



Republic of the Philippines  
Supreme Court  
Manila

**OFFICE OF THE 2026 BAR CHAIRPERSON**

**BAR BULLETIN No. 1**  
October 16, 2025

**CONDUCT OF THE 2026 BAR EXAMINATIONS:  
MODALITY, SCHEDULE, COVERAGE, AND SYLLABI**

The Constitution vests in the Supreme Court the solemn duty to safeguard the gateway to the legal profession. In fulfillment of this mandate, the Court remains steadfast in ensuring that the Bar Examinations evolve and stay relevant, and conscientious in administering them in such a way that every qualified Filipino, regardless of location or circumstance, has equal opportunity to pursue their calling.

The conduct of the 2026 Bar Examinations is guided by the Strategic Plan for Judicial Innovations 2022-2027 (SPJI), which serves as the Court's roadmap for enhancing inclusivity, accessibility, and efficiency in the Judiciary for all stakeholders. The SPJI embodies a commitment to modernizing how aspiring lawyers are assessed in their competence while upholding the highest standards of excellence and integrity that have long defined the institution.

The reforms implemented in the previous Bar Examinations – from 2020/2021 to 2025 – have proven their value and are no longer interim measures. They have been codified through A.M. No. 24-10-05-SC,<sup>1</sup> amending Rule 138 of the Rules of Court. This landmark enactment guarantees that the gains achieved in recent years have been incorporated as salient features of the bar admission process, aimed to benefit not only this batch but those who will follow.

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<sup>1</sup> Re: 2025 Proposed Amendments to Rule 138 of the Rules of Court, approved on August 12, 2025.

## *Modality*

The 2026 Bar Examinations shall be localized and digitalized. The examinations shall be conducted in local testing centers across the country<sup>2</sup> and administered by electronic means, using an appropriate, secure, and reliable assessment platform.<sup>3</sup>

## *Schedule and Coverage*

Barring any unforeseeable circumstance or fortuitous event that might warrant rescheduling, the 2026 Bar Examinations shall follow a compressed schedule of three (3) days<sup>4</sup> on September 6, 9, and 13, 2026.

The examinations shall cover six (6) core subjects,<sup>5</sup> with two (2) subjects taken per day. The morning session shall be from 8:00 a.m. to 12:00 noon, and the afternoon session shall be from 2:00 p.m. to 6:00 p.m. The complete schedule, subjects, and respective weights are presented in the table below.<sup>6</sup>

<b>DAY 1</b>		
<b>September 6, 2026 (Sunday)</b>		
AM	Political and Public International Law	15%
PM	Commercial and Taxation Laws	20%
<b>DAY 2</b>		
<b>September 9, 2026 (Wednesday)</b>		
AM	Civil Law and Land Titles and Deeds	20%
PM	Labor Law and Social Legislation	10%
<b>DAY 3</b>		
<b>September 13, 2026 (Sunday)</b>		
AM	Criminal Law	10%
PM	Remedial Law, Legal and Judicial Ethics, with Practical Exercises	25%

Attached to this Bulletin are the comprehensive syllabi of the core subjects, setting out specific provisions of law and key legal principles. All examination questions shall be sourced only from laws, rules, issuances, and jurisprudence as of **June 30, 2025**.

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<sup>2</sup> Section 9, Rule 138, as amended.

<sup>3</sup> Section 8, Rule 138, as amended.

<sup>4</sup> Section 9, Rule 138, as amended.

<sup>5</sup> Section 7, Rule 138, as amended.

<sup>6</sup> Sections 9 and 10, Rule 138, as amended.

Laws that were repealed or superseded on or before the cut-off date are automatically excluded from the coverage. For jurisprudence, examinees are expected to master only the doctrines and dispositions rendered in the main opinion. Concurring and dissenting opinions are not included unless specifically indicated in the syllabi. Computations may be required for certain topics; however, they shall be grounded in a theoretical understanding of the concepts and necessitate only basic mathematical skills.

### *Examiners and Other Matters*

A committee of examiners, composed of the 2026 Bar Chairperson and the Bar Examiners, shall oversee the 2026 Bar Examinations.<sup>7</sup> Upon careful consideration, four (4) examiners shall be assigned per subject. This structure allows for comprehensive evaluation, reliability in grading, and diverse perspectives in the assessment process.

The examinations shall consist of twenty (20) straightforward, essay-type questions across all subjects, with a single question per number. Answers shall be graded from zero percent (0%) to one hundred percent (100%), or five percent (5%) per question. An examinee must obtain a general average of seventy-five percent (75%) in all subjects to successfully pass the 2026 Bar Examinations.<sup>8</sup>

The examination questions shall focus on critical thinking skills essential to legal practice and responsive to the modern demands of the legal profession. The questions shall likewise integrate contemporary issues and technology-related legal matters. They are designed to test not only the examinees' fundamental knowledge of the law and its practical application, but also to gauge their readiness to dispense justice, serve the people, and contribute to the nation.

Details relating to the application requirements and procedures, software specifications, venues of local testing centers, and other guidelines in the conduct of the 2026 Bar Examinations shall be provided in subsequent Bar Bulletins.

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

Queries and concerns may be directed to the Office of the Bar Confidant (OBC) Help Desk at (02) 8552 9690.

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<sup>7</sup> Section 12, Rule 138, as amended.

<sup>8</sup> Section 10, Rule 138, as amended.

Applicants and the public are enjoined to rely exclusively on the following official sources for verified, accurate, and updated information regarding the 2026 Bar Examinations:

Microsite: <https://sc.judiciary.gov.ph/bar-2026/>  
Facebook: <https://facebook.com/SupremeCourtPhilippines/>  
Instagram: <https://instagram.com/supremecourtph/>  
Twitter/X: [https://x.com/SCPh\\_PIO](https://x.com/SCPh_PIO)  
Viber Channel: <https://tinyurl.com/2026BarExamsOfficial>

All stakeholders are reminded to exercise due diligence and guard against misinformation and disinformation that may circulate through unofficial sources.

### **Courage to Start with Purpose**

To the 2026 Bar Aspirants:

Your dream has led you to this moment.

The decision to pursue a career in law is not one made lightly. It has cost you years of your life and pieces of yourself you may never get back. It has demanded everything from you – your mind, your heart, your very soul.

This is not a test for the weak. Yet you are here, not by chance, but by choice, because you believe in the power of your purpose.

Let me be clear: success in the Bar Examinations is not handed out. It is forged. It is **#SuccessAchievedthroughMerit** – earned through hard work, dedication, unshakeable integrity, and a refusal to settle for anything less than excellence. No shortcuts. No substitutes. No free passes. Only merit.

From my end, I give you more than procedures and protocols. I offer you a process that honors your efforts and a level playing field where only your competence and character will determine the outcome. I am and will be with you every step in your journey. So **#StrivewithHopeandGrit** – you do not walk this path alone.

I promise you an #AweSAMbar2026 – a crucible worthy of your sacrifice, a proving ground to reveal the best of who you are.

Your time is NOW.

A handwritten signature in black ink, appearing to read 'S. H. Gaerlan', with a long horizontal line extending to the left.

**SAMUEL H. GAERLAN**  
Associate Justice, Supreme Court of the Philippines  
*Chairperson, 2026 Bar Examinations*

# **SYLLABUS FOR THE 2026 BAR EXAMINATIONS**

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

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2025** shall be considered examinable materials within the coverage of the 2026 Bar Examinations.

### **I. BASIC CONCEPTS**

- A. Nature, Concept, and Interpretation of a Constitution
- B. Amendment and Revision
- C. Declaration of Principles and State Policies
- D. Sovereignty
- E. State Immunity
- F. Separation of Powers
- G. Checks and Balances
- H. Delegation of Powers
- I. Fundamental Powers of the State
  - 1. Police Power
  - 2. Eminent Domain (in relation to Republic Act [R.A.] No. 10752)
  - 3. Taxation

### **II. NATIONAL TERRITORY**

- A. Scope (Terrestrial, Fluvial, and Aerial Domains)
- B. Archipelagic Doctrine
- C. Maritime Zones

### **III. CITIZENSHIP**

- A. Who are Filipino Citizens
- B. Modes of Acquiring Citizenship
- C. Natural-born and Naturalized Citizens
- D. Loss and Re-acquisition of Philippine Citizenship
  - 1. R.A. No. 9225
- E. Dual Citizenship and Dual Allegiance

### **IV. LEGISLATIVE DEPARTMENT**

- A. Legislative Power
  - 1. Scope and Limitations

2. Principle of Non-delegability; Exceptions
  3. Initiative and Referendum
  4. Legislative Inquiries and Oversight Functions
  5. Power of Impeachment
  6. Limitations on Legislative Power
  7. Limitations on Revenue, Appropriations, and Tariff
  8. Presidential Veto and Congressional Override
  9. Appropriation and Realignment
- B. Chambers of Congress; Composition; Qualifications
1. Senate
  2. House of Representatives
    - a. Apportionment of Legislative Districts
    - b. Party-list System
- C. Declaration of the Existence of a State of War
- D. Legislative Privileges, Inhibitions, and Disqualifications
- E. Quorum and Voting Majorities
- F. Discipline of Members
- G. Lawmaking Process
- H. Commission on Appointments

## V. EXECUTIVE DEPARTMENT

- A. Qualifications, Election, and Term of the President and Vice-President
- B. Privileges, Inhibitions, and Disqualifications
1. Presidential Immunity
  2. Executive Privilege
- C. Powers of the President
1. General Executive and Administrative Powers
  2. Power of Appointment
    - a. Process of Confirmation by the Commission on Appointments
    - b. Bypassed Appointments and their Effects
    - c. Appointments by an Acting President
    - d. Scope of Midnight Appointments
    - e. *Ad Interim* Appointments
    - f. Disciplinary Power (Suspension and Removal)
  3. Power of Control and Supervision
    - a. Doctrine of Qualified Political Agency
    - b. Executive Departments and Offices
    - c. Local Government Units (LGUs)
  4. Emergency Powers
  5. Commander-in-Chief Powers
    - a. Calling Out Power
    - b. Declaration of Martial Law and Suspension of the Privilege of the Writ of *Habeas Corpus*; Extension and Revocation
  6. Pardoning Power
    - a. Scope and Limitations

- b. Forms of Executive Clemency
- 7. Diplomatic Powers
  - a. In General
  - b. Contracting or Guaranteeing Foreign Loans
  - c. Entry into Treaties or International Agreements; Withdrawal and Termination
- 8. Powers Relative to Appropriation Measures
- 9. Delegated Powers
- 10. Residual Powers
- 11. Veto Powers
- D. Rules of Succession

