

**SYLLABUS FOR THE 2012 BAR EXAMINATIONS
CIVIL LAW**

I. Effect and Application of Laws

- A. When law takes effect (Civil Code, Art. 2)
- B. Ignorance of the law (Civil Code, Art. 3)
- C. Retroactivity of laws (Civil Code, Art. 4)
- D. Mandatory or prohibitory laws (Civil Code, Art. 5)
- E. Waiver of rights (Civil Code, Art. 6)
- F. Repeal of laws (Civil Code, Art. 7)
- G. Judicial decisions (Civil Code, Art. 8)
- H. Duty to render judgment (Civil Code, Art. 9)
- I. Presumption and applicability of custom (Civil Code, Arts. 10-12)
- J. Legal periods (Civil Code, Art. 13, as amended by Book I, Sec. 31 of the Administrative Code of 1987 (EO 292))
- K. Applicability of penal laws (Civil Code, Art. 14)
- L. Conflict of laws (Civil Code, Arts. 15-18)

II. Human Relations (Civil Code, Arts. 19-22)

Exclude: Independent Civil Actions and prejudicial questions which will be covered by the examinations in Remedial Law

PERSONS

I. Persons and Personality (Civil Code)

- A. Capacity to act
 - 1. Civil personality (Art. 37)
 - 2. Restrictions on capacity to act (Arts. 38-39)
 - 3. Birth (Arts. 40-41)

4. Death (Arts. 42-43)
 - a) Compare Art. 43 with Rule 131, Sec. 3 (jj) presumption of survivorship
5. Juridical Persons, Civil Code, Arts. 44-46

B. Domicile and residence (Arts. 50-51)

II. Marriage (Family Code)

Exclude: Muslim Code (P.D. 1083)

A. Nature of marriage

B. Requisites

1. Kinds of requisites (Family Code, Arts. 2-3)
3. Effect of absence of requisites (Art. 4)
4. Essential requisites (Art. 5)
 - a) Age
 - b) Consent
5. Formal (Arts. 7, 31, 32)
6. Ceremony (Art. 6)
7. Solemnizing authority (Art. 7-8, 10)
 - a) Exceptions (Art. 35 (2))
8. License required (Arts. 3 (2), 9, 11, 20, 26)
 - a) Foreign national (Art. 21)
 - b) Exceptions (Arts. 27, 31-32, 34)
9. Marriage certificate (Art. 22)

Exclude: Duties of a Civil Registrar under Arts. 12-19, 23-25

B. Effect of marriage celebrated abroad and foreign divorce (Art. 26)

C. Void and voidable marriages

1. Void marriages (Arts. 5, 35, 36-38, 52-53)
 - a) Absence of requisites (Art. 35)
 - b) Psychological incapacity (Art. 36)
 - c) Incestuous marriages (Arts. 37-38)
2. Prescription (Art. 39)
3. Subsequent marriage (Arts. 40-44)
4. Annulable marriage (Arts. 14, 45-46)
5. Voidable marriages (Art. 45-47)
6. Presence of prosecutor (Art. 48)
7. Pendency of action (Art. 49)
8. Effects of nullity (Arts. 50-54)

Exclude: A.M. No. 02-11-10-SC, Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages; R.A. 6955, entitled "*An Act to*

Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail Order Basis and Other Similar Practices...”; R.A. 9208 or the Anti-Trafficking in Persons Act of 2003

III. Legal Separation

- A. Grounds (Art. 55 and R.A. 9262 or the Anti-Violence Against Women and Their Children Act of 2004)
- B. Defenses (Arts. 56-57)
- C. Cooling-off period (Art. 58)
- D. Reconciliation efforts (Art. 59)
- E. Confession of judgment (Art. 60)
- F. Effects of filing petition (Art. 61)
- G. Effects of pendency (Art. 62)
- H. Effects of legal separation (Arts. 63-64)
 - 1. Reconciliation (Arts. 65-67)

Exclude: A.M. No. 02-11-11-SC or the Rule on Legal Separation

IV. Rights and Obligations Between Husband and Wife

- A. Essential obligations (Art. 68)
- B. Family domicile (Art. 69)
- C. Support (Art. 70)
- D. Management of household (Art. 71)
- E. Effect of neglect of duty (Art. 72)
- F. Exercise of profession (Art. 73)

Exclude: R.A. 7192 or the Women in Development and Nation Building Act; R.A. 8187, or the Paternity Leave Act of 1996; R.A. 9710 or The Magna Carta of Women.

V. Property Relations of the Spouses

- A. Marriage settlements (Arts. 76-81)
- B. Donations by reason of marriage (Arts. 82-83, 86, 43(3), 50)
- C. Void donations by the spouses (Art. 87)
- D. Absolute Community of Property
 1. General provisions (Arts. 75-85, 88-90)
 2. What constitutes community property (Arts. 91-93)
 3. Charges upon and obligations of the community property (Arts. 94-95)
 4. Ownership, administration, enjoyment and disposition of the community property (Arts. 96-98)
 5. Dissolution of community regime (Arts. 99-101)
 6. Liquidation of the absolute community assets and liabilities (Arts. 102-104)
- E. Conjugal Partnership of Gains
 1. General provisions (Arts. 105-108)
 2. Exclusive property of each spouse (Arts. 109-115)
 3. Conjugal partnership property (Arts. 116-120)
 4. Charges upon and obligations of the Conjugal Partnership of Gains (Arts. 121-123)
 5. Administration of the Conjugal Partnership of Gains (Arts. 124-125)
 6. Dissolution of the regime of Conjugal Partnership of Gains (Arts. 126-128)
 7. Liquidation of the conjugal partnership assets and liabilities (Arts. 129-133)
- F. Separation of property of the spouses and administration of common property by one spouse during the marriage (Arts. 134-142)
- G. Regime of separation of property (Arts. 143-146)
- H. Property regime of unions without marriage (Arts. 147-148)

