

INSTRUCTIONS

This questionnaire consists of ten (10) numbers contained in FIVE (5) pages. Read each question very carefully. Answer *legibly, clearly, and concisely*. Start each number on a separate page; an answer to a sub-question under the same number may be written continuously on the same page and immediately succeeding pages until completed. Do not repeat the question. A mere "Yes" or "No" answer without any corresponding discussion will not be given any credit.

HAND IN YOUR NOTEBOOK WITH THIS QUESTIONNAIRE

GOOD LUCK!!!

Signed **ADOLFO S. AZCUNA**
Chairperson
2007 Bar Examination Committee

PLEASE CHECK THE NUMBER OF PAGES IN THIS SET
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CRIMINAL LAW

I.
(10%)

What are the penalties that may be served simultaneously?

II.
(10%)

Tiburcio asked Anastacio to join their group for a "session". Thinking that it was for a *mahjong* session, Anastacio agreed. Upon reaching Tiburcios house, Anastacio discovered that it was actually a *shabu* session. At that precise time, the place was raided by the police, and Anastacio was among those arrested.

What crime can Anastacio be charged with, if any? Explain your answer.

III.
(10%)

Jervis and Marlon asked their friend, Jonathan, to help them rob a bank. Jervis and Marlon went inside the bank, but were unable to get any money from the vault because the same was protected by a time-delay mechanism. They contented themselves with the customers cellphones and a total of P5,000 in cash. After they dashed out of the bank and rushed into the car, Jonathan pulled the car out of the curb, hitting a pedestrian which resulted in the latters death.

What crime or crimes did Jervis, Marlon and Jonathan commit? Explain your answer.

IV.
(10%)

Macky, a security guard, arrived home late one night after rendering overtime. He was shocked to see Joy, his wife, and Ken, his best friend, in the act of having sexual intercourse. Macky pulled out his service gun and shot and killed Ken.

The court found that Ken died under exceptional circumstances and exonerated Macky of murder but sentenced him to *destierro*, conformably with Article 247 of the Revised Penal Code. The court also ordered Macky to pay indemnity to the heirs of the victim in the amount of P50,000.

- a. Did the court correctly order Macky to pay indemnity even though he was exonerated of murder? Explain your answer.
- b. While serving his sentenced, Macky entered the prohibited area and had a pot session with Ivy (Joys sister). Is Macky entitled to an indeterminate sentence in case he is found guilty of the use of prohibited substances? Explain your answer.

**V.
(10%)**

- a. Distinguish between an accomplice and a conspirator.
- b. What are the three (3) classes of offender in the crime of qualified seduction? Give an example of each.

**VI.
(10%)**

What are the different acts of inciting to sedition?

**VII.
(10%)**

Eddie brought his son Randy to a local faithhealer known as "Mother *Himala*." He was diagnosed by the faithhealer as being possessed by an evil spirit. Eddie thereupon authorized the conduct of a "treatment" calculated to drive the spirit from the boys body. Unfortunately, the procedure conducted resulted in the boys death.

The faithhealer and tree others who were part of the healing ritual were charged with murder and convicted by the lower court. If you are appellate court Justice, would you sustain the conviction upon appeal? Explain your answer.

**VIII
(10%)**

Fe is the manager of a rice mill in Bulacan. In order to support a gambling debt, Fe made it appear that the rice mill was earning less than it actually was by writing in a "talaan" or ledger a figure lower than what was collected and paid by their customers. Fe then pocketed the difference. What crime/s did Fe commit, If any? Explain your answer.

IX.
(10%)

During a concert of Gary V. and in order to prevent the crowd from rushing to the stage, Rafael Padilla {a security guard} pointed his gun at the onrush of people. When the crowd still pushed forward, Rafael fired his gun into air to scare them off. However, the bullet hit one of the metal roof supports, ricocheted and then hit one of the stage crew members, causing injuries which resulted in the latter's confinement in a hospital for twelve days.

What crime/s did Rafael commit? Explain your answer.

X.
(10%)

Pinky was a lessee of a market stall owned by Giovanni. When Pinky refused to pay her rental, Giovanni nailed some wooden barricades on one of the sides of the market stall and posted this warning: "We have closed this portion of the door. Do not open it or else something may happen to you."

What crime/s did Giovanni commit, if any? Explain your answer.

NOTHING FOLLOWS.