



Republic of the Philippines
Supreme Court
Manila

OFFICE OF THE 2020 BAR CHAIR

BAR BULLETIN NO. 5, S. 2020

SYLLABUS FOR THE BAR EXAMINATION

CIVIL LAW

Attached is the coverage for the Civil Law examination, which will be held on November 15, 2020.

For your information and guidance.

February 24, 2020.

A handwritten signature in black ink, appearing to read "Marvic M.V.F. Leonen", with a long horizontal flourish extending to the right.

MARVIC M.V.F. LEONEN

*Associate Justice and
2020 Bar Examinations Chair*

SYLLABUS FOR THE 2020 BAR EXAMINATIONS

CIVIL LAW

Notes: All Bar candidates should be guided that only laws with their respective amendments and canonical doctrines pertinent to these topics as of June 30, 2019 will be covered in the 2020 Bar Examinations, except when provided in this syllabus. Principles of law are not covered by the cut-off period.

This syllabus is only a guide for the bar examinations. It should not be mistaken for a course syllabus.

Partnership (Articles 1767–1867), Credit Transactions (Articles 2047–2092; 2124–2131; and 2140–2141), except for Loan and Deposit; and Concurrence and Preference of Credits (Articles 2236–2251) will be part of Commercial Law. Civil Code provisions on Labor will not be covered in Civil Law. The procedure for foreclosure of mortgage (real and personal) will be covered in Remedial Law.

I. IN GENERAL

- A. When law takes effect
- B. Retroactivity of laws
- C. Mandatory or prohibitory laws
- D. Waiver of rights
- E. Repeal of laws
- F. Conflict of laws
- G. Human relations
- H. Applicability of penal laws

II. PERSONS AND FAMILY RELATIONS

- A. **PERSONS**
 - 1. Kinds of Persons
 - 2. Capacity to act
 - 3. Domicile and residence of persons
- B. **RIGHTS AND OBLIGATIONS OF COUPLES IN INTIMATE RELATIONSHIPS (REP. ACT NO. 9262)**

C. MARRIAGE

1. Requisites
2. Marriages celebrated abroad
3. Foreign divorce
4. Void marriages
5. Voidable marriages
6. Unmarried cohabitation

D. LEGAL SEPARATION

1. Grounds
2. Defenses
3. Procedure
4. Effects of filing petition
5. Effects of pendency
6. Effects of decree of legal separation
7. Reconciliation
8. Effect of death of one of the parties

E. RIGHTS AND OBLIGATIONS BETWEEN HUSBAND AND WIFE

F. PROPERTY RELATIONS OF THE SPOUSES

1. Marriage settlements
2. Donations by reason of marriage
3. Void donations by the spouses
4. Absolute community of property
5. Conjugal partnership of gains
6. Regime of separation of property
7. Judicial separation of property
8. Property regime of unions without marriage

G. THE FAMILY

1. Concept of family
2. Effects on legal disputes
3. Family home

H. PATERNITY AND FILIATION

1. Legitimate children
2. Proof of filiation
3. Illegitimate children
4. Action to impugn legitimacy
5. Legitimated children

I. ADOPTION

1. Domestic Adoption Law
2. Law on Inter-Country Adoption

J. SUPPORT

1. What it comprises

2. Who are obliged to give support
3. Source of support
4. Order of support
5. Amount of support
6. Manner and time of payment
7. Renunciation and termination
8. Support *pendente lite*
9. Procedure in applications for support

K. PARENTAL AUTHORITY

1. General provisions
2. Substitute parental authority
3. Special parental authority
4. Effect of parental authority over the child's person
5. Effects of parental authority over the child's property
6. Suspension or termination of parental authority
7. Solo parents (Rep. Act No. 8972)

L. EMANCIPATION

1. Cause of emancipation
2. Effect of emancipation

M. SUMMARY JUDICIAL PROCEEDINGS IN THE FAMILY CODE

N. USE OF SURNAMES

O. ABSENCE

1. Provisional measures in case of absence
2. Declaration of absence
3. Administration of the property of the absentee
4. Presumption of death