VI. The Family

- A. The family as an institution (Arts. 149-151)
 - B. The family home (Arts. 152-165)
- Exclude: Arts. 157, 161 and 162

VII. Paternity and Filiation

- A. Legitimate children (Arts. 163-171)
- B. Proof of filiation (Arts. 172-174)

C. Illegitimate children (Art. 175 and Art. 176 as amended by R.A. 9255 allowing illegitimate children to use the surname of their father)

D. Legitimated children (Arts. 177-182)

Exclude: A.M. No. 06-11-5-SC or the Rule on DNA Evidence

VIII. Adoption

A. Domestic Adoption Act of 1998 (R.A. 8552)

1. Who can adopt
2. Who can be adopted
3. Rights of an adopted child (include Family Code, Arts. 189 and 190 on successional rights)
4. Rescission of adoption

Exclude:

1. Rule on Adoption (A.M. No. 02-6-02-SC)
2. R.A. 9523, entitled "An Act Requiring Certification of the Department of Social Welfare and Development (DSWD) to Declare a "Child Legally Available for Adoption" as a Prerequisite for Adoption Proceedings...."

B. Inter-Country Adoption Act of 1995 (R.A. 8043)

1. Who can adopt
2. Who can be adopted

Exclude: Arts. 183-188, 191-193 of the Family Code

IX. Support

A. What it comprises (Art. 194)

B. Who are obliged (Arts. 195-197, 199-200, 206-208)

C. Support during marriage litigation (Art. 198)

D. Amount (Arts. 201-202)

E. When demandable (Art. 203)

F. Options (Art. 204)

G. Attachment (Art. 205)

X. Parental Authority

A. General provisions (Arts. 209-215)

B. Substitute and special parental authority (Arts. 216-219)

C. Effect of parental authority upon the persons of the children (Arts. 220-224)

Exclude:

1. Rule on Guardianship of Minors (A.M. No. 03-02-05-SC)
2. Rules on Custody of Minors and Writ of Habeas Corpus in Relation to Custody of Minors (A.M. No. 03-04-04-SC)
3. Solo Parents' Welfare Act of 2000 (R.A. 8972)
4. The Early Childhood Care and Development Act (R.A. 8980)

D. Effects of parental authority upon the property of the children (Arts. 225-227)

Exclude: R.A. 9231, entitled "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child..." which will be covered under Labor Law

E. Suspension or termination of parental authority (Arts. 228-233)

1. Child Abuse Law (R.A. 7610)

XI. Emancipation (Arts. 234 and 236, as amended by R.A. 6809 which lowered the age of majority)

XII. Summary Judicial Proceedings in Family Law Cases

XIII. Retroactivity of the Family Code (Art. 256)

Exclude: Arts. 254-255, 257 of the Family Code

XIV. Funerals (Civil Code, Arts. 305-310)

Exclude: Care and Education of Children (Arts. 356-363, Civil Code)

XV. Use of Surnames

Arts. 364-369, 369-380 (other articles repealed by Family Code)

XVI. Absence (Civil Code, Art. 43; Art. 41 Family Code)

- A. Provisional measures in case of absence (Arts. 381-383)
 - B. Declaration of absence (Arts. 384-386)
 - C. Administration of the property of the absentee (Arts. 387- 389)
 - D. Presumption of death (Arts. 390-392)
- Exclude: Arts. 393-396 on contingent assets

XVII. Civil Registrar

- A. Arts. 407-413
- B. Correction of Clerical Errors (R.A. 9048, entitled "An Act Authorizing the City or Municipal Civil Registrar or the Consul General to Correct a Clerical or Typographical Error in an Entry and/or Change of First Name or Nickname in the Civil Register Without Need of a Judicial Order....")
- C. Rule 108, Rules of Court

Exclude: Act No. 375 and the Implementing Rules and Regulations of R.A. 9048

CHANROBLES INTERNET BAR REVIEW

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PROPERTY

I. Characteristics

II. Classification (Arts. 415-418)

- A. Hidden treasure (Arts. 438-439)
- B. Right of accession (Art. 440)
 - 1. Fruits (Arts. 441-444)
 - 2. With respect to immovable property
 - a) Builder, planter, sower on land of another in the concept of owner
 - (i) Builder, planter, sower in good faith (Arts. 448-456)
 - (ii) Builder, planter, sower in bad faith (Arts. 449-450)
 - b) Usufructuary (Art. 579)
 - 3. Lands adjoining river banks
 - a) Alluvion (Art. 457)
 - b) Change of course of river (Arts. 461-462 and P.D. 1067 or the Water Code)

- c) Avulsion (Arts. 459-463)
- 4. Islands (Arts. 464-465)
- C. By object
 - 1. Real or immovable
 - 2. Personal or movable
- D. By owner
 - 1. Of public dominion
 - 2. Of private ownership
 - a) Patrimonial property
 - (i) Distinction between private property of individual persons and of state entities
- E. By nature
 - 1. Consumable/non-consumable vs. Fungible/non-fungible

III. Ownership

- A. Right in general
 - 1. Bundle of rights
 - a) Jus utendi, fruendi, abutendi, vindicandi, disponendi (possidendi)
 - (i) Actions to recover ownership and possession of real property
 - (a) Distinctions between accion reivindicatoria, accion publiciana, accion interdical
 - (b) Distinction between forcible entry and unlawful detainer
 - (ii) Actions for recovery of possession of movable property
 - (iii) Requisites for recovery of property
 - (a) Proof of right
 - (b) Identity
 - (c) Reliance on strength of own evidence, not weakness of defendant's claim
 - 2. Distinction between real and personal rights
- B. Modes of acquiring ownership
 - 1. Original
 - 2. Derivative
- C. Limitations
 - 1. General limitations: taxation, eminent domain, police power
 - 2. Specific limitations: those imposed by law (sic utere tuo, nuisance, state of necessity), easements voluntarily imposed by owner (servitudes, mortgages imposed by contract)

