



Republic of the Philippines
Supreme Court
Manila

2022 BAR EXAMINATIONS

**POLITICAL LAW AND INTERNATIONAL LAW
(WITH RELATED TAX PRINCIPLES)**

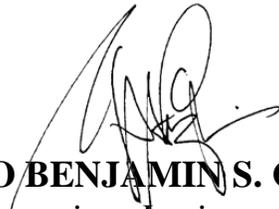
November 9, 2022

8:00 a.m. to 12:00 nn

INSTRUCTIONS

1. **This is a 4-hour examination consisting of 15 items, each worth 5 points.** If the item contains sub-questions, please mark your answer separately with “(a)” followed by the corresponding answer, then “(b)” followed by the answer.
2. **Read each question carefully.** Do not assume facts that are not provided in the question.
3. **Answer the questions clearly and concisely.** Your answer should demonstrate your ability to analyze the facts, identify issues, apply the law and jurisprudence, and arrive at a sound and logical conclusion. A mere “Yes” or “No” answer, or a mere legal conclusion without an explanation will not be given full credit.
4. **Allocate your time efficiently.** The items are in random sequence. You may skip items and move to items that you may find easier to answer. Use the 'Flag' feature so that you can return to the unanswered items.
5. **Do not write your name, distinguishing marks, or extraneous words or phrases in any of your answers.** This may be considered cheating and may disqualify you from the entire Bar Examinations.
6. **Do not type your final answer in the notes box, which is an optional tool.** Any text written in the notes box will not be included in your final answer.
7. **Technical issues during the exam are rare, but if you experience one, do not panic. Do not attempt to submit your exam answers.** Call the attention of your proctor for assistance.
8. If you need to step out of the room, **use the Hide Screen feature** to prevent anyone else from seeing your answers.

9. **You have until 12:00 noon to finish the exam.** Make sure you have completed and reviewed your answers before then. When submitting, the system will ask you one more time to confirm if you are ready to submit your answer file, to give you another opportunity to review your answers.
10. **Once done, show your proctor the green screen confirming your submission.** If the green screen does not appear, check with your proctor before leaving the room.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice and
2022 Bar Examinations Chairperson

1. A police officer saw Harvey urinating in public. A local ordinance imposes a Php 500.00 fine for urinating in public. The police officer shouted at Harvey: “*That is against the law!*” Harvey sarcastically answered: “*No, this is against the wall!*” Then and there, the police officer arrested him and brought him to the police station. At the police station, Harvey was frisked and was found in possession of an unlicensed .38 caliber revolver loaded with five live ammunition. He was subsequently charged with Qualified Illegal Possession of Firearms. When the prosecution offered in evidence the unlicensed firearm and ammunition, the defense objected on the ground that the pieces of evidence are products of an illegal search and seizure. The prosecution contended that the pieces of evidence were lawfully seized after a valid warrantless search incidental to a lawful arrest.

Was the search and seizure valid? Explain briefly. (5 points)

2. Pedro was the accused in a rape case. During the trial, the private complainant testified that on the night of the incident, she was walking home when Pedro, who was her neighbor, suddenly grabbed her and brought her to his house. There, Pedro forcibly had carnal knowledge of her. After the prosecution rested its case, Pedro testified that the sexual intercourse between him and the private complainant was consensual. Eventually, the trial court acquitted Pedro on reasonable doubt and found that the element of force was not established.

The People filed a Rule 65 petition for *certiorari* with the Court of Appeals (CA), alleging that the trial court’s decision was rendered with grave abuse of discretion because the private complainant’s testimony clearly established that Pedro had carnal knowledge of her through force and without her consent. In his comment, Pedro sought to dismiss the petition on the ground of violation of his right against double jeopardy.

As the CA, how would you rule on the petition? Explain briefly. (5 points)

3. A city ordinance was passed providing for the removal, at the owner’s expense, of: (i) all outdoor advertising materials displayed or exposed to the public in designated regulated areas such as residential zones, bridges, and along main city streets; and (ii) billboards of substandard materials, or which obstruct road signs and traffic signals. Failure to comply with said ordinance authorizes the mayor, assisted by the police, to implement the removal of the non-compliant materials. ABC Ad Agency, owner of the billboards removed by the city, filed a complaint because, considering the nature of its business, the removal of its billboards amounted to taking of private property without just compensation.

Will the complaint prosper? Explain briefly. (5 points)

4. [This item has two questions.] As a reaction to China’s occupation of the Spratly Islands, a rally was organized by various civil society aggrupations at a vacant private lot. Before the event could even start, the police ordered the organizers not to proceed with the program because of security reasons and the fact that the group did not have a mayor’s permit. When the organizers still proceeded with the rally, the police dispersed the crowd and arrested the leaders of the group.

(a) Did the actions of the police constitute a violation of the group's constitutional right to peacefully assemble? Explain briefly.

(b) Would your answer be the same if the rally was held at a freedom park? Explain briefly.

(5 points)

5. The K-12 Law was passed with the objective to enhance the Philippine educational system by strengthening its curriculum and adding two years of high school. Parents of students in a science high school sought to have the law declared unconstitutional citing the equal protection clause of the Constitution. As well, the parents averred that the law should not apply to their children because the latter belong to a distinct class, being gifted and advanced for their age, with the capability to learn better and faster compared to other high school students.

