

SYLLABUS FOR THE 2019 BAR EXAMINATIONS

POLITICAL AND INTERNATIONAL LAW

NOTE: This syllabus is an outline of the key topics that fall under the core subject “Political and International 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. PRELIMINARY PROVISIONS AND BASIC CONCEPTS

- A. National territory
- B. Declaration of principles and State policies
- C. Separation of powers
- D. Checks and balances
- E. State immunity

II. LEGISLATIVE DEPARTMENT

- A. Legislative power
 - 1. Scope and limitations
 - 2. Principle of non-delegability; exceptions
- B. Houses of Congress; composition and qualification of members
 - 1. Senate
 - 2. House of Representatives
 - a. District representatives and questions of apportionment
 - b. Party-list system
- C. Privileges, inhibitions, and disqualifications
- D. Discipline of members
- E. Process of law-making
- F. Quorum and voting majorities
- G. Appropriation and re-alignment
- H. Legislative inquiries and oversight functions
- I. Power of impeachment
- J. Electoral Tribunals
- K. Commission on Appointments
- L. Initiative and referendum

III. EXECUTIVE DEPARTMENT

- A. Qualifications, election, and term of the President and Vice-President
- B. Privileges, inhibitions, and disqualifications
- C. Powers of the President
 - 1. Executive and administrative powers in general
 - 2. Power of appointment
 - a. Confirmation and by-passed appointments
 - b. Midnight and *ad interim* appointments
 - c. Power of removal
 - 3. Power of control and supervision
 - a. Doctrine of qualified political agency
 - b. Executive departments and officers
 - c. Local Government Units
 - 4. Military powers
 - a. Calling out power
 - b. Declaration of Martial Law and suspension of the privilege of the writ of *habeas corpus*; requisites and parameters of extension
 - 5. Executive clemency
 - 6. Powers pertinent to foreign relations

D. Rules of succession

IV. JUDICIAL DEPARTMENT

- A. Judicial power
- B. Judicial review
 - 1. Requisites
 - 2. Political question doctrine
 - 3. Moot questions
 - 4. Operative fact doctrine
- C. Safeguards of judicial independence
 - 1. Judicial and Bar Council
 - a. Composition
 - b. Powers
 - 2. Fiscal autonomy
- D. Qualifications of members of the Judiciary
- E. Workings of the Supreme Court
 - 1. *En banc* and division cases
 - 2. Procedural rule-making
 - 3. Administrative supervision over lower courts
 - 4. Original and appellate jurisdiction

V. CONSTITUTIONAL COMMISSIONS

- A. Common provisions
- B. Powers and functions of the CSC, COMELEC, and COA
- C. Composition and qualifications of members
- D. Prohibited offices and interests
- E. Review of final orders, resolutions, and decisions

VI. BILL OF RIGHTS

- A. Fundamental powers of the State
 - 1. Police power
 - 2. Eminent domain
 - 3. Taxation
- B. Private acts and the Bill of Rights
- C. Rights to life, liberty, and property
 - 1. Procedural and substantive due process
 - 2. Void-for-vagueness doctrine
 - 3. Hierarchy of rights
- D. Equal protection
 - 1. Requisites for valid classification
 - 2. Rational basis, strict scrutiny, and intermediate scrutiny tests
- E. Searches and seizures
 - 1. Requisites for a valid warrant
 - 2. Warrantless searches and seizures
 - 3. Administrative arrests
 - 4. Evidence obtained through purely mechanical acts
- F. Privacy of communications and correspondence
 - 1. Private and public communications
 - 2. Intrusion, when allowed; exclusionary rule
- G. Freedom of speech and expression
 - 1. Prior restraint and subsequent punishment
 - 2. Content-based and content-neutral regulations
 - 3. Facial challenges and the overbreadth doctrine
 - 4. Dangerous tendency, balancing of interests, and clear and present danger tests
 - 5. State regulation of different types of mass media

- 6. Commercial speech
- 7. Unprotected speech
- H. Freedom of religion
 - 1. Non-establishment and free-exercise clauses
 - 2. Benevolent neutrality and conscientious objectors
 - 3. Lemon and compelling state interest tests
- I. Liberty of abode and right to travel
 - 1. Scope and limitations
 - 2. Watch-list and hold departure orders
- J. Right to information
 - 1. Scope and limitations
 - 2. Publication of laws and regulations
- K. Right of association
- L. Eminent Domain
 - 1. Concept of public use
 - 2. Just compensation
 - 3. Expropriation by local government units
- M. Non-impairment of contracts
- N. Free access to courts and adequate legal assistance
- O. Custodial investigation rights
- P. Rights of the accused
- Q. Right to the speedy disposition of cases
- R. Right against self-incrimination
- S. Right against double jeopardy
- T. Involuntary servitude
- U. Right against excessive fines, and cruel and inhuman punishments
- V. Non-imprisonment for debts
- W. *Ex post facto* laws and bills of attainder
- X. Writs of *habeas corpus*, *kalikasan*, *habeas data*, and *amparo*