IV. Accession

- A. Right to hidden treasure
- B. General rules
 - 1. For immovables:
 - a) Accession discreta (natural, industrial, civil fruits) and continua (over immovables: artificial/industrial and natural)
 - b) Accession industrial (building, planting, sowing in good faith or bad faith)
 - c) Accession natural (accretion, avulsion, rivers, islands)
 - 2. For movables:
 - a) Accession continua (conjunction, adjunction, commixtion/ confusion, specification)
 - b) Rules for determining the principal and accessory

V. Quieting of Title to or Interest in and Removal or Prevention of Cloud over Title to or Interest in Real Property (Arts. 476-481)

- A. Requirement
- B. Distinction between quieting of title and removing/preventing a cloud
- C. Prescription/non-prescription of action

VI. Co-ownership

- A. Characteristics of co-ownership
 - 1. In general
 - 2. Special rules
 - a) Concept of condominium
 - (i) Condominium corporation
 - (ii) Interest in real property
 - (iii) Concept of common areas, amendment
 - (iv) Documents to consider (master deed, declaration of restrictions, articles and by-laws of the condominium corporation or the association, where applicable)
 - b) Rights and obligations of condominium owners
 - (i) Contributions/dues
 - (ii) P.D. 957, The Subdivision and Condominium Buyers' Protective Decree and R.A. 6552, Realty Installment Buyer Act
 - c) Grounds for partition of common areas, or dissolution of the condominium
- B. Source of co-ownership

C. Rights of co-owners

1. Distinction between right to property owned in common and full ownership over his/her ideal share
2. Right to oppose acts of alteration
3. Right to partition
4. Right to contributions for expenses (necessary expenses, taxes)
5. Waiver
6. Right to redemption of co-owners share

D. Termination/extinguishment

1. Effect of partition
2. Rights against individual co-owners in case of partition
3. Partition in case co-owners cannot agree

VII. Possession

A. Characteristics

B. How acquired (Art. 531)

C. Effects of possession

1. Possessor in good faith (Arts. 544, 526-527)
 - a) Right to pending fruits (Art. 545)
 - b) Right to be reimbursed
 - (i) Necessary and useful expenses (Arts. 546-547)
 - (ii) Expenses for pure luxury (Art. 548)
2. Possessor in bad faith (Arts. 449, 549, 552)

D. Loss or unlawful deprivation of a movable (Arts. 559, 1505(3))

1. Period to recover (Arts. 1140, 1134, 1132, 1133)
2. Finder of lost movable (Arts. 719-720)
3. Distinguished from voidable title (Art. 1506)

E. In concept of owner, holder, in one's own name, in name of another

F. Rights of the possessor

G. Loss/termination

VIII. Usufruct

A. Characteristics

B. Classification

- C. Rights and obligations of usufructuary
- D. Rights of the owner
- E. Extinction/termination

IX. Easements (Arts. 613, 615-616)

- A. Characteristics
- B. Classification
 - 1. Legal easements
 - a) Right of way
 - 2. Voluntary easements (Art. 688)
 - a) Effect of zoning ordinance
- C. Modes of acquiring easements
 - 1. Compulsory easements (Arts. 620-624)
 - 2. Easement of light and view (Arts. 669-673)
- D. Rights and obligations of dominant and subservient estate
- E. How terminated

X. Nuisance (Arts. 694-707)

- A. Definition
- B. Classification
- C. Remedies

XI. Modes of Acquiring Ownership (Art. 712)

- A. Occupation (Art. 713)
- B. Donation
 - 1. Definition (Arts. 725-726, 746)
 - 2. Characteristics
 - a) Extent to which donor may donate property
 - b) Reservations and reversions

3. Kinds
 - a) Donation inter vivos (Art. 729)
 - b) Donation by reason of marriage (Family Code, Arts. 82-83, 86)
 - c) Donation mortis causa (Art. 728)
 - d) Onerous donation (Art. 733)
 - e) Simple, modal, conditional
4. Formalities required
 - a) How made and accepted
 - b) Perfection
 - c) Differences between formalities for donation of real, personal properties
 - (i) Movable (Art. 748)
 - (ii) Immovables (Art. 749)
5. Qualifications of donor, donee
6. Effects of donation/limitations
 - a) In general
 - b) Double donations
 - c) Excessive/inofficious
 - d) Scope of amount (Arts. 750-752)
 - e) In fraud of creditors (Art. 759)
7. Void donations (Arts. 739-740, 1027)
8. Revocation or reduction
 - a) Grounds for revocation, grounds for reduction
 - b) How done
 - c) Effects
 - c) Prescription
 - e) Inofficious donations (Arts. 760-761, 771-773)
 - f) Ingratitude (Arts. 765, 769)

Exclude: Intellectual creations

PRESCRIPTION

I. Definition (Art. 1106)

- A. Acquisitive (Art. 1117)
 1. Characteristics
 2. Ordinary
 - a) Good faith (Art. 1127)
 - b) Just title (Arts. 1129-1130)

3. Extraordinary (Arts. 1137 and 1132, second par.)
4. Requisites (Arts. 1118-1125)
5. Period (Arts. 1132, 1134, 1138)
6. What cannot be required by acquisitive prescription