## **VI. JUDICIAL DEPARTMENT**

- A. Concept of Judicial Power
- B. Judicial Review
  - 1. Requisites
  - 2. Political Question 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
    - a. Power to Promulgate Rules
  - 2. Original and Appellate Jurisdiction
  - 3. *En Banc* and Division Cases
  - 4. Administrative Supervision over Lower Courts

## **VII. CONSTITUTIONAL COMMISSIONS**

- A. Constitutional Safeguards to Ensure Independence
- B. Common Provisions
- C. Powers, Functions, and Jurisdiction
- D. Composition and Qualifications of Members
- E. Prohibited Offices and Interests

## **VIII. CONSTITUTIONAL RIGHTS**

- A. Due Process
  - 1. Procedural and Substantive

- 2. Void-for-Vagueness
- 3. Judicial and Administrative Due Process
- B. Equal Protection
  - 1. Requisites for Valid Classification
  - 2. Standards of Judicial Review
    - a. Rational Basis Test
    - b. Strict Scrutiny Test
    - c. Intermediate Scrutiny Test
- C. Arrests, Searches, and Seizures
  - 1. Requisites of a Valid Warrant
  - 2. Warrantless Arrests and Searches
  - 3. Exclusionary Rule
- D. Privacy of Communications and Correspondence
  - 1. Zones of Privacy
  - 2. Exclusionary Rule
  - 3. Data Privacy – R.A. No. 10173
    - a. Personal v. Sensitive Personal Information
    - b. Scope
    - c. Processing of Personal and Sensitive Personal Information; Lawful Basis
    - d. General Data Privacy Principles
    - e. Rights of the Data Subject
- E. 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. Protected v. Unprotected Speech
  - 5. State Regulation of Different Types of Mass Media
- F. Freedom of Religion
  - 1. Non-establishment and Free Exercise Clauses
- G. Liberty of Abode and Right to Travel
  - 1. Watchlist and Hold Departure Orders
- H. Right to Information
  - 1. Executive Order No. 2, s. 2016 on Freedom of Information
  - 2. R.A. No. 11032 (Ease of Doing Business Act)
- I. Right to Association
- J. Non-impairment of Contracts
- K. Free Access to Courts and Adequate Legal Assistance
- L. Custodial Investigation
  - 1. Requisites of a Valid Waiver and the Exclusionary Rule
  - 2. Rights of Persons Arrested, Detained, or Under Custodial Investigation under R.A. No. 7438
- M. Rights of the Accused

- N. Right to Speedy Trial and Speedy Disposition of Cases
- O. Right Against Self-incrimination
- P. Right Against Double Jeopardy
- Q. Right Against Involuntary Servitude
- R. Right Against Excessive Fines, and Cruel and Inhuman Punishments
- S. Non-imprisonment for Debts
- T. *Ex Post Facto* Laws and Bills of Attainder
- U. Writs of *Habeas Corpus*, *Kalikasan*, *Habeas Data*, and *Amparo*
- V. Social Justice and Human Rights
- W. Economic, Social, and Cultural Rights
- X. Academic Freedom

## **IX. NATIONAL ECONOMY AND PATRIMONY**

- A. Regalian Doctrine – *Republic v. Pasig Rizal Co. Inc.*, G.R. No. 213207, February 15, 2022; all Opinions
- B. Public Trust Doctrine – R.A. No. 11659 (New Public Service Act)
- C. Nationality and Citizenship Requirement Provisions
- D. Exploration, Development, and Utilization of Natural Resources
- E. Acquisition, Ownership, and Transfer of Public and Private Lands
- F. Ancestral Domain – R.A. No. 8371, Chapters I-III

## **X. ADMINISTRATIVE LAW**

- A. General Principles
- B. Administrative Agencies
- C. Powers of Administrative Agencies
  - 1. Quasi-legislative or Rule-making Power
    - a. Kinds of Administrative Rules and Regulations
    - b. Requisites for Validity
  - 2. Quasi-judicial or 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. Primary Jurisdiction
  - 2. Exhaustion of Administrative Remedies
  - 3. Finality of Administrative Action

## **XI. 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. Immunity of Public Officers
- I. *De Facto* and *De Jure* Officers
- J. Termination of Official Relation
- K. The Civil Service
  - 1. Scope
  - 2. Appointments to the Civil Service
  - 3. Personnel Actions
- L. Accountability of Public Officers
  - 1. Types of Accountability
  - 2. Discipline
    - a. Grounds
    - b. Jurisdiction
    - c. Dismissal, Preventive Suspension, Reinstatement, and Back Salaries
    - d. Condonation Doctrine
  - 3. Impeachment and *Quo Warranto*
  - 4. Ombudsman and Special Prosecutor – 1987 Constitution, Art. XI in relation to R.A. No. 6770
    - a. Functions
    - b. Judicial Review in Administrative Proceedings
    - c. Judicial Review in Penal Proceedings
  - 5. Sandiganbayan

## XII. 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. Duties of the Commission on Elections (COMELEC)
  - 3. Ministerial Duty of COMELEC to Receive Certificates of Candidacy
  - 4. Eligibility and Material Misrepresentation
  - 5. Withdrawal of Certificates of Candidacy

6. Effects of Denial and Cancellation of Certificate of Candidacy due to Material Misrepresentation
  7. Substitution of Candidates
  8. Nuisance Candidates and Effects of Declaration of Nuisance Candidacy
  9. Disqualification of Candidates; Effects
- 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*
  7. Recall
- E. Electoral Tribunals
- F. Prosecution of Election Offenses (Exclude: Penal Provisions)

### **XIII. LOCAL GOVERNMENTS**

- A. Principles of Local Autonomy
- B. Requisites for Creation, Conversion, Division, Merger, or Dissolution
- C. Autonomous Regions and their Relation to the National Government
- D. Local Government Units
1. Powers
    - a. Police Power
    - b. Eminent Domain
    - c. Taxation
    - d. Closure and Opening of Roads
    - e. Local Legislation
    - f. Corporate Powers
    - g. *Ultra Vires* Acts
  2. Liability
  3. Settlement of Boundary Disputes
  4. Vacancies and Succession of Local Officials
  5. Recall
  6. Term Limits
- E. Local Elective and Appointive Officials

## **XIV. PUBLIC INTERNATIONAL LAW**

- A. Sources of International Law
  - 1. Statute of the International Court of Justice
  - 2. Effect of United Nations Declarations and Security Council Resolutions
  - 3. Effect of Actions of Organs of International Organizations Created by Treaty
- B. Sources of International Legal Obligation
  - 1. Treaties
  - 2. Customary International Law
  - 3. Principles of Law
- C. Subjects of International Law
- D. Relationship Between International and Domestic Law
- E. Jurisdiction of States
  - 1. Basis
    - a. Territoriality Principle
    - b. Nationality Principle and Statelessness
    - c. Protective Principle
    - d. Universality Principle
    - e. Passive Personality Principle
  - 2. Exemptions
    - a. Act of State Doctrine
    - b. International Organizations and their Officers
    - c. Diplomatic and Consular Law
- F. General Principles of Treaty Law
- G. Doctrine of State Responsibility
- H. Treatment of Aliens
  - 1. Extradition
    - a. Fundamental Principles
    - b. Procedure
    - c. Distinguished from Deportation
- I. International Human Rights Law
  - 1. Universal Declaration of Human Rights
  - 2. International Covenant on Civil and Political Rights
  - 3. International Covenant on Economic, Social, and Cultural Rights
- J. International Humanitarian Law
  - 1. Categories of Armed Conflicts
    - a. International Armed Conflicts
    - b. Internal or Non-international Armed Conflict
    - c. War of National Liberation
    - d. Dispute Resolution
  - 2. War Crimes, Genocide, and Other Crimes Against Humanity
  - 3. The Role of the International Criminal Court
- K. Dispute Resolution
  - 1. International Court of Justice

2. Permanent Court of Arbitration
  3. Peaceful Settlement of International Disputes
  4. Use of Force Short of War
  5. War and Neutrality
    - a. Treatment of Civilians
    - b. Prisoners of War
- L. Law of the Sea
1. International Tribunal for the Law of the Sea
  2. Freedom of Navigation
  3. Maritime and Territorial Disputes
- M. International Environmental Law
1. Principle 21 of the Stockholm Declaration
  2. Precautionary Principle

— NOTHING FOLLOWS —

# SYLLABUS FOR THE 2026 BAR EXAMINATIONS

## COMMERCIAL AND TAXATION LAWS (20%)

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2025** shall be considered examinable materials within the coverage of the 2026 Bar Examinations.

### I. BUSINESS ORGANIZATIONS

#### A. Corporations – R.A. No. 11232

1. Definition of Corporation
2. Classes of Corporations
3. Nationality of Corporations
  - a. Control Test
  - b. Grandfather Rule
4. Juridical Personality
  - a. 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. Promoters
    - i. Liability
    - ii. Liability of Corporation for Promoters' Contracts
  - b. Subscription Contract
  - c. Pre-incorporation Subscription Agreements
  - d. Consideration for Stocks
  - e. Articles of Incorporation
  - f. Classification of Shares
  - g. Corporate Name and Limitations on its Use
  - h. Registration, Incorporation, and Commencement of Corporate Existence
    - i. *De Facto* Corporation
    - ii. Corporation by Estoppel
    - iii. Election of Directors or Trustees
  - i. By-laws
  - j. Effects of Non-use of Corporate Charter
7. Corporate Powers
8. Stockholders and Members
  - a. Doctrine of Equality of Shares
  - b. Fundamental Rights of a Stockholder
  - c. Participation in Management; Voting Requirements

- d. Stockholder's Rights
- e. Stockholder Suits
- f. Meetings
- 9. Directors and Trustees
  - a. Repository of Corporate Powers
  - b. Tenure, Qualifications, and Disqualifications
  - c. Independent Directors
  - d. Election, Removal, and Filling of Vacancies
  - e. Compensation
  - f. Disloyalty
  - g. Business Judgment Rule
  - h. Liabilities and Responsibilities
  - i. Special Fact Doctrine; Inside Information
  - j. Directors Self-dealing with the Corporation
  - k. Dealings between Corporations with Interlocking Directors
- 10. Capital Affairs
  - a. Certificate of Stock
  - b. Watered Stocks
    - i. Definition
    - ii. Liability of Directors
    - iii. Trust Fund Doctrine
  - c. Payment of Balance of Subscription
  - d. Sale of Delinquent Shares
  - e. Transfer of Shares
  - f. Corporate Books and Records
  - g. Securities – R.A. No. 8799
    - i. Regulatory Framework – Secs. 8-10
    - ii. Definition of Security; Howey Test – Sec. 3
    - iii. Registration of Securities
      - (a) Exempt Securities
      - (b) Exempt Transactions
- 11. Merger, Consolidation, and Acquisition – relate to R.A. No. 10667
  - a. Concept – Sec. 4
    - i. Asset-only and Business Enterprise Transfers
  - b. Review – Sec. 16
    - i. Compulsory Notification – Secs. 17-19
    - ii. Prohibited Mergers and Acquisitions – Secs. 20-22
  - c. Effects
- 12. Corporate Dissolution and Liquidation
- 13. Foreign Corporations
  - a. Suability and Personality to Sue
  - b. Foreign Investments – R.A. No. 7042, as amended by R.A. No. 8179 and R.A. No. 11647
    - i. Doing Business in the Philippines
    - ii. Definition of Foreign Investment
    - iii. Registration Requirement

iv. Nationalized Activities and the Negative List

14. Special Corporations

- a. Close Corporations
- b. Non-stock Corporations
- c. Educational Corporations
- d. Religious Corporations
- e. One Person Corporations
  - i. Excepted Corporations
  - ii. Capital Stock Requirement
  - iii. Articles of Incorporation and By-laws
  - iv. Corporate Name
  - v. Corporate Structure and Officers
  - vi. Nominee
  - vii. Liability
  - viii. Conversion of Corporation

