

INSTRUCTIONS

This questionnaire consists of twenty (20) numbers contained in seven (7) 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
WARNING: NOT FOR SALE OR UNAUTHORIZED USE

LABOR AND SOCIAL LEGISLATION

- I -

(5 Points)

1.

- a. What is the principle of codetermination?
- b. What, if any, is the basis under the Constitution for adopting it?

- II -

(5 Points)

2.

- a. Discuss the statutory restrictions on the employment of minors?
- b. Maya househelp be assigned to non-household work?

- III -

(5 Points)

3.

- a. Discuss the types of illegal recruitment under the Labor Code.
- b. In initiating actions against alleged illegal recruiters, may the Secretary of Labor and

Employment issue search and arrest warrants?

- IV -
(5 Points)

4. Explain

- a. The Globe Doctrine.
- b. The Community of Interest Rule.

- V -
(5 Points)

May non-lawyers appear before the NLRC or Labor Arbiter? May they charge attorney's fee for such appearance provided it is charged against union funds and in an amount freely agreed upon by the parties? Discuss fully.

- VI -
(5 Points)

Procedurally, how do you stay a decision, award or order of the Labor Arbiter? Discuss fully.

- VII -
(5 Points)

7.

- a. May the NLRC or the courts take jurisdictional cognizance over compromise agreements/settlements involving labor matters?
- b. How sacrosanct are statements/data made at conciliation proceedings in the Department of Labor and Employment? What is the philosophy behind your answer?

- VIII -
(5 Points)

Discuss in full the jurisdiction over the civil and criminal aspects of a case involving an unfair labor practice for which a charge is pending with the Department of Labor and Employment.

- IX -
(5 Points)

Discuss the legal requirements of a valid strike.

- X -
(5 Points)

Discuss briefly the instances when non-compliance by the employer with a reinstatement order of an illegally dismissed employee is allowed.

- XI -
(5 Points)

11.

- a. A rule, when is retirement due?
- b. When is retirement due for underground miners?

- XII -
(5 Points)

12.

- a. How do you execute a labor judgment which, on appeal, had become final and executory? Discuss fully.
- b. Cite two instances when an order of execution may be appealed.

- XIII -
(5 Points)

May a decision of the Labor Arbiter which has become final and executory be novated through a compromise agreement of the parties?

- XIV -
(5 Points)

AB, single and living-in with CD (a married man), is pregnant with her fifth child. She applied for maternity leave but her employer refused the application because she is not married. Who is right? Decide.

- XV -
(5 Points)

Some officers and rank-and-file members of the union staged an illegal strike. Their employer wants all the strikers dismissed. As the lawyer, what will you advise the employer? Discuss fully.

- XVI -
(5 Points)

A carpenter is employed by a private university in Manila. Is the carpenter a regular or a casual employee? Discuss fully.

- XVII -

(5 Points)

P.D. 1508 requires the submission of disputes before the *Barangay Lupong Tagapamayapa* prior to the filing of cases with the courts or other government bodies. May this decree be used to defeat a labor case filed directly with the Labor Arbiter? Discuss fully.

- XVIII -
(5 Points)

Inday was employed by mining company X to perform laundry service at its staffhouse. While attending to her assigned task, she slipped and hit her back on a stone. Unable to continue with her work, she was permitted to go on leave for medication, but thereafter she was not allowed to return to work. She filed a complaint for illegal dismissal but her employer X contended that Inday was not a regular employee but a mere househelp. Decide.

- XIX -
(5 Points)

Cite five grounds for disciplinary action by the Philippine Overseas Employment Administration (POEA) against overseas workers.

- XX -
(5 Points)

AB, a non-resident American, seeks entry to the country to work as Vice-President of a local telecommunications company. You are with the Department of Labor and Employment (DOLE). What permit, if any, can the DOLE issue so that AB can assume as Vice-President in the telecommunications company? Discuss fully.

NOTHING FOLLOWS.