Facto* Laws and Bills of Attainder
- W. Writs of *Habeas Corpus*, *Kalikasan*, *Habeas Data*, and *Amparo*

### **III. Social Justice and Human Rights**

- A. Concept of Social Justice
- B. Economic, Social, and Cultural Rights
- C. Commission on Human Rights
  - 1. Powers and Functions

### **IV. Education, Science, Technology, Arts, Culture, and Sports**

- A. Academic Freedom

## **NATIONAL ECONOMY AND PATRIMONY**

### **I. Regalian Doctrine**

- II. Public Trust Doctrine** [See *Maynilad Water Services, Inc. v. Secretary of the DENR*, G.R. No. 202897 and companion cases, August 6, 2019]

### **III. Nationalist and Citizenship Requirement Provisions**

### **IV. Exploration, Development, and Utilization of Natural Resources**

### **V. Acquisition, Ownership, and Transfer of Public and Private Lands**

### **VI. Concept of Ancestral Domain (Including Ancestral Lands)**

### **VII. Practice of Professions**

## **LAW ON PUBLIC OFFICERS, ADMINISTRATIVE LAW, ELECTION LAW, AND LOCAL GOVERNMENT**

### **I. Law on Public Officers**

- A. General Principles
- B. Modes of Acquiring Title to Public Office
- C. Modes and Kinds of Appointment
- D. Eligibility and Qualification Requirements

- E. Disabilities and Inhibitions of Public Officers
- F. Powers and Duties of Public Officers
- G. Rights of Public Officers
- H. Liabilities of Public Officers
  - 3. Preventive Suspension and Back Salaries
  - 4. Illegal Dismissal, Reinstatement, and Back Salaries
- I. Immunity of Public Officers
- J. Distinguish: *De Facto* and *De Jure* Officers
- K. Termination of Official Relation
  - 1. Involuntary Retirement [See *Re: Letter of Mrs. Ma. Cristina Roco Corona*, AM. No. 20-07-10-SC, January 12, 2021]
- L. The Civil Service
  - 1. Scope
  - 2. Appointments to the Civil Service
  - 3. Personnel Actions
- M. Accountability of Public Officers
  - 1. Types of Accountability
    - a) Administrative
    - b) Criminal
  - 2. Discipline
    - a) Grounds
    - b) Jurisdiction
    - c) Dismissal, Preventive Suspension, Reinstatement and Back Salaries
    - d) Condonation Doctrine
  - 3. Impeachment v. Quo Warranto [See *Re: Letter of Mrs. Ma. Cristina Roco Corona*, AM. No. 20-07-10-SC, January 12, 2021]
  - 4. The Ombudsman and the Office of the Special Prosecutor [Sections 5 to 14, Article XI of the 1987 Constitution in relation to R.A. No. 6770, otherwise known as "The Ombudsman Act of 1989"]
    - a) Functions
    - b) Judicial Review in Administrative Proceedings
    - c) Judicial Review in Penal Proceedings
  - 5. The Sandiganbayan
- N. Term Limits

## II. Administrative Law

- A. General Principles
- B. Administrative Agencies
- C. Powers of Administrative Agencies
  - 1. Quasi-Legislative (Rule-Making) Power
    - a) Kinds of administrative rules and regulations
    - b) Requisites for Validity
  - 2. Quasi-Judicial (Adjudicatory) Power
    - a) Administrative Due Process
    - b) Administrative Appeal and Review
    - c) Administrative *Res Judicata*

3. Fact-finding, Investigative, Licensing, and Rate-Fixing Powers
- D. Judicial Recourse and Review
  1. Doctrine of Primary Administrative Jurisdiction
  2. Doctrine of Exhaustion of Administrative Remedies
  3. Doctrine of Finality of Administrative Action

### III. Election Law

- A. Suffrage
  1. Qualifications and Disqualification of Voters
  2. Registration and Deactivation of Voters
  3. Inclusion and Exclusion Proceedings
  4. Local and Overseas Absentee Voting
  5. Detainee Voting
- B. Candidacy
  1. Qualifications and Disqualifications of Candidates
  2. Filing of Certificates of Candidacy
    - a) Effect of Filing
    - b) Substitution and Withdrawal of Candidates
    - c) Nuisance Candidates
    - d) Duties of the Commission on Elections (COMELEC)
- C. Campaign
  1. Premature Campaigning
  2. Prohibited Contributions
  3. Lawful and Prohibited Election Propaganda
  4. Limitations on Expenses
  5. Statement of Contributions and Expenses
- D. Remedies and Jurisdiction
  1. Petition to Deny Due Course or Cancel a Certificate of Candidacy
  2. Petition for Disqualification
  3. Failure of Election, Call for Special Election
  4. Pre-Proclamation Controversy
  5. Election Protest
  6. *Quo Warranto*
    - a) COMELEC
    - b) Senate Electoral Tribunal (SET)
    - c) House of Representatives Electoral Tribunal (HRET)
  7. Recall
- E. Prosecution of Election Offenses [Exclude: Penal Provisions]

### IV. Local Government

- A. Public Corporations
  1. Concept; Distinguished from Government-Owned or Controlled Corporations
  2. Classifications
    - a) Quasi-Corporations
    - b) Municipal Corporations
      - (1) Elements

- (2) Nature and Functions
- (3) Requisites for Creation, Conversion, Division, Merger or Dissolution
- B. Principles of Local Autonomy
- C. Autonomous Regions and Their Relation to the National Government
- D. Local Government Unit (LGU)
  - 1. Powers
    - a) Police Power
    - b) Eminent Domain
    - c) Taxing Power
    - d) Closure and Opening of Roads
    - e) Legislative Power
      - (1) Requisites of Valid Ordinance
      - (2) Local Initiative and Referendum
    - f) Corporate Powers
    - g) *Ultra Vires* Acts
  - 2. Liability of LGUs
  - 3. Settlement of Boundary Disputes
  - 4. Vacancies and Succession of Local Officials
  - 5. Recall
  - 6. Term Limits

## **PART TWO: PUBLIC INTERNATIONAL LAW**

### **I. Sources of Obligations**

- A. Treaties
  - 1. Concept of *Jus Cogens* (Peremptory Norms of International Law)
  - 2. Reservations, Withdrawal, Termination, and *Rebus Sic Stantibus*
- B. Customary International Law
  - 1. Elements
  - 2. Obligations *Erga Omnes*
- C. General Principles of Law
- D. Application of International Law by Domestic Courts
  - 1. Monism
  - 2. Dualism
  - 3. Inverted Monism
  - 4. Harmonization

### **II. International Legal Person**

- A. States
  - 1. Elements
  - 2. Recognition of States and Governments
- B. Non-State Entities
- C. International Organizations
- D. Status of Individuals and Corporations

### **III. Jurisdiction**

- A. Basis of Jurisdiction
  - 1. Territoriality Principle
  - 2. Nationality Principle
  - 3. Protective Principle
  - 4. Passive Personality Principle
- B. Title to Territory
- C. Adjacent Maritime Seas
  - 1. Territorial Sea
  - 2. Contiguous Zone
  - 3. Exclusive Economic Zone
  - 4. Continental Shelf
- D. Jurisdiction Over Persons and Economic Activity
  - 1. Criminal Jurisdiction
    - a) General Theory
    - b) Extradition
  - 2. Civil Jurisdiction
  - 3. Immunity from Jurisdiction
    - a) Sovereign Immunity
    - b) Diplomatic and Consular Immunity
  - 4. Areas Not Subject to Jurisdiction of Individual States
    - a) High Seas
    - b) Deep Seabed
    - c) Outer Space

### **IV. International Responsibility**

- A. Concept of Imputability of Internationally Wrongful Act or Omission
- B. Reparation
- C. International Protection of Human Rights (Including Refugees and Stateless Persons)
  - 1. Remedies Under Treaty-Based Mechanisms
- D. International Minimum Standard and National Treatment (Including Expropriation of Foreign-Owned Properties)
- E. Environmental Harm
  - 1. Precautionary Principle
- F. International Claims

### **V. Dispute Resolution**

- A. Legality of the Use of Force
- B. Concept of International and Non-International Armed Conflicts
  - 1. The Role of the International Criminal Court
- C. Judicial and Arbitral Settlement
  - 1. International Court of Justice
  - 2. Permanent Court of Arbitration

-----**NOTHING FOLLOWS**-----

## **SYLLABUS FOR THE 2023 BAR EXAMINATIONS**

### **COMMERCIAL AND TAXATION LAWS (20%)**

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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations. Computations under Taxation Law shall be excluded from the coverage.