P. CIVIL REGISTRAR

II. PROPERTY

A. CLASSIFICATION OF PROPERTY

1. Immovables
2. Movable

B. OWNERSHIP

1. Bundle of rights
 - a. Actions to recover ownership and possession of real property and its distinctions
 - b. Actions for recovery of possession of movable property
2. Distinction between real and personal rights
3. Modes of acquiring ownership
4. Limitations of ownership

- C. ACCESSION**
 - 1. Right to hidden treasure
 - 2. Rules of accession
 - a. For immovables
 - b. For movables

- D. QUIETING OF TITLE**
 - 1. Requisites
 - 2. Distinctions between quieting title and removing/preventing a cloud
 - 3. Prescription/non-prescription of action

- E. CO-OWNERSHIP**
 - 1. Characteristics of co-ownership
 - 2. Sources of co-ownership
 - 3. Rights of co-owners
 - 4. Termination of co-ownership

- F. POSSESSION**
 - 1. Characteristics
 - 2. Acquisition of possession
 - 3. Effects of possession
 - 4. Loss or unlawful deprivation of a movable
 - 5. Possession in concept of owner, holder, in one's own name, and in name of another
 - 6. Rights of the possessor
 - 7. Loss or termination of possession

- G. USUFRUCT**
 - 1. Characteristics
 - 2. Classification
 - 3. Rights and obligations of usufructuary
 - 4. Rights of the owner
 - 5. Extinction, termination, and extinguishment

- H. EASEMENTS**
 - 1. Characteristics
 - 2. Classification
 - 3. Modes of acquiring easements
 - 4. Rights and obligations of the owners of the dominant and servient estates
 - 5. Modes of extinguishment

- I. NUISANCE**
 - 1. Nuisance *per se*
 - 2. Nuisance *per accidens*
 - 3. Liabilities
 - 4. No prescription
 - 5. Criminal prosecution

6. Judgment with abatement
7. Extrajudicial abatement
8. Special injury to individual
9. Right of individual to abate a public nuisance
10. Right to damages
11. Defenses to action
12. Who may sue on private nuisance

J. MODES OF ACQUIRING OWNERSHIP

1. Occupation
2. Donation
3. Prescription

III. PRESCRIPTION

A. TYPES OF PRESCRIPTION

1. Acquisitive
 - a. Ordinary
 - b. Extraordinary
2. Extinctive
 - a. Characteristics
 - b. Requisites
 - c. Periods

B. WHEN PRESCRIPTION IS INAPPLICABLE

1. By offender
2. Registered lands
3. Actions to demand right of way; to abate a nuisance
4. Action to quiet title if plaintiff is in possession
5. Void contracts
6. Action to demand partition; distinguished from laches
7. Property of public dominion

C. PRESCRIPTION OR LIMITATION OF ACTIONS

1. To recover movables
2. To recover immovables
3. Other actions

D. INTERRUPTION

IV. SUCCESSION

A. GENERAL PROVISIONS

1. Definition
2. Succession occurs at the moment of death
3. Kinds of Successors

B. TESTAMENTARY SUCCESSION

1. Wills
2. Institution of heirs
3. Substitution of heirs
4. Conditional testamentary dispositions and testamentary dispositions with a term
5. Legitime

C. LEGAL OR INTESTATE SUCCESSION

1. General provisions
 - a. Relationship
 - b. Right of representation
2. Order of intestate succession

D. PROVISIONS COMMON TO TESTATE AND INTESTATE SUCCESSION

1. Right of accretion
2. Capacity to succeed by will or intestacy
3. Acceptance and repudiation of the inheritance
4. Collation
5. Partition and distribution of estate

V. OBLIGATIONS

A. GENERAL PROVISIONS

1. Definition
2. Elements of an obligation
3. Sources of obligations

B. NATURE AND EFFECT OF OBLIGATIONS

1. Obligation to give
2. Obligation to do or not to do
3. Transmissibility of obligations
4. Performance of obligations
5. Breaches of obligations
6. Remedies available to creditor in cases of breach

C. KINDS OF OBLIGATIONS

1. Pure
2. Conditional
3. Obligation with a period or a term
4. Alternative or facultative
5. Joint and solidary obligations
6. Obligations with a penal clause

