ChanRobles Professional Review, Inc.

GUIDELINES ON HOW TO ANSWER ESSAY BAR QUESTIONS

For purposes of presenting your answers to the bar exam questions, please be guided by the following rules:

ON SETTING THE MARGIN:

On the left hand page, leave at least 1.5 inches of margin, and on the right hand page, at least 1 inch margin. By doing this, you will have a well-positioned center space in which to write your answers. Write your answers in a "justified" alignment similar to an MS Word document. In this manner, your answers will have a neat and very organized appearance. The examiner will then have an easier way of appreciating your answers.

ON DESIGNATING QUESTION NUMBERS AND PRESENTING ANSWERS TO SUB-QUESTIONS:

In presenting your answer to a question, you should follow the numbering format in the questionnaire. If Roman numeral is used for the main question, use Roman numeral therefor. If letters in upper or lower case form are used for sub-questions, then follow the same format in answering sub-questions. Hence, if it were Roman numerals that are used, the same should be written at the center above the first line; if letters were used to designate sub-questions, the same shall be written at the center above the third line, leaving one (1) space between the Roman numeral and the letter, as can be seen below:

I.

A.

Note must be made that the numerals and letters should be written prominently at the center of the page and not on the left or right hand sides of the paper. By so presenting, the designation of the particular question number as well as the corresponding answer thereto will be markedly identifiable and easily determinable.

Always ensure to answer each question per page so that there will be significant distinctions between your answers to the different questions. In this fashion, the bar examiner will find it easier and more convenient to check your separate answers. In cases where there are a number of sub-questions which would require short and concise answers, several sub-questions may be answered in one (1) page, if there is more than enough space to answer on the page, in which case, at least three (3) spaces may be left from the last line of the immediately preceding answer before starting with your answer to another sub-question. These three (3) spaces will sufficiently create a break between your answers.

ON DECIDING ON THE NUMBER OF PARAGRAPHS:

The number of paragraphs that will constitute your answer will depend on the type of question you are answering.

(1) In **case-type** questions, limit your answer to at least 1 and at most 3 paragraphs only. More than this number would no longer be helpful as the examiner may find your answer too wordy and circuitous.

(2) In **definition-type** questions, be concise in presenting your answer by limiting it to just one (1) paragraph which may consist at most three or four sentences only.

(3) In **comparative-type** questions, it suffices to limit your answer to just one short paragraph per comparison. In this manner, you will be able to convey in a more direct way to the examiner your knowledge of the distinctions required by the question.

ON SPACING AND PARAGRAPH FORMATTING:

On spacing: after every Roman numeral or letter, in case of sub-questions, you should leave one (1) space in order for the examiner to have a clearer view of your answer.

On indentation: You should indent the beginning of each paragraph of your answer.

On spacing after every paragraph: To distinguish one paragraph from another, you should leave one (1) space between paragraphs.

ON ANSWER LAYOUT:

The layout of your answer will depend on the type of questions you are answering.

(1) In **case-type** questions, state directly your conclusive answer that would indicate in a categorical manner, the substance of your answer. Avoid showing your ambivalence or unsureness in your answer. Answers like **"I qualify my answer"** and **"It depends"** when the question asks for a more direct answer such as **"The dismissal of Noypi is illegal"** indicate that you are not definite and certain with your answer. By so stating in definitive terms, the examiner, even without reading the rest of your answer, will give you the appropriate percentage point as this first line in your answer would effectively convey to him that you are prepared to defend your answer with sufficient legal bases and justifications. Answers in the bar exams are assessed not only on the basis of their correctness but more on the manner by which the bar examinee justifies them with legal and factual arguments. The facts are, of course, found in the question itself. You should not consider any factual aspect that is not given in the question. Hence, for instance, in the suggested answer above where you categorically answered that the dismissal of Noypi is illegal, extract the facts that

support such conclusion and embellish them with the law and jurisprudential precepts that would strengthen your conclusion that indeed, Noypi's dismissal is illegal. Notably, a dismissal is illegal if there is no just cause or authorized cause (**substantial** due process) in support thereof. Distinctly, lack of **procedural** due process will not make a dismissal illegal for as long as there is compliance with substantial due process. At the end of your answer, there must be a concluding statement that should re-state the earlier first-line conclusive answer that you have stated. This will operate as your closing statement. Thus, you must state that **"Consequently, the illegality of Noypi's dismissal is beyond cavil."**

(2) In **definition-type** questions, your answer must be very concise and direct-to-the point. Thus, when asked to define a **"strike"**, state that it is **"the temporary stoppage of work caused by the concerted action by the union as a result of a labor dispute."** This one-liner of an answer would surely merit full consideration because this is how the law defines this term.

(3) In **comparative-type** questions, a concise comparison will certain prove effective. As earlier suggested, limit your answer to just one short paragraph per comparison. The examiner will appreciate the comparison as opposed to a lengthy discussion of each distinction.

ON HANDWRITING:

The rule on handwriting is absolute: It must be **neat, clear, legible** and most importantly, **readable**. There is no requirement on how you will present it. It may be in **print** or **cursive** form. The choice is yours to make. The important point to consider is the form in which you are used to and most comfortable with. If in print, you should write in the normal way, that is, by not presenting it in all upper case format. Capitalize only the first letter and the rest in lower case.