#### **PART ONE: COMMERCIAL LAW**

##### **I. Business Organizations**

###### A. Partnerships

1. General Provisions
  - a) Definition, Elements, and Characteristics
  - b) Rules to Determine Existence
  - c) Partnership Term
  - d) Partnership by Estoppel
  - e) Partnership as Distinguished from Joint Venture
  - f) Professional Partnership
  - g) Management
2. Rights and Obligations of Partnership and Partners
  - a) Rights and Obligations of the Partnership
  - b) Obligations of Partners Among Themselves
  - c) Obligations of Partnership/Partners to Third Persons
3. Dissolution and Winding Up
4. Limited Partnership

###### B. Corporations

1. Definition of Corporation
2. Classes of Corporations
3. Nationality of Corporations
  - a) Control Test
  - b) Grandfather Rule
4. Corporate Juridical Entity
  - a) Doctrine of Separate Juridical Personality
  - b) Doctrine of Piercing the Corporate Veil
5. Capital Structure
  - a) Number and Qualifications of Incorporators
  - b) Subscription Requirements
  - c) Corporate Term
  - d) Classification of Shares
6. Incorporation and Organization
  - a) Promoter
    - (1) Liability of Promoter

- (2) Liability of Corporation for Promoter's Contracts
  - b) Subscription Contract
  - c) Pre-Incorporation Subscription Agreements
  - d) Consideration for Stocks
  - e) Articles of Incorporation
    - (1) Contents
    - (2) Non-Amendable Items
  - f) Corporate Name and Limitations on its Use
  - g) Registration, Incorporation, and Commencement of Corporate Existence
  - h) Election of Directors or Trustees
  - i) Adoption of By-Laws
    - (1) Contents of By-Laws
    - (2) Binding Effects
    - (3) Amendments
  - j) Effects of Non-Use of Corporate Charter
7. Corporate Powers
- a) General Powers; Theory of General Capacity
  - b) Specific Powers; Theory of Specific Capacity
  - c) Power to Extend or Shorten Corporate Term
  - d) Power to Increase or Decrease Capital Stock or Incur, Create, Increase Bonded Indebtedness
  - e) Power to Deny Pre-Emptive Rights
  - f) Power to Sell or Dispose Corporate Assets
  - g) Power to Acquire Own Shares
  - h) Power to Invest Corporate Funds in Another Corporation or Business
  - i) Power to Declare Dividends
  - j) Power to Enter into Management Contract
  - k) Doctrine of Individuality of Subscription
  - l) Doctrine of Equality of Shares
  - m) *Ultra Vires* Doctrine
  - n) Trust Fund Doctrine
8. Stockholders and Members
- a) Fundamental Rights of a Stockholder
  - b) Participation in Management
    - (1) Proxy
    - (2) Voting Trust
    - (3) Cases When Stockholders' Action is Required
    - (4) Manner of Voting
  - c) Proprietary Rights
    - (1) Rights to Dividends
    - (2) Appraisal Right
    - (3) Right to Inspect
    - (4) Preemptive Right
    - (5) Right to Vote
    - (6) Right to Dividends
  - d) Remedial Rights

- (1) Individual Suit
    - (2) Representative Suit
    - (3) Derivative Suit
  - e) Obligations of a Stockholder
  - f) Meetings
- 9. Board or Directors and Trustees
  - a) Repository of Corporate Powers
  - b) Tenure, Qualifications, and Disqualifications of Directors
  - c) Requirement of Independent Directors
  - d) Elections
  - e) Removal
  - f) Filling of Vacancies
  - g) Compensation
  - h) Disloyalty
  - i) Business Judgment Rule
  - j) Solidary Liabilities for Damages
  - k) Personal Liabilities
  - l) Responsibility for Crimes
  - m) Special Fact Doctrine
  - n) Inside Information
  - o) Contracts
    - (1) By Self-Dealing Directors With the Corporation
    - (2) Between Corporations With Interlocking Directors
- 10. Capital Affairs
  - a) Certificate of Stock
    - (1) Nature of the Certificate
    - (2) Uncertificated Shares
    - (3) Negotiability; Requirements for Valid Transfer of Stocks
    - (4) Issuance
    - (5) Stock and Transfer Book
    - (6) Situs of the Shares of Stock
  - b) Watered Stocks
    - (1) Definition
    - (2) Liability of Directors for Watered Stocks
    - (3) Trust Fund Doctrine for Liability for Watered Stocks
  - c) Payment of Balance of Subscription
    - (1) Call by Board of Directors
    - (2) Notice Requirement
  - d) Sale of Delinquent Shares
    - (1) Effect of Delinquency
    - (2) Call by Resolution of the Board of Directors
  - e) Alienation of Shares
    - (1) Allowable Restrictions on the Sale of Shares
    - (2) Requisites of a Valid Transfer
  - f) Corporate Books and Records
    - (1) Right to Inspect Corporate Records
    - (2) Effect of Refusal to Inspect Corporate Records

- 11. Dissolution and Liquidation
  - a) Modes of Dissolution
    - (1) Voluntary Dissolution
    - (2) Involuntary Dissolution
  - b) Methods of Liquidation
    - (1) By the Corporation Itself
    - (2) Conveyance to a Trustee Within a Three-Year Period
    - (3) By Management Committee or Rehabilitation Receiver
    - (4) Liquidation after Three Years
- 12. Other Corporations
  - a) Close Corporations
    - (1) Characteristics
    - (2) Validity of Restrictions on Transfer of Shares
    - (3) Preemptive Right
    - (4) Amendment of Articles of Incorporation
  - b) Non-Stock Corporations
    - (1) Definition
    - (2) Treatment of Profits
  - c) Educational Corporations
  - d) Religious Corporations
    - (1) Corporation Sole
    - (2) Religious Societies
  - e) One Person Corporations
    - (1) Excepted Corporations
    - (2) Capital Stock Requirement
    - (3) Articles of Incorporation and By-Laws
    - (4) Corporate Name
    - (5) Corporate Structure and Officers
    - (6) Nominee
    - (7) Liability
    - (8) Conversion of Corporation to One Person Corporations and Vice-Versa
  - f) Foreign Corporations
    - (1) Bases of Authority Over Foreign Corporations
      - (a) Consent
      - (b) Doctrine of "Doing Business"
    - (2) Necessity of a License to Do Business
      - (a) Resident Agent
    - (3) Personality to Sue
    - (4) Suability of Foreign Corporations
    - (5) Instances When Unlicensed Foreign Corporations May be Allowed to Sue (Isolated Transactions)
    - (6) Grounds for Revocation of License
- 13. Merger and Consolidation
  - a) Concept
  - b) Constituent Corporation vs. Consolidated Corporation
  - c) Plan of Merger or Consolidation

- d) Articles of Merger or Consolidation
- e) Effects

## **II. Banking Laws**

- A. New Central Bank Act (R.A. No. 7653, as amended by R.A. No. 11211)
  - 1. State Policies
  - 2. Monetary Board and its Powers and Functions
  - 3. The Bangko Sentral ng Pilipinas and Banks in Distress
    - a) Conservatorship
    - b) Closure
    - c) Receivership
    - d) Liquidation
- B. General Banking Law of 2000 (R.A. No. 8791)
  - 1. Definition and Classification of Banks
  - 2. Distinction of Banks from Quasi-Banks and Trust Entities
  - 3. Nature of Bank Funds and Bank Deposits
  - 4. Diligence Required of Banks
  - 5. Prohibited Transactions by Bank Directors and Officers
  - 6. Stipulation on Interests
- C. Secrecy of Bank Deposits (R.A. No. 1405, as amended, and R.A. No. 6426, as amended)
  - 1. Purpose
  - 2. Prohibited Acts
  - 3. Deposits Covered
  - 4. Exceptions from Coverage
  - 5. Garnishment of Deposits, including Foreign Deposits
- D. Anti-Money Laundering Act (R.A. No. 9160, as amended by R.A. No. 9194, 10167, 10365, 10927, and 11521)
  - 1. Policy
  - 2. Covered Institutions and Their Obligations
  - 3. Covered Transactions
  - 4. Suspicious Transactions
  - 5. Safe Harbor Provision
  - 6. Money Laundering (How Committed; Unlawful Activities or Predicate Crimes)
  - 7. Anti-Money Laundering Council and its Functions
  - 8. Authority to Inquire into Bank Deposits
  - 9. Freezing of Monetary Instrument or Property

## **III. Insurance Law**

- A. Basic Concepts
  - 1. Elements of an Insurance Contract
  - 2. Characteristics/Nature of Insurance Contracts
  - 3. Classes of Insurance
    - a) Marine
    - b) Fire
    - c) Casualty

- d) Suretyship
    - e) Life
    - f) Microinsurance
    - g) Compulsory Motor Vehicle Liability Insurance
    - h) Compulsory Insurance Coverage for Agency-Hired Workers
  - 4. Insurable Interest
  - 5. Double Insurance and Overinsurance
  - 6. No Fault, Suicide, and Incontestability Clause
- B. Perfection of the Insurance Contract
- C. Rights and Obligations of Parties
  - 1. Insurer
  - 2. Insured
  - 3. Beneficiary
- D. Rescission of Insurance Contracts
  - 1. Concealment
  - 2. Misrepresentation or Omissions
  - 3. Breach of Warranties

#### **IV. Transportation Law**

- A. Common Carriers
  - 1. Diligence Required of Common Carriers
  - 2. Liabilities of Common Carriers
- B. Vigilance Over Goods
  - 1. Exempting Causes
  - 2. Contributory Negligence
  - 3. Duration of Liability
    - a) Actual or Constructive Liability
    - b) Temporary Unloading or Storage
  - 4. Stipulation for Limitation of Liability
    - a) Void Stipulations
    - b) Limitation of Liability to Fixed Amount
    - c) Limitation of Liability in Absence of Declaration of Greater Value
  - 5. Liability for Baggage of Passengers
    - a) Checked-In Baggage
    - b) Hand-Carried Baggage
- C. Safety of Passengers
  - 1. Void Stipulations
  - 2. Duration of Liability
  - 3. Liability for Acts of Others
    - a) Employees
    - b) Other Passengers and Strangers
  - 4. Extent of Liability for Damages
- D. The Montreal Convention of 1999
  - 1. Applicability
  - 2. Extent of Liability of Air Carrier
    - a) Death or Injury of Passenger

b) Lost or Delayed Baggage

**V. Intellectual Property Code (R.A. No. 8293) [Note: Exclude Implementing Rules and Regulations]**

A. Patents

1. Patentable Inventions
  - a) Novelty
  - b) Inventive Step
  - c) Industrial Applicability
2. Non-Patentable Inventions
3. Ownership of a Patent
  - a) Right of a Patent
  - b) First-to-File Rule
  - c) Inventions Created Pursuant to a Commission
  - d) Right of Priority
4. Grounds for Cancellation of a Patent
5. Remedy of the True and Actual Inventor
6. Rights Conferred by a Patent
7. Limitations of Patent Rights
  - a) Prior User
  - b) Use by Government
8. Patent Infringement
  - a) Tests in Patent Infringement
    - (1) Literal Infringement
    - (2) Doctrine of Equivalents
  - b) Defenses in Action for Infringement
9. Licensing
  - a) Voluntary
  - b) Compulsory
10. Assignment and Transmission of Rights