D. EXTINGUISHMENT OF OBLIGATIONS

1. Payment or performance
2. Loss of determinate thing due or impossibility or difficulty of performance

3. Condonation or remission of debt
4. Confusion
5. Compensation
6. Novation

VI. CONTRACTS

A. GENERAL PROVISIONS

1. Stages of contracts
2. Classification
3. Essential requisites

B. FORMALITY

C. REFORMATION OF INSTRUMENTS

D. INTERPRETATION OF CONTRACTS

E. DEFECTIVE CONTRACTS

1. Rescissible contracts
2. Voidable contracts
3. Unenforceable contracts
4. Void or inexistent contracts
5. Distinguish: resolution and rescission of contracts

VII. NATURAL OBLIGATIONS

VIII. ESTOPPEL

IX. SPECIAL CONTRACTS

A. SALES

1. General provisions
2. Parties
3. Obligations of the vendor
4. Obligations of the vendee
5. Transfer of ownership
6. Risk of loss
7. Documents of title
8. Warranties
9. Breach of contract
10. Performance of contract
11. Extinguishment

B. TRUSTS

C. AGENCY



D. COMPROMISE

E. LOAN

1. Loan
2. Commodatum
3. Simple loan
4. Interests on loan
 - a. Conventional interest
 - b. Interest on interest
 - c. Compensatory, penalty or indemnity interest
 - d. Finance charges
 - e. Usury

F. DEPOSIT

G. LEASE

X. QUASI-CONTRACTS

A. *NEGOTIORUM GESTIO*

B. *SOLUTIO INDEBITI*

XI. LAND TITLES AND DEEDS

A. TORRENS SYSTEM

1. Concept and background
2. Certificate of title

B. AGRARIAN TITLES AND ANCESTRAL LANDS AND DOMAINS

1. Concept and registration of agrarian titles
2. Concept and registration of ancestral lands and domains

C. CITIZENSHIP REQUIREMENT

1. Individuals
2. Corporations

D. ORIGINAL REGISTRATION

1. Who may apply
2. Registration process and requirements
3. Remedies
4. Cadastral registration

E. SUBSEQUENT REGISTRATION

1. Voluntary dealings
2. Involuntary dealings

F. NON-REGISTRABLE PROPERTIES

G. DEALINGS WITH UNREGISTERED LANDS

XII. TORTS

A. PRINCIPLES

1. Abuse of right; elements
2. Unjust enrichment
3. Liability without fault
4. Acts contrary to law
5. Acts contrary to morals

B. CLASSIFICATION OF TORTS

1. According to manner of commission
2. According to scope

C. THE TORTFEASOR

1. Direct tortfeasor
 - a. Natural persons
 - b. Juridical persons
2. Persons made responsible for others
3. Joint tortfeasors

D. PROXIMATE CAUSE

1. Concept
2. Cause in fact
3. Efficient intervening cause
4. Cause as distinguished from condition
5. Last clear chance

E. LEGAL INJURY

1. Concept
2. Elements of right
3. Violation of right or legal injury
4. Classes of injury

F. INTENTIONAL TORTS

1. General
 - a. Concept
 - b. Classes
2. Interference with rights to persons and property
3. Interference with relations

G. NEGLIGENCE

1. Concept
2. Good father of a family or reasonably prudent person

3. Standard of care; emergency rule
4. Unreasonable risk of harm
5. Evidence
6. Presumption of negligence
7. Defenses

H. SPECIAL LIABILITY IN PARTICULAR ACTIVITIES

1. In general; concepts
2. Products liability; manufacturers or processors
3. Nuisance
4. Violation of constitutional rights; violation of civil liberties
5. Violation of rights committed by public officers
6. Provinces, cities and municipalities
7. Owner of motor vehicle
8. Proprietor of building or structure or thing
9. Head of family
10. Violations of data privacy

I. STRICT LIABILITY

1. Animals; possessor and user of an animal
2. Nuisance
3. Products liability; Consumer Act

XIII. DAMAGES

A. GENERAL CONSIDERATIONS

1. Classification
2. Kinds of damages
 - a. Actual and Compensatory
 - b. Moral
 - c. Nominal
 - d. Temperate
 - e. Liquidated
 - f. Exemplary
3. When damages may be recovered

