

SYLLABUS FOR 2011 BAR EXAMINATIONS
POLITICAL LAW

A. The Constitution

1. Definition, Nature and Concepts
2. Parts
3. Amendments and Revisions
4. Self-Executing and Non-Self-Executing Provisions
5. General Provisions

B. General Considerations

1. National Territory
 - a. Archipelagic Doctrine
2. State Immunity
3. Principles and Policies
4. Separation of Powers
5. Checks and Balances
6. Delegation of Powers
7. Forms of Government

C. Legislative Department

1. Who May Exercise Legislative Power
 - a. Initiative and Referendum
2. Houses of Congress
 - a. Senate
 - b. House of Representatives
 - (1) District Representatives and Questions of Apportionment
 - (2) Party-List System
3. Legislative Privileges, Inhibitions and Disqualifications
4. Quorum and Voting Majorities
5. Discipline of Members
6. Electoral Tribunals and the Commission on Appointments
 - a. Nature
 - b. Powers
7. Powers of Congress
 - a. Legislative

- (1) Legislative Inquiries and the Oversight Functions
- (2) Bicameral Conference Committee
- (3) Limitations on Legislative Power
 - (a) Limitations on Revenue, Appropriations and Tariff Measures
 - (b) Presidential Veto and Congressional Override

- b. Non-Legislative
 - (1) Informing Function

D. **Executive Department**

1. Privileges, Inhibitions and Disqualifications
 - a. Presidential Immunity
 - b. Presidential Privilege
2. Powers
 - a. Executive and Administrative Powers in General
 - b. Power of Appointment
 - (1) In General
 - (2) Commission on Appointments Confirmation
 - (3) Midnight Appointments
 - (4) Power of Removal
 - c. Power of Control and Supervision
 - (1) Doctrine of Qualified Political Agency
 - (2) Executive Departments and Offices
 - (3) Local Government Units
 - d. Military Powers
 - e. Pardoning Power
 - (1) Nature and Limitations
 - (2) Forms of Executive Clemency
 - f. Diplomatic Power
 - g. Residual Powers

E. **Judicial Department**

1. Concepts
 - a. Judicial Power
 - b. Judicial Review
 - (1) Operative Fact Doctrine
 - (2) Moot Questions
 - (3) Political Question Doctrine

2. Judicial Independence Safeguards
3. Judicial Restraint
4. Appointments to the Judiciary
5. Supreme Court
 - a. *En Banc* and Division Cases
 - b. Procedural Rule Making
 - c. Administrative Supervision Over Lower Courts

F. Constitutional Commissions

1. Institutional Independence Safeguards
2. Powers and Functions
3. Judicial Review
 - a. Quasi-Judicial Functions
 - b. Administrative

G. Bill of Rights

1. Fundamental Powers of the State
 - a. Concept and Application
 - b. Requisites for Valid Exercise
 - c. Similarities and Differences
 - d. Delegation
2. Private Acts and the Bill of Rights
3. Due Process
 - a. Relativity of Due Process
 - b. Procedural and Substantive Due Process
 - c. Constitutional and Statutory Due Process
 - d. Hierarchy of Rights
 - e. Judicial Standards of Review
 - f. Void-for-Vagueness Doctrine
4. Equal Protection
 - a. Concept
 - b. Requisites for Valid Classification
5. Searches and Seizures
 - a. Concept
 - b. Warrant Requirement
 - (1) Requisites
 - c. Warrantless Searches
 - d. Warrantless Arrests
 - e. Administrative Arrests
 - f. Drug, Alcohol and Blood Tests

6. Privacy of Communications and Correspondence
 - a. Private and Public Communications
 - b. *Writ of Habeas Data*

7. Freedom of Expression
 - a. Concept and Scope
 - (1) Prior Restraint (Censorship)
 - (2) Subsequent Punishment

 - b. Content-Based and Content-Neutral Regulations
 - c. Facial Challenges and the Overbreadth Doctrine
 - d. Tests
 - e. State Regulation of Different Types of Mass Media
 - f. Commercial Speech
 - g. Private v. Government Speech
 - h. Heckler's Veto

