

Bar Examination Questionnaire for Criminal Law
Set A

1. Isabel, a housemaid, broke into a pawnshop intent on stealing items of jewelry in it. She found, however, that the jewelry were in a locked chest. Unable to open it, she took the chest out of the shop. What crime did she commit?

- A. Robbery in an uninhabited place or in a private building
- B. Theft
- C. Robbery in an inhabited house or public building.
- D. Qualified theft

2. The alternative circumstance of relationship shall NOT be considered between

- A. mother-in-law and daughter-in-law.
- B. adopted son and legitimate natural daughter.
- C. aunt and nephew.
- D. stepfather and stepson.

3. Arthur, Ben, and Cesar quarreled with Glen while they were at the latter's house. Enraged, Arthur repeatedly stabbed Glen while Ben and Cesar pinned his arms. What aggravating circumstance if any attended the killing of Glen?

- A. Evident premeditation.
- B. None.
- C. Abuse of superior strength.
- D. Treachery.

4. The presence of a mitigating circumstance in a crime

- A. increases the penalty to its maximum period.
- B. changes the gravity of the offense.
- C. affects the imposable penalty, depending on other modifying circumstances.
- D. automatically reduces the penalty.

5. He is an accomplice who

- A. agreed to serve as a lookout after his companions decided to murder the victim.
- B. watched quietly as the murderer stabbed his victim.
- C. helped the murderer find the victim who was hiding to avoid detection.
- D. provided no help, when he can, to save the victim from dying.

6. Principles of public international law exempt certain individuals from the Generality characteristic of criminal law. Who among the following are NOT exempt from the Generality rule?

- A. Ministers Resident
- B. Commercial Attache of a foreign country
- C. Ambassador
- D. Chiefs of Mission

7. As a modifying circumstance, insanity

- A. is in the nature of confession and avoidance.
- B. may be presumed from the offender's previous behavior.

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- C. may be mitigating if its presence becomes apparent subsequent to the commission of the crime.
D. exempts the offender from criminal liability whatever the circumstances.
8. Zeno and Primo asked Bert to give them a sketch of the location of Andy's house since they wanted to kill him. Bert agreed and drew them the sketch. Zeno and Primo drove to the place and killed Andy. What crime did Bert commit?
- A. Accomplice to murder, since his cooperation was minimal.
B. Accessory to murder, since his map facilitated the escape of the two.
C. None, since he took no step to take part in executing the crime.
D. Principal to murder, since he acted in conspiracy with Zeno and Primo.
9. A police officer surreptitiously placed a marijuana stick in a student's pocket and then arrested him for possession of marijuana cigarette. What crime can the police officer be charged with?
- A. None, as it is a case of entrapment
B. Unlawful arrest
C. Incriminating an innocent person
D. Complex crime of incriminating an innocent person with unlawful arrest
10. The police officer in civilian clothes asked X where he can buy shabu. X responded by asking the officer how much of the drug he needed. When he told him, X left, returned after a few minutes with the shabu, gave it to the officer, and took his money. X is
- A. liable for selling since the police operation was a valid entrapment.
B. not liable for selling since the police operation was an invalid entrapment.
C. liable for selling since the police operation was a valid form of instigation.
D. not liable since the police operation was an invalid instigation.
11. Plaintiff X said in his civil complaint for damages that defendant Y, employing fraud, convinced him to buy a defective vehicle. Y filed a criminal action for libel against X for maliciously imputing fraud on him. Will the action prosper if it turns out that the civil complaint for damages was baseless?
- A. No, since pleadings filed in court are absolutely privileged.
B. No, since malice is not evident.
C. Yes, given the fact that the imputation of fraud was baseless.
D. Yes, parties must state the truth in their pleadings.
12. The maxim "Nullum crimen nula poena sine lege" means that
- A. the act is criminal at the time of its commission and recognized as such at the time of its commission but the penalty therefor is prescribed in a subsequently enacted law.
B. the act is criminal and punished under and pursuant to common law.
C. there is a crime for as long as the act is inherently evil.
D. crime is a product of the law.
13. X, a tabloid columnist, wrote an article describing Y, a public official, as

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stupid, corrupt, and having amassed ill-gotten wealth. X relied on a source from Y's own office who fed him the information. Did X commit libel?