VII. CITIZENSHIP

- A. Who are Filipino citizens
- B. Modes of acquiring citizenship
- C. Loss and re-acquisition of Philippine citizenship
- D. Dual citizenship and dual allegiance
- E. Foundlings

VIII. LAW ON PUBLIC OFFICERS

- A. General principles
- B. Modes of acquiring title to public office
- C. Kinds of appointment
- D. Eligibility and qualification requirements
- E. Disabilities and inhibitions of public officers
- F. Rights and liabilities of public officers
- G. *De facto* vs. *de jure* officers
- H. Termination of official relation
- I. The Civil Service
- J. Personnel actions
- K. Accountability of public officers
 - 1. Discipline
 - a. Grounds
 - b. Jurisdiction
 - c. Dismissal, preventive suspension, reinstatement and back salaries
 - d. Condonation doctrine
 - 2. Impeachment
 - 3. The Ombudsman
 - a. Functions

- b. Judicial review in administrative proceedings
- c. Judicial review in penal proceedings
- 4. Office of the Special Prosecutor
- 5. The *Sandiganbayan*

IX. ADMINISTRATIVE LAW

- A. General principles
- B. Powers of administrative agencies
 - 1. Quasi-legislative (rule-making) power
 - a. Kinds of administrative rules and regulations
 - b. Requisites for validity
 - 2. Quasi-judicial (adjudicatory) power
 - a. Administrative due process
 - b. Administrative appeal and review
 - c. Administrative *res judicata*
 - 3. Fact-finding, investigative, licensing, and rate-fixing powers
- C. Doctrines of primary jurisdiction and exhaustion of administrative remedies

X. ELECTION LAW

- A. Suffrage
 - 1. Qualification and disqualification of voters
 - 2. Registration and deactivation
 - 3. Inclusion and exclusion proceedings
 - 4. Local and overseas absentee voting
 - 5. Detainee voting
- B. Candidacy
 - 1. Qualifications and disqualifications of candidates
 - 2. Filing of certificates of candidacy
 - a. Effect of filing
 - b. Substitution and withdrawal of candidates
 - c. Nuisance candidates
 - d. Duties of the COMELEC
- C. Remedies and jurisdiction
 - 1. Petition to deny due course or cancel a certificate of candidacy
 - 2. Petition for disqualification
 - 3. Failure of election, call of special election
 - 4. Pre-proclamation controversy
 - 5. Election protest
 - 6. *Quo warranto*

XI. LOCAL GOVERNMENTS

- A. Principles of local autonomy
- B. Autonomous regions and their relation to the national government
- C. Local government units
 - 1. Powers
 - a. Police power (general welfare clause)
 - b. Eminent domain
 - c. Taxing power
 - d. Legislative power
 - i. Requisites for valid ordinance
 - ii. Local initiative and referendum
 - e. *Ultra vires* acts
 - 2. Liability
 - 3. Settlement of boundary disputes
 - 4. Vacancies and succession
 - 5. Recall

6. Term limits

XII. NATIONAL ECONOMY AND PATRIMONY

- A. Regalian doctrine
- B. Nationalist and citizenship requirement provisions
- C. Exploration, development, and utilization of natural resources
- D. Franchises, authority, and certificates for public utilities
- E. Acquisition, ownership and transfer of public and private lands
- F. Practice of professions
- G. Organization and regulation of corporations, private and public
- H. Monopolies, restraint of trade, and unfair competition

XIII. SOCIAL JUSTICE AND HUMAN RIGHTS

- A. Concept
- B. Economic, social, and cultural rights
- C. Commission on Human Rights

XIV. EDUCATION, SCIENCE, TECHNOLOGY, ARTS, CULTURE AND SPORTS

- A. Academic Freedom

XV. THE FAMILY

- A. Rights

XVI. AMENDMENTS OR REVISIONS OF THE CONSTITUTION

- A. Procedure to amend or revise the Constitution

XVII. PUBLIC INTERNATIONAL LAW

- A. Concepts
 - 1. Obligations *erga omnes*
 - 2. *Jus cogens*
 - 3. *Ex aequo et bono*
- B. Relationship between international and national law
- C. Sources of obligations in international law
- D. Subjects
 - 1. States
 - 2. International organizations
 - 3. Individuals
- E. Jurisdiction of states
 - 1. Basis of jurisdiction
 - a. Territoriality principle
 - b. Nationality principle and statelessness
 - c. Protective principle
 - d. Universality principle
 - e. Passive personality principle
 - 2. Exemptions from jurisdiction
 - a. Act of State doctrine
 - b. International organizations and its officers
- F. General principles of treaty law
- G. Doctrine of state responsibility
- I. Refugees
- J. Extradition
- K. Basic principles of International Human Rights Law
- L. Basic principles of International Humanitarian Law
- M. Law of the sea
 - 1. Baselines

2. Archipelagic states
 3. Internal waters
 4. Territorial sea
 5. Contiguous zone
 6. Exclusive economic zone
 7. Continental shelf and extended continental shelf
 8. International Tribunal for the Law of the Sea
- N. Basic principles of International Environmental Law

- NOTHING FOLLOWS -