B. Partnerships

1. General Provisions

- a. Definition and Separate Juridical Personality
- b. Rules to Determine Existence
- c. Separate Juridical Personality
- d. Partnership by Estoppel
- e. Kinds of Partnership

2. Obligations of Partners among Themselves

3. Property Rights of Partners

4. Obligations of Partnership; Obligations of Partners to Third Persons

5. Dissolution and Winding Up

## II. INSURANCE

Presidential Decree [P.D.] No. 612, as amended by R.A. No. 10607

A. Concept of Insurance

B. Insurable Interest

C. Concealment

D. Representation

E. Policy

F. Warranties

G. Premium

H. Loss

I. Notice and Proof of Loss

J. Double Insurance and Overinsurance

K. Reinsurance

L. Rescission of Insurance Contracts

### **III. TRANSPORTATION**

- A. Common Carriers
  - 1. Common Carrier v. Private Carrier
  - 2. Diligence Required
  - 3. Transport Network Services
  - 4. Defenses Available to a Common Carrier
- B. Vigilance over Goods
  - 1. Under the Civil Code
  - 2. Under the Montreal Convention
  - 3. Under the Carriage of Goods by Sea Act
- C. Safety of Passengers
  - 1. Under the Civil Code
  - 2. Under the Montreal Convention
  - 3. Under the Carriage of Goods by Sea Act

### **IV. BANKING**

- A. Secrecy of Bank Deposits – R.A. No. 1405 and R.A. No. 6426, as amended
  - 1. Purpose
  - 2. Prohibited Acts
  - 3. Coverage and Exceptions
  - 4. Garnishment of Deposits, including Foreign Deposits
- B. General Banking Law – R.A. No. 8791
  - 1. Definition and Classification of Banks
  - 2. Distinction among Banks, Quasi-banks, and Trust Entities
  - 3. Nature of Bank Funds and Bank Deposits
  - 4. Diligence Required of Banks
  - 5. Prohibited Transactions by Bank Directors, Officers, and Employees
  - 6. Stipulation on Interest
- C. Deposit Insurance – R.A. No. 3591, as amended by R.A. No. 11840
  - 1. Definition of Insured Deposit
  - 2. Deposit Insurance Coverage
  - 3. Splitting of Deposits
- D. Anti-Money Laundering – R.A. No. 9160, as amended by R.A. No. 9194, R.A. No. 10167, R.A. No. 10365, R.A. No. 10927, and R.A. No. 11521
  - 1. Policy
  - 2. Covered Institutions and their Obligations
  - 3. Covered Transactions
  - 4. Suspicious Transactions
  - 5. Safe Harbor Provision
  - 6. Money Laundering
    - a. How Committed
    - b. Predicate Crimes or Unlawful Activity
  - 7. Authority to Inquire, Freezing, and Forfeiture

E. The Central Bank – R.A. No. 7653, as amended by R.A. No. 11211

1. State Policies
2. Powers and Functions of the Monetary Board
3. Banks in Distress
  - a. Conservatorship
  - b. Closure
  - c. Receivership
  - d. Liquidation

**V. INTELLECTUAL PROPERTY**

R.A. No. 8293, as amended by  
R.A. No. 9150, R.A. No. 9502, and R.A. No. 10372

A. Patents

1. Patentable v. Non-patentable Inventions
2. Ownership of a Patent
3. Rights Conferred
4. Limitations
5. Infringement
6. Cancellation
7. True and Actual Inventor's Remedy
8. Licensing
9. Assignment and Transmission of Rights

B. Trademarks

1. Marks v. Collective Marks v. Trade Names
2. Acquisition of Ownership
3. Non-registrable Marks
4. Ownership, Registration, and Duration
5. Confusing Similarity
6. Well-known Marks
7. Rights Conferred by Registration
8. Infringement
9. Unfair Competition
10. Cancellation

C. Copyright

1. Basic Principles – Secs. 172.2, 175, and 181
2. Copyrightable Works
3. Non-copyrightable Works
4. Rights Conferred by Copyright
5. Ownership of a Copyright
6. Limitations on Copyright
7. Fair Use
8. Copyright Infringement

## VI. SPECIAL COMMERCIAL LAWS

- A. R.A. No. 10142 (Financial Rehabilitation and Insolvency Act)
  - 1. Definition of Insolvent
  - 2. Rehabilitation
    - a. Key Concepts
    - b. Effects of Commencement Order and Exceptions
    - c. Cram Down Effect
  - 3. Liquidation and Effects of Liquidation Order
  - 4. Suspension of Payments
- B. R.A. No. 8792 (Electronic Commerce Act)
  - 1. Legal Recognition of Electronic Data Messages, Documents, and Signatures – Secs. 6-11
  - 2. Lawful Access and Obligation of Confidentiality – Sec. 32
- C. Commonwealth Act No. 146, as amended by R.A. No. 11659 (Public Service Act)
  - 1. Critical Infrastructure – R.A. No. 11659, Sec. 2(e)
  - 2. Foreign State-owned Enterprise – R.A. No. 11659, Sec. 2(g)
  - 3. Public Service as Public Utility – R.A. No. 11659, Sec. 4
  - 4. Unlawful Acts – R.A. No. 11659, Sec. 9
  - 5. Suspensive and Prohibitory Powers of the President – R.A. No. 11659, Sec. 23
  - 6. Investments by an Entity Controlled by or Acting on Behalf of a Foreign Government, or Foreign State-Owned Enterprises – R.A. No. 11659, Sec. 24
  - 7. Reciprocity Clause – R.A. No. 11659, Sec. 25
- D. R.A. No. 10667 (Philippine Competition Act)
  - 1. Definitions and Scope of Application – Sec. 4
  - 2. Prohibited Acts
    - a. Anti-competitive Agreements – Sec. 14
      - i. *Per Se* Violations
      - ii. Not *Per Se* Violations
    - b. Abuse of Dominant Position – Sec. 15
  - 3. Determining the Relevant Market – Secs. 4(k) and 24
  - 4. Determining Control or Dominance of Market – Secs. 25 and 27
  - 5. Determining Existence of Anti-competitive Conduct – Sec. 26

## VIII. TAXATION LAW

- A. General Principles
  - 1. Concept and Definition of Taxation
  - 2. Inherent and Constitutional Limitations of Taxation
  - 3. Requisites of a Valid Tax
  - 4. Lifeblood Doctrine; Manifestations; Prohibition on Compensation and Set-off, Impact, and Effect

5. Authority of Congress, Secretary of Finance, and Commissioner of Internal Revenue (CIR)
  6. Construction and Interpretation of Tax Laws, Rules, and Regulations
  7. Double Taxation
  8. Escape from Taxation
  9. Tax Exemption
  10. Compromise and Tax Amnesty
  11. Taxpayer's Suit: Rationale and Requisites
- B. National Taxation – National Internal Revenue Code of 1997 [NIRC], as amended
1. Jurisdiction, Powers, and Functions of the Bureau of Internal Revenue
  2. Income Tax
    - a. Nature and General Principles
      - i. Criteria in Imposing Philippine Income Tax
      - ii. Kinds of Taxpayers
    - b. Income
      - i. Definition
      - ii. Realization and Recognition
      - iii. Taxability
      - iv. Sources
        - (a) Compensation Income
        - (b) Professional Income
        - (c) Income from Business
          - (1) Active v. Passive Income
        - (d) Income from Dealings in Property
          - (1) Capital v. Ordinary Asset
        - (e) Situs of Income Taxation
        - (f) Gross Income v. Net Income v. Taxable Income
          - (1) Tax Deductions v. Tax Credits
          - (2) Optional Standard Deduction
        - (g) Withholding Taxes
          - (1) Rationale
          - (2) Creditable v. Withholding Taxes
          - (3) Duties of a Withholding Agent
  3. Value-Added Tax (VAT)
    - a. Concept
    - b. Elements of Transaction Subject to VAT
    - c. Impact and Incidence of Tax
    - d. Destination Principle; Cross-Border Doctrine
    - e. Transactions Deemed Sale Subject to VAT
    - f. Zero-rated Transactions
    - g. VAT Exempt Persons v. VAT Exempt Transactions
    - h. Input and Output Tax
    - i. Tax Refund or Tax Credit
  4. Estate Tax (Basic Principles and Concepts only)
  5. Donor's Tax (Basic Principles and Concepts only)

## 6. Tax Remedies under the NIRC

### a. General Concepts

- i. Tax Deficiency v. Tax Delinquency
- ii. Tax Evasion

### b. Civil Penalties

- i. Deficiency Interest and Delinquency Interest
- ii. Surcharge
- iii. Compromise Penalty

### c. Assessment Process

- i. Letter of Authority
- ii. Submission of Supporting Documents by Taxpayer
- iii. Notice of Discrepancy
- iv. Issuance of Preliminary Assessment Notice
- v. Issuance of Formal Letter of Demand or Final Assessment Notice
  - (a) Prescriptive Period for Assessment
    - (1) False Return v. Fraudulent Return v. Non-filing
  - (b) Suspension of the Running of Statute of Limitations

### d. Collection Process

- i. Requisites
- ii. Prescriptive Periods

### e. Taxpayers' Remedies

- i. Protesting an Assessment
  - (a) Period to File Protest
  - (b) Effect of Failure to File Protest
- ii. Submission of Supporting Documents by Taxpayer
- iii. Decision of the Commissioner on the Protest
  - (a) Period to Act Upon or Decide
  - (b) Remedies in Case of CIR's Denial or Failure to Act
  - (c) Effect of Failure to Appeal
- iv. Compromise and Abatement of Taxes
- v. Recovery of Tax Erroneously or Illegally Collected
  - (a) Grounds, Requisites, and Period for Filing a Claim for Refund or Issuance of a Tax Credit Certificate
  - (b) Proper Party to File Claim for Refund or Tax Credit