A. Yes, since the article was libelous and inconsistent with good faith and reasonable care.

B. No, since X but made a fair commentary on a matter of public interest.

C. No, since X's article constitutes privileged communication.

D. No, since he wrote his article under the freedom enjoyed by the press.

14. The husband has for a long time physically and mentally tortured his wife. After one episode of beating, the wife took the husband's gun and shot him dead. Under the circumstances, her act constitutes

A. mitigating vindication of grave offense.

B. battered woman syndrome, a complete self-defense.

C. incomplete self-defense.

D. mitigating passion and obfuscation.

15. There is violation of Art. 316, RPC (Other forms of Swindling) where

A. the owner of property sells a property and subsequently rescinds the sale.

B. the real property subject of the sale does not exist.

C. the property was mortgaged for a usurious contract of loan.

D. the owner disposes of his encumbered real property as if it is free from encumbrances.

16. X, a police officer, placed a hood on the head of W, a suspected drug pusher, and watched as Y and Z, police trainees, beat up and tortured W to get his confession. X is liable as

A. as accomplice in violation of the Anti-Torture Act.

B. a principal in violation of the Anti-Torture Act.

C. a principal in violation of the Anti-Hazing Law.

D. an accomplice in violation of the Anti-Hazing Law.

17. Dr. Chow, a government doctor, failed to submit his Daily Time Record (DTR) from January to March 2000 and did not get approval of his sick leave application for April because of evidence that he was actually moonlighting elsewhere.

Thus, the medical Director caused the withholding of his salary for the periods in question until he submitted his DTRs in May 2000. Can Dr. Chow prosecute the medical director for causing him undue injury in violation of the Anti-Graft and Corrupt Practices Act?

A. Yes, since the medical Director acted with evident bad faith.

B. No, since the medical director has full discretion in releasing the salary of government doctors.

C. Yes, since his salary was withheld without prior hearing.

D. No, since Dr. Chow brought it upon himself, having failed to submit the required DTRs.

18. When a penal law is absolutely repealed such that the offense is decriminalized, a pending case charging the accused of the repealed crime is to

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be

- A. prosecuted still since the charge was valid when filed.
- B. dismissed without any precondition.
- C. dismissed provided the accused is not a habitual delinquent.
- D. prosecuted still since the offended party has a vested interest in the repealed law.

19. In malversation of public funds, the offender's return of the amount malversed has the following effect

- A. It is exculpatory.
- B. It is inculpatory, an admission of the commission of the crime.
- C. The imposable penalty will depend on what was not returned.
- D. It is mitigating.

20. The exchanges of highly offensive words between two quarrelling women in the presence of a crowd of people constitute

- A. one count of grave slander against the woman who uttered the more insulting expressions.
- B. grave slander against the woman who started it and light slander against the other woman.
- C. two separate counts of light slander, one for each woman.
- D. two separate counts of grave slander, one against each of them.

21. Any person who, having found lost property, shall fail to deliver the same to the local authorities or to its owner is liable for

- A. occupation or usurpation of personal property.
- B. civil damages only.
- C. theft.
- D. other deceits.

22. A crime resulting from negligence, reckless imprudence, lack of foresight or lack of skill is called

- A. dolo.
- B. culpa.
- C. tortious crimes.
- D. quasi delict.

23. To mitigate his liability for inflicting physical injury to another, an accused with a physical defect must prove that such defect restricted his freedom of action and understanding. This proof is not required where the physical defect consists of

- A. a severed right hand.
- B. complete blindness.
- C. being deaf mute and dumb.
- D. a severed leg.

24. An extenuating circumstance, which has the same effect as a mitigating

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circumstance, is exemplified by

- A. the mother killing her 2-day old child to conceal her dishonor.
- B. the accused committing theft out of extreme poverty.
- C. the accused raping his victim in extreme state of passion.
- D. the accused surrendering the weapon he used in his crime to the authorities.

25. Three men gave Arnold fist blows and kicks causing him to fall. As they surrounded and continued hitting him, he grabbed a knife he had in his pocket and stabbed one of the men straight to the heart. What crime did Arnold commit?