B. Extinctive

1. Characteristics
2. Requisites
3. Periods

II. No Prescription Applicable

A. By offender (Art. 1133)

B. Registered lands (P.D. 1529)

C. Art. 1143, Civil Code

1. Action legal to demand a right of way (Art. 649)
2. To abate a nuisance

D. Action to quiet title if plaintiff is in possession

E. Void contracts (Art. 1410)

F. Action to demand partition (Art. 494)

1. Distinguished from laches

G. Property of public dominion

III. Prescription or limitation of actions

A. To recover movables (Art. 1140)

B. To recover immovables (Art. 1141)

C. Other actions (Arts. 1142-1149)

IV. Interruption (Art. 1155)

OBLIGATIONS

I. Definition

II. Elements of an Obligation

III. Different Kinds of Prestations

IV. Classification of Obligations

V. Sources of obligations (Arts. 1156-1157)

- A. A single act or omission can give rise to different causes of action
- B. Natural obligations
- C. Extra-contractual obligations

VI. Nature and Effect of Obligations

- A. Obligation to give
 - 1. A determinate or specific thing
 - 2. An indeterminate or generic thing
- B. Obligation to do or not to do
- C. Breaches of obligations
 - 1. Complete failure to perform
 - 2. Default, delay or mora – no default unless creditors makes a demand; exceptions (Art. 1169)
 - a) Mora solvendi
 - b) Mora accipiendi
 - c) Compesatio morae
 - 3. Fraud in the performance of obligation
 - a) Waiver of future fraud is void (Art. 1171)
 - 4. Negligence (culpa) in the performance of obligation
 - a) Diligence normally required is ordinary diligence or diligence of a good father of a family
 - b) Exception: common carriers which are required to exercise extraordinary diligence
 - 5. Contravention of the tenor of obligation
 - 6. Legal excuse for breach of obligation: fortuitous event; requisites
- D. Remedies available to creditor in cases of breach
 - 1. Specific performance

- a) Substituted performance by a third person on obligation to deliver generic thing and in obligation to do, unless a purely personal act
2. Rescission (resolution in reciprocal obligations)
3. Damages, in any event
4. Subsidiary remedies of creditors (Art. 1177)
 - a) Accion subrogatoria
 - a) Accion pauliana
 - c) Accion directa (Arts. 1652, 1608, 1729, 1893)

VII. Kinds of Civil Obligations

A. Pure (Arts. 1179-1180)

B. Conditional (Art. 1181)

1. Suspensive condition
2. Resolutive condition
3. Potestative: casual or mixed
 - a) Obligations subject to potestative suspensive conditions are void (Art. 1182)
4. Effect of the happening of suspensive condition or resolutive condition (Art. 1187)
 - a) Extent of retroactivity
5. Effect of improvement, loss or deterioration of specific thing before the happening of a suspensive condition in obligation to do or not to do (Art. 1189)
6. Effect when a resolutive condition in obligation to do or not to do happens and there is improvement, loss or deterioration of the specific thing (Art. 1190, par. 3)

C. Obligation with a period or a term (Art. 1193)

1. Presumption that period is for the benefit of both debtor and creditor (Art. 1196)
2. Effect if suspensive period is for the benefit of both debtor and creditor
3. Effect if given to debtor alone
 - a) Instances when debtor loses benefit of period (Art. 1198)
2. Resolutive period
3. Definite or indefinite period
 - a) Instances when courts may fix the period (Art. 1197)
 - b) Creditor must ask court to set the period before he can demand payment

D. Alternative or facultative (Art. 1199)

1. Difference between alternative and facultative obligations
2. Effect of loss of specific things or impossibility of performance of alternative, through fault of debtor/creditor or through fortuitous events

VIII. Joint and Solidary Obligation

A. Joint (divisible) obligation

1. Concurrence of two or more creditors and or two or more debtors
 - a) Joint obligation is presumed, unless otherwise indicated by the law or nature of obligation (Art. 1207)
 - b) Obligation presumed to be divided into as many equal shares as there are creditors or debtors
 - c) Each credit is distinct from one another, therefore a joint debtor cannot be required to pay for the share of another with debtor, although he may pay if he wants to (Art. 1209)
 - d) Insolvency of a joint debtor, others not liable for his share (Art. 1209)

B. Joint indivisible obligation

1. Obligation cannot be performed in parts but debtors are bound jointly
2. In case of failure of one joint debtor to perform his part (share), there is default but only the guilty debtor shall be liable for damages

C. Solidary obligation

1. Mutual agency among solidary debtors (Arts. 1214, 1215)
2. Mutual guaranty among solidary debtors (Arts. 1216, 1217, 1222)
3. Each one of solidary creditors may do whatever may be useful to the others, but not anything prejudicial to them (Art. 1212);
 - a) Effect of any novation, compensation, confusion or remission of debt executed by a solidary creditor

D. Divisible and indivisible (Art. 1225)

E. Obligations with a penal clause (Arts. 1226, 1228-1230)

IX. Extinguishment of Obligations

A. Payment (Arts. 1236-1238)

1. Dation in payment (Art. 1245)
2. Form of payment (Art. 1249)
3. Extraordinary inflation or deflation (Art. 1250)
4. Application of payment (Art. 1252-1254)
5. Tender of payment and consignation (Arts. 1256-1261)

B. Loss of determinate thing due or impossibility or difficulty of performance (Arts. 1262, 1266-1267)

C. Condonation or remission of debt (Art. 1270)

1. Express condonations and required formality thereof (Art. 1270)
2. Implied (Arts. 1271, 1272, 1274)

- D. Confusion or Merger of Rights (Arts. 1275, 1272)
- E. Compensation
 - 1. Kinds (Arts. 1278, 1279)
 - a) Legal compensation (Arts. 1286-1290)
 - b) Agreement (Art. 1282)
 - c) Voluntary (Art. 1282)
 - d) Judicial (Art. 1283)
 - e) Facultative
 - 2. Obligations not compensable (Art. 1287-1288)
- F. Novation (Arts. 1291-1304)