### f. Government Remedies

- i. Administrative Remedies
  - (a) Tax Lien
  - (b) Distrain and Levy
  - (c) Forfeiture of Real Property
  - (d) Suspension of Business Operation
- ii. Judicial Remedies
  - (a) Civil Action
  - (b) Criminal Action

## C. Local Taxation – R.A. No. 7160

### 1. General Principles – Secs. 130 and 132

2. Common Limitations on the Taxing Powers of Local Government Units – Sec. 133
3. Validity of Local Tax Ordinance – Sec. 187
4. Assessment and Collection of Local Taxes – Sec. 194
  - a. Remedies of Local Government Units
  - b. Prescriptive Period
  - c. Injunction
5. Taxpayers' Remedies
  - a. Protest – Sec. 195
  - b. Refund or Credit – Sec. 196
  - c. Court Action
6. Local Taxes
  - a. Professional Tax – Sec. 139
  - b. Local Business Tax – Secs. 143, 145, and 146
  - c. Community Tax – Secs. 157-160
  - d. Real Property Taxation (Book II, Title II)
    - i. Fundamental Principles; Nature; Power to Levy
    - ii. Exemption from Real Property Tax – Sec. 234
    - iii. Appraisal and Assessment
    - iv. Collection
    - v. Taxpayers' Remedies
      - (a) Against Assessment
        - (1) Payment Under Protest; Exceptions
        - (2) Compromise of Assessment
      - (b) Against 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

#### D. Judicial Remedies

1. Court of Tax Appeals (CTA)
  - a. Exclusive Original and Appellate Jurisdiction Over Civil Cases
  - b. Exclusive Original and Appellate Jurisdiction Over Criminal Cases
2. Procedures
  - a. Action for Collection of Taxes
    - i. National Taxes
    - ii. Local Taxes
  - b. Civil Cases
    - i. Who May Appeal, Mode of Appeal, and Effect of Appeal
    - ii. Suspension of Collection of Taxes
    - iii. Injunction Not Available to Restrain Tax Collection
  - c. Criminal Cases
    - i. Institution and Prosecution of Criminal Action
    - ii. Institution of Civil Action in Criminal Action
    - ii. Period to Appeal

- d. Appeal to the CTA *En Banc*
- e. Petition for Review on *Certiorari* to the Supreme Court

— **NOTHING FOLLOWS** —

# SYLLABUS FOR THE 2026 BAR EXAMINATIONS

## CIVIL LAW AND LAND TITLES AND DEEDS (20%)

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to the topics in this syllabus as of **June 30, 2025** are examinable materials within the coverage of the 2026 Bar Examinations.

Unless otherwise indicated in the headings or in the entries themselves, the provisions of law cited below refer to the Civil Code of the Philippines (NCC).

### I. EFFECT AND APPLICATION OF LAWS

- A. When Laws Take Effect – NCC, Art. 2
- B. Ignorance of the Law – NCC, Art. 3
- C. Retroactivity of Laws – NCC, Art. 4
- D. Mandatory and Prohibitory Laws – NCC, Art. 5
- E. Waiver – NCC, Art. 6
- F. Repeal and Nullification of Laws – NCC, Art. 7
  - 1. Operative Fact Doctrine
- G. Judicial Decisions – NCC, Art. 8
- H. Legal Periods – NCC, Art. 13; Revised Administrative Code of 1987, Book I, Chapter VIII, Sec. 31
- I. Territoriality of Penal Laws – NCC, Art. 14
- J. Conflict of Laws – NCC, Arts. 15-18
  - 1. *Lex Nationalii*
  - 2. *Lex Rei Sitae*
  - 3. *Lex Contractus*
  - 4. *Lex Loci Celebrationis*
  - 5. *Lex Domicilii*
  - 6. *Lex Fori*
  - 7. *Lex Loci Delicti*
  - 8. *Lex Loci Solutionis*
  - 9. *Renvoi*

### II. PERSONS

- A. Juridical Capacity
  - 1. Acquisition
    - a. Natural Persons
    - b. Juridical Persons – NCC, Art. 44
      - i. The State and its Political Subdivisions
      - ii. Corporations – R.A. No. 11232, Secs. 2, 4, and 18
      - iii. Cooperatives – R.A. No. 9520, Arts. 3, 4(4), 9, and 16

B. Capacity to Act

1. Presumption of Existence
2. Acquisition – R.A. No. 6809
3. Restrictions
  - a. Further Restrictions Arising from Minority – R.A. No. 11596

**III. FAMILY RELATIONS**

Family Code of the Philippines (FC) – Executive Order No. 209, as amended

A. Marriage – FC, Articles 1-148; 1987 Constitution, Art. II, Sec. 12 and Art. XV

1. General Principles
  - a. State Policy on Marriage
  - b. Essential and Formal Requisites of Marriage
  - c. Effects of Absence, Defect, or Irregularity of the Requisites
  - d. Rights and Obligations Between Husband and Wife
2. Validity of Marriages Celebrated Abroad
3. Mixed Marriages and Foreign Divorce
4. Void Marriages
5. Voidable Marriages
6. Legal Separation
7. Property Relations between the Spouses

B. Family Relations

1. General Concepts – FC, Arts. 149-151
2. Paternity and Filiation – FC, Arts. 163-182; R.A. No. 9255; R.A. No. 9858
3. Adoption and Care of Children
  - a. Domestic Adoption – R.A. No. 11642
    - i. Who may Adopt
    - ii. Who may be Adopted
    - iii. Process
    - iv. Effects
    - v. Rescission
  - b. Inter-country Adoption – R.A. No. 8043
  - c. Foundlings – R.A. No. 11767
    - i. Citizenship
    - ii. Registration
    - iii. Adoption
    - iv. Recovery by Biological Parents or Legal Guardian
    - v. Safe Haven
4. Support – FC, Arts. 194-208
5. Family Home – FC, Arts. 152-162
6. Parental Authority – FC, Arts. 209-233

**IV. CIVIL REGISTER**

A. Required Entries – NCC, Arts. 407-408

## B. Correction of Entries

1. Rule 108, Rules of Court
2. R.A. No. 9048, as amended by R.A. No. 10172
3. R.A. No. 11909
4. Rectification of Simulated Births – R.A. No. 11222
5. Prohibition on Collateral Attack on Personal Status through Correction of Entries

## V. PROPERTY, OWNERSHIP, AND ITS MODIFICATIONS

### A. Property

1. Requisites
2. Classification of Property
  - a. According to Nature
    - i. Immovable Property
    - ii. Movable Property
  - b. According to Ownership
    - i. Property of Private Ownership
    - ii. Property of Public Dominion
      - (a) Water Resources
        - (1) Ownership – NCC, Arts. 502-503; P.D. No. 1067, Arts. 5-8
        - (2) Use of Public Waters – NCC, Arts. 504-506; P.D. No. 1067, Arts. 13-16
      - iii. Patrimonial Property

### B. Ownership

1. Definition
2. Object
  - a. Difference between Real and Personal Rights
3. Attributes
4. Consequences
5. Actions to Recover Ownership and Possession
  - a. *Accion Reivindicatoria*
  - b. *Accion Publiciana*
  - c. *Accion Interdictal*
  - d. Quieting of Title
6. Accession
7. Co-ownership
8. Possession
  - a. Definition
  - b. Classification of Possession
  - c. Effects of Possession
  - d. Loss of Possession
9. Usufruct

- 10. Easements
  - a. Concept
  - b. Characteristics
  - c. Kinds
  - d. Modes of Acquisition
  - e. Rights and Obligations of the Dominant and Servient Estate
  - f. Extinguishment
- C. Modes of Acquiring Ownership
  - 1. Occupation
  - 2. Tradition
  - 3. Donation
  - 4. Prescription

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

P.D. No. 1529, as amended

- A. Torrens System
  - 1. Decree of Registration
  - 2. Review of Decree of Registration
  - 3. Innocent Purchaser for Value; Rights
- B. Regalian Doctrine
- C. Nationality Restrictions on Land Ownership
- D. Original Registration
- E. Confirmation of Imperfect Title – R.A. No. 11573
- F. Certificate of Title
- G. Subsequent Registration
  - 1. Voluntary Dealings
  - 2. Involuntary Dealings
  - 3. Adverse Claims and Notice of *Lis Pendens*
- H. Non-registrable Properties
- I. Dealings with Unregistered Lands
- J. Assurance Fund
  - 1. Nature
  - 2. Conditions for Compensation
  - 3. Respondents in Action to Claim
  - 4. Reckoning Point of the Prescriptive Period to Claim
- K. Reconstitution of Title – R.A. No. 26

## **VII. SUCCESSION**

- A. Definition – NCC, Arts. 774 and 712
- B. Elements
  - 1. Death – NCC, Arts. 775 and 777
  - 2. Inheritance – NCC, Arts. 775 and 781

- 3. Successors – NCC, Art. 782
- 4. Acceptance – NCC, Arts. 1041-1057
- C. Testamentary Succession – NCC, Arts. 783-959
- D. Intestate Succession – NCC, Arts. 960-1014
- E. Common Provisions – NCC, Arts. 1015-1105
- F. Distribution of Estate

## VIII. OBLIGATIONS AND CONTRACTS

- A. Obligations
  - 1. General Provisions
    - a. Definition
    - b. Essential Elements
    - c. Sources of Obligation
    - d. Nature and Effects of Obligations
  - 2. Classification
    - a. Civil and Natural
    - b. Pure
    - c. Conditional; Kinds of Conditions
    - d. With a Period
    - e. Alternative Obligations
    - f. Joint and Solidary Obligations
    - g. Divisible and Indivisible Obligations
    - h. Obligations with a Penal Clause
  - 3. Extinguishment
    - a. Payment
    - b. Loss of the Thing Due
    - c. Condonation
    - d. Confusion
    - e. Compensation
    - f. Novation
      - i. Concept
      - ii. Express and Implied Novation
      - iii. *Expromision* and *Delegacion* Distinguished
        - (a) Consent Required
        - (b) Effect of Insolvency of New Debtor
      - iv. Legal and Conventional Subrogation
  - 4. Estoppel
- B. Contracts
  - 1. General Provisions
    - a. Definition
    - b. Elements
  - 2. Basic Principles
    - a. Obligatory Force

- b. Freedom to Stipulate and its Limitations
- c. Relativity
- d. Consensuality
- e. Mutuality
- 3. Real v. Consensual Contracts
- 4. Form, Reformation, and Interpretation of Contracts
- 5. Defective Contracts
  - a. Rescissible Contracts
  - b. Voidable Contracts
  - c. Unenforceable Contracts
  - d. Void Contracts