B. Trademarks

1. Marks vs. Collective Marks vs. Trade Names
2. Acquisition of Ownership of Mark
3. Acquisition of Ownership of Trade Name
4. Non-Registrable Marks
5. Test to Determine Confusing Similarity Between Marks
  - a) Dominancy Test
6. Well-Known Marks
7. Rights Conferred by Registration
8. Cancellation of Registration
9. Trademark Infringement
10. Unfair Competition

C. Copyright

1. Basic Principles [Sec. 172.2, 175, and 181 only]
2. Copyrightable Works
  - a) Original Works
  - b) Derivative Works

3. Non-Copyrightable Works
4. Rights Conferred by a Copyright
5. Ownership of a Copyright
6. Limitations on Copyright
7. Doctrine of Fair Use
8. Copyright Infringement

**VI. Electronic Commerce Act (R.A. No. 8792)**

- A. Legal Recognition of Electronic Data Messages, Documents, and Signatures
- B. Presumption Relating to Electronic Signatures
- C. Admissibility and Evidential Weight of Electronic Data Message or Electronic Document
- D. Obligation of Confidentiality

**VII. Foreign Investments Act (RA 7042, as amended by RA 11647)**

- A. Policy of the Law [Sec. 1, RA 11647]
- B. Definition of Terms [Sec. 2, RA 11647]
  1. Foreign Investment
  2. Doing Business
  3. Export Enterprise
  4. Domestic Market Enterprise
- C. Registration of Investment of Non-Philippine Nationals [Sec. 6, RA 11647]
- D. Foreign Investments in Export Enterprises [Sec. 7, RA 11647]
- E. Foreign Investments in Domestic Market Enterprises [Sec. 7, RA 7042]
- F. Foreign Investment Negative List [Sec. 8, RA 11647]

**VIII. Public Service Act (Commonwealth Act No. (CA) 146, as amended by RA 11659)**

- A. Critical Infrastructure [Sec. 2(e), RA 11659]
- B. Foreign State-Owned Enterprise [Sec. 2(g), RA 11659]
- C. Public Service as Public Utility [Sec. 4, RA 11659]
- D. Unlawful Acts [Sec. 9, RA 11659]
- E. Powers of the President to Suspend or Prohibit Transaction or Investment [Sec. 23, RA 11659]
- F. Investments by an Entity Controlled by or Acting on Behalf of the Foreign Government, or Foreign State-owned Enterprises [Sec. 24, RA 11659]
- G. Reciprocity Clause [Sec. 25, RA 11659]

## **PART TWO: TAXATION LAW**

**I. General Principles**

- A. Power of Taxation as Distinguished from Police Power and Eminent Domain
- B. Inherent and Constitutional Limitations of Taxation

- C. Requisites of a Valid Tax
- D. Tax as Distinguished from Other Forms of Exactions
- E. Kinds of Taxes
- F. Doctrines in Taxation
  - 1. Construction and Interpretation of Tax Laws, Rules, and Regulations
  - 2. Prospectivity of Tax Laws
  - 3. Imprescriptibility of Taxes
  - 4. Double Taxation
  - 5. Escape from Taxation
    - a) Shifting of Tax Burden
    - b) Tax Avoidance
    - c) Tax Evasion
  - 6. Exemption from Taxation
  - 7. Equitable Recoupment
  - 8. Prohibition on Compensation and Set-Off
  - 9. Compromise and Tax Amnesty

## II. National Taxation

- A. Taxing Authority
  - 1. Jurisdiction, Power, and Functions of the Commissioner of Internal Revenue
    - a) Interpreting Tax Laws and Deciding Tax Cases
    - b) Non-Retroactivity of Rulings
  - 2. Rule-Making Authority of the Secretary of Finance
- B. Income Tax
  - 1. Definition, Nature, and General Principles
    - a) Criteria in Imposing Philippine Income Tax
    - b) Types of Philippine Income Taxes
    - c) Taxable Period
    - d) Kinds of Taxpayers
  - 2. Income
    - a) Definition and Nature
    - b) When Income is Taxable
    - c) Tests in Determining Whether Income is Earned for Tax Purposes
      - (1) Realization Test
      - (2) Economic Benefit Test, Doctrine of Proprietary Interest
      - (3) Severance Test
    - d) Tax-Free Exchanges
    - e) Situs of Income Taxation
  - 3. Gross Income
    - a) Definition
    - b) Concept of Income from Whatever Source Derived
    - c) Gross Income vs. Net Income vs. Taxable Income
    - d) Sources of Income Subject to Tax

- (1) Compensation Income
- (2) Fringe Benefits
- (3) Professional Income
- (4) Income from Business
- (5) Income from Dealings in Property
- (6) Passive Investment Income
- (7) Annuities, Proceeds from Life Insurance or Other Types of Insurance
- (8) Prizes and Awards
- (9) Pensions, Retirement Benefit or Separation Pay
- (10) Income from Any Source
- e) Exclusions
  - (1) Taxpayers Who May Avail
  - (2) Distinguished from Deductions and Tax Credits
- 4. Deductions from Gross Income
  - a) Concept as Return of Capital
  - b) Itemized Deductions vs. Optional Standard Deduction
  - c) Items Not Deductible
- 5. Income Tax on Individuals
  - a) Resident Citizens, Non-Resident Citizens, and Resident Aliens
    - (1) Inclusions and Exclusions for Taxation on Compensation Income
    - (2) Taxation of Business Income/Income from Practice of Profession
    - (3) Taxation of Passive Income
    - (4) Taxation of Capital Gains
    - (5) Capital Asset vs. Ordinary Asset
  - b) Income Tax on Non-Resident Aliens Engaged in Trade or Business
  - c) Income Tax on Non-Resident Aliens Not Engaged in Trade or Business
  - d) Individual Taxpayers Exempt from Income Tax
    - (1) Senior Citizens
    - (2) Minimum Wage Earners
    - (3) Exemptions Granted Under International Agreements
- 6. Income Tax on Corporations
  - a) Income Tax on Domestic Corporations and Resident Foreign Corporations
    - (1) Branch Profit Remittance Tax
    - (2) Itemized Deductions vs. Optional Standard Deductions
  - b) Income Tax on Non-Resident Foreign Corporations
  - c) Income Tax on Special Corporations
  - d) Exemptions from Tax on Corporations
  - e) Period Within Which to File Income Tax Return of Individuals and Corporations

- f) Substituted Filing
    - g) Failure to File Returns
  - 7. Withholding Taxes
    - a) Concept
    - b) Creditable vs. Withholding Taxes
- C. Value-Added Tax (VAT)
  - 1. Concept and Elements of VATable Transactions
  - 2. Impact and Incidence of Tax
  - 3. Destination Principle and Cross-Border Doctrine
  - 4. Imposition of VAT on Transfer of Goods by Tax Exempt Persons
  - 5. Transactions Deemed Sale Subject to VAT
  - 6. Zero-Rated and Effectively Zero-Rated Sales of Goods or Properties
  - 7. VAT-Exempt Transactions
  - 8. Input and Output Tax
  - 9. Tax Refund or Tax Credit
  - 10. Filing of Returns and Payment
- D. Tax Remedies Under the National Internal Revenue
  - 1. Assessment of Internal Revenue Taxes
    - a) Procedural Due Process in Tax Assessments
    - b) Requisites of a Valid Assessment
    - c) Tax Delinquency vs. Tax Deficiency
    - d) Prescriptive Period for Assessment
      - (1) False Returns vs. Fraudulent Returns vs. Non-Filing of Returns
      - (2) Suspension of the Running of Statute of Limitations
  - 2. Taxpayer's Remedies
    - a) Protesting an Assessment
      - (1) Period to File Protest
      - (2) Submission of Supporting Documents
      - (3) Effect of Failure to File Protest
      - (4) Action of the Commissioner on the Protest Filed
    - b) Compromise and Abatement of Taxes
    - c) Recovery of Tax Erroneously or Illegally Collected
  - 3. Government Remedies for Collection of Delinquent Taxes
    - a) Requisites
    - b) Prescriptive Periods
  - 4. Civil Penalties
    - a) Delinquency Interest and Deficiency Interest
    - b) Surcharge
    - c) Compromise Penalty

### **III. Local Taxation**

- A. Local Government Taxation
  - 1. General Principles
  - 2. Nature and Source of Taxing Power

- a) Grant of Local Taxing Power Under the Local Government Code
    - b) Authority to Prescribe Penalties for Tax Violations
    - c) Authority to Grant Local Tax Exemptions
    - d) Withdrawal of Exemptions
  - 3. Scope of Taxing Power
  - 4. Specific Taxing Power of Local Government Units
  - 5. Common Revenue Raising Powers
  - 6. Community Tax
  - 7. Common Limitations on the Taxing Powers of Local Government Units
  - 8. Requirements for a Valid Tax Ordinance
  - 9. Taxpayer's Remedies
    - a) Protest
    - b) Refund
    - c) Action before the Secretary of Justice
  - 10. Assessment and Collection of Local Taxes
    - a) Remedies of Local Government Units
    - b) Prescriptive Period
- B. Real Property Taxation
  - 1. Fundamental Principles
  - 2. Nature
  - 3. Imposition
    - a) Power to Levy
    - b) Exemption from Real Property Tax
  - 4. Appraisal and Assessment
    - a) Classes of Real Property
    - b) Assessment Based on Actual Use
  - 5. Collection
    - a) Date of Accrual
    - b) Periods to Collect
    - c) Remedies of Local Government Units
  - 6. Taxpayer's Remedies
    - a) Contesting an Assessment
      - (1) Payment Under Protest; Exceptions
    - b) Contesting a Valuation of Property
      - (1) Appeal to the Local Board of Assessment Appeals
      - (2) Appeal to the Central Board of Assessment Appeals
      - (3) Effect of Payment of Taxes
    - c) Compromise of Real Property Tax Assessment