CONTRACTS

I. Essential Requisites (Art. 1261)

II. Kinds of Contracts

- A. Consensual
- B. Real
- C. Formal or solemn
 - 1. Donations (Arts. 748-749)
 - 2. Partnership where real property contributed (Arts. 1771, 1773)
 - 3. Antichresis (Art. 2134)
 - 4. Agency to sell real property or an interest therein (Art. 1874)
 - 5. Stipulation to charge interest (Art. 1956)
 - 6. Stipulation limiting common carrier's duty of extraordinary diligence to ordinary diligence (Art. 1744)
 - 7. Chattel mortgage
 - 8. Sale of large cattle

III. Formality (Arts. 1356, 1357, 1358)

IV. Defective Contracts

- A. Rescissible contracts (Art. 1381)
 - 1. Difference with rescission (resolution) under Art. 1191
- B. Voidable contracts (Arts. 1328-1344, 1390-1402)

- C. Unenforceable contracts (Arts. 1403-1408, 1317)
- D. Void contracts (Arts. 1409, 1346)
 - 1. Pactum commissorium (Arts. 2088, 2130, 1390)
 - 2. Pactum de non alienando (Art. 2130)
 - 3. Pactum leonina (Art. 1799)

V. Effect of contracts (Art. 1311)

SALES

I. Introduction

- A. Definition of sales (Arts. 1458, 1470)
- B. Essential requisites of a contract of sale (Art. 1505)
- C. Stages of contract of sale
- D. Obligations created (Art. 1165)
- E. Characteristics of a contract of sale
- F. Sale is title and not mode
- G. Sale distinguished from other contracts
- H. Contract of sale/contract to sell

II. Parties to a Contract of Sale

- A. Capacity of parties (Arts. 1489-1492)
- B. Absolute incapacity (Arts. 1327, 1397, 1399)
- C. Relative incapacity: married persons
- D. Special disqualifications (Arts. 1491-1492)

III. Subject Matter

- A. Requisites of a valid subject matter (Arts. 1459-1465)

B. Particular kinds

IV. Obligations of the Seller to Transfer Ownership

A. Sale by a person not the owner at time of delivery (Arts. 1462, 1505, 1459)

1. Exceptions

B. Sale by a person having a voidable title (Arts. 1506, 559)

V. Price

A. Meaning of price (Arts. 1469-1474)

B. Requisites for a valid price

C. How price is determined

D. Inadequacy of price (Arts. 1355, 1470)

E. When no price agreed (Art. 1474)

F. Manner of payment must be agreed upon

G. Earnest money vs. Option money (Art.1482)

VI. Formation of Contract of Sale

A. Preparatory (Art. 1479)

1. Offer (Art. 1475)

2. Option contract (Arts. 1479, 1324)

3. Right of first refusal

4. Mutual promise to buy and sell (Art. 1479)

B. Perfection (Arts. 1475, 1319, 1325, 1326)

C. Formalities of the contract, Art. 1403 (d) (e)

VII. Transfer of Ownership

A. Manner of transfer (Arts. 1477, 1496-1501)

B. When delivery does not transfer title

- C. Kinds of delivery
- D. Double sales (Art. 1544)
- E. Property Registration Decree
 1. Requisites for registration of deed of sale in good faith
 2. Accompanied by vendor's duplicate certificate of title, payment of capital gains tax, and documentary tax registration fees

VIII. Risk of Loss

- A. General rule (Arts. 1263, 1189)
- B. When loss occurred before perfection
- C. When loss occurred at time of perfection (Arts. 1493 and 1494)
- D. When loss occurred after perfection but before delivery
- E. When ownership is transferred (Art. 1504)

IX. Documents of Title

- A. Definition (Art. 1636)
- B. Purpose of documents of title
- C. Negotiable documents of title
- D. Non-negotiable documents of title
- E. Warranties of seller of documents of title (Art. 1516)
- F. Rules on levy/garnishment of goods (Arts. 1514, 1519, 1520)

X. Remedies of an Unpaid Seller

- A. Definition of unpaid seller (Art. 1525)
- B. Remedies of unpaid seller

XI. Performance of Contract

- A. Delivery of thing sold
 - 1. Sale of movables (Arts. 1522, 1537, 1480)
 - 2. Sale of immovables (Arts. 1539, 1543)
 - 3. Inspections and acceptance

B. Payment of price

XII. Warranties

- A. Express warranties
- B. Implied warranties (Art. 1547)
- C. Effects of warranties
- D. Effects of waivers
- E. Buyer's options in case of breach of warranty (Art. 1599)

XIII. Breach of Contract

- A. Remedies of the seller (Arts. 1636, 1594)
 - 1. Sale of movables
- B. Recto Law: sale of movables on installment (Arts. 1484-1486)
- C. Sale of immovables
 - 1. P.D. 957, Secs. 23, 24
 - 2. Sale of immovables on installment (Maceda Law)
- D. Remedies of the buyer
 - 1. Sale of movable
 - 2. Sale of immovables

XIV. Extinguishment of the Sale

- A. Causes (Arts. 1600, 1231)
- B. Conventional redemption (Art. 1601)
- C. Equitable mortgage (Arts. 1602-1604)
- D. Distinguished from option to buy (Art. 1602)
- E. Period of redemption (Art. 1606)

F. Exercise of the right to redeem (Art. 1616)

G. Legal redemption (Art. 1619)

H. Age redemption (Art. 1619)

XV. The Subdivision and Condominium Buyers' Protective Decree (P.D. 957)

XVI. The Condominium Act (R.A. 4726)

Exclude: Electronic Commerce Act of 2000 (R.A. 8792); Public Land Law, Retail Trade and Liberalization Act, Bulk Sales Law (Act No. 3952)