## **IX. SPECIAL CONTRACTS**

### **A. Sale**

- 1. Nature and Form
  - a. Contract of Sale v. Contract to Sell
  - b. Option Contract
  - c. Right of First Refusal
  - d. Earnest Money
- 2. Capacity to Buy or Sell
- 3. Obligations of the Vendor
- 4. Double Sale
- 5. Effects of Loss of Thing Sold
- 6. Installment Sales
  - a. Personal Property
  - b. Real Property – R.A. No. 6552
    - i. Transactions Covered
    - ii. Computation of the Number of Installments Made
    - iii. Rights Given to the Buyer on Installment
    - iv. Requisites for Valid Cancellation
    - v. Effect of Failure to Comply with Requisites of Valid Cancellation
- 7. Conventional and Legal Redemption
- 8. Equitable Mortgage

### **B. Lease**

- 1. Rights and Obligations of the Lessor and Lessee
- 2. Sublease and Assignment

### **C. Agency**

- 1. Nature, Form, and Kinds
- 2. Obligations of Agent and Principal
- 3. Extinguishment

### **D. Credit Transactions**

- 1. Loan
  - a. Definition

- b. *Mutuum* and *Commodatum*
- 2. Deposit
  - a. Definition
  - b. Kinds
- 3. Guaranty and Suretyship
  - a. Nature and Extent
  - b. Effects
  - c. Extinguishment
  - d. Legal and Judicial Bonds
- 4. Real Estate Mortgage
  - a. Requisites
  - b. Characteristics
  - c. Judicial v. Extra-judicial Foreclosure
  - d. Right of Redemption
- 5. Personal Property Security – R.A. No. 11057
  - a. Definitions and Scope – Secs. 3 and 4
  - b. Creation of Security Interest
  - c. Perfection of Security Interest
    - i. Registration
    - ii. Possession
    - iii. Control

## X. QUASI-CONTRACTS

- A. Definition
- B. Kinds
  - 1. *Negotiorum Gestio*
  - 2. *Solutio Indebiti*
    - a. Distinction from *Accion In Rem Verso*
    - b. Mistake of Law as Basis for *Solutio Indebiti*
    - c. Significance of Good Faith on the Part of the Payee
- C. Other Quasi-contracts

## XI. TORTS AND QUASI-DELICTS

- A. Principles
  - 1. Abuse of Right; Elements
  - 2. Unjust Enrichment
  - 3. Liability without Fault
  - 4. Acts Contrary to Law
  - 5. Acts Contrary to Morals
  - 6. Tortious Interference
  - 7. *Accion In Rem Verso*

## B. The Tortfeasor

1. Direct Tortfeasor
2. Persons Made Responsible for Others
  - a. In General
    - i. Quasi-delicts
    - ii. Indirect Liability for Intentional Acts
    - iii. Presumption of Negligence on Persons Indirectly Responsible
    - iv. Nature of Liability
  - b. In Particular
    - i. Parents
    - ii. Guardians
    - iii. Owners and Managers of Establishments and Enterprises
    - iv. Employers
    - v. The State
    - vi. Teachers and Heads of Establishments of Arts and Trades
3. Joint Tortfeasors

## C. Proximate Cause

1. Concept
  - a. Distinguished from Immediate Cause
  - b. Distinguished from Intervening Cause
  - c. Distinguished from Remote and Concurrent Causes
2. Legal Cause
  - a. Natural and Probable Consequences
  - b. Foreseeability
3. Efficient Intervening Cause
4. Cause v. Condition
5. Last Clear Chance

## D. Classification of Torts

1. Intentional
2. Negligent
3. Strict Liability

## E. Defenses

1. Due Diligence
2. Acts of Public Officers
3. Accident or Fortuitous Event
4. *Damnum Absque Injuria*
5. Assumption of Risk
6. Last Clear Chance
7. Prescription
8. Waiver
9. Double Recovery

## F. Nuisance

## G. Medical Negligence and Malpractice

## **XII. DAMAGES**

- A. General Considerations
- B. Kinds
  - 1. Actual and Compensatory
  - 2. Moral
  - 3. Nominal
  - 4. Temperate or Moderate
  - 5. Liquidated
  - 6. Exemplary or Corrective
- C. Damages in Case of Death
- D. Duty of Injured Party

**— NOTHING FOLLOWS —**

# SYLLABUS FOR THE 2026 BAR EXAMINATIONS

## LABOR AND SOCIAL LEGISLATION (10%)

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2025** are examinable materials within the coverage of the 2026 Bar Examinations.

Unless otherwise indicated in the headings or in the entries themselves, the provisions of law cited below refer to the Labor Code of the Philippines (LC).

### I. BASIC PRINCIPLES AND CONCEPTS

#### A. Legal Basis

1. International Documents
  - a. International Labor Organization Ratifications
2. 1987 Constitution
3. Civil Code
4. Labor Code

#### B. State Labor Policies

1. Labor as Primary Social Economic Force – 1987 Constitution, Art. II, Sec. 18
2. Full Protection to Labor – 1987 Constitution, Art. XIII, Sec. 3
3. Security of Tenure – 1987 Constitution, Art. XIII, Sec. 3
4. Social Justice – 1987 Constitution, Art. II, Sec. 10; LC, Art. 218
5. Equal Work Opportunities – 1987 Constitution, Art. XIII, Sec. 3; LC, Art. 3
6. Right to Self-organization and Collective Bargaining – 1987 Constitution, Art. XIII, Sec. 3; LC, Arts. 3 and 253
7. Construction of Labor and Social Legislation – LC, Art. 4; NCC, Art. 1702

### II. RECRUITMENT AND PLACEMENT

#### A. Definition of Recruitment and Placement

#### B. Local Employment – LC, Title I

##### 1. Parties

##### a. Worker

- i. Employment of Non-resident Aliens – LC, Arts. 40-42; Department Order [D.O.] No. 186, s. 2017, Secs. 1-3 and 12-14, as amended by D.O. No. 221, s. 2021; D.O. No. 205, s. 2019, Secs. 1-3 and 7-8

##### b. Employment Office or Agency

- i. Public Employment Offices – LC, Art. 16
- ii. Private Employment Entities – LC, Art. 25
  - (a) Employment Agency v. Recruitment Entity
  - (b) License/Authority Requirement

- (1) Non-transferability
- (2) Suspension or Cancellation
- C. Overseas Employment – R.A. No. 8042, as amended
  - 1. Regulatory Authorities
    - a. Department of Labor and Employment (DOLE)
    - b. Department of Migrant Workers (DMW)
  - 2. Parties
    - a. Migrant Worker or Overseas Filipino Worker
    - b. Private Employers or Employment and Recruitment Agents
      - i. Employment Agency v. Recruitment Entity
      - ii. Liability of Local Recruitment Entity and Foreign Employer
        - (a) Solidary Liability
        - (b) Imputed Knowledge
      - iii. Entities and Persons Prohibited from Overseas Recruitment
      - iv. License or Authority Requirement
        - (a) Non-transferability
        - (b) Suspension or Cancellation
      - v. Ban on Direct Hiring
- D. Regulation of Recruitment and Placement Activities
  - 1. Prohibited Practices – LC, Art. 34
  - 2. Illegal Recruitment
    - a. Elements and Types
    - b. Distinguished from Estafa – Revised Penal Code, Arts. 315, 316, and 318

### **III. EMPLOYMENT RELATIONSHIP**

- A. Employer–Employee Relationship
  - 1. Definition
    - a. D.O. No. 147, s. 2015, Sec. 3
  - 2. Tests
  - 3. Burden of Proof
  - 4. Piercing the Corporate Veil
  - 5. Cases Involving Television Broadcasters
- B. Contracting – LC; D.O. No. 174, s. 2017; Executive Order [E.O.] No. 51; Department Circular No. 1, s. 2017
  - 1. Trilateral Relationship; Requirements for Independent Contractor
  - 2. Permissible Contracting or Subcontracting; Not Covered
  - 3. Rights of Contractor’s or Subcontractor’s Employees
  - 4. Effect of Termination of Employment
  - 5. Labor-only Contracting
  - 6. Registration of Contractor
  - 7. Other Prohibitions
  - 8. Solidary Liability

- 9. Retaliatory Measures
- 10. Applicability/Non-applicability
- C. Kinds of Employment
  - 1. Regular
  - 2. Casual
  - 3. Project – D.O. No. 19, s. 1993
  - 4. Fixed Term
  - 5. Seasonal
  - 6. Probationary

#### **IV. LABOR STANDARDS**

- A. Conditions of Employment
  - 1. Hours of Work
  - 2. Flexible Work Arrangements – R.A. No. 11165
  - 3. Bunkhouse Rule
  - 4. Personal Comfort Doctrine
    - a. Normal Hours of Work
    - b. Night Shift Differential
  - 5. Overtime Work
    - a. Compressed Work Week
    - b. Built-in Overtime
  - 6. Non-compensable Hours; When Compensable
    - a. Meal Break
    - b. Power Interruptions or Brownouts
    - c. Idle Time
    - d. Travel Time
    - e. Commuting Time
    - f. Waiting Time
  - 7. Rest Periods
  - 8. Service Charge – R.A. No. 11360; D.O. No. 242, s. 2024
- B. Wages – LC and its Implementing Rules and Regulations (IRR); R.A. No. 6727, R.A. No. 9504; R.A. No. 9178
  - 1. Definition, Components, and Exclusions
    - a. Wage v. Salary
    - b. Bonus, 13th Month
    - c. Holiday Pay – LC and its IRR; E.O. No. 203; R.A. No. 9492; R.A. No. 9849; R.A. No. 10966
  - 2. Principles
    - a. No Work, No Pay or Fair Day's Wage for a Fair Day's Work
    - b. Equal Pay for Equal Work or Equal Pay for Work of Equal Value
    - c. Non-diminution of Benefits
  - 3. Minimum Wage
    - a. Payment by Hours Worked
    - b. Payment by Results