B. DAMAGES IN CASE OF DEATH

C. GRADUATION OF DAMAGES

1. Duty of injured party
2. Rules
 - a. In crimes
 - b. In quasi-delicts
 - c. In contracts and quasi-contracts
 - d. Liquidated damages
 - e. Compromise

R

LIST OF RELEVANT LAWS AND REGULATIONS

- I. THE CIVIL CODE OF THE PHILIPPINES AND ALL ITS AMENDATORY LAWS**
- II. FAMILY CODE OF THE PHILIPPINES (EXECUTIVE ORDER NO. 209, AS AMENDED)**
- III. SPECIAL LAWS AND REGULATIONS**

Rep. Act No. 7192	Women in Development and Nation Building Act
Rep. Act No. 8043 as amended by Rep. Act No. 9523	Intercountry Adoption Act of 1995
Rep. Act No. 8369	Family Courts Act of 1997
Rep. Act No. 8552 as amended by Rep. Act No. 9523	Domestic Adoption Law
Rep. Act No. 8972	Solo Parents' Welfare Act of 2000
Rep. Act No. 9048	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, amending for this purpose Articles 376 and 412 of the Civil Code of the Philippines
Rep. Act No. 9262	Anti-Violence Against Women and Their Children Act of 2004
Rep. Act No. 9710	The Magna Carta of Women
Rep. Act No. 10165	Foster Care Act of 2012
Rep. Act No. 10172	An Act Further Authorizing the City or Municipal Civil Registrar or the Consul General to Correct Clerical or Typographical Errors in the Day and Month in the Date of Birth or Sex of a Person Appearing in the Civil Register without need of a Judicial Order, amending for this purpose Republic Act No. 9048

Rep. Act No. 10354	The Responsible Parenthood and Reproductive Health Act of 2012
Rep. Act No. 10821	Children's Emergency Relief and Protection Act
Rep. Act No. 11166	Philippine HIV and AIDS Policy Act
Rep. Act No. 11222	An Act Allowing the Rectification of Simulated Birth Records and Prescribing Administrative Adoption Proceedings for the Purpose
Com. Act No. 141 as amended	The Public Land Act
Pres. Decree No. 1529 as amended by Rep. Act No. 11057	Property Registration Decree as amended by the Personal Property Security Act
Pres. Decree No. 957 as amended by Pres. Decree No. 1216	Subdivision and Condominium Buyer's Protection Act
Act No. 3952 as amended by Rep. Act No. 111	The Bulk Sales Law
Act No. 4122	Installment Sales Law (Recto Law)
Rep. Act No. 4726 as amended by Rep. Act No. 7899	The Condominium Act
Rep. Act No. 6552	Realty Installment Buyer Protection Act (Maceda Law)
Rep. Act No. 6657 as amended by Rep. Act No. 9700	Comprehensive Agrarian Reform Law
Rep. Act No. 6732	Administrative Reconstitution of Lost or Destroyed Original Copies of Certificates of Titles
Rep. Act No. 7279	Urban Development and Housing Act of 1992
Rep. Act No. 7394	Consumer Act of the Philippines

Rep. Act No. 8371	The Indigenous Peoples' Rights Act of 1997
Rep. Act No. 8792	Electronic Commerce Act
Rep. Act No. 9646	Real Estate Service Act of the Philippines
Rep. Act No. 9904	Magna Carta for Homeowners and Homeowners' Associations
Rep. Act No. 10023	Authorizing the Issuance of Free Patents to Residential Lands
Rep. Act No. 10173	Data Privacy Act of 2012
Rep. Act No. 11201	Department of Human Settlements and Urban Development Act
Rep. Act No. 11231	Agricultural Free Patent Reform Act
Rep. Act No. 10752	The Right-of-Way Act
Rep. Act No. 11313	Safe Spaces Act
Rep. Act No. 11291	Magna Carta of the Poor
Central Bank (now Bangko Sentral ng Pilipinas) Circular No. 905, series of 1982	Suspension of Usury Law
Bangko Sentral ng Pilipinas Circular No. 799, series of 2013	Rate of interest in absence of stipulation

– NOTHING FOLLOWS –