#### **IV. Judicial Remedies**

- A. Court of Tax Appeals (CTA)
  - 1. Exclusive Original and Appellate Jurisdiction Over Civil Cases
  - 2. Exclusive Original and Appellate Jurisdiction Over Criminal Cases
- B. Procedures
  - 1. Filing of an Action for Collection of Taxes

- a) Internal Revenue Taxes
- b) Local Taxes
- 2. Civil Cases
  - a) Who May Appeal, Mode of Appeal, and Effect of Appeal
  - b) Suspension of Collection of Taxes
  - c) Injunction Not Available to Restrain Collection
- 3. Criminal Cases
  - a) Institution and Prosecution of Criminal Action
  - b) Institution of Civil Action in Criminal Action
  - c) Period to Appeal
- 4. Appeal to the CTA *En Banc*
- 5. Petition for Review on *Certiorari* to the SC

-----**NOTHING FOLLOWS**-----

# SYLLABUS FOR THE 2023 BAR EXAMINATIONS

## CIVIL LAW (20%)

**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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations.

## PERSONS AND FAMILY RELATIONS

### I. Persons

- A. When Law Takes Effect Doctrine
- B. Ignorance of the Law
- C. Retroactivity of Laws
- D. Mandatory or Prohibitory Laws
- E. Waiver of Rights
- F. Presumption and Applicability of Custom
- G. Legal Periods
- H. Territoriality Principle
- I. Conflict of Laws
  - 1. *Lex Nationalii*
  - 2. *Lex Rei Sitae*
  - 3. *Lex Loci Celebrationis*
  - 4. Doctrine of *Renvoi*
- J. Human Relations in Relation to Persons
- K. Capacity to Act
  - 1. Restrictions on Capacity to Act
  - 2. Birth and Death of Natural Persons
  - 3. Presumption of Survivorship
- L. Surnames
- M. Rules Governing Persons Who are Absent

### II. Marriage

- A. General Principles
  - 1. Essential Requisites
  - 2. Formal Requisites
- B. Mixed Marriages and Foreign Divorce
- C. Void Marriages (See *Tan-Andal v. Andal*, G.R. No. 196359, May 11, 2021)
- D. Voidable Marriages
- E. Effect of Defective Marriages
- F. Foreign Marriages
- G. Legal Separation
- H. Property Relations Between Spouses
  - 1. Donation *Propter Nuptias*
  - 2. Void Donations by the Spouses

3. Absolute Community of Property Regime
  4. Conjugal Partnership of Gains Regime
  5. Separation of Property Regime
  6. Property Regime of Unions Without Marriage
  7. Judicial Separation of Property
- I. The Family
    1. General Principles
  - J. The Family Home
    1. General Principles
  - K. Paternity and Filiation
    1. Concepts of Paternity, Filiation, and Legitimacy
    2. Legitimate Children
      - a) Who are Legitimate Children
      - b) Proof of Filiation of Legitimate Children
      - c) Rights of Legitimate Children
      - d) Grounds to Impugn Legitimacy
    3. Illegitimate Children
      - a) Who are Illegitimate Children
      - b) Proof of Filiation of Illegitimate Children
      - c) Rights of Illegitimate Children
      - d) Grounds to Impugn Filiation
    4. Legitimated Children
      - a) Who May be Legitimated
      - b) How Legitimation Takes Place
      - c) Grounds to Impugn Legitimacy
    5. Adopted Children
      - a) Domestic Administrative Adoption and Alternative Child Care Act (RA 11642)
      - b) Who May Adopt
      - c) Who May be Adopted
      - d) Effects of a Decree of Adoption (See Article Nos. 189-190 of the Family Code)
  - L. Support
    1. What Comprises Support
    2. Who are Obligated to Give Support
    3. Source of Support
    4. Order of Support
  - M. Parental Authority
    1. Concept of Parental Authority
    2. Substitute Parental Authority
    3. Special Parental Authority
    4. Effects of Parental Authority

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

### **I. Classification of Property**

#### A. Immovables

B. Movable

**II. Bundle of Rights**

- A. Ownership
- B. Rights of Accession
  - 1. General Principles
  - 2. *Accession Industrial*
  - 3. *Accession Natural*
- C. Actions to Recover Ownership and Possession of Property
  - 1. *Accion Reivindicatoria*
  - 2. *Accion Publiciana*
  - 3. *Accion Interdictal*
  - 4. Quieting of Title
- D. Co-Ownership
  - 1. Distinctions Between Right to Property Owned in Common and Full Ownership Over the Ideal Share
  - 2. Contributions for Expenses
  - 3. Redemption
  - 4. Partition
- E. Possession
  - 1. Possession in the Concept of a Holder
  - 2. Possession in the Concept of an Owner
  - 3. Relevance of Good Faith and Bad Faith
  - 4. Rules for Movable
- F. Usufruct
  - 1. Rights and Obligations of Usufructuary
  - 2. Classes of Usufruct
  - 3. Extinguishment of the Usufruct
- G. Easements
  - 1. Characteristics
  - 2. Kinds of Easements
  - 3. Modes of Acquiring Easements
  - 4. Effects of Easement
  - 5. Extinguishment of Easements

**III. Different Modes of Acquiring Ownership**

- A. Occupation
- B. Tradition
- C. Donation
  - 1. Features
  - 2. Classifications
  - 3. Distinctions Between *Mortis Causa* and *Inter Vivos* Donations
  - 4. Form
  - 5. Limitations
  - 6. Reduction and Revocation
- D. Prescription
  - 1. Distinctions Between Acquisitive and Extinctive Prescription

## 2. Distinctions Between Extinctive Prescription and Laches

### IV. Land Titles and Deeds

- A. Torrens System
  - 1. General Principles
- B. Regalian Doctrine
- C. Nationality Restrictions on Land Ownership
- D. Original Registration (PD 1529)
  - 1. Who May Apply
  - 2. Decree of Registration
  - 3. Review of Decree of Registration; Innocent Purchaser for Value (IPV); Rights of IPV
- E. An Act Improving the Confirmation Process for Imperfect Land Titles (RA 11573), amending CA 141 and PD 1529 [See *Republic v. Pasig Rizal Co., Inc.*, G.R. No. 213207, February 15, 2022]
- F. Certificate of Title
- G. Subsequent Registration
  - 1. Voluntary Dealings
  - 2. Involuntary Dealings
    - a) Adverse Claims
    - b) Notice of *Lis Pendens*
- H. Non-Registrable Properties
- I. Dealings With Unregistered Lands
- J. Assurance Fund
  - 1. Nature of Assurance Fund
  - 2. Conditions for Compensation from Assurance Fund
  - 3. Prescriptive Period
- K. Reconstitution of Title

### V. Wills and Succession

- A. General Provisions
- B. Testamentary Succession
  - 1. General Provisions
  - 2. Characteristics of a Will
  - 3. Non-Delegability of a Testamentary Power
  - 4. Applicable Law as to Form and Substance of a Will
  - 5. Testamentary Capacity
  - 6. Form of Notarial and Holographic Wills
  - 7. Witnesses to a Notarial Will (Qualification and Disqualifications)
  - 8. Conflict Rules
  - 9. Modes of Revocation of Wills and Testamentary Dispositions
    - a) Effect on the Recognition of a Non-Marital Child
    - b) Theory of Dependent Relative Revocation
    - c) Revocation Based on a False Cause
  - 10. Heirs
    - a) Compulsory Heirs
    - b) Institution of Heirs

- (1) Limitations on the Institution of Heirs
    - (2) Collective Institution
    - (3) Proscription Against Successive Institution
    - (4) Institution Based on a False Cause
  - c) Substitution of Heirs
    - (1) Causes of Substitution
    - (2) Fideicommissary Substitution (Compared With Testamentary Trusts)
- 11. Legitime
  - a) Collation in Connection With the Computation of Legitime
  - b) Table of Legitime
  - c) Impairment of the Legitime
  - d) Presumptive Legitime
- 12. Preterition
  - a) Requisites
  - b) Governing Law
- 13. Conditional Dispositions and Dispositions
  - a) Condition Not to Marry
  - b) *Disposicion Captatoria*
  - c) Modal Institution
- 14. Void Testamentary Dispositions
- 15. Disinheritance
  - a) Grounds for Disinheritance
  - b) Requisites for the Various Grounds for Disinheritance
  - c) Effects of Reconciliation
- 16. Legacies and Devises
  - a) Requisites for Validity
  - b) Property Not Owned by the Testator
  - c) Ineffective Legacies/Devises
- C. Intestate Succession
  - 1. Relationship
  - 2. Causes of Intestacy
  - 3. Order of Intestate Succession
  - 4. Rule of Proximity and Rule of Equality
    - a) Exceptions to the Rule of Proximity and Rule of Equality
  - 5. Determination of Heirs
  - 6. Successional Barrier (the “Iron Curtain Rule”) (See *Aquino v. Aquino*, G.R. Nos. 208912 and 209018, December 7, 2021)
  - 7. Successional Rights of Adopted Children
  - 8. Successional Rights of Adopting Parents
  - 9. Successional Rights of Marital and Non-Marital Children
  - 10. Successional Rights of the Surviving Spouse
  - 11. Successional Rights of Collateral Relatives
- D. Provisions Common to Testate and Intestate Succession
  - 1. Capacity to Succeed
    - a) Incapacity by Reason of Unworthiness and Effects of Condonation
    - b) Incapacity by Reason of Morality