8. Freedom of Religion
 - a. Non-Establishment Clause
 - b. Free Exercise Clause

9. Liberty of Abode and Freedom of Movement
 - a. Limitations
 - b. Return to One's County

10. Right to Information
 - a. Limitations
 - b. Publication of Laws and Regulations
 - c. Access to Court Records
 - d. Right to Information Relative to
 - (1) Government Contract Negotiations
 - (2) Diplomatic Negotiations

11. Right of Association
12. Eminent Domain
 - a. Concept
 - b. Expansive Concept of "Public Use"
 - c. Just Compensation
 - (1) Determination
 - (2) Effect of Delay

 - d. Abandonment of Intended Use and Right of Repurchase
 - e. Miscellaneous Application

13. Contract Clause
 - a. Contemporary Application of the Contract Clause
14. Legal Assistance and Free Access to Courts
15. Rights of Suspects
 - a. Availability
 - b. Requisites
 - c. Waiver
16. Rights of the Accused
 - a. Criminal Due Process
 - b. Bail
 - c. Presumption of Innocence
 - d. Right to be Heard
 - e. Assistance of Counsel
 - f. Right to be Informed
 - g. Right to Speedy, Impartial and Public Trial
 - h. Right of Confrontation
 - i. Compulsory Process
 - j. Trials *In Absentia*
17. Writ of *Habeas Corpus*
 - a. Writ of *Amparo*
18. Self-Incrimination Clause
 - a. Scope and Coverage
 - (1) Foreign Laws
 - b. Application
 - c. Immunity Statutes
19. Involuntary Servitude and Political Prisoners
20. Excessive Fines and Cruel and Inhuman Punishments
21. Non-Imprisonment for Debts
22. Double Jeopardy
 - a. Requisites
 - b. Motions for Reconsideration and Appeals
 - c. Dismissal with Consent of Accused
23. *Ex Post Facto* Laws and Bills of Attainder

H. **Citizenship**

1. Natural-Born Citizens and Public Office
2. Naturalization and Denaturalization
3. Loss of Citizenship

4. Repatriation

I. **Law on Public Officers**

1. General Principles
2. Modes of Acquiring Title to Public Office
3. Modes and Kinds of Appointment
4. Eligibility and Qualification Requirements
5. Disabilities and Inhibitions of Public Officers
6. Powers and Duties of Public Officers
7. Rights of Public Officers
8. Liabilities of Public Officers
 - a. Preventive Suspension and Back Salaries
 - b. Illegal Dismissal, Reinstatement and Back Salaries

9. Immunity of Public Officers
10. *De Facto* Officers
11. Termination of Official Relation
12. The Civil Service
 - a. Scope
 - b. Appointments to the Civil Service
 - c. Personnel Actions

13. Accountability of Public Officers
 - a. Impeachment
 - b. Ombudsman
 - (1) Judicial Review in Administrative Proceedings
 - (2) Judicial Review in Penal Proceedings

 - c. Sandiganbayan
 - d. Ill-Gotten Wealth

14. Term Limits

J. **Administrative Law**

1. General Principles
2. Administrative Agencies
3. Powers of Administrative Agencies
 - a. Quasi-Legislative (Rule Making) Power
 - (1) Kinds of Administrative Rules and Regulations
 - (2) Requisites for Validity

 - b. Quasi-Judicial (Adjudicatory) Power

- (1) Administrative Due Process
- (2) Administrative Appeal and Review
- (3) Administrative *Res Judicata*

c. Fact-Finding, Investigative, Licensing and Rate-Fixing Powers

4. Judicial Recourse and Review

- a. Doctrine of Primary Administrative Jurisdiction
- b. Doctrine of Exhaustion of Administrative Remedies
- c. Doctrine of Finality of Administrative Action

