

# **SYLLABUS FOR THE 2022 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, 2021** are examinable materials within the coverage of the 2022 Bar Examinations.

## **I. BASIC CONCEPTS UNDER THE 1987 CONSTITUTION**

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

## **II. GENERAL PRINCIPLES OF TAXATION**

- A. Definition, characteristics and purpose of taxation
- B. Power of taxation as distinguished from police power and eminent domain
- C. Scope and limitations of taxation
  - 1. Inherent and constitutional limitations of taxation
  - 2. Territoriality principle and situs of taxation
- D. Requisites of a valid tax
- E. Tax as distinguished from other forms of exactions
- F. Kinds of taxes
- G. Doctrines in taxation
  - 1. Lifeblood theory
  - 2. Construction and interpretation of tax laws, rules, and regulations
  - 3. Prospectivity of tax laws
  - 4. Imprescriptibility of taxes
  - 5. Double taxation
  - 6. Exemption from taxation
  - 7. Escape from taxation
  - 8. Equitable recoupment
  - 9. Prohibition on compensation and set-off

## **III. LEGISLATIVE DEPARTMENT**

- A. Legislative Power
  - 1. Scope and limitations
  - 2. Principle of non-delegability; exceptions

- B. Houses of Congress; compositions and qualifications
  - 1. Senate
  - 2. House of Representatives
    - a. District representatives and questions of apportionment
    - b. Party-list system
- C. Legislative privileges, inhibitions, and qualifications
- D. Quorum and voting majorities
- E. Discipline of members
- F. Process of law-making
- G. Appropriation and re-alignment
- H. Legislative inquiries and oversight functions
- I. Power of impeachment
- J. Electoral tribunals and the Commission on Appointments
  - 1. Powers and Jurisdiction
- K. Initiative and referendum

#### **IV. EXECUTIVE DEPARTMENT**

- A. Qualifications, election, and term of the President and Vice-President
- B. Privileges, inhibitions, and disqualifications
- C. Powers of the President
  - 1. General executive and administrative powers
  - 2. Power of appointment
    - a. In general
    - b. Confirmation and by-passed appointments
    - c. Midnight and ad interim appointments
    - d. Power of removal
- D. Power of control and supervision
  - 1. Doctrine of qualified political agency
  - 2. Executive departments and offices
  - 3. Local government units
- E. Emergency powers
- F. Military powers
  - 1. Calling out powers
  - 2. Declaration of martial law and suspension of the privilege of the writ of habeas corpus; extension
- G. Executive clemency
  - 1. Forms and limitations
- H. Diplomatic power
- I. Powers relative to appropriation measures
- J. Rules of succession

#### **V. JUDICIAL DEPARTMENT**

- A. 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
  - 2. Judicial and Bar Council (composition and powers)
- E. The Supreme Court (composition, powers, and functions)

## **VI. CONSTITUTIONAL COMMISSIONS**

- A. Common provisions
- B. Powers, functions, and jurisdiction
- C. Composition and qualifications of members
- D. Prohibited offices and interests
- E. Judicial review of final orders, resolutions, and decisions of Constitutional Commissions

## **VII. BILL OF 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. Tests to determine the reasonableness of a classification
- C. Arrests, Searches and seizures
  - 1. Requisites of a valid warrant
  - 2. Warrantless arrests and detention
  - 3. Warrantless searches
  - 4. Exclusionary rule
- D. Privacy of communications and correspondence
  - 1. Private and public communications
  - 2. Intrusion, when allowed
  - 3. Exclusionary rule
- 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. Tests to determine the validity of governmental regulation
  - 5. State regulation of different types of mass media
  - 6. Unprotected speech
- F. Freedom of religion
  - 1. Non-establishment and free exercise clauses
  - 2. Benevolent neutrality and conscientious objectors