- c) Incapacity by Reason of Possible Undue Influence
- 2. Right of Representation in Testacy and Intestacy
  - a) Requisites and Limitations
- 3. Right of Accretion in Testamentary Succession and in Intestacy
  - a) Requisites and Limitations
- 4. Acceptance and Repudiation of Inheritance
  - a) Form of Repudiation
  - b) Effects of Repudiation Compared to Predecease and Incapacity

## **OBLIGATIONS AND CONTRACTS**

### **I. Obligations**

- A. General Provisions
  - 1. Definition
  - 2. Essential Elements
  - 3. Sources of Obligation
- B. Nature and Effects of Obligations
  - 1. Breaches of Obligations
  - 2. Remedies for Breach of Obligation
- C. Different Kinds of Obligations
- D. Extinguishment of Obligations
  - 1. Payment
    - a) Concept of Payment
    - b) Payment by Cession vs. Dation in Payment
    - c) Tender of Payment and Consignation
  - 2. Loss of the Thing Due
    - a) Concept of Loss
    - b) Requisites
    - c) *Force Majeure*
  - 3. Condonation
  - 4. Confusion
  - 5. Compensation
    - a) Requisites
    - b) Compensation of Rescissible and Voidable Debts
    - c) Non-Compensable Debts
  - 6. Novation
    - a) Concept of Novation
    - b) Expressed and Implied Novation
      - (1) Requisites
    - c) *Expromision* and *Delegacion* Distinguished
      - (1) Consent Required
      - (2) Effect of Insolvency of New Debtor
    - d) Legal and Conventional Subrogation

## **II. Contracts**

- A. General Provisions
  - 1. Definition of a Contract
  - 2. Elements of a Contract
    - a) Essential elements
    - b) Natural Elements
- B. Basic Principles of Contracts
  - 1. Obligatory Force of a Contract
  - 2. Freedom to Stipulate (Autonomy of the Will) and its Limitations
  - 3. Binding Effect of a Contract
  - 4. Privity of Contract
    - a) Concept
    - b) Exceptions to the Rule on Privity of Contracts
  - 5. Consensuality of Contracts
    - a) Concept and Coverage
    - b) Exceptions
    - c) Reformation of Instruments
- C. Essential Requisites of a Contract
  - 1. Consent
  - 2. Object
  - 3. Cause or Consideration
- D. Defective Contracts
  - 1. Rescissible Contracts
  - 2. Voidable Contracts
  - 3. Unenforceable Contracts
  - 4. Void Contracts

## **III. Natural Obligations**

### **SPECIAL CONTRACTS**

#### **I. Sales**

- A. Definition and Essential Requisites
- B. Contract of Sale
  - 1. Contract to Sell
  - 2. Option Contract
  - 3. Right of First Refusal
- C. Earnest Money
- D. Double Sales
- E. Risk of Loss
- F. Breach of Contract of Sale
  - 1. Recto Law
  - 2. Maceda Law
- G. Extinguishment of the Sale
  - 1. Conventional Redemption
  - 2. Legal Redemption
- H. Equitable Mortgage

- I. Pacto de Retro Sales
  
- II. Lease**
  - A. Kinds of Lease
  - B. Rights and Obligations of Lessor
  - C. Rights and Obligations of Lessee
  
- III. Agency**
  
- IV. Credit Transactions**
  - A. Loans
    - 1. Kinds
    - 2. Interest
  - B. Deposit
  - C. Guaranty and Suretyship
  - D. Real Estate Mortgage
  - E. Antichresis
  
- V. Compromise**
  
- VI. Quasi-Contacts**
  - A. *Negotiorum Gestio*
  - B. *Solutio Indebiti*
  
- VII. Torts and Damages**
  - A. Principles
    - 1. Abuse of Rights
    - 2. Unjust Enrichment
    - 3. Liability Without Fault
    - 4. Acts Contrary to Law
    - 5. Acts Contrary to Morals
  - B. Classification of Torts
    - 1. Intentional
    - 2. Negligent
    - 3. Strict Liability
  - C. The Tortfeasor
    - 1. Joint
    - 2. Direct
  - D. Quasi-Delict vs. *Culpa Contractual* vs. *Culpa Criminal*
    - 1. Nature of Liability
  - E. Proximate Cause
    - 1. Concept
    - 2. Doctrine of Last Clear Chance
  - F. Vicarious Liability
  - G. *Res Ipsa Loquitur*
  - H. *Damnum Absque Injuria*

- I. Defenses
- J. Negligence
  - 1. Standard of Care
  - 2. Presumptions of Negligence
- K. Damages
  - 1. Kinds of Damages
    - a) Actual and Compensatory Damages
    - b) Moral Damages
    - c) Nominal Damages
    - d) Temperate or Moderate Damages
    - e) Liquidated Damages
    - f) Exemplary or Corrective Damages
  - 2. When Damages May be Recovered
- L. Damages in Case of Death
- M. Duty of Injured Party

-----**NOTHING FOLLOWS**-----

# SYLLABUS FOR THE 2023 BAR EXAMINATIONS

## LABOR LAW AND SOCIAL LEGISLATION (10%)

**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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations.

### I. Fundamental Principles and Concepts

- A. Legal Basis
  - 1. 1987 Constitution
  - 2. Civil Code
  - 3. Labor Code
- B. State Policy Towards Labor
  - 1. Security of Tenure
  - 2. Social Justice
  - 3. Equal Work Opportunities
  - 4. Right to Self-Organization and Collective Bargaining
  - 5. Construction in Favor of Labor
  - 6. Burden of Proof and Quantum of Evidence

### II. Pre-Employment

- A. Recruitment and Placement of Local and Migrant Workers
  - 1. Definition of Recruitment and Placement
  - 2. Regulation of Recruitment and Placement Activities
    - a) Regulatory Authorities
      - (1) Philippine Overseas Employment Administration
      - (2) Regulatory and Visitorial Powers of the Department of Labor and Employment Secretary
    - b) Ban on Direct Hiring
    - c) Entities Prohibited from Recruiting
    - d) Suspension or Cancellation of License or Authority
    - e) Prohibited Practices [Article 34, Labor Code]
  - 3. Illegal Recruitment [Labor Code and the Migrant Workers and Overseas Employment Act of 1995 (RA 8042), as amended by RA 10022]
    - a) Elements
    - b) Types
    - c) Illegal Recruitment vs. Estafa
  - 4. Liability of Local Recruitment Agency and Foreign Employer
    - a) Solidary Liability
    - b) Theory of Imputed Knowledge
  - 5. Termination of Contract of Migrant Worker
- B. Employment of Non-Resident Aliens
- C. Discriminatory Practices
  - 1. Age (RA 10911 or the Anti-Age Discrimination in Employment Act)

2. Gender and/or Marital Status (RA 9710 or the Magna Carta of Women)
3. Health Condition (RA 7277 or the Magna Carta for Disabled Persons)
4. Solo Parents (Sec. 7, RA 8972, as amended by RA 11861)

### III. Employment Proper

- A. Management Prerogative
  1. Discipline
  2. Transfer of Employees
  3. Productivity Standard
  4. Bonus
  5. Change of Working Hours
  6. *Bona Fide* Occupational Qualifications
  7. Marriage Between Employees of Competitor-Employers
  8. Post-Employment Restrictions
- B. Labor Standards
  1. Conditions of Employment
    - a) Coverage
    - b) Hours of Work
      - (1) Normal Hours of Work and Hours Worked
      - (2) Compressed Work Week
      - (3) Meal Periods
      - (4) Night-Shift Differential
      - (5) Overtime Work
      - (6) Computation of Additional Compensation (Rates only)
    - c) Rest Periods
    - d) Holidays
    - e) Service Charge [Article 96 of the Labor Code, as amended by RA 11360]
    - f) Occupational Safety and Health Standards Law (RA 11058)
      - (1) Covered Workplaces [Sec. 3(c)]
      - (2) Duties of Employers Workers and Other Persons [Sec. 4]
      - (3) Workers' Right to Know [Sec. 5]
      - (4) Workers' Right to Refuse Unsafe Work [Sec. 6]
      - (5) Workers' Right to Personal Protective Equipment (PPE) [Sec. 8]
  2. Wages
    - a) Definitions
      - (1) Wage vs. Salary
      - (2) Facilities vs. Supplements
    - b) Principles
      - (1) No Work, No Pay
      - (2) Equal Pay for Equal Work
      - (3) Fair Wage for Fair Work

- (4) Non-Diminution of Benefits
      - c) Payment of Wages
      - d) Prohibitions Regarding Wages
      - e) Wage Distortion
        - (1) Concept
      - f) Minimum Wage Law
      - g) Holiday Pay
      - h) 13th Month Pay
  - 3. Leaves
    - a) Service Incentive Leave
    - b) Maternity Leave
    - c) Paternity Leave
    - d) Solo Parent Leave (RA 8972, as amended by RA 11861)
    - e) Leave Benefits for Women Workers Under Magna Carta of Women (RA 9710) and Anti-Violence Against Women and their Children of 2004 (RA 9262)
    - f) Compassionate Leaves
  - 4. Special Groups of Employees
    - a) Women
      - (1) Discrimination
      - (2) Stipulation Against Marriage
      - (3) Prohibited Acts
    - b) Minors
    - c) *Kasambahays*
    - d) Homeworkers
    - e) Night Workers
    - f) Apprentices and Learners
    - g) Persons With Disabilities
      - (1) Discrimination
        - (a) Magna Carta for Disabled Persons (RA 7277)
        - (b) Mental Health Act (RA 11036)
      - (2) Incentives for Employers
  - 5. Sexual Harassment in the Work Environment
    - a) Sexual Harassment Act (RA 7877)
    - b) Safe Spaces Act (Article IV of RA 11313 only; Exclude: Liability of Employers)
- C. Social Welfare Legislation
- 1. SSS Law (RA 8282, as amended by RA 11199)
    - a) Coverage
    - b) Dependents and Beneficiaries
    - c) Benefits
  - 2. GSIS Law (RA 8291)
    - a) Coverage
    - b) Dependents and Beneficiaries
    - c) Benefits
  - 3. Disability and Death Benefits
    - a) Labor Code
    - b) POEA-Standard Employment Contract