- A. Homicide with incomplete self-defense, since he could have run from his aggressors.
- B. Homicide, since he knew that stabbing a person in the heart is fatal.
- C. Homicide mitigated by incomplete self-defense, since stabbing a person to the heart is excessive.
- D. No crime, since he needed to repel the aggression, employing reasonable means for doing so.

26. A, B, and C agreed to rob a house of its cash. A and B entered the house while C remained outside as lookout. After getting the cash, A and B decided to set the house on fire to destroy any evidence of their presence. What crime or crimes did C commit?

- A. Robbery and arson since arson took place as an incident of the robbery.
- B. Robbery and arson since C took no step to stop the arson.
- C. Just for robbery since he only agreed to it and served as lookout.
- D. Accomplice to robbery since his role in the crime was minimal.

27. X, a court employee, wrote the presiding judge a letter, imputing to Y, also a court employee, the act of receiving an expensive gift from one of the parties in a pending case. Because of this, Y accused X of libel. Does Y need to prove the element of malice in the case?

- A. No, since malice is self-evident in the letter.
- B. Yes, malice is not presumed since X wrote the letter to the presiding judge who has a duty to act on what it states.
- C. No, since malice is presumed with respect to defamatory imputations.
- D. Yes, since malice is not presumed in libel.

28. X killed B, mistakenly believing that she was his wife, upon surprising her having sex with another man in a motel room. What is the criminal liability of X?

- A. None since he killed her under exceptional circumstances.
- B. None since he acted under a mistake of fact.
- C. Parricide.
- D. Homicide.

29. X draws a check upon request of Y, the payee, who told X that he would merely show the check to his creditor to gain more time to pay his account. The check bounced upon presentation by the creditor. Under the circumstances, who

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can be prosecuted for estafa based on the dishonored check?

- A. Y as the one who negotiated the check contrary to the agreement
- B. X as the drawer of the check
- C. Both X and Y based on conspiracy
- D. None

30. Ana visited her daughter Belen who worked as Caloy's housemaid. Caloy was not at home but Debbie, a casual visitor in the house, verbally maligned Belen in Ana's presence. Irked, Ana assaulted Debbie. Under the circumstances, dwelling is NOT regarded as aggravating because

- A. Dwelling did nothing to provoke Ana into assaulting Debbie.
- B. Caloy, the owner of the house, was not present.
- C. Debbie is not a dweller of the house.
- D. Belen, whom Debbie maligned, also dwells in the house.

31. It is a matter of judicial knowledge that certain individuals will kill others or commit serious offenses for no reason at all. For this reason,

- A. lack of motive can result in conviction where the crime and the accused's part in it are shown.
- B. motive is material only where there is no evidence of criminal intent.
- C. lack of motive precludes conviction.
- D. the motive of an offender is absolutely immaterial.

32. Minority is a privileged mitigating circumstance which operates to reduce the penalty by a degree where the child is

- A. 15 years and below acting without discernment.
- B. above 15 years but below 18 acting without discernment.
- C. below 18 years acting with discernment.
- D. 18 years old at the time of the commission of the crime acting with discernment.

33. The crime of robbery in an inhabited house or public building is mitigated when the offenders

- A. entered the house using false keys.
- B. although armed did not fire their weapons.
- C. entered through a window without breaking it.
- D. although armed took property valued at only P200.

34. A private person who assists the escape of a person who committed robbery shall be liable

- A. as a principal to the crime of robbery.
- B. as an accessory to the crime of robbery.
- C. as a principal to the crime of obstruction of justice.
- D. as an accessory to the crime of obstruction of justice.

35. Which among the following circumstances do NOT qualify the crime of

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kidnapping?

- A. The victim is killed as a consequence of the detention.
- B. The offender is a public officer.
- C. Ransom is demanded.
- D. The victim is raped.

36. Removing, concealing or destroying documents to defraud another constitutes the crime of estafa if committed by

- A. any public officer.
- B. a public officer officially entrusted with the document.
- C. private individuals who executed the same.
- D. private individuals.

37. Dagami concealed Bugna's body and the fact that he killed him by setting Bugna's house on fire. What crime or crimes did Dagami commit?