3. Tests to determine the validity of governmental regulation
- G. Liberty of abode and right to travel
  1. Scope and limitations
  2. Watch-list and hold departure orders
- H. Right to information
  1. Scope and limitations
- I. Eminent Domain
  1. Concept
  2. Just compensation
  3. Expropriation by local government units
- J. Right to Association
  1. Scope and limitations
- K. Non-impairment of contracts
  1. Concept and limitations
- L. Free access to courts and adequate legal assistance
- M. Rights under custodial investigation
  1. Meaning of custodial investigation
  2. Rights of a person under custodial investigation
  3. Requisites of a valid waiver
  4. Exclusionary doctrine
- N. Rights of the accused
  1. Criminal due process
  2. Bail
  3. Presumption of innocence
  4. Right to counsel
  5. Right to be informed of the nature and cause of accusation
  6. Right to speedy, impartial and public trial
  7. Right of confrontation
  8. Right to compulsory processes
  9. Trial in absentia
- O. Right to speedy trial and speedy disposition of cases
- P. Right against self-incrimination
  1. Extent of the right
  2. Immunity statutes
- Q. Right against double jeopardy
  1. Requisites and limitations
- R. Right against involuntary servitude
- S. Right against excessive fines, and cruel and inhuman punishments
- T. Non-Imprisonment for Debts
- U. Ex post facto laws and bills of attainder
- V. Writs of *habeas corpus*, *kalikasan*, *habeas data*, and *amparo*

## VIII. 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

## **IX. LAW ON PUBLIC OFFICERS**

- A. General principles
- B. Kinds of appointment
- C. Disabilities and inhibitions of public officers
- D. Powers and duties of public officers
- E. De facto vs de jure officers
- F. The Civil Service
- G. 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. The Sandiganbayan

## **X. 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 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

## **XI. 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. 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 not to give due course or cancel a certificate of candidacy
  - 2. Petition for disqualification
  - 3. Failure of election versus Annulment of Election Results
  - 4. Pre-proclamation controversy
  - 5. Election protest
  - 6. *Quo Warranto*

## **XII. 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. Closure and opening of roads
    - e. Legislative power
      - i. Requisites for valid ordinance
      - ii. Local Initiative and referendum
    - f. Corporate powers
    - g. *Ultra vires* acts
  - 2. Liability of local government units
  - 3. Settlement of boundary disputes
  - 4. Vacancies and succession
  - 5. Recall
  - 6. Term limits
- D. Local Taxation
  - 1. Fundamental Principles of local and real property taxation
  - 2. Common Limitations on taxing power of the LGU
  - 3. Requirements for a valid tax ordinance

4. Procedure for approval and effectivity of tax ordinances
5. Exemptions from real property taxes

### **XIII. NATIONAL ECONOMY AND PATRIMONY**

- A. Regalian doctrine
- B. Exploration, development and utilization of natural resources
- C. Franchises, Authority and Certificates for Public Utilities
- D. Acquisition, Ownership and Transfer of Public and Private Lands
- E. Practice of Professions
- F. Organization and Regulation of Corporations, Private and Public
- G. Monopolies, Restraint of Trade and Unfair Competition

### **XIV. SOCIAL JUSTICE AND HUMAN RIGHTS**

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

### **XV. AMENDMENTS OR REVISIONS OF THE CONSTITUTION**

- A. Procedure to amend or revise the Constitution

### **XVI. EDUCATION, SCIENCE, TECHNOLOGY, ARTS, CULTURE AND SPORTS**

- A. Academic freedom
- B. Constitutional tax exemptions for certain educational institutions

### **XVII. PUBLIC INTERNATIONAL LAW**

- A. Concepts
- B. Relationship between international and national law
- C. Sources of obligations in international law
- D. Subjects
  1. States
  2. International organizations
  3. Individuals
- E. Requisites of Statehood
- F. Jurisdiction of states
  1. Basis of jurisdiction
    - a. Territoriality principle
    - b. Nationality principle and statelessness principle
    - c. Protective principle
    - d. Universality principle
    - e. Passive personality principle

2. Exemptions from jurisdiction
  - a. State Immunity from Suit
  - b. Act of State doctrine
  - c. Diplomatic Immunity
  - d. International organizations and its officers
- F. General principles of treaty law
- G. Doctrine of state responsibility
- H. Refugees
- I. Extradition
- J. Basic principles of International Human Rights Law
- K. Basic principles of International Humanitarian Law
- L. 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
- M. Basic principles of International Environmental Law
  1. Precautionary principle

- *NOTHING FOLLOWS* -