

INSTRUCTIONS

This questionnaire consists of ten (10) numbers contained in eight (8) 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

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POLITICAL AND PUBLIC INTERNATIONAL LAW

INSTRUCTION: YOU WILL BE GIVEN CREDIT FOR YOUR KNOWLEDGE OF LEGAL DOCTRINE AND FOR THE QUALITY OF YOUR LEGAL REASONING.

- I -
(10 POINTS)

True or False. Briefly explain your answer.

- a. For purposes of communication and instruction! the official languages of the Philippines, until otherwise provided by law, are Filipino and English.
- b. The 1987 Constitution has increased the scope of academic freedom recognized under the previous Constitution.

- II -
(10 POINTS)

The City Mayor issues an Executive Order declaring that the city promotes responsible parenthood and upholds natural family planning. He prohibits all hospitals operated by the city from prescribing the use of artificial methods of contraception, including condoms, pills, intrauterine devices and surgical sterilization. As a result, poor women in his city lost their access to affordable family planning programs. Private clinics! however, continue to render family planning counsel and devices to paying clients.

- a. Is the Executive Order in any way constitutionally infirm? Explain.
- b. Is the Philippines in breach of any obligation under international law? Explain.

- c. May the Commission on Human Rights order the Mayor to stop the implementation of the Executive Order? Explain.

- III -
(10 POINTS)

Lawrence is a Filipino computer expert based in Manila who invented a virus that destroys all the files stored in a computer. Assume that in May 2005, this virus spread all over the world and caused \$50 million in damage to property in the United States, and that in June 2005, he was criminally charged before United States courts under their anti-hacker law. Assume that in July 2005, the Philippines adopted its own anti-hacker law, to strengthen existing sanctions already provided against damage to property. The United States has requested the Philippines to extradite him to US courts under the RP-US Extradition Treaty.

- a. Is the Philippines under an obligation to extradite Lawrence? State the applicable rule and its rationale.
- b. Assume that the extradition request was made after the Philippines adopted its anti-hacker legislation. Will that change your answer?

- IV -
(10 POINTS)

In 1993, historians confirmed that during World War II, "comfort women" were forced into serving the Japanese military. These women were either abducted or lured by false promises of jobs as cooks or waitresses, and eventually forced against their will to have sex with Japanese soldiers on a daily basis during the course of the war, and often suffered from severe beatings and venereal diseases. The Japanese government contends that the "comfort stations" were run as "onsite military brothels" (or prostitution houses) by private operators, and not by the Japanese military. There were many Filipina "comfort women."

- a. Name at least one basic principle or norm of international humanitarian law that was violated by the Japanese military in the treatment of the "comfort women."
- b. The surviving Filipina "comfort women" demand that the Japanese government apologize and pay them compensation. However, under the 1951 San Francisco Peace Agreement -the legal instrument that ended the state of war between Japan and the Allied Forces -all the injured states, including the Philippines, received war reparations and, in return, waived all claims against Japan arising from the war. Is that a valid defense?
- c. The surviving Filipina "comfort women" sue the Japanese government for damages before Philippine courts. Will that case prosper?

- V -
(10 POINTS)

The Destilleria Felipe Segundo is famous for its 15-year old rum, which it has produced and marketed

successfully for the past 70 years. Its latest commercial advertisement uses the line: "Nakalikim ka na ba ng kinse anyos?" Very soon, activist groups promoting women's and children's rights were up in arms against the advertisement.

- a. All advertising companies in the Philippines have formed an association, the Philippine Advertising Council, and have agreed to abide by all the ethical guidelines and decisions by the Council. In response to the protests, the Council orders the pull-out of the "kinse anyos" advertising campaign. Can Destilleria Felipe Segundo claim that its constitutional rights are thus infringed?
- b. One of the militant groups, the Amazing Amazonas, call on all government-owned and controlled corporations (GOCC) to boycott any newspaper, radio or TV station that carries the "kinse anyos" advertisements. They call on all government nominees in sequestered corporations to block any advertising funds allocated for any such newspaper, radio or TV station. Can the GOCCs and sequestered corporations validly comply?

- VI -
(10 POINTS)

True or False. Briefly explain your answer.

- a. An amendment to the Constitution shall be valid upon a vote of three-fourths of all the Members of the Congress.
- b. All public officers and employees shall take an oath to uphold and defend the Constitution .

- VII -
(10 POINTS)

Batas Pambansa 880, the Public Assembly Law of 1985, regulates the conduct of all protest rallies in the Philippines.

- a. Salakay, Bayan! held a protest rally and planned to march from Quezon City to Luneta in Manila. They received a permit from the Mayor of Quezon City, but not from the Mayor of Manila. They were able to march in Quezon City and up to the boundary separating it from the City of Manila. Three meters after crossing the boundary, the Manila Police stopped them for posing a danger to public safety. Was this a valid exercise of police power?
- b. The security police of the Southern Luzon Expressway spotted a caravan of 20 vehicles, with paper banners taped on their sides and protesting graft and corruption in government. They