- A. Murder, the arson being absorbed already
- B. Separate crimes of murder and arson
- C. Arson, the homicide being absorbed already
- D. Arson with murder as a compound crime

38. Sam wrote a letter to his friends stating that Judge Odon loves obscene magazines and keeps these in his desk. Charged with libel, can Sam present proof that Judge Odon indeed loves obscene magazines and keeps these in his desk?

- A. No, since the imputation is not related to the duties of a judge.
- B. No, since Sam does not impute a crime to Judge Odon.
- C. No, since Sam imputes the commission of a crime to Judge Odon.
- D. Yes, since truth can be a valid defense in libel.

39. X, without intent to kill, aimed his gun at Z and fired it, hitting the latter who died as a consequence. Under the circumstances

- A. X cannot plead praetor intentionem since the intent to kill is presumed from the killing of the victim.
- B. X may plead praetor intentionem since he intended only to scare, not kill Z.
- C. X may plead aberratio ictus as he had no intention to hit Z.
- D. X may plead commission of only Discharge of Firearm as he had no intent to kill Z when he fired his gun.

40. Which of the following statements constitute Inciting to Sedition?

- A. Utterance of statements irritating or obnoxious to the ears of the police officers.
- B. Speeches extolling communism and urging the people to hold a national strike and paralyze commerce and trade.
- C. Leaders of jeepney and bus associations shouting "Bukas tuloy ang welga hanggang sa magkagulo na!"
- D. Speeches calling for resignation of high government officials.

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41. Culpa can either be a crime by itself or a mode of committing a crime. Culpa is a crime by itself in

- A. reckless imprudence resulting in murder.
- B. medical malpractice.
- C. serious physical Injuries thru reckless imprudence.
- D. complex crime of reckless imprudence resulting in serious physical injuries.

42. The mitigating circumstance of immediate vindication of a grave offense cannot be appreciated in a case where

- A. Following the killing of his adopted brother, P went to the place where it happened and killed S whom he found there.
- B. X kills Y who attempted to rape X's wife.
- C. P severely maltreats S, a septuagenarian, prompting the latter to kill him.
- D. M killed R who slandered his wife.

43. To save himself from crashing into an unlighted truck abandoned on the road, Jose swerved his car to the right towards the graveled shoulder, killing two bystanders. Is he entitled to the justifying circumstance of state of necessity?

- A. No, because the bystanders had nothing to do with the abandoned truck on the road.
- B. No, because the injury done is greater than the evil to be avoided.
- C. Yes, since the instinct of self-preservation takes priority in an emergency.
- D. Yes, since the bystanders should have kept off the shoulder of the road.

44. The accused was shocked to discover his wife and their driver sleeping in the master's bedroom. Outraged, the accused got his gun and killed both. Can the accused claim that he killed the two under exceptional circumstances?

- A. No, since the accused had time to reflect when he got his gun.
- B. No, since the accused did not catch them while having sexual intercourse.
- C. Yes, since the wife and their driver desecrated the marital bed.
- D. Yes, since the scene shows that they had an intimate relationship.

45. The three accused forcibly took their victim from his car but the latter succeeded in freeing himself from their grip. What crime did the three accused commit?

- A. forcible abduction.
- B. frustrated kidnapping.
- C. attempted kidnapping.
- D. grave coercion.

46. Deeply enraged by his wife's infidelity, the husband shot and killed her lover. The husband subsequently surrendered to the police. How will the court appreciate the mitigating circumstances of (i) passion or obfuscation, (ii) vindication of a grave offense, and (iii) voluntary surrender that the husband invoked and proved?

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- A. It will appreciate passion or obfuscation and voluntary surrender as one mitigating circumstance and vindication of a grave offense as another.
- B. It will appreciate all three mitigating circumstances separately.
- C. It will appreciate the three mitigating circumstances only as one.
- D. It will appreciate passion or obfuscation and vindication of a grave offense as just one mitigating circumstance and voluntary surrender as another.

47. The aggravating circumstance of uninhabited place is aggravating in murder committed

- A. on a banca far out at sea.
- B. in a house located in cul de sac.
- C. in a dark alley in Tondo.
- D. in a partly occupied condominium building.