To make your handwriting **"readable"**, you should write the letters and words larger than the usual size. You should assume that the examiner reading your answers have already read thousands of examination booklets before your booklet and that his eyes are already over-strained that he/she will not spend a minute longer trying to decipher your small and undecipherable handwriting. Try practicing writing in more readable form while there is still time before the exam days come. As they say: *"Practice makes perfect."*

ON ABBREVIATING WORDS:

Avoid abbreviating words. It appears that countless examinees have difficulty wiggling out their propensity to shorten and abbreviate words that may result in confusion to the examiner. For example: "Noypi is liable **bec.** …." or "Noypi is liable **coz**….." These underscored words in substitution for **"because"** are probably appropriate in personal letters but certainly not in answering bar exam questions.

ON ENUMERATIONS:

Questions requiring enumerations are usually to be expected in the bar exams. The rule is simple: If you know all the items asked in the enumeration, you may number them chronologically. But if you are not conversant with all the items, you can present your enumeration in paragraph format, that is, by not designating any number to each paragraph. Just describe the items in the paragraph. Chances are, the bar examiner, who is surely in rush to finish the thousands of booklets to check, will find your answer complete and satisfactory.

ON ERASURES:

Erasures should be avoided at all times. To avoid erasures, what you should do is before writing your answer, you should first form in your mind how you will present it. In this manner, even before you start writing your answer, you will already have a clear-cut idea on how you will start writing it and how you will end it.

In the event that erasures cannot be avoided you have to follow the following rules:

(1) **Strikethrough rule.** - If what is to be erased involves a line or two, simply draw a line through the middle of the selected word/s or phrase/s.

Example: **"Pursuant to the ~~Corporation Code~~ Labor Code…"**

Do not erase it by drawing a number of **x**'s over the words. Example: **"Pursuant to the Corporation Code Labor Code…"**

Or by blotting it with so many lines like this: **"Pursuant to the *Corporation Code* Labor Code…"**

(2) **Diagonal strikethrough rule.** – If it is an entire paragraph or several paragraphs to be erased, simply draw one (1) diagonal line across the middle of the paragraph/s and proceed to present your correct answer to the next page. In this way, even the paragraph/s you erased would still appear neat and clean.

Example:

"Under the Labor Code, a dismissal which was effected ~~without observance of~~ procedural due process will result in ~~its declaration~~ as illegal. This holds true ~~even if there~~ is a just or authorized cause in support thereof."

ON THE USE OF CORRECT GRAMMAR:

The fundamental rule is that you should write in short sentences. Kilometric and long-winding, paragraph-long sentences, sometimes called *"running sentences"* should be avoided. This is a good and effective formula that would avoid the commission of grammatical errors.

Speaking of grammar, the rules that usually apply in the ordinary use of the English language are not applicable to law-related writings and literatures. For instance, the use of pronouns should be avoided especially if there are a number of individuals of the same gender or of the same class. In law, the repetitive use of the name or title is allowed and should not be replaced by pronouns. Thus, in drafting contracts, say, a contract of lease, it is legally acceptable for the constant and repetitive use of the words "LESSOR" and "LESSEE" to refer to the parties thereto.

Example:

"The LESSOR, by way of this contract, leases the property to the LESSEE and the LESSOR undertakes to deliver to the LESSEE the leased property, upon the payment by the LESSEE to the LESSOR….."

It is, however, important that the basic rules on proper tenses and subject-verb agreement be observed. These are rudimentary rules that one usually has learned starting from grade school.

ON THE USE OF HIGH-SOUNDING, HIGHFALUTIN AND FANCIFUL WORDS:

High-sounding, highfalutin, high-flown bombastic language and fanciful words meant to impress should be avoided. They do not add any substance to your answer. Instead, readily understandable, down-to-earth and simple words and commonly used legal parlance should be used. In this manner, the examiner will readily emphatize with you and will not get annoyed or vexed.

ON THE NEED TO CITE PERTINENT LAWS AND APPLICABLE JURISPRUDENCE:

You should ensure that you do not give an "opinion" when your opinion is not required. Questions in the bar exams usually require an answer based on law and pertinent jurisprudence.

If in your judgment, there is a need to cite a law, you need not strive nor endeavor to remember the particular provision involved. It is sufficient that you say: "Under the Labor Code…" or "Under the Corporation Code…." instead of stating "Under Article 223 of the Labor Code…" or "Under Section 25 of the Corporation Code…." It is too risky to be citing specific provisions of laws of which you may not be too sure. This rule, however, does not apply if you are confident on the particular provision of a certain law; in which case, you may proceed to cite the specific provision involved in a given question.

Never try to cite the law "verbatim" when you are not sure of its provision. Paraphrasing it may prove even helpful. If you are paraphrasing, avoid using the "quotation mark" as its use would indicate that you are quoting the provision verbatim, which certainly is not your intention.

In case you are not definite on the particular provision you want to cite, say of the Civil Code, you can simply refer to the law in general by stating, thus: "Under the law on obligations and contracts…."

The matter of citing the general rule and the exceptions thereto would depend on the thrust of the question. If the question merely calls for the citation of the general rule, then focus only on the general rule and do not mention anything about the exceptions. If the question calls for the citation of the exception/s, refer only to the most relevant exception, if there be many, and do not bother to cite the others which would merely cram and pack your answer with non-essentials.

Invoking jurisprudence when you are not sure that what you know is the latest doctrinal reflection of the jurisprudential rule is dangerous as it may backfire on you. When unsure, do not make any specific reference to a certain case. Worse, never attempt to cite the particular case title and the case number of the decision because no bar exam question would ever require such invocation. Simply state that "in a decision rendered by the Supreme Court pertinent to this case…."

You should assume that the bar examiner assigned to a particular bar subject is an expert therein. Hence, you cannot cite a law or jurisprudence that he does not know or is not conversant with. Prudence dictates that you should speak in general terms rather than in specific mode. You may suffer a rebuke, reflected in points deduction, if you cite law and jurisprudence with specificity but erroneously.