

## SYLLABUS FOR THE 2019 BAR EXAMINATIONS

# CIVIL LAW

**NOTE:** This syllabus is an outline of the key topics that fall under the core subject “Civil Law”. Accordingly, all Bar candidates should be guided that only laws, rules, issuances, and jurisprudence pertinent to these topics as of **June 30, 2018** are examinable materials within the coverage of the 2019 Bar Examinations.

### I. GENERAL PRINCIPLES

- A. Effect and application of laws
- B. Conflict of laws (Private International Law)
- C. Human relations (Articles 19-22)

### II. PERSONS AND FAMILY RELATIONS

- A. Persons
  - 1. Civil personality
  - 2. Use of surnames
  - 3. Entries in the Civil Registry and Clerical Error Law (RA 9048, as amended)
  - 4. Absence
    - a. Civil code provisions
    - b. Presumptive death of absent spouse under the Family Code
- B. Marriage
  - 1. Requisites of marriage
  - 2. Exemption from license requirement
  - 3. Marriages solemnized abroad and foreign divorce
  - 4. Void and voidable marriages
- C. Legal separation
- D. Rights and obligations between husband and wife
- E. Property relations between husband and wife
  - 1. General provisions
  - 2. Donations by reason of marriage
  - 3. Absolute Community of Property
  - 4. Conjugal Partnership of Gains
  - 5. Separation of property and administration of common property by one spouse during the marriage
  - 6. Regime of separation of property
  - 7. Property regime of unions without marriage
- F. Family home
- G. Paternity and filiation
  - 1. Legitimate children
  - 2. Proof of filiation
  - 3. Illegitimate children
  - 4. Legitimated children
- H. Adoption
  - 1. Domestic adoption (RA 8552)
    - a. Who may adopt
    - b. Who may be adopted
    - c. Rights of an adopted child
    - d. Instances and effects of rescission
  - 2. Inter-country adoption (RA 8043, as amended)
    - a. When allowed
    - b. Who may adopt
    - c. Who may be adopted

- I. Support
- J. Parental authority
- K. Emancipation
- L. Retroactivity of the Family Code

### III. PROPERTY

- A. Classification of property
- B. Ownership
  - 1. In general
  - 2. Rules on accession
  - 3. Quieting of title
- C. Co-ownership
- D. Possession
  - 1. Kinds of possession
  - 2. Acquisition of possession
  - 3. Effects of possession
- E. Usufruct
  - 1. In general
  - 2. Rights and obligations of the usufructuary
  - 3. Extinguishment
- F. Easements
  - 1. Modes of acquiring easements
  - 2. Rights and obligations of the owners of the dominant and servient estates
  - 3. Modes of extinguishment
  - 4. Legal vs. voluntary easements
  - 5. Kinds of legal easement
    - a. Relating to waters
    - b. Right of way
    - c. Light and view
- G. Nuisance
- H. Modes of acquiring ownership
  - 1. Occupation
  - 2. Donation
    - a. Nature
    - b. Persons who may give or receive a donation
    - c. Effects and limitations of donation
    - d. Revocation and reduction
  - 3. Prescription
    - a. General provisions
    - b. Prescription of ownership and other real rights
    - c. Prescription of actions

### IV. SUCCESSION

- A. General provisions
- B. Testamentary succession
  - 1. Wills
  - 2. Institution of heirs
  - 3. Substitution of heirs
  - 4. Conditional testamentary dispositions and those with a term
  - 5. Legitime
  - 6. Disinheritance
  - 7. Legacies and devises
- C. Legal or intestate succession
  - 1. General provisions; relationship and right of representation
  - 2. Order of intestate succession
- D. Provisions common to testate and intestate succession

1. Right of accretion
2. Capacity to succeed by will or by intestacy
3. Acceptance and repudiation of inheritance
4. Partition and distribution of the estate

## V. OBLIGATIONS AND CONTRACTS

- A. Obligations
  1. General provisions
  2. Nature and effect
  3. Kinds
  4. Extinguishment
- B. Contracts
  1. General provisions
  2. Essential requisites
  3. Reformation of instruments
  4. Interpretation of contracts
  5. Rescissible contracts
  6. Voidable contracts
  7. Unenforceable contracts
  8. Void or inexistent contracts
- C. Natural obligations
- D. Estoppel
- E. Trusts

## VI. SALES

- A. Nature and form
  1. Essential requisites
  2. Perfection
  3. Contract of sale vs. contract to sell
- B. Capacity to buy or sell
- C. Effects of the contract when the thing sold has been lost
- D. Obligations of the vendor
- E. Obligations of the vendee
- F. Breach of contract
  1. Remedies
  2. Recto Law and Maceda Law
- G. Extinguishment
  1. In general
  2. *Pacto de retro* sale
  3. Equitable mortgage
- H. Assignment of credits

## VII. LEASE

- A. General provisions
- B. Rights and obligations of lessor
- C. Rights and obligations of lessee

## VIII. PARTNERSHIP

- A. General provisions
- B. Obligations of the partners
- C. Dissolution and winding up
- D. Limited partnership

## IX. AGENCY

- A. Nature, form, and kinds
- B. Obligations of the agent

- C. Obligations of the principal
- D. Modes of extinguishment

**X. CREDIT TRANSACTIONS**

- A. Loan
- B. Deposit
- C. Guaranty and Suretyship
- D. Antichresis
- E. Real estate mortgage

**XI. LAND TITLES AND DEEDS**

- A. Torrens system; general principles
- B. Original registration
  - 1. Ordinary registration
    - a. Who may apply
    - b. Decree of registration
    - c. Review of decree of registration; innocent purchaser for value
- C. Certificate of title
- D. Subsequent registration
  - 1. Voluntary dealings; general provisions
  - 2. Involuntary dealings
    - a. Adverse claim
    - b. Notice of *lis pendens*
- E. Assurance Fund
  - 1. Action of compensation from funds
  - 2. Limitation of action

**XII. TORTS AND DAMAGES**

- A. Torts
  - 1. Elements
  - 2. *Culpa aquiliana vs. culpa contractual vs. culpa criminal*
  - 3. Vicarious liability
  - 4. *Res ipsa loquitur*
  - 5. Last clear chance
  - 6. *Damnum absque injuria*
- B. Proximate cause
- C. Negligence
  - 1. Standard of care
  - 2. Presumptions
- D. Damages
  - 1. General provisions
  - 2. Kinds of damages
  - 3. In case of death

- NOTHING FOLLOWS -