48. The penalty of perpetual or temporary special disqualification for the exercise of the right of suffrage does NOT deprive the offender of the right

- A. to be elected to a public office.
- B. to vote in any popular election for a public office.
- C. to vote in a plebiscite.
- D. to hold any public office.

49. Without meaning anything, Z happened to stare into the eye of one of four men hanging out by a store which he passed. Taking offense, the four mauled and robbed him of his wages. Z went home, took a knife, and stabbed one of his attackers to death. Charged with murder, Z may raise the mitigating circumstance of

- A. praeter intentionem.
- B. incomplete self-defense preceded by undue provocation.
- C. passion or obfuscation.
- D. complete self-defense.

50. A public officer who immediately returns the bribe money handed over to him commits

- A. no crime.
- B. attempted bribery.
- C. consummated bribery.
- D. frustrated bribery.

51. Direct bribery is a crime involving moral turpitude. From which of the following elements of direct bribery can moral turpitude be inferred?

- A. The offender receives a gift by himself or through another.
- B. The offender is a public officer.
- C. The offender takes a gift with a view to committing a crime in exchange.
- D. The act which the offender agrees to perform or which he executes is connected with his official duties.

52. Insuperable cause is an exempting circumstance which may be applied to

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- A. robbery.
- B. misprision of treason.
- C. homicide.
- D. rebellion.

53. Which of the following crimes is an exception to the Territoriality Rule in Criminal law?

- A. Violation of the Trademark Law committed by an alien in the Philippines.
- B. Forgery of US bank notes committed in the Philippines.
- C. Crime committed by a Filipino in the disputed Spratly's Island.
- D. Plunder committed at his place of assignment abroad by a Philippine public officer.

54. X, Y and Z agreed among themselves to attack and kill A, a police officer, but they left their home-made guns in their vehicle before approaching him. What crime have they committed?

- A. Conspiracy to commit indirect assault.
- B. Attempted direct assault.
- C. Conspiracy to commit direct assault.
- D. Illegal possession of firearms.

55. On hearing a hospital ward patient on the next bed, shrieking in pain and begging to die, Mona shut off the oxygen that was sustaining the patient, resulting in his death. What crime if any did Mona commit?

- A. Homicide.
- B. Murder if she deliberated on her action.
- C. Giving Assistance to Suicide.
- D. Euthanasia.

56. When committed outside the Philippine territory, our courts DO NOT have jurisdiction over the crime of

- A. treason.
- B. piracy.
- C. espionage.
- D. rebellion.

57. Motive is generally IMMATERIAL in determining criminal liability EXCEPT when

- A. several offenders committed the crime but the court wants to ascertain which of them acted as leader.
- B. the evidence of the crime consists of both direct and circumstantial evidence.
- C. ascertaining the degree of penalty that may be imposed on the offender.
- D. the evidence of guilt of the accused is circumstantial.

58. Which of the following circumstances of dishonor of a check can be a basis for prosecution under the bouncing checks law?

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- A. The check was returned unpaid with stamp "stop payment," although the drawer's deposit was sufficient.
B. The check, drawn and issued in the Philippines, was dishonored by the drawee bank in a foreign country.
C. The check was presented to the bank for payment 6 months after the date of issue.
D. The drawer of the dishonored check paid its value within 5 days from notice of dishonor.

59. X and his step-father have a long-standing enmity. One day, irked by an argument with his step-father, X smashed the windshield of his step-father's brand new Audi sports car. X is liable for

- A. malicious mischief.
B. malicious mischief with the alternative mitigating circumstance of relationship.
C. malicious mischief with the alternative aggravating circumstance of relationship.
D. RIGHT ANSWER the civil damage he caused.

60. The classification of felonies into grave, less grave, and light is important in ascertaining

- A. if certain crimes committed on the same occasion can be complexed.
B. the correct penalty for crimes committed through reckless imprudence.
C. whether the offender is liable as an accomplice.
D. what stage of the felony has been reached.

61. A child in conflict with the law shall enjoy all the rights of a child until

- A. he is found to have acted with discernment.
B. his minority is setoff by some aggravating circumstance.
C. he is proved to be 18 years or older.
D. he forfeits such rights by gross misconduct and immorality.