K. Election Law

1. Suffrage

2. Qualification and Disqualification of Voters

3. Registration of Voters

4. Inclusion and Exclusion Proceedings

5. Political Parties

6. Candidacy

a. Qualifications of Candidates

b. Filing of Certificates of Candidacy

(1) Effect of Filing

(2) Substitution of Candidates

(3) Nuisance Candidates

(4) Petition to Deny or Cancel Certificates of Candidacy

(5) Effect of Disqualification

(6) Withdrawal of Candidates

7. Campaign

a. Premature Campaigning

b. Prohibited Contributions

8. Board of Canvassers

9. Remedies and Jurisdiction in Election Law

a. Petition Not to Give Due Course to Certificate of Candidacy

b. Petition to Declare Failure of Elections

c. Pre-Proclamation Controversy

d. Election Protest

e. *Quo Warranto*

10. Prosecution of Election Offenses

L. Local Governments

1. Public Corporations

- a. Concept
 - (1) Distinguished from Government-Owned or Controlled Corporations (GOCCs)
 - b. Classifications
 - (1) Quasi-Corporations
 - (2) Municipal Corporations
2. Municipal Corporations
 - a. Elements
 - b. Nature and Functions
 - c. Requisites for Creation, Conversion, Division, Merger or Dissolution
 3. Principles of Local Autonomy
 4. Powers of Local Government Units (LGUs)
 - a. Police Power (General Welfare Clause)
 - b. Eminent Domain
 - c. Taxing Power
 - d. Closure and Opening of Roads
 - e. Legislative Power
 - (1) Requisites for Valid Ordinance
 - (2) Local Initiative and Referendum
 - f. Corporate Powers
 - (1) To Sue and Be Sued
 - (2) To Acquire and Sell Property
 - (3) To Enter Into Contracts
 - (a) Requisites
 - (b) *Ultra Vires* Contracts
 - g. Liability of LGUs
 - h. Settlement of Boundary Disputes
 - i. Succession of Elective Officials
 - j. Discipline of Local Officials
 - (1) Elective Officials
 - (a) Grounds
 - (b) Jurisdiction
 - (c) Preventive Suspension
 - (d) Removal
 - (e) Administrative Appeal
 - (f) Doctrine of Condonation
 - (2) Appointive Officials
 - k. Recall
 - l. Term Limits

M. National Economy and Patrimony

1. Regalian Doctrine
2. Nationalist and Citizenship Requirement Provisions
3. Exploration, Development and Utilization of Natural Resources
4. Franchises, Authority and Certificates for Public Utilities
5. Acquisition, Ownership and Transfer of Public and Private Lands
6. Practice of Professions
7. Organization and Regulation of Corporations, Private and Public
8. Monopolies, Restraint of Trade and Unfair Competition

N. Social Justice and Human Rights

1. Concept of Social Justice
2. Commission on Human Rights

O. Education, Science, Technology, Arts, Culture and Sports

1. Academic Freedom

P. Public International Law

1. Concepts
 - a. Obligations *Erga Omnes*
 - b. *Jus Cogens*
 - c. Concept of *Aequo Et Bono*
2. International and National Law
3. Sources
4. Subjects
 - a. States
 - b. International Organizations
 - c. Individuals
5. Diplomatic and Consular Law
6. Treaties
7. Nationality and Statelessness
8. Treatment of Aliens
 - a. Extradition
 - (1) Fundamental Principles
 - (2) Procedure
 - (3) Distinguished from Deportation
9. International Human Rights Law
 - a. Universal Declaration of Human Rights

- b. International Covenant on Civil and Political Rights (ICCPR)
 - c. International Covenant on Economic, Social and Cultural Rights (ICESCR)
10. International Humanitarian Law (IHL) and Neutrality
- a. Categories of Armed Conflicts
 - (1) International Armed Conflicts
 - (2) Internal or Non-International Armed Conflict
 - (3) War of National Liberation
 - b. Core International Obligations of States in IHL
 - c. Principles of IHL
 - (1) Treatment of Civilians
 - (2) Prisoners of War
 - d. Law on Neutrality
11. Law of the Sea
- a. Baselines
 - b. Archipelagic States
 - (1) Straight Archipelagic Baselines
 - (2) Archipelagic Waters
 - (3) Archipelagic Sea Lanes Passage
 - c. Internal Waters
 - d. Territorial Sea
 - e. Exclusive Economic Zone
 - f. Continental Shelf
 - (1) Extended Continental Shelf
 - g. Tribunal of the Law of the Sea
12. International Environment Law
- a. Principle 21 of Stockholm Declaration

IMPORTANT NOTE: This bar coverage description is not intended and should not be used by law schools as a syllabus or course outline in the covered subjects. It has been drawn up for the limited purpose of ensuring that candidates reviewing for the bar examinations are guided on what basic and minimum amounts of laws, doctrines, and principles they need to know and be able to use correctly before they can be licensed to practice law. More is required for excellent and distinguished work as members of the Bar.