4. Payment of Wages
  5. Prohibitions Regarding Wages
  6. Wage Determination – LC, R.A. No. 6727, R.A. No. 8188, R.A. No. 9178, Latest Wage Orders
    - a. Wage Order
    - b. Wage Distortion
- C. Leaves
1. Under the Labor Code
    - a. Service Incentive Leave
  2. Under Special Laws
    - a. Parental Leave for Solo Parents – R.A. No. 8972, as amended by R.A. No. 11861
    - c. Maternity Leave – R.A. No. 11210
    - d. Paternity Leave – R.A. No. 8187
    - e. Gynecological Leave – R.A. No. 9710, Sec. 18; D.O. No. 112, s. 2011; CSC Resolution No. 1000432, November 22, 2010
    - f. VAWC Leave – R.A. No. 9262
- D. Telecommuting – R.A. No. 11165
1. Definition – Sec. 3
  2. Telecommuting Program – Sec. 4
  3. Fair Treatment – Sec. 5
- E. Working Conditions for Special Workers
1. Apprentices and Learners
    - a. Dual Training System – R.A. No. 7686; R.A. No. 10869
    - b. R.A. No. 11230
  2. Persons with Disabilities
    - a. R.A. No. 7277, as amended
- F. Working Conditions for Special Groups of Employees
1. Women Workers – R.A. No. 7192; R.A. No. 7877; R.A. No. 9710; R.A. No. 10028
    - a. Discrimination
    - b. Stipulation Against Marriage
    - c. Prohibited Acts
    - d. Facilities for Women
    - e. Women Working in Night Clubs, etc.
  2. Minors
    - a. R.A. No. 7610, as amended
    - b. Department Circular No. 2, s. 2017 (Guidelines on the Issuance of Work Permit for Children Below 15 years of Age Engaged in Public Entertainment or Information), as amended by Department Circular No. 2, s. 2018
    - c. DOLE Department Advisory No. 01, s. 2008
    - d. D.O. No. 149, s. 2016; D.O. No. 149-A, s. 2017
  3. Night Workers – R.A. No. 10151
  4. *Kasambahay* – R.A. No. 10361
  5. Homeworkers

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

H. Management Prerogative

1. Occupational Qualifications
2. Productivity Standards
3. Change of Working Hours
4. Transfer of Employees
5. Discipline of Employees
6. Grant of Bonuses and Other Benefits
7. Clearance Process
8. Post-employment Restrictions
9. Limitations
10. Discriminatory Practices
  - a. Age Discrimination – R.A. No. 10911
  - b. Gender or Marital Status Discrimination – R.A. No. 9710;  
R.A. No. 8972, Sec. 7, as amended
  - c. Discrimination against Disabled Persons – R.A. No. 7277

## **V. LABOR RELATIONS**

A. Right to Self-organization

1. Coverage
  - a. Government Employees
2. Eligibility for Membership
3. Doctrine of Necessary Implication
4. Commingling or Mixed Membership
5. Labor Organizations
  - a. Labor Organization and Legitimate Labor Organization
  - b. Union, Workers' Association, and Legitimate Workers' Association
  - c. National Union or Federation, Union Center
  - d. Company Union

B. Bargaining Unit

1. Determination of Constituency
2. Employees Outside the Bargaining Unit

C. Bargaining Representative

1. Sole and Exclusive Bargaining Agent
2. Certification and Consent Elections

D. Bystander Rule

E. Rights, Terms, and Conditions of Membership

1. Admission and Discipline of Members
2. Election of Officers: Qualifications, Manner of Election, Tenure and Compensation
3. Major Policy Matter
4. Union Funds
5. Payment of Attorney's Fees

6. Check-off, Assessment, and Agency Fees
7. Mandatory Activity
8. Union Information
9. Enforcement and Remedies; Procedure, Jurisdiction, and Sanctions
10. Collective Bargaining
  - a. Duty to Bargain
  - b. Procedure
    - i. Freedom Period
  - c. Collective Bargaining Agreement
    - i. Mandatory Provisions
    - ii. Economic and Non-economic Terms/Conditions
    - iii. Union Security Clause
- F. Union Chartering or Registration
- G. Unfair Labor Practice
  1. Definition and Concept
  2. By Employers
  3. By Labor Organizations
- H. Peaceful Concerted Activities – see also R.A. No. 6727
  1. Strikes
  2. Pickets
  3. Lockouts
  4. Assumption of Jurisdiction by DOLE Secretary

## **VI. SUSPENSION AND TERMINATION OF EMPLOYMENT**

- A. Termination or Suspension by Employer
  1. General Concept
  2. Just Causes
  3. Authorized Causes – see also D.O. No. 147, s. 2015
    - a. Retrenchment
    - b. Redundancy
    - c. Closure
    - d. Disease
    - e. Union Security Clause
    - f. Illegal Strike
      - i. Procedure – see also D.O. No. 147, s. 2015
      - ii. Quitclaim
  4. Due Process Requirements
  5. Preventive Suspension
  6. Constructive Dismissal v. Demotion
  7. Termination of Migrant Worker’s Contract – R.A. No. 8042, as amended by R.A. No. 10022, Sec. 10
- B. Termination by employee
  1. Resignation
  2. Unilateral Termination – LC, Art. 300(b)
  3. Abandonment

C. Illegal Dismissal

1. Definition

2. Reliefs

- a. Reinstatement
- b. Backwages
- c. Damages and Attorney's Fees
- d. Separation Pay
- e. Financial Assistance
- f. Indemnity
- g. Liability of Corporate Officers

D. Retirement – R.A. No. 7641 and its IRR; Labor Advisory on Retirement Pay, as amended by R.A. No. 8558; R.A. No. 10757

## VII. SOCIAL LEGISLATION

A. Social Security – R.A. No. 11199

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

B. Government Service Insurance – R.A. No. 8291

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

C. Limited Portability Scheme – R.A. No. 7699

D. Disability and Death Benefits

- 1. In General – LC, Art. 198
- 2. Seafarers' Disability Claims – 2010 POEA-SEC; R.A. No. 12021 (Magna Carta of Filipino Seafarers), Secs. 22, 28-29, 32, 57, and its IRR
- 3. Supplemental Guidelines on the Implementation of the Mental Health Policy and Program in the Workplace, Labor Advisory No. 19, September 15, 2023

## VIII. LABOR ADJUDICATION: JURISDICTION & REMEDIES

A. Labor Adjudication Agencies and their Jurisdiction

- 1. National Labor Relations Commission (NLRC)
  - a. Regional Arbitration Branches (RAB) (Labor Arbiters)
    - i. Jurisdiction in Local Employment Cases
    - ii. Jurisdiction in Overseas Employment Cases – R.A. No. 8042
  - b. Commission Proper – see also R.A. No. 9347
- 2. DOLE
  - a. Regional Directors
    - i. Jurisdiction
    - ii. Recovery and Adjudicatory Power

- b. DOLE Secretary
    - i. Jurisdiction
    - ii. Visitorial and Enforcement Powers – D.O. No. 283, s. 2023; D.O. No. 183, s. 2017
    - iii. Power to Suspend Effects of Termination
  - c. National Conciliation and Mediation Board (NCMB) and Voluntary Arbitrators – E.O. No. 126, as amended by E.O. No. 251
    - i. Jurisdiction in Labor Relations Cases
    - ii. Jurisdiction in Seafarers’ Disability Cases
    - iii. Tripartite Voluntary Arbitration Advisory Council
  - d. Bureau of Labor Relations
- 3. Court of Appeals
  - 4. Supreme Court
- B. Procedure and Remedies
- 1. Procedural Standards in Labor Proceedings – LC, Art. 227
    - a. Burden of Proof
    - b. Quantum of Evidence
    - c. Technical Rules not Binding
  - 2. Single-Entry Approach – D.O. No. 151, s. 2016
    - a. Mandatory Conciliation-Mediation – R.A. No. 10396
  - 3. Procedure in the NLRC
    - a. Appeal from the RAB to the NLRC Proper
      - i. Perfection
      - ii. Reinstatement or Execution Pending Appeal
    - b. Injunction
  - 4. *Certiorari* against DOLE Secretary and NLRC Proper Rulings

— NOTHING FOLLOWS —

# SYLLABUS FOR THE 2026 BAR EXAMINATIONS

## CRIMINAL LAW (10%)

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2025** are examinable materials within the coverage of the 2026 Bar Examinations.

Unless otherwise indicated in the headings or in the entries themselves, the provisions of law cited below refer to the Revised Penal Code (RPC).

### I. FUNDAMENTAL PRINCIPLES

- A. Construction or Interpretation of Penal Laws
  - 1. Effects of Repeal or Amendment
  - 2. Retroactive Effect of Penal Laws
  - 3. *Pro Reo* Principle or Rule of Lenity
  - 4. Suppletory Application of Revised Penal Code to Special Laws – RPC, Art. 10
- B. *Nullum Crimen, Nulla Poena Sine Lege*
- C. *Mala In Se* and *Mala Prohibita*
- D. Cardinal Principles of Criminal Law
  - 1. Generality
  - 2. Territoriality
  - 3. Prospectivity
- E. Constitutional Limitations on the Power to Enact Penal Laws
  - 1. Equal Protection
  - 2. Due Process
  - 3. Bill of Attainder
  - 4. *Ex Post Facto* Law
  - 5. Excessive Fines, Cruel, Degrading, or Inhuman Punishment

### II. FELONIES AND CRIMINAL LIABILITY

RPC Book 1 and Related Laws

- A. Felonies
  - 1. Definition
  - 2. *Dolo* and *Culpa*
  - 3. Felony and Crime, Distinguished
  - 4. Gravity
  - 5. Stages of Execution
    - a. Subjective Phase and Objective Phase
    - b. Spontaneous Desistance
    - c. Attempted, Frustrated, and Consummated Stages
    - d. Preparatory and Overt Acts

6. Plurality of Crimes
  - a. Absorption Principle
  - b. Single Impulse Rule
  - c. Compound Complex Crime
  - d. Complex Crime Proper
  - e. Special Complex Crime or Composite Crimes
  - f. Continuous or Continuing Crime
- B. Criminal Liability
  1. *Actus Reus* and *Mens Rea*
  2. Criminal Causation
    - a. Proximate Cause
    - b. Efficient Intervening Cause
  3. *Aberratio Ictus*, *Error In Personae*, and *Praeter Intentionem*
  4. Impossible Crime
  5. Duty of Courts when Act is Non-punishable or Penalty is Excessive
  6. Participation in Acts Giving Rise to Criminal Liability
    - a. Principals, Accomplices, and Accessories
      - i. Fencers – P.D. No. 1612
      - ii. Obstructors of Criminal Prosecution – P.D. No. 1829
    - b. Conspiracy and Proposal
      - i. As a Mode of Incurring Criminal Liability
      - ii. As a Criminal Act
  7. Circumstances Affecting Criminal Liability
    - a. Justifying Circumstances – RPC, Art. 11
    - b. Exempting Circumstances – RPC, Art. 12
      - i. Minority – R.A. No. 9344, Sec. 6, as amended
      - ii. Battered Woman Syndrome – R.A. No. 9262
    - c. Mitigating Circumstances – RPC, Art. 13
    - d. Aggravating Circumstances – RPC, Art. 14
      - i. Using Loose Firearm – R.A. No. 10591, Sec. 29
      - ii. Being under the Influence of Dangerous Drugs – R.A. No. 9165, Sec. 25
      - iii. Using Information and Communications Technologies – R.A. No. 10175, Sec. 6
    - e. Alternative Circumstances – RPC, Art. 15
    - f. Absolutory Causes
    - g. Instigation and Entrapment
  8. Effect of Repeat Commission of Crimes
    - a. Recidivism – RPC, Art. 14(9)
    - b. Quasi-recidivism – RPC, Art. 160
    - c. Habituality – RPC, Art. 14(10)
    - d. Habitual Delinquency – RPC, Art. 62(5)
  9. Criminal Liability of Minors – R.A. No. 9344, as amended
- C. Penalties
  1. Classification
  2. Principal and Accessory Penalties