- D. Labor Relations
  - 1. Right to Self-Organization
    - a) Coverage
    - b) Eligibility for Membership
    - c) Doctrine of Necessary Implication
    - d) Commingling or Mixed Membership
    - e) Effect of Inclusion as Members of Employees Outside of the Bargaining Unit
  - 2. Bargaining Unit
  - 3. Bargaining Representative
  - 4. Rights of Labor Organizations
    - a) Check Off, Assessment, and Agency Fees
    - b) Collective Bargaining
      - (1) Economic Terms and Conditions
      - (2) Non-Economic Terms and Conditions
      - (3) Duty to Bargain Collectively
      - (4) Mandatory Provisions in the Collective Bargaining Agreement (CBA)
  - 5. Unfair Labor Practices
    - a) Nature and Aspect
    - b) By Employers
    - c) By Organizations
  - 6. Peaceful Concerted Activities
    - a) Strikes (Valid vs. Illegal)
    - b) Picketing
    - c) Lockouts
    - d) Assumption of Jurisdiction by the DOLE Secretary
- E. Telecommuting Act (RA 11165)
  - 1. Definition [Sec. 3]
  - 2. Telecommuting Program [Sec. 4]
  - 3. Fair Treatment [Sec. 5]

#### **IV. Post-Employment**

- A. Employer-Employee Relationship
  - 1. Tests to Determine Employer-Employee Relationship
  - 2. Kinds of Employment
    - a) Regular
    - b) Casual
    - c) Probationary
    - d) Project
    - e) Seasonal
    - f) Fixed-Term
    - g) Floating Status
  - 3. Legitimate Subcontracting vs. Labor-Only Contracting
    - a) Elements
    - b) Trilateral Relationship
    - c) Solidary Liability

- B. Termination of Employment by Employer
  - 1. Just Causes
  - 2. Authorized Causes
  - 3. Due Process
    - a) Twin Notice Requirement
    - b) Hearing
  - 4. Termination of Contract of Migrant Workers Under RA 8042 as amended by RA 10022
- C. Termination of Employment by Employee
  - 1. Resignation vs. Constructive Dismissal
- D. Preventive Suspension
- E. Reliefs from Illegal Dismissal
- F. Retirement

**V. Jurisdiction and Remedies**

- A. Labor Arbiter
  - 1. Jurisdiction of Labor Arbiter vs. Jurisdiction of Regional Director
  - 2. Requisites to Perfect an Appeal With the National Labor Relations Commission
  - 3. Reinstatement and/or Execution Pending Appeal
- B. National Labor Relations Commission
- C. Court of Appeals
- D. Supreme Court
- E. Bureau of Labor Relations
- F. National Conciliation and Mediation Board
  - 1. Conciliation vs. Mediation
- G. DOLE Regional Directors
- H. DOLE Secretary
  - 1. Jurisdiction
  - 2. Visitorial and Enforcement Powers
  - 3. Power to Suspend Effects of Termination
  - 4. Remedies
- I. Voluntary Arbitrator
- J. Prescription of Actions
  - 1. Money Claims
  - 2. Illegal Dismissal
  - 3. Unfair Labor Practices
  - 4. Offenses Under the Labor Code
  - 5. Illegal Recruitment

-----**NOTHING FOLLOWS**-----

## SYLLABUS FOR THE 2023 BAR EXAMINATIONS

### CRIMINAL LAW (10%)

**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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations. The computation of penalties, including its application under the Indeterminate Sentence Law, shall be excluded from the coverage.

#### I. Book I [Articles 1-99 of the Revised Penal Code (RPC)]

- A. General Principles
  - 1. *Mala In Se* and *Mala Prohibita*
  - 2. Scope and Characteristics
    - a) Generality
    - b) Territoriality
    - c) Prospectivity
  - 3. *Pro Reo* Principle
  - 4. *Ex Post Facto* Law
  - 5. Interpretation of Penal laws
  - 6. Retroactive Effect of Penal Laws
- B. Felonies
  - 1. Criminal Liabilities and Felonies
    - a) Classifications of Felonies
    - b) *Aberratio Ictus, Error In Personae, and Praeter Intentionem*
    - c) Elements of Criminal Liability
    - d) Impossible Crime
    - e) Stages of Execution
    - f) Continuing Crimes
    - g) Complex Crimes and Composite Crimes
  - 2. Circumstances affecting Criminal Liability
    - a) Justifying Circumstances
    - b) Exempting Circumstances
    - c) Mitigating Circumstances
    - d) Aggravating Circumstances
    - e) Alternative Circumstances
    - f) Absolutory Causes
  - 3. Persons Liable and Degree of Participation
    - a) Principals, Accomplices, and Accessories
    - b) Conspiracy and Proposal
    - c) Multiple Offenses (Differences, Rules, Effects)
      - (1) Recidivism
      - (2) Habituality (*Reiteracion*)
      - (3) *Quasi-Recidivism*
      - (4) Habitual Delinquency

d) Decree Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders (PD 1829)

C. Penalties

1. Imposable Penalties [Include: Act Prohibiting the Imposition of Death Penalty in the Philippines (RA 9346)]
2. Classification
3. Duration and Effects
4. Application
  - a) Subsidiary Imprisonment
  - b) Indeterminate Sentence Law (Act No. 4103, as amended)
5. Graduation of Penalties
6. Accessory Penalties

D. Execution and Service of Sentence

1. Three-Fold Rule
2. Probation Law (PD 968, as amended)
3. Juvenile Justice and Welfare Act (RA 9344, as amended)
4. An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based and the Fines Imposed Under the Revised Penal Code (RA 10951)
5. Community Service Act (RA 11362 and A.M. No. 20-06-14-SC)

E. Extinction of Criminal Liability

1. An Act Amending Articles 29, 94, 97-99 of the RPC (RA 10592)

F. Civil Liabilities in Criminal Cases

**II. Book II (Articles 114-365 of the RPC) and Related Special Laws**

A. Crimes Against National Security and Laws of Nations (Arts. 114-123)

1. Anti-Piracy and Anti-Highway Robbery (PD 532)
  - a) Definition of Terms [Sec. 2]
  - b) Punishable Acts [Sec. 4]
2. Anti-Terrorism Act of 2020 (RA 11479, See ATA ruling in *Calleja v. Executive Secretary*, G.R. No. 252578, et al.)
  - a) Punishable Acts of Terrorism [Secs. 4-12]
  - b) Who are Liable [Secs. 3 (l) & (m), 14]
  - c) Surveillance of Suspects and Interception and Recording of Communications [Sec. 16]
  - d) Detention Without Judicial Warrant [Sec. 29]
  - e) No Torture or Coercion in Investigation and Interrogation [Sec. 33]

B. Crimes Against the Fundamental Laws of the State (Arts. 124-133)

1. Anti-Torture Act of 2009 (RA 9745)
  - a) Acts of Torture [Sec. 4]
  - b) Who Are Criminally Liable [Sec. 13]

C. Crimes Against Public Order (Arts. 134-160)

1. Comprehensive Firearms and Ammunition Regulation Act (RA 10591)

D. Crimes Against Public Interest (Arts. 161-187)

E. Crimes Relative to Opium and Other Prohibited Drugs

1. Comprehensive Dangerous Drugs Act of 2002 [RA 9165, as amended by RA 10640; Section 21 of the Implementing Rules and Regulations (IRR) only]
- F. Crimes Against Public Morals (Arts. 200-202)
  1. Anti-Gambling Act (PD 1602, as amended by RA 9287)
    - a) Definition of Terms [Sec. 2, RA 9287]
    - b) Punishable Acts [Sec. 3, RA 9287]
- G. Crimes Committed by Public Officers (Arts. 203-245)
  1. Anti-Graft and Corrupt Practices Act (RA 3019, as amended)
    - a) Definition of Terms [Sec. 2]
    - b) Corrupt Practices of Public Officers [Sec. 3]
    - c) Prohibition on Private Individuals [Sec. 4]
    - d) Prohibition on Certain Relatives [Sec. 5]
    - e) Exceptions [Sec. 14]
  2. Anti-Plunder Act (RA 7080, as amended by RA 7659)
    - a) Definition of Terms [Sec. 1, RA 7080]
    - b) Definition of Crime of Plunder [Sec. 2, RA 7080 as amended by RA 7659]
    - c) Series and Combination
    - d) Pattern
  3. Prohibition of Child Marriage Law (RA 11596)
    - a) Facilitation of Child Marriage by Public Officer [Sec. 4]
- H. Crimes Against Persons (Arts. 246-266)
  1. Anti-Trafficking in Persons Act of 2003 (RA 9208, as amended by RA 11862)
    - a) Acts of Trafficking in Persons [Sec. 4, RA 11862]
    - b) Acts that Promote Trafficking in Persons [Sec. 5, RA 11862]
    - c) Qualified Trafficking in Persons [Sec. 6, RA 11862]
  2. Anti-Violence Against Women and Their Children Act of 2004 (RA 9262)
    - a) Definition of Terms [Sec. 3]
    - b) Acts of Violence Against Women and Their Children [Sec. 5]
    - c) Protection Orders [Secs. 8-16]
    - d) Battered Woman Syndrome as a Defense [Sec. 26]
  3. Anti-Child Pornography Act of 2009 (RA 9775)
    - a) Definition of Terms [Sec. 3]
    - b) Unlawful or Prohibited Acts [Sec. 4]
  4. Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act (RA 7610, as amended)
    - a) Definition of Terms [Sec. 3, RA 7610]
    - b) Child Prostitution and Other Sexual Abuse [Sec. 5, RA 7610, as amended by RA 11648]
    - c) Attempt to Commit Child Prostitution [Sec. 6, RA 7610]
    - d) Child Trafficking [Sec. 7, RA 7610, as amended by RA 11648]
    - e) Attempt to Commit Child Trafficking [Sec. 8, RA 7610]
    - f) Obscene Publication and Indecent Shows [Sec. 9, RA 7610, as amended by RA 11648]