Is the contention of the parents tenable? Explain briefly. (5 points)

6. President Hidalgo, who wanted the Philippines to be part of the International Criminal Court once again, signed the Philippines' ratification of the Rome Statute. A copy of the treaty, along with the ratification, was sent to the Senate for its concurrence. Senator Dalisay filed a proposed "Resolution" for the Senate to concur with the Philippines' ratification. The proposed "Resolution" was read three times on three separate days. Three days before the third reading, printed copies of the proposed "Resolution" in its final form were distributed to all the Senators. The Senators then unanimously approved the "Resolution", and the Senate expressed its concurrence with the treaty's ratification. A civil society group filed a petition before the Supreme Court questioning the validity of the Senate's concurrence on the ground that the "Resolution" was void because only a "bill" becomes a law.

Rule on the petition. Explain briefly. (5 points)

7. After Martial Law was declared over Mindanao, police officers arrested Jose Maria without any warrant while shopping for groceries at a supermarket in Mindanao. Jose Maria questioned the validity of the arrest as he had no pending case and was not committing any crime at the time of his arrest. The police officers countered that the declaration of Martial Law suspended the privilege of the writ of *habeas corpus*, and as a result, they could effect warrantless arrests.

Is the contention of the police officers correct? Explain briefly. (5 points)

8. A law was passed exempting the Land Bank of the Philippines (LBP) from the payment of filing fees in collection cases on loans granted by LBP to its borrowers. The Office of the Court Administrator (OCA) of the Supreme Court issued a Memorandum requiring all courts to continue to collect filing fees in collection cases filed by LBP, stating that only the Supreme Court can decide on exemptions from payment of filing fees. LBP assails the OCA Memorandum, arguing that the exemption found in the law is within the plenary power of Congress to enact

legislation. Moreover, the law was approved by the President. Thus, LBP argues that the act of the OCA violates the principle of separation of powers.

Is LBP correct? Explain briefly. (5 points)

9. During a press conference, President Acosta explained that the Executive Department can temporarily take over the operation of any privately owned public utility or business affected with public interest to address the shortage of hospital beds occasioned by the COVID-19 pandemic. She invokes Article XII, Section 17 of the 1987 Philippine Constitution, which provides that: “In times of national emergency, when the public interest so requires, the State may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately owned public utility or business affected with public interest.”

Is President Acosta correct? Explain briefly. (5 points)

10. Lemuel was born in 1988 to a Filipino mother and an American father, as shown in his birth certificate. His parents, however, were not married to each other. Subsequently, his father petitioned for him, as a result of which Lemuel received a certificate of American citizenship and an American passport. In 2022, Lemuel filed a certificate of candidacy to run as Representative of the lone district of Batanes. Ayla, a Filipino citizen and resident of Batanes, filed a petition for disqualification with the Commission on Elections alleging that Lemuel is ineligible to run for public office in the Philippines as Lemuel is an American citizen.

Is Ayla correct? Explain briefly. (5 points)

11. The Commission on Higher Education (CHED) directed higher education institutions to remove materials “that contain pervasive ideologies of Communist-Terrorist Groups” from their libraries. According to the CHED, the materials need to be removed because these would radicalize students against the government.

Is the CHED directive a violation of the institutions’ academic freedom? Explain briefly. (5 points)

12. The Congress passed a law prohibiting the sale and distribution of alcoholic drinks within 100 meters from religious and educational institutions. A city enacted an ordinance increasing the coverage of the prohibition to 150 meters from any religious and educational institution.

Is the city ordinance valid? Explain briefly. (5 points)

13. Pursuant to a law ordering the fixing of “just and reasonable standards, classifications, regulations, practices, or services to be furnished, observed and imposed by operators of public utility vehicles,” the Land Transportation Franchise and Regulatory Board (LTFRB) promulgated and published a regulation that “no car beyond six years shall be operated as a taxi.” Taxi operators assailed the validity of the regulation contending that procedural due process was violated because position

papers were not asked of them and no notice was given to them prior to the issuance of the regulation.

Were the taxi operators denied procedural due process? Explain briefly. (5 points)

14. A foreign commercial ship was spotted by the Philippine Coast Guard dumping garbage and toxic waste 20 nautical miles from Nasugbu, Batangas, the nearest coastline of the Philippines. The officers of the ship were arrested and charged in the Regional Trial Court (RTC) of Batangas for violation of environmental laws of the Philippines. The officers of the ship filed a motion to dismiss the case on the ground that Philippine courts do not have territorial jurisdiction over the case since the vessel was sailing outside the territorial sea of the Philippines when the arrest was made.

Is the ground to dismiss correct? Explain briefly. (5 points)

15. [This item has two questions.] Philippine Medical Center (PMC) is a government hospital created by law to provide healthcare to the general public, especially the less fortunate. To enable PMC to perform its mandate, the national government provided the initial capital, land, buildings, and equipment to PMC. PMC's charter also authorized it, acting through its Board of Trustees: to acquire property; to enter into contracts; to mortgage, encumber, lease, sell, convey, or dispose of its properties; and to do other acts necessary to accomplish its purposes and objectives.

Among the properties of PMC are five lands and buildings located in Quezon City. The Quezon City assessor issued notices of assessment for real property taxes (RPT) against PMC's properties that are being leased to private concessionaires. According to the city assessor, PMC's properties leased to private entities are subject to RPT because these properties are not being exclusively used for charitable purposes. PMC, on the other hand, claims that, as a government instrumentality imbued with corporate powers, it is exempt from RPT.

(a) Is PMC liable for the assessed RPT over the leased properties? Explain briefly.

(b) Supposing PMC is correct that it is not liable for RPT, may the city assessor assess the lessees for the RPT due on PMC's leased properties? Explain briefly.

(5 points)