3. Duration and Effects
  4. Application and Graduation
  5. Determination of Imposable Penalty
  6. Preventive Imprisonment
  7. Subsidiary Penalty
  8. Execution and Service
    - a. Community Service – R.A. No. 11362; A.M. No. 20-06-14-SC
    - b. Recognizance – R.A. No. 10389
    - c. Successive Service of Sentence
    - d. Three-Fold Rule
    - e. Indeterminate Sentence Law – Act No. 4103, as amended
    - f. Probation – P.D. No. 968, as amended
- D. Extinction of Criminal Liability
1. Total Extinction
    - a. Death of Convict
    - b. Service of Sentence
    - c. Amnesty
    - d. Absolute Pardon
    - e. Prescription
      - i. Prescription of Crimes
      - ii. Act No. 3326
      - iii. Prescription of Penalties
    - f. Marriage between the Offender and the Offended Party
  2. Partial Extinction
    - a. Conditional Pardon – Act No. 1524
    - b. Commutation of Sentence
    - c. Good Conduct Time Allowance – R.A. No. 10592
    - d. Parole
- E. Civil Liability *Ex Delicto*
1. Primary and Subsidiary
  2. Restitution, Reparation, and Indemnification
  3. Civil Liability of an Offender Exempted from Criminal Liability
  4. Share of Each Person Civilly Liable for a Felony
  5. Preference in Payment
  6. Extinction and Survival of Civil Liability *Ex Delicto*

### **III. CRIMES AND THEIR PENALTIES**

#### RPC Book 2 and Related Special Laws

- A. Title One – Crimes against National Security and the Law of Nations
  1. Piracy – P.D. No. 532
  2. Terrorism – R.A. No. 11479
  3. Terrorism Financing – R.A. No. 10168
  4. Genocide and War Crimes – R.A. No. 9851, Secs. 4 and 5

- B. Title Two – Crimes against the Fundamental Laws of the State
  - 1. Torture – R.A. No. 9745
  - 2. Other Crimes against Humanity – R.A. No. 9851, Sec. 6
  - 3. Refusal of Emergency Treatment – Batas Pambansa [B.P.] Blg. 702, as amended by R.A. No. 8344
- C. Title Three – Crimes against Public Order
  - 1. Crimes relating to Firearms and Ammunition – R.A. No. 10591, Secs. 3 and 28-41
  - 2. Obstruction of Justice – P.D. No. 1829
  - 3. Highway Robbery – P.D. No. 532
- D. Title Four – Crimes against Public Interest
  - 1. Computer-related Forgery – R.A. No. 10175, Sec. 4(b)(1)
  - 2. Computer-related Fraud – R.A. No. 10175, Sec. 4(b)(2)
  - 3. Computer-related Identity Theft – R.A. No. 10175, Sec. 4(b)(3)
  - 4. Cyber-squatting – R.A. No. 10175, Sec. 4(a)(6)
- E. Dangerous Drugs Crimes – R.A. No. 9165, as amended by R.A. No. 10640 and its IRR; A.M. No. 18-03-16-SC
- F. Title Six – Crimes against Public Morals
  - 1. Gambling – P.D. No. 1602, as amended by R.A. No. 9287
  - 2. Immoral Doctrines – RPC, Arts. 133 and 201
- G. Title Seven – Crimes Committed by Public Officers
  - 1. Plunder – R.A. No. 7080, as amended
    - a. Definitions
    - b. Series and Combination
    - c. Pattern
    - d. Wheel and Chain Conspiracy
  - 2. Graft and Corrupt Practices – R.A. No. 3019, as amended
  - 3. Unethical Conduct – R.A. No. 6713
  - 4. Facilitation of Child Marriage – R.A. No. 11596
- H. Title Eight – Crimes against Persons
  - 1. Human Trafficking – R.A. No. 9208, as amended
  - 2. Violence Against Women and their Children (VAWC) – R.A. No. 9262
  - 3. Abuse of Children – R.A. No. 7610, as amended
    - a. Attempt to Commit Child Prostitution – Sec. 6
    - b. Child Prostitution and Other Sexual Abuse – Sec. 5
    - c. Attempt to Commit Child Trafficking – Sec. 8
    - d. Child Trafficking – Sec. 7
    - e. Obscene Publication and Indecent Shows – Sec. 9
    - f. Child Labor – Sec. 12
    - g. Child Pornography – R.A. No. 11930, in relation to R.A. No. 10175, Sec. 4(c)(2)
    - h. Child Marriage – R.A. No. 11596
  - 4. Rape, Sexual Exploitation, and Sexual Abuse – R.A. No. 11648
  - 5. Sexual Harassment – R.A. No. 11313, Secs. 3-7, 11-12, and 14
  - 6. Hazing – R.A. No. 8049, as amended by R.A. No. 11053

- I. Title Nine – Crimes against Personal Liberty and Security
  - 1. Offenses against Confidentiality, Integrity, and Availability of Computer Data and Systems – R.A. No. 10175, Sec. 4(a)(1) to (5)
  - 2. Hacking/Cracking – R.A. No. 8792, Sec. 33(a)
- J. Title Ten – Crimes against Property
  - 1. Fencing – P.D. No. 1612
  - 2. Cattle Rustling – P.D. No. 533
  - 3. Arson – P.D. No. 1613
  - 4. Carnapping – R.A. No. 10883; R.A. No. 11235
  - 5. Issuance of Bouncing Checks – B.P. Blg. 22; Administrative Circular [A.C.] No. 12-2000; A.C. No. 13-2001
  - 6. Swindling by Syndicate – P.D. No. 1689
  - 7. Intellectual Property Piracy – R.A. No. 8792, Sec. 33(b)
- K. Title Eleven – Crimes against Chastity
  - 1. Photo and Video Voyeurism – R.A. No. 9995
  - 2. Lascivious Conduct – R.A. No. 7610, Sec. 5(b)
- L. Title Twelve – Crimes against the Civil Status of Persons
  - 1. Unauthorized Use of Alias – Commonwealth Act No. 148, as amended by R.A. No. 6805; RPC, Arts. 177-178 and 348
- M. Title Thirteen – Crimes against Honor
  - 1. Cyber Libel – R.A. No. 10175, Sec. 4(c)(4)
- N. Title Fourteen – Quasi-offenses – *Morales v. People*, G.R. No. 240337, January 2, 2022

— NOTHING FOLLOWS —

# SYLLABUS FOR THE 2026 BAR EXAMINATIONS

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

**NOTE:** Only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2025** are examinable materials within the coverage of the 2026 Bar Examinations.

### I. GENERAL PRINCIPLES

- A. Concept and Nature of Remedial Law
- B. Procedural Laws Applicable to Actions Pending at the Time of Promulgation
- C. Construction of Procedural Rules
- D. Rule-making Power of the Supreme Court
- E. Classification of Philippine Courts
- F. Hierarchy of Courts
- G. Doctrine of Non-interference or Judicial Stability

### II. JURISDICTION

- A. Concept
  - 1. Distinguished from Exercise of Jurisdiction
  - 2. Distinguished from Venue
  - 3. Adherence of Jurisdiction; Residual Jurisdiction; Primary Jurisdiction
  - 4. How Determined and Conferred
- B. Subject Matter Jurisdiction
  - 1. Kinds
    - a. Original and Appellate
    - b. General and Special
    - c. Exclusive and Concurrent
  - 2. Waiver and Compromise
  - 3. Effect of Estoppel
  - 4. Error of Jurisdiction
- C. Acquired Jurisdiction
  - 1. Over the Parties
    - a. Jurisdiction over the Plaintiff
    - b. Jurisdiction over the Defendant
  - 2. Over the Issues
  - 3. Over the *Res* or Property in Litigation
- D. Jurisdiction of Philippine Courts and Tribunals
  - 1. Inherent Powers and Means to Carry out Jurisdiction
  - 2. Supreme Court
  - 3. Court of Appeals

4. Sandiganbayan
5. Court of Tax Appeals
6. Regional Trial Courts
7. Family Courts
8. Special Commercial Courts and Cybercrime Courts
9. Metropolitan and Municipal Trial Courts – R.A. No. 11576
  - a. Expedited Proceedings – A.M. No. 08-8-7-SC
10. *Lupong Tagapamayapa* – R.A. No. 7160, Secs. 408, 409, and 412

### **III. CIVIL PROCEDURE**

Rules of Court, as amended by A.M. No. 19-10-20-SC

- A. Classification of Actions
  1. Ordinary and Special
  2. Personal and Real
  3. *In Rem*, *In Personam*, and *Quasi In Rem*
- B. Cause of Action – Rule 2
- C. Parties to Civil Actions – Rule 3
- D. Venue – Rule 4
- E. Pleadings
  1. Kinds – Rule 6
  2. Parts – Rule 7
  3. Allegations – Rule 8
  4. Effect of Failure to Plead – Rule 9, Secs. 1 and 2
  5. Amended and Supplemental Pleadings – Rule 10
  6. Filing of Responsive Pleadings – Rule 11
  7. Bill of Particulars – Rule 12
  8. Filing and Service of Pleadings – Rule 13
    - a. Efficient Use of Paper Rule – A.M. No. 11-9-4-SC
    - b. Electronic Filing and Service – A.M. No. 10-3-7-SC; A.M. No. 11-9-4-SC
- F. Summons – Rule 14
  1. Issuance; Contents
    - a. By Whom Issued
    - b. Purpose in Relation to Actions *In Personam*, *In Rem*, and *Quasi In Rem*
  2. Service
    - a. By Whom Made
    - b. Modes
      - i. Personal
      - ii. Substituted
      - iii. Extraterritorial
        - (a) Hague Service Convention; Administrative Order [A.O.] No. 251-2020
      - iv. Upon Specific Persons and Entities
        - (a) Entity without Juridical Personality