- g) Employment of Children [Sec. 12, RA 7610 as amended by RA 9231]
- 5. Prohibition of Child Marriage Law (RA 11596)
  - a) Definition of Terms [Sec. 3]
  - b) Unlawful Acts [Sec. 4]
  - c) Public Crimes [Sec. 5]
- 6. An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape (RA 11648)
  - a) Amendment on Rape [Sec. 1]
  - b) Amendment on Qualified Seduction [Sec. 2]
- I. Crimes Against Personal Liberty and Security (Arts. 267-292)
  - 1. Cybercrime Prevention Act of 2012 (RA 10175)
    - a) Cybercrime Offenses [Sec. 4]
    - b) Other Offenses [Sec. 5]
- J. Crimes Against Property (Articles 293-332)
  - 1. Anti-Fencing Law (PD 1612)
    - a) Fencing
      - (1) Definition [Sec. 2]
      - (2) Presumption of Fencing [Sec. 5]
    - b) Exception
      - (1) With Clearance or Permit to Sell [Sec. 6]
- K. Crimes Against Chastity (Arts. 333-334, 336-346)
  - 1. Anti-Photo and Video Voyeurism Act of 2009 (RA 9995)
    - a) Definition of Terms [Sec. 3]
    - b) Prohibited Acts [Sec. 4]
  - 2. Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act (RA 7610, as amended)
    - a) Child Prostitution and Other Acts of Abuse [Sec. 5, RA 7610, as amended by RA 11648]
      - (1) Compare Prosecution for Acts of Lasciviousness Under Art. 366, RPC, and RA 7610, as amended
- L. Crimes Against the Civil Status of Persons (Arts. 347-352)
- M. Crimes Against Honor (Arts. 353-364)
  - 1. Cybercrime Prevention Act of 2012 (RA 10175)
    - a) Libel [Sec. 4 (c)(4)]
- N. Criminal Negligence (Article 365)

-----**NOTHING FOLLOWS**-----

## SYLLABUS FOR THE 2023 BAR EXAMINATIONS

### REMEDIAL LAW, LEGAL AND JUDICIAL ETHICS WITH PRACTICAL EXERCISES (25%)

**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, 2022** are examinable materials within the coverage of the 2023 Bar Examinations.

#### PART ONE: REMEDIAL LAW

##### I. General Principles

- A. Substantive Law vs. Remedial Law
- B. Rule-Making Power of the Supreme Court
- C. Principle of Judicial Hierarchy
- D. Doctrine of Non-Interference/Judicial Stability

##### II. Jurisdiction

- A. Classification of Jurisdiction
  - 1. Original vs. Appellate
  - 2. General vs. Special
  - 3. Exclusive vs. Concurrent
- B. Doctrines of Hierarchy of Courts and Adherence of Jurisdiction
- C. Jurisdiction of Various Philippine Courts and Tribunals
  - 1. Supreme Court
  - 2. Court of Appeals
  - 3. Court of Tax Appeals
  - 4. Sandiganbayan
  - 5. Regional Trial Courts
  - 6. Family Courts
  - 7. Metropolitan Trial Courts, Municipal Trial Courts, Municipal Trial Courts in cities, and Municipal Circuit Trial Courts (Republic Act No. (RA) 11576, An Act Further Expanding the Jurisdiction of First-Level Courts)
- D. Aspects of Jurisdiction
  - 1. Jurisdiction Over the Subject Matter
  - 2. Jurisdiction Over the Parties
  - 3. Jurisdiction Over the Issues
  - 4. Jurisdiction Over the *Res* or the Property in Litigation
- E. Jurisdiction vs. Exercise of Jurisdiction
- F. Jurisdiction vs. Venue
- G. Jurisdiction Over Cases Covered by Barangay Conciliation, and Cases Covered by the Rules on Expedited Procedures in the First Level Courts (Administrative Matter (A.M.) No. 08-8-7-SC, as amended, approved on March 1, 2022)

### III. Civil Procedure (A.M. No. 19-10-20-SC)

- A. General Provisions (Rule 1)
- B. Kinds of Action
  - 1. *In Rem*
  - 2. *In Personam*
  - 3. *Quasi In Rem*
- C. Cause of Action (Rule 2)
- D. Parties to Civil Actions (Rule 3)
- E. Venue (Rule 4)
- F. Pleadings
  - 1. Kinds (Rule 6)
  - 2. Parts of a Pleading (Rule 7)
  - 3. Manner of Making Allegations (Rule 8)
    - a) In General
    - b) Action or Defense Based on Document
    - c) Specific Denial
    - d) Affirmative Defenses
  - 4. Effect of Failure to Plead (Rule 9)
  - 5. Amended and Supplemental Pleadings (Rule 10)
  - 6. When to File Responsive Pleadings (Rule 11)
- G. Filing and Service (Rule 13)
  - 1. Rules on Payment of Docket Fees; Effect of Non-Payment
  - 2. Efficient Use of Paper Rule; E-filing (A.M. No. 10-3-7-SC and A.M. No. 11-9-4-SC, as revised, approved on February 22, 2022)
- H. Summons (Rule 14)
  - 1. Nature and Purpose of Summons in Relation to Actions *In Personam*, *In Rem*, and *Quasi In Rem*
  - 2. Who May Serve Summons
  - 3. Validity of Summons and Issuance of Alias Summons
  - 4. Personal Service
  - 5. Substituted Service
  - 6. Constructive Service
  - 7. Extraterritorial Service
  - 8. Proof of Service
- I. Motions (Rule 15)
  - 1. In General
  - 2. Non-litigious Motions
  - 3. Litigious Motions
  - 4. Prohibited Motions
  - 5. Motion for Bill of Particulars (Rule 12)
- J. Dismissal of Actions (Rule 17)
  - 1. With Prejudice vs. Without Prejudice
  - 2. Dismissals Which Have an Effect of an Adjudication on the Merits
- K. Pre-Trial (Rule 18)
  - 1. Nature and Purpose
  - 2. Appearance of Parties; Effects of Failure to Appear

- 3. Pre-Trial Brief; Effect of Failure to File
- L. Intervention (Rule 19)
- M. Subpoena (Rule 21)
- N. Computation of Time (Rule 22)
- O. Modes of Discovery
  - 1. Depositions (Rules 23 and 24, See *People v. Sergio*, G.R. No. 240053, October 9, 2019)
  - 2. Interrogatories to Parties (Rule 25)
  - 3. Admission by Adverse Party (Rule 26)
  - 4. Production or Inspection of Documents or Things (Rule 27)
  - 5. Physical and Mental Examination of Persons (Rule 28)
  - 6. Refusal to Comply With Modes of Discovery (Rule 29)
- P. Trial (Rule 30)
  - 1. Schedule of Trial
  - 2. Adjournments and Postponements
  - 3. Requisites of Motion to Postpone Trial for Illness of Party or Counsel
- Q. Consolidation or Severance (Rule 31)
- R. Demurrer to Evidence (Rule 33)
  - 1. Grounds
  - 2. Effect of Order Denying Demurrer to Evidence
- S. Judgments and Final Orders
  - 1. Judgments on the Pleadings (Rule 34)
    - a) Grounds
    - b) Action on Motion for Judgment on the Pleadings
  - 2. Summary Judgments (Rule 35)
    - a) Effect of Order Denying a Motion for Summary Judgment
  - 3. Rendition and Entry of Judgments and Final Orders (Rule 36)
- T. Post-Judgment Remedies
  - 1. Motion for New Trial or Reconsideration (Rule 37)
    - a) Remedy Against Denial
    - b) Fresh-Period Rule
  - 2. Appeals
    - a) Nature of Right to Appeal
    - b) Judgments and Final Orders Subject to Appeal
    - c) Matters Not Appealable; Available Remedies
    - d) Doctrine of Finality/Immutability of Judgment
    - e) Modes of Appeal (Period, Perfection, Issues to be Raised)
      - (1) Appeal from Municipal Trial Courts to Regional Trial Courts (Rule 40)
      - (2) Appeal from the Regional Trial Courts (Rule 41)
      - (3) Petition for Review from the Regional Trial Court to the Court of Appeals (Rule 42)
      - (4) Appeals from the Court of Tax Appeals, Civil Service Commission, and Quasi-Judicial Agencies (Rule 43)
      - (5) Appeals by *Certiorari* to the Supreme Court (Rule 45)

- (6) Review of Judgments or Final Orders of the Commission on Audit and Commission on Elections (Rule 64)
    - (7) Dismissal, Reinstatement, and Withdrawal of Appeal
  - 3. Petition for Relief from Judgment (Rule 38)
  - 4. Annulment of Judgment (Rule 47)
  - 5. Collateral Attack on Judgments
- U. Execution, Satisfaction, and Effect of Judgments (Rule 39)

#### **IV. Provisional Remedies**

- A. Nature, Purpose, and Jurisdiction Over Provisional Remedies
- B. Preliminary Attachment (Rule 57)
- C. Preliminary Injunction (Rule 58)
- D. Receivership (Rule 59)
- E. Replevin (Rule 60)