62. Mr. P owns a boarding house where he knowingly allowed children to be videotaped while simulating explicit sexual activities. What is Mr. P's criminal liability, if any?

- A. Corruption of minors under the Penal Code
B. Violation of the Child Pornography Act
C. Violation of the Child Abuse Law
D. None

63. W allowed a man to have sex with her thinking that he was her husband. After realizing that the man was not her husband, W stabbed him to death. Under the circumstances, the mitigating circumstance in attendance constitutes

- A. defense of honor.
B. immediate vindication of a grave offense.
C. passion or obfuscation.
D. self-defense.

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64. The prescriptive period for bigamy is 15 years counted from the date of the

- A. discovery of the second marriage by the offended spouse.
- B. registration of the second marriage in the Local Civil Registry.
- C. celebration or solemnization of the second marriage.
- D. discovery of the second marriage by the authorities.

65. After properly waiving his Miranda rights, the offender led the police to where he buried the gun he used in shooting the victim. How does this affect his liability?

- A. This serves as an analogous mitigating circumstance of voluntary surrender.
- B. It has no effect at all since the law provides none.
- C. He is considered to have confessed to murder.
- D. This serves as aggravating circumstance of concealment of weapon.

66. A qualifying aggravating circumstance

- A. changes the description and the nature of the offense.
- B. increases the penalty to its next degree but absorbs all the other aggravating circumstances.
- C. raises the penalty by two periods higher.
- D. is one which applies only in conjunction with another aggravating circumstance.

67. X inflicted serious injuries on Y. Because of delay in providing medical treatment to Y, he died. Is X criminally liable for the death of Y?

- A. Yes because the delay did not break the causal connection between X's felonious act and the injuries sustained by Y.
- B. Yes because any intervening cause between the infliction of injury and death is immaterial.
- C. No because the infliction of injury was not the immediate cause of the death.
- D. No because the delay in the administration of the medical treatment was an intervening cause.

68. In an attempted felony, the offender's preparatory act

- A. itself constitutes an offense.
- B. must seem connected to the intended crime.
- C. must not be connected to the intended crime.
- D. requires another act to result in a felony.

69. X inflicted violent kicks on vital parts of E's body. E nevertheless was able to flee for fear of his life. Refusing to undergo treatment for his injuries, E died 3 days later. Is X liable for E's death?

- A. No, since kicks on the body cannot cause death.
- B. No, since it took too long for death to occur.
- C. Yes, since E cannot be compelled to undergo medical treatment.
- D. Yes, since it was a natural result of the injuries X inflicted on E.

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70. 003-1137-0001 A criminal action for rape is extinguished when the offender is forgiven by

- A. RIGHT ANSWER the offender's wife who herself is the rape victim.
- B. his wife for having raped another woman.
- C. the rape victim's husband.
- D. the rape victim herself.

71. A battered woman claiming self-defense under the Anti-Violence against Women and Children must prove that the final acute battering episode was preceded by

- A. 3 battering episodes.
- B. 4 battering episodes.
- C. 5 battering episodes.
- D. 2 battering episodes.

72. A special complex crime is a composite crime

- A. made up of 2 or more crimes defined in the Penal Code.
- B. with its own definition and special penalty provided by the Penal Code.
- C. with its own definition and special penalty provided by a special penal law.
- D. made up of 2 or more crimes defined in the Penal Code and special penal laws.

73. What court has jurisdiction when an Indonesian crew murders the Filipino captain on board a vessel of Russian registry while the vessel is anchored outside the breakwaters of the Manila bay?

- A. The Indonesian court.
- B. The Russian court.
- C. The Philippine court.
- D. Any court that first asserts jurisdiction over the case.

74. X, intending to kill Y, a store owner, fired at Y from the street, but the shot killed not only Y but also Z who was in the store. As a case of aberratio ictus, it is punishable as a

- A. complex crime proper.
- B. special complex crime.
- C. continuing crime.
- D. compound crime.

75. A proposal to commit a felony is punishable only when the law specifically provides a penalty for it as in the case of proposal to commit

- A. rebellion.
- B. sedition.
- C. espionage.
- D. highway robbery.