- (b) Prisoners
- (c) Minors and Incompetents
- (d) Spouses (Relate to Rule 3, Sec. 4)
- (e) Domestic Private Juridical Entity
- (f) Foreign Private Juridical Entity
- (g) Public Corporations
- (h) Defendant whose Identity or Whereabouts Unknown
- (i) Residents Temporarily out of the Philippines
- c. Proof; Alias Summons
- d. Return
- 3. Voluntary Appearance
- 4. Duty of Counsel of Record
- G. Motions – Rule 15
  - 1. Distinguished from Pleadings
  - 2. Litigious and Non-litigious Motions
  - 3. Prohibited Motions
  - 4. Omnibus Motion
- H. Dismissal and Default
  - 1. Dismissal upon Notice by Plaintiff; Two-dismissal Rule – Rule 17, Sec. 1
  - 2. Dismissal upon Motion by Plaintiff; Effect on Existing Counterclaim – Rule 17, Sec. 2
  - 3. Dismissal due to Fault of Plaintiff – Rule 17, Sec. 3
  - 4. Dismissal with Prejudice v. Dismissal without Prejudice
  - 5. Default – Rule 9, Sec. 3
- I. Pre-trial – Rule 18 and A.M. No. 03-1-09-SC
  - 1. Court-Annexed Mediation (CAM)
  - 2. Judicial Dispute Resolution (JDR)
- J. Intervention – Rule 19
- K. Calendar of Cases – Rule 20
- L. Subpoena – Rule 21
- M. Computation of Time – Rule 22
- N. Modes of Discovery – Rules 23-29
- O. Trial – Rule 30
- P. Consolidation or Severance – Rule 31
- Q. Demurrer to Evidence – Rule 33
  - 1. Denial
    - a. Consequences
    - b. Remedy
  - 2. Consequences of Grant
  - 3. Reversal of Demurrer on Appeal
- R. Judgments and Final Orders
  - 1. How Rendered – Rule 36
  - 2. Judgment on the Pleadings – Rule 34
  - 3. Summary Judgments – Rule 35
- S. Post-judgment Remedies
  - 1. New Trial – Rule 37

2. Reconsideration – Rule 37
    - a. Remedy against Denial
    - b. Fresh Period Rule
  3. Relief from Judgment – Rule 38
  4. Annulment of Judgment – Rule 47
  5. Collateral Attack
  6. Appeal and Review
    - a. Coverage
      - i. Subjects of Appeal and Review
      - ii. Matters not Appealable
    - b. Periods for Filing
    - c. Perfection of Appeal
    - d. Issues Cognizable
    - e. Modes
      - i. Appeal from the Municipal Trial Courts to the Regional Trial Courts – Rule 40
      - ii. Appeal from the Regional Trial Courts – Rule 41
      - iii. Petition for Review from the Regional Trial Courts to the Court of Appeals – Rule 42
      - iv. Appeal from the Court of Tax Appeals and Quasi-Judicial Bodies to the Court of Appeals – Rule 43
      - v. Appeal by *Certiorari* to the Supreme Court – Rule 45
      - vi. Review of Judgments and Final Orders or Resolutions of the Commission on Audit and Commission on Elections – Rule 64
- T. Execution, Satisfaction, and Effect of Judgments – Rule 39
1. Immutability of Final Judgments
  2. Execution as a Matter of Right and of Discretion
  3. When Execution shall Issue
  4. How a Judgment is Executed
    - a. By Motion or Independent Action
    - b. Execution of Judgments for Money
    - c. Execution of Judgments for Specific Acts
    - d. Execution of Special Judgments
    - e. Requisites before Demolition Order is Issued
    - f. Effect of Levy on Third Persons
  5. Properties Exempt from Execution
  6. Proceedings where Property is Claimed by Third Persons
  7. Effect of Judgment or Final Orders
  8. *Res Judicata*
    - a. Bar by Prior Judgment
    - b. Conclusiveness of Judgment
  9. Enforcement and Effect of Foreign Judgments or Final Orders

#### **IV. PROVISIONAL REMEDIES**

##### A. Nature and Purpose

- B. Preliminary Attachment – Rule 57
  - 1. Grounds for Issuance
  - 2. Grounds for Dissolution
  - 3. Posting of a Counterbond
  - 4. Requisites; Issuance and Contents of Order of Attachment; Affidavit and Bond
- C. Preliminary Injunction – Rule 58
  - 1. Definitions and Differences: Preliminary Injunction, Temporary Restraining Order, and *Status Quo Ante* Order
  - 2. Requisites
  - 3. Kinds
  - 4. Grounds for Issuance
- D. Receivership – Rule 59
- E. Replevin – Rule 60
- F. Support *Pendente Lite* – Rule 61
- G. Provisional Deposit – Rule 135, Secs. 5(g) and 6, in relation to *Lorenzo Shipping Corp. v. Villarín*, G.R. Nos. 175727 & 178713, March 6, 2019 and *Guerrero Estate Dev't. Corp. v. Leviste & Guerrero Realty Corp.*, G.R. No. 253428, February 16, 2022

## V. SPECIAL CIVIL ACTIONS

- A. Concept
- B. Interpleader – Rule 62
- C. Declaratory Relief and Similar Remedies – Rule 63
- D. *Certiorari*, Prohibition, and *Mandamus* – Rule 65
- E. *Quo Warranto* – Rule 66
- F. Expropriation – Rule 67; R.A. No. 8974, Sec. 4
  - 1. Stages of Expropriation
  - 2. Immediate Possession of Expropriated Land – R.A. No. 10752
  - 3. Ascertainment of Just Compensation
- G. Foreclosure of Real Estate Mortgage – Rule 68; R.A. No. 8791, Sec. 47
  - 1. Judicial
  - 2. Extrajudicial – Act No. 3135
- H. Partition – Rule 69
- I. Forcible Entry and Unlawful Detainer – Rule 70
- J. Contempt – Rule 71

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- J. Environmental Cases – A.M. No. 09-6-8-SC
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    - iii. R.A. No. 7662 (Legal Education Reform Act)
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  - b. Non-members of the Bar
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    - ii. Paralegals – CPRA, Canon II, Secs. 34-35
    - iii. Parties and their Agents or Appearance *Pro Se*
      - (a) Cadastral Proceedings – Act No. 2259, Sec. 9
      - (b) Labor Cases – LC, Art. 228
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      - (d) *Barangay* Conciliation – R.A. No. 7160, Sec. 415

- (e) Cases under Expedited Procedure – A.M. No. 08-8-7-SC, Secs. 12 and 22
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    - i. President, Vice-President, Members of the Cabinet, their Deputies and Assistants
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    - v. Justices, Judges, and Court Employees
    - vi. Governors and Mayors – R.A. No. 7160, Sec. 90(a)
    - vii. Government Officials and Employees – R.A. No. 6713, Sec. 7(b)(2) in relation to Office of the President Memorandum Circular No. 17, s. 1986 and Rule XVIII, Sec. 12 of the Revised Civil Service Rules
  - d. Members of the Bar with Limited Legal Practice
    - i. Vice-Governors, Vice-Mayors, and Members of Local Legislative Bodies – R.A. No. 7160
    - ii. Government Lawyers
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      - (b) Separated from the Service – R.A. No. 6713
    - iii. Retired Judges and Justices – R.A. No. 910, as amended
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  - b. Independence – Canon I
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    - v. Non-interference in Courts or Tribunals
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- iv. Correcting Misrepresentations in Applications for Admission to the Bar – Sec. 11
- v. Reporting Dishonest, Deceitful, or Misleading Conduct – Sec. 12
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- vii. Avoiding Plagiarism and Misrepresentation of Legal Authorities – Sec. 8
- viii. Non-solicitation and Advertisement – Sec. 17
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- x. Avoiding Gifts and Donations to Courts and Government Agencies – Sec. 21
- xi. Avoiding Abuse of the Right to Sue and of Court Processes – Sec. 23; Canon III, Sec. 7
- xii. Avoiding Encroachment or Interference in Another Lawyer’s Engagement – Sec. 24
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  - i. Concept – Introduction and Sec. 2
  - ii. Lawyer-Client Relationship
    - (a) Definition – Sec. 3
    - (b) Duty of Representation
      - (1) Authority of Lawyer to Bind Client – Sec. 4
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    - (d) Lawyer’s Right to Compensation
      - (1) Attorney’s Fees – Secs. 41-48
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- vi. Responsibilities of Government Lawyers and Prosecutors – Canon II, Secs. 28 and 29
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    - a. Nature of Bar Discipline Proceedings
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  - 9. Notarial Practice – A.M. No. 02-8-13-SC, as amended
    - a. Qualifications
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    - c. Powers and Limitations
    - d. Notarial Register
    - e. Jurisdiction and Place of Notarization
    - f. Competent Evidence of Identity
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    - h. Remote Notarization – A.M. No. 20-07-04-SC, July 14, 2020
- B. Judicial Ethics**
- 1. Sources
    - a. New Code of Judicial Conduct (NCJC) – A.M. No. 03-05-01-SC
    - b. Bangalore Principles of Judicial Conduct 2002
    - c. 1989 Code of Judicial Conduct (1989 CJC)
    - d. Rules of Court
  - 2. Principles
    - a. Independence – NCJC, Canon 1; 1989 CJC, Canon 1
    - b. Integrity – NCJC, Canon 2; 1989 CJC, Canon 1, Rules 3.02 to 3.05

- c. Impartiality – NCJC, Canon 3; 1989 CJC, Canon 3
- d. Propriety – NCJC, Canon 4; 1989 CJC Canon 5, Rule 3.03,
  - i. Conditions to Engage in Business – 1989 CJC, Canon 5, Rules 5.02 and 5.04
  - ii. Conditions for Teaching – A.M. No. 13-05-05-SC; OCA Circular No. 218-2019
  - iii. Purchase of Property in Litigation – NCC, Art. 1491(5)
- e. Equality – NCJC, Canon 5
- f. Competence and Diligence – NCJC, Canon 6; 1989 CJC, Canon 4, Rules 3.01 and 3.05
- 3. Inhibition and Disqualification – Rules of Court, Rule 137; 1989 CJC, Rules 3.12 and 3.13
- 4. Administration and Discipline of Judges
  - a. Legal Basis – 1987 Constitution, Art. VIII, Secs. 5(5), 5(6), 6, 11, and Art. XI, Sec. 2; Rule 140, as amended by A.M. No. 21-08-09-SC
  - b. Disciplinary Proceedings against Members of the Judiciary
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    - ii. Complaint against Members of the Supreme Court – Rule 140, Sec. 1(3)
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      - (c) Charges – Secs. 13-16
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## **X. PRACTICAL EXERCISES**

- A. Promissory Note or Simple Loan Agreement
- B. Demand and Authorization Letters
- C. Sale Contract
- D. Lease Contract
- E. Special Power of Attorney
- F. Verification and Certification Against Forum Shopping
- G. Extra-judicial Settlement of Estate
- H. Judicial Affidavit
- I. Notarial Acts
  - 1. Jurat
  - 2. Acknowledgment
  - 3. Copy Certification
- J. Motions
  - 1. To Dismiss
  - 2. To Declare Defendant in Default
  - 3. Execution of Judgment
- K. Quitclaim in Labor Cases

L. Information

1. Consummated Crimes
2. Frustrated Crimes
3. Attempted Crimes

— NOTHING FOLLOWS —