SUCCESSION

I. General Provisions (Arts. 774-780)

A. Definition/what is transmitted (Arts. 774, 776, 781)

B. When succession occurs (Art. 777)

C. Kinds of successors: heirs, devisees, legatees (Art. 782)

II. Testamentary Succession

A. Wills

1. In general

a) Definition and characteristics (Arts. 783-787)

(i) Act of making a will a strictly personal act (Arts. 784-785, 787)

(a) Exception (Art. 786)

(ii) Rules of construction and interpretation (Arts. 788-794)

(iii) Law governing formal validity (Art. 795)

2. Testamentary capacity and intent (Arts. 796-803)

a) Age requirement (Art. 797)

b) Soundness of mind (Arts. 798-801)

(i) When testator is deemed to be of sound mind

(ii) Presumptions

(iii) Supervening incapacity

3. Form
 - a) Rules governing the formal validity of wills (Arts. 17, 815-817, 819)
 - (i) See law governing substantive validity (Arts.15, 16, 1039)
 - b) Common requirements (Art. 804)
 - (i) In writing
 - (ii) Language/dialect requirement
 - c) Notarial wills
 - (i) Arts. 805-806
 - (ii) Special rules for handicapped testators (Arts. 807-808)
 - (iii) Substantial compliance (Art. 809)
 - (iv) Witnesses to wills(Arts. 820-824)
 - d) Holographic wills
 - (i) Requirements (Arts. 810-814)
 - (a) Requirements in case of alterations (Art. 814)
 - (ii) Witnesses required for probate (Art. 811)
 - e) Joint wills (Arts. 818-819)

4. Codicils (Arts. 825-826)
 - a) Definition and formal requirements

5. Incorporate by reference (Art. 827)

6. Revocation (Arts. 828-834)
 - a) Kinds (Art. 830)

7. Allowance and disallowance of wills (Arts. 838-839)
 - a) Probate requirement (Art. 838)
 - (i) Issues to be resolved in probate proceedings (Art. 839)
 - (a) Exceptions: when practical considerations demand the intrinsic validity of the will be resolved
 - (ii) Effect of final decree of probate, res judicata on formal validity
 - b) Grounds for denying probate (Art. 839)

B. Institution of heirs (Arts. 840-856)

1. Preterition (Art. 854)
 - a) Definition
 - b) Requisites
 - c) Effects
 - (i) Effects of preterition, devisees only entitled to completion of legitime
2. Concept – Art. 854
3. Compulsory heirs in the direct line
4. Preterition vs. Disposition less than legitime/donation inter vivos – Arts. 855, 906-918

- C. Substitution of heirs (Arts. 857-870)
 - 1. Definition (Art. 857)
 - 2. Kinds (Arts. 858-860)
 - 3. Simple substitution (Art. 859)
 - 4. Fideicommissary substitution (Arts. 863-866, 869)

- D. Conditional testamentary dispositions and testamentary dispositions with a term (Arts. 871-885)

- E. Legitime (Arts. 886-914)
 - 1. Definition (Art. 886)
 - 2. Compulsory heirs and various combinations (Arts. 887-903)
 - 3. Reserva troncal (Art. 891)
 - 4. Disinheritance
 - a) Disinheritance for cause (Art. 919)
 - (i) Reconciliation (Art. 922)
 - (ii) Rights of descendants of person disinherited (Art. 923)
 - b) Disinheritance without cause (Art. 918)
 - 5. Legacies and devisees (Arts. 924-959)

III. Legal or Intestate Succession (Arts. 960-1014)

- A. General provisions (Arts. 960-969)
 - 1. Relationship (Arts. 963-969)
 - 2. Right of representation (Arts. 970-977)

- B. Order of intestate succession (Arts. 978-1014, 992)

IV. Provisions Common to Testate and Intestate Succession (Arts. 1015-1105)

- A. Right of accretion (Arts. 1015-1023)
 - 1. Definition and requisites (Arts. 1015-1016)

- B. Capacity to succeed by will or intestacy (Arts. 1024-1040)
 - 1. Persons incapable of succeeding (Arts. 1027, 739, 1032)
 - 2. Unworthiness vs. Disinheritance

- C. Acceptance and repudiation of the inheritance (Arts. 1041-1057)

- D. Collation (Arts. 908-910, 1061-1062)

- E. Partition and distribution of estate (Arts. 1078-1105)
 - 1. Partition (Arts. 1079, 1080)
 - 2. Partition inter vivos
 - 3. Effects of partition (Arts. 1091, 1097, 1100, 1104-1105)

Exclude: Executors and administrators (Arts. 1058-1060), which will be covered under Remedial Law

PARTNERSHIP

I. Contract of Partnership

- A. Definition
- B. Elements
- C. Rules to determine existence
- D. How partnership is formed
- E. Partnership term
- F. Universal vs. Particular; General vs. Limited
- G. Partnership by estoppel
- H. Partnership v. Joint venture
- I. Professional partnership
- J. Management (Arts. 1800-1803)

II. Rights and Obligations of Partnership

III. Rights and Obligations of Partners Among Themselves

IV. Obligations of Partnership/Partners to Third Persons

V. Dissolution (Art. 1830)

VI. Limited Partnership

- A. Definition

B. How limited partnership is formed/amended

C. Rights and obligations of a limited partner

Exclude: Questions requiring application of SEC opinions or regulations

AGENCY

I. Definition of Agency

II. Powers (Arts. 1877-1878)

A. To bind principal (Arts. 1897-1902)

B. Exception (Art. 1883)

III. Express vs. Implied Agency

IV. Agency by Estoppel

V. General vs. Special Agency

VI. Agency Couched in General Terms

VII. Agency Requiring Special Power of Attorney

VIII. Agency by Operation of Law

IX. Rights and Obligations of Principal

X. Irrevocable Agency (Arts. 1927-1930)

XI. Modes of Extinguishment

COMPROMISE

I. Definition (Art. 2028)

II. Void Compromise (Art. 2035)

III. Effect (Arts. 2037, 2041)

CREDIT TRANSACTIONS

I. Loan

- A. Commodatum vs. Mutuum
- B. Obligations of bailor and bailee
- C. Interest and the suspension of usury law