#### **V. Special Civil Actions**

- A. Jurisdiction and Venue
- B. Interpleader (Rule 62)
- C. Declaratory Relief and Similar Remedies (Rule 63)
- D. Certiorari, Prohibition, and Mandamus (Rule 65)
  - 1. Definition and Distinctions
  - 2. Requisites, When, and Where to File
  - 3. Exceptions to Filing of Motion for Reconsideration Before Filing Petition
- E. Quo Warranto (Rule 66)
- F. Expropriation (Rule 67; See also Guidelines for Expropriation Proceedings of National Government Infrastructure Projects, Sec. 4, RA 8974)
  - 1. Two Stages in Every Action for Expropriation
  - 2. Order of Expropriation
  - 3. Ascertainment of Just Compensation
  - 4. Rights of Plaintiff Upon Judgment and Payment
- G. Foreclosure of Real Estate Mortgage (Rule 68)
  - 1. Judicial Foreclosure
  - 2. Extrajudicial Foreclosure (Act No. 3135, as amended)
  - 3. The General Banking Law of 2000 (Sec. 47, RA 8791)
- H. Partition (Rule 69)
- I. Forcible Entry and Unlawful Detainer (Rule 70)
  - 1. Differentiated from *Accion Publiciana* and *Accion Reivindicatoria*
- J. Contempt (Rule 71)

#### **VI. Special Proceedings and Special Writs**

- A. Settlement of Estate of Deceased Persons
  - 1. Venue and Process (Rule 73)

2. Summary Settlement of Estates (Rule 74)
  3. Allowance or Disallowance of Wills (Rule 76)
  4. Claims Against the Estate (Rule 86)
  5. Payment of the Debts of the Estate (Rule 88)
  6. Sales, Mortgages, and Other Encumbrances of Property of Decedent (Rule 89)
  7. Distribution and Partition (Rule 90)
- B. Guardianship
1. Venue (Rule 92)
  2. Appointment of Guardians (Rule 93)
  3. General Powers and Duties of Guardians (Rule 96)
  4. Termination of Guardianship (Rule 97)
- C. Writ of *Habeas Corpus* (Rule 102)
1. Writ of *Habeas Corpus* in Relation to Custody of Minors (A.M. No. 03-04-04-SC)
- D. Change of Name (Rule 103)
- E. Cancellation of Correction of Entries in the Civil Registry (Rule 108)
- F. Clerical Error Law (RA No. 9048, as amended by RA 10172)
- G. Writ of *Amparo* (A.M. No. 07-9-12-SC)
- H. Writ of *Habeas Data* (A.M. No. 08-1-16-SC)
- I. Rules of Procedure for Environmental Cases (A.M. No. 09-6-8-SC)
1. Temporary Environmental Protection Order (TEPO)
  2. Writ of Continuing *Mandamus*
  3. Writ of *Kalikasan*

## VII. Criminal Procedure

- A. General Concepts
1. Criminal Jurisdiction; Concept and Requisites for Exercise
  2. When Injunction May be Filed
- B. Prosecution of Offenses (Rule 110)
- C. Prosecution of Civil Action (Rule 111)
- D. Preliminary Investigation (Rule 112)
1. Executive vs. Judicial Determination of Probable Cause
- E. Arrest (Rule 113)
1. Arrest Without Warrant, When Lawful
  2. Requisites of a Valid Warrant of Arrest
  3. Determination of Probable Cause for Issuance of Warrant of Arrest
- F. Bail (Rule 114)
1. Nature
  2. When a Matter of Right; Exceptions
  3. When a Matter of Discretion
- G. Arraignment and Plea (Rule 116)
1. Searching Inquiry (See *People v. Pagal*, G.R. No. 241257, September 29, 2020)
  2. Improvident Plea
- H. Motion to Quash (Rule 117)

1. Grounds
2. Double Jeopardy
3. Provisional Dismissal
- I. Pre-Trial (Rule 118)
  1. Pre-Trial Agreement
  2. Non-Appearance During Pre-Trial
  3. Pre-Trial Order
- J. Trial (Rule 119)
  1. Trial *In Absentia*
  2. Examination of Witness for the Prosecution (See *People v. Sergio*, G.R. No. 240053, October 9, 2019)
  3. Requisites for Discharge of Accused to Become a State Witness
  4. Effects of Discharge of Accused as State Witness
  5. Demurrer to Evidence
  6. Revised Guidelines on Continuous Trial (A.M. No. 15-06-10-SC)
- K. Judgment (Rule 120)
  1. Promulgation of Judgment
- L. New Trial or Reconsideration (Rule 121)
- M. Appeal (Rule 122)
- N. Search and Seizure (Rule 126)
- O. Provisional Remedies in Criminal Cases (Rule 127)
- P. The Rule on Cybercrime Warrants (Section 2 of A.M. No. 17-11-03-SC only)

### **VIII. Evidence (A.M. No. 19-08-15-SC)**

- A. General Concepts
  1. Proof vs. Evidence
  2. Burden of Proof vs. Burden of Evidence
  3. Equipoise Rule
- B. Admissibility of Evidence (Rule 128)
  1. Requisites for Admissibility of Evidence
  2. Relevance of Evidence and Collateral Matters
  3. Multiple Admissibility
  4. Conditional Admissibility
  5. Curative Admissibility
  6. Direct and Circumstantial Evidence
  7. Positive and Negative Evidence
  8. Competent and Credible Evidence
- C. Judicial Notice and Judicial Admissions (Rule 129)
- D. Object (Real) Evidence (Rule 130, A)
  1. Requisites
  2. Exclusionary Rules
- E. Documentary Evidence (Rule 130, B)
  1. Definition
  2. Original Document Rule
  3. Secondary Evidence
  4. Parol Evidence Rule
- F. Testimonial Evidence (Rule 130, C)

1. Qualifications of Witnesses
2. Disqualifications of Witnesses
  - a) Disqualification by Reason of Marriage
  - b) Disqualification by Reason of Privileged Communications; Rule on Third Parties
  - c) Parental and Filial Privilege Rule
  - d) Privilege Relating to Trade Secrets
3. Testimonial Privilege
4. Admissions and Confessions
5. Previous Conduct as Evidence
6. Testimonial Knowledge
7. Hearsay and Exceptions to the Hearsay Rule
8. Opinion Rule
9. Character Evidence
- G. Burden of Proof and Presumptions (Rule 131)
- H. Presentation of Evidence (Rule 132)
  1. Examination of Witnesses
    - a) Rights and Obligations of a Witness
    - b) Leading and Misleading Questions
    - c) Impeachment of Witnesses
  2. Authentication and Proof of Documents
    - a) Meaning of Authentication
    - b) Classes of Documents
    - c) Authentication of a Private Writing
    - d) Public Documents as Evidence; Proof of Official Record
  3. Offer and Objection
    - a) When to Make an Offer
    - b) When to Make an Objection
    - c) Tender of Excluded Evidence
- I. Judicial Affidavit Rule (A.M. No. 12-8-8-SC)
- J. Weight and Sufficiency of Evidence (Rule 133)
- K. Rules on Electronic Evidence (A.M. No. 01-7-01-SC)

## **PART TWO: LEGAL AND JUDICIAL ETHICS WITH PRACTICAL EXERCISES**

### **I. Legal Ethics**

- A. Practice of Law
  1. Basic Concepts
    - a) Definition of the Practice of Law
    - b) Practice of Law as a Privilege, Not a Right
    - c) Law as a Profession, Not a Business or Trade
  2. Qualifications for Admission to the Bar (Bar Matter No. 1153)
  3. Continuing Requirements for Membership in the Bar
  4. Appearance of Non-lawyers
    - a) Law Student Practice Rule (Rule 138-A, as amended by A.M. No. 19-03-24-SC)
    - b) Non-lawyers in Courts and/or Administrative Tribunals

- c) Proceedings Where Lawyers are Prohibited to Appear as Counsels
  - 5. Prohibited Practice of Non-lawyers and Appearance Without Authority
  - 6. Public Officials and the Practice of Law
    - a) Prohibitions and Disqualifications of Former Government Attorneys
    - b) Public Officials Who Cannot Practice Law or Can Practice Law With Restrictions
  - 7. Lawyers Authorized to Represent the Government
  - 8. The Lawyer's Oath
- B. Duties and Responsibilities of a Lawyer Under the Code of Professional Responsibility
  - 1. To Society
  - 2. To the Legal Profession
  - 3. To the Courts
  - 4. To the Clients
- C. Suspension, Disbarment, and Discipline of Lawyers
  - 1. Nature and Characteristics of Disciplinary Actions against Lawyers
  - 2. Grounds
  - 3. Proceedings (Rule 139-B of the Rules of Court, as amended)
- D. Notarial Practice (A.M. No. 02-8-13-SC, as amended)
  - 1. Qualifications of a Notary Public
  - 2. Term of Office of a Notary Public
  - 3. Powers and Limitations
  - 4. Notarial Register
  - 5. Jurisdiction of Notary Public and Place of Notarization
  - 6. Competent Evidence of Identity
  - 7. Sanctions

## **II. Judicial Ethics**

- A. Sources
  - 1. New Code of Judicial Conduct for the Philippine Judiciary
  - 2. Code of Judicial Conduct
- B. Qualities
  - 1. Independence
  - 2. Integrity
  - 3. Impartiality
  - 4. Propriety
  - 5. Equality
  - 6. Competence and Diligence
- C. Disqualification of Judicial Officers
  - 1. Compulsory
  - 2. Voluntary
- D. Discipline and Administrative Jurisdiction Over Members of the Judiciary

1. Supreme Court
  - a) Impeachment
2. Lower Court Judges and Justices
  - a) Sanctions Imposed by the Supreme Court on Erring Members of the Judiciary

### **III. Practical Exercises**

- A. Demand Letter
- B. Deed of Sale of Real Property and Deed of Sale of Personal Property
- C. Contract of Lease
- D. Special Power of Attorney
- E. Verification and Certificate of Non-forum Shopping
- F. Judicial Affidavit
- G. Notarial Certificates
  1. Jurat
  2. Acknowledgment
- H. Motions
  1. Motion for Summary Judgment
  2. Motion to Dismiss
  3. Motion to Declare in Default
- I. Quitclaims in Labor Cases
- J. Information in Criminal Cases

-----**NOTHING FOLLOWS**-----