II. Deposit

- A. Voluntary deposit
- B. Necessary deposit
- C. Judicial deposit

III. Guaranty and Suretyship

- A. Nature and extent of guaranty
- B. Effects of guaranty
- C. Extinguishment of guaranty
- D. Legal and judicial bonds

IV. Pledge

- A. Definition
- B. Kinds
- C. Essential requirements
- D. Obligation of pledge
- E. Rights of pledgor
- F. Perfection (Arts. 2093, 2096)
- G. Foreclosure (Arts. 2112, 2115)
- H. Pledge by operation of law (Art. 2121-2122)
- I. Distinguished from chattel mortgage (Arts. 2140, 1484)

V. Real Mortgage

- A. Definition and characteristics
- B. Essential requisites
- C. Foreclosure

VI. Antichresis

- A. Definition and characteristics
- B. Obligations of antichretic creditor

VII. Chattel Mortgage

- A. Definition and characteristics
- B. Registration

VIII. Quasi-contracts

- A. Negotiorum gestio
- B. Solutio indebiti

IX. Concurrence and Preference of Credits

- A. Meaning of concurrence and preference
- B. Preferred credits on specific movables
- C. Exempt property
- D. Classification of credits
- E. Order of preference of credits

X. Insolvency Law

- A. Definition of insolvency
- B. Suspension of payments
- C. Voluntary insolvency
- D. Involuntary insolvency

Exclude: Warehouse Receipts Law, Usury Law

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LEASE

I. Lease of Things

II. Lease of Work or Services

III. Lease of Rural and Urban Lands

- A. Qualified persons
- B. Registration
- C. Prohibitions

IV. Rights and Obligations of Lessor and Lessee

V. Special Rules for Lease of Rural/Urban Lands

VI. Household Service

VII. Contract of Labor

- A. Obligation in case of death/injury of laborers

VIII. Contract for Piece of Work

LAND TITLES AND DEEDS

I. Torrens System

- A. Concept and background
- B. Certificate of title

II. Regalian Doctrine

- A. Concept
- B. Effects
- C. Concept of native title, time immemorial possession

III. Citizenship Requirement

- A. Individuals and corporations

IV. Original Registration

- A. Who may apply
 - 1. Under P.D. 1529

2. Under C.A. 141
3. Under R.A. 8371

B. Registration process and requirements

C. Remedies

D. Cadastral registration

V. Subsequent Registration

A. Voluntary dealings

B. Involuntary dealings

VI. Non-registrable Properties

VII. Dealings with Unregistered Lands

Exclude:

1. History of land laws
2. Remedies sufficiently covered under Remedial Law
3. Registration of judgments, orders and partitions
4. Assurance fund
5. Registration of patents
6. Administrative structure of the Register of Deeds
7. Consultas.

TORTS AND DAMAGES

Book I--Torts

I. Principles

A. Abuse of right; elements

B. Unjust enrichment

C. Liability without fault

D. Acts contrary to law

E. Acts contrary to morals

II. Classification of Torts

A. According to manner of commission: intentional, negligent and strict liability

B. According to scope: general or specific

III. The Tortfeasor

A. The direct tortfeasor

1. Natural persons
2. Juridical persons

B. Persons made responsible for others

1. In general

a) Quasi-delicts under Art. 2180, and the Family Code, Arts. 218-219, 221

(i) Elements; definition

(ii) Distinguished from culpa contractual and culpa criminal

b) Indirect liability for intentional acts

c) Presumption of negligence on persons indirectly responsible

d) Nature of liability; joint or solidary?

2. In particular

a) Parents

b) Guardians

c) Owners and managers of establishments and enterprises

d) Employers

(i) Meaning of employers

(ii) Requisites

(a) Employee chosen by employer or through another

(b) Services rendered in accordance with orders which employer has authority to give

(c) Illicit act of employee was on the occasion or by reason of the functions entrusted to him

(d) Presumption of negligence

(iii) Employer need not be engaged in business or industry

(iv) Defense of diligence in selection and supervision

(v) Nature of employer's liability

e) State

f) Teachers and heads of establishments of arts and trades

C. Joint tortfeasors (Art. 2194, Civil Code)

IV. Act of Omission and Its Modalities

- A. Concept of act

V. Proximate Cause

- A. Concept
 1. Definition
 2. Test
 3. Distinguished from immediate cause
 4. Distinguished from intervening cause
 5. Distinguished from remote and concurrent

- B. Cause in fact
 1. Substantial factor test
 2. Concurrent causes

- C. Legal cause
 1. Natural and probable consequences
 2. Foreseeability

- D. Efficient intervening cause

- E. Cause vs. Condition

- F. Last clear chance *professional Group*

VI. Legal Injury

- A. Concept
- B. Elements of right
- C. Violation of right or legal injury
- D. Classes of injury
 1. Injury to persons
 2. Injury to property
 3. Injury to relations

VII. Intentional Torts

A. General

1. Concept
2. Classes
 - a) Interference with persons and property
 - (i) Physical harms
 - (ii) Non-physical harms
 - b) Interference with relations

B. Interference with rights to persons and property

1. Intentional physical harms
 - a) General
 - (i) Concept
 - (ii) Kinds
 - b) Violation of persons security, physical injuries (Art. 33, Civil Code)
 - (i) Battery (physical injury)
 - (ii) Assault (grave threat)
 - c) False imprisonment (illegal detention)
 - d) Trespass to land
 - (i) Concept
 - (ii) Elements
 - e) Interference with personal property
 - (i) Trespass to chattels
 - (ii) Conversion

2. Intentional non-physical harms

- a) General
 - (i) Concept
 - (ii) Kinds
- b) Violation of personal dignity
- c) Infliction of emotional distress
- d) Violation of privacy
 - (i) Appropriation
 - (ii) Intrusion
 - (iii) Public disclosure of private facts
 - (iv) False light in the public eye
- e) Disturbance of peace of mind
- f) Malicious prosecution
- g) Defamation
 - (i) Defenses
 - (a) Absence of elements
 - (b) Privilege
- h) Fraud or misrepresentation (formerly deceit)
- i) Seduction
- j) Unjust dismissal

C. Interference with relations

1. General

- a) Concept
- b) Kinds
- 2. Family relations
 - a) Alienation of affection
 - b) Loss of consortium
 - c) Criminal conversation (adultery)
- 3. Social relations
 - a) Meddling with or disturbing family relations
 - b) Intriguing to cause another to be alienated from his friends
- 4. Economic relations
 - a) Interference with contractual relations
 - b) Unfair competition
- 5. Political relations
 - a) Violation of right to suffrage (Civil Code, Art. 32)
 - b) Violation of other political rights (freedom of speech, press, assembly and petition, etc.)
- 6. Defenses
 - a) Absence of element
 - b) Privilege
 - (i) Consent
 - (ii) Self-defense and defense of others
 - (iii) Necessity (Civil Code, Art. 429)
 - (iv) Defense of property
 - (v) Authority of law
 - c) Prescription
 - d) Waiver
 - e) Force majeure

VIII. Negligence

- A. Concept
- B. Good father of a family or reasonably prudent man
- C. Standard of care
 - 1. Civil Code, Art. 1173
 - 2. Emergency rule
- D. Unreasonable risk of harm
- E. Evidence

F. Presumption of negligence

1. Legal provisions
2. Res ipsa loquitur

G. Defenses

1. Complete
 - a) Absence of element
 - (i) Due diligence
 - (ii) Acts of public officers
 - b) Accident or fortuitous event
 - c) Damnum absque injuria
 - d) Authority of law
 - e) Assumption of risk
 - f) Last clear chance
 - g) Prescription (Civil Code, Arts. 1144, 1146, and 1150)
 - h) Waiver
 - i) Double recovery (Civil Code, Art. 2177)

IX. Special Liability in Particular Activities

A. General

1. Concept

B. Products liability

1. Manufacturers or processors
 - a) Elements
 - b) Consumer Act [R.A. 7394, Secs. 92-107, (Ch. 1)]

C. Nuisance (Civil Code, Arts. 694-707)

1. Nuisance per se and nuisance per accidens
2. Public nuisance and private nuisance
3. Attractive nuisance

D. Violation of constitutional rights

1. Violation of civil liberties

E. Violation of rights committed by public officers

F. Provinces, cities and municipalities

G. Owner of motor vehicle

H. Proprietor of building or structure or thing

I. Head of family

X. Strict Liability

- A. Animals
 - 1. Possessor and user of an animal
- B. Nuisance (supra)
 - 1. Classes
 - a) Per se or per accidents
 - b) Public or private
 - 2. Easement against nuisance
- C. Products liability (supra)
 - 1. Consumer act

Book II--Damages

I. General Considerations

- A. Classification
 - 1. Under Art. 2197 of the Civil Code
 - 2. According to purpose
 - 3. According to manner of determination
 - 4. Special and ordinary

II. Actual and Compensatory Damages

- A. Concept
- B. Requisites
 - 1. Alleged and proved with certainty
 - 2. Not speculative
- C. Component elements
 - 1. Value of loss; unrealized profit
 - 2. Attorney's fees and expenses of litigation
 - 3. Interest
- D. Extent or scope of actual damages
 - 1. In contracts and quasi-contracts
 - 2. In crimes and quasi-delicts

III. Moral Damages

- A. Concept (Arts. 2217-2218)
- B. When recoverable (Arts. 2219-2220)
 - 1. In seduction, abduction, rape and other lascivious acts
 - 2. In acts referred to in Arts. 21, 26, 27, 28, 29, 32, 34 & 35, Civil Code,
 - 3. In cases of malicious prosecution

IV. Nominal Damages

- A. Concept
- B. When awarded

V. Temperate or Moderate Damages

- A. Concept
- B. When awarded

VI. Liquidated Damages

- A. Concept (Civil Code, Art. 2226)
- B. Rules governing in case of breach of contract

VII. Exemplary or Corrective Damages

- A. Concept (Civil Code, Art. 2229)
- B. When recovered
 - 1. In criminal offenses (Civil Code, Art. 2230)
 - 2. In quasi-delicts (Civil Code, Art. 2231)
 - 3. In contracts and quasi-contracts (Civil Code, Art. 2232)
- C. Requisites
 - 1. Arts. 2233, 2234

VIII. Damages in Case of Death

- A. In crimes and quasi-delicts causing death
 - 1. In death caused by breach of conduct by a common crime

IX. Graduation of Damages

A. Duty of injured party

1. Art. 2203

B. Rules

1. In crimes
2. In quasi-delict (Civil Code, Art. 2214)
3. In contracts, quasi-contracts and quasi-delicts (Civil Code, Art. 2215)
4. Liquidated damages (Civil Code, Art. 2227)
5. Compromise

X. Miscellaneous Rules

A. Damages that cannot co-exist

1. Nominal with other damages (Art. 2223)
2. Actual and liquidated (Art. 2226)

B. Damages that must co-exist

1. Exemplary with moral, temperate, liquidated or compensatory

C. Damages that must stand alone

1. Nominal damages (Art. 2223)

Exclude: Distinction between tort and quasi-delict

Include: Pertinent Supreme Court decisions promulgated up to January 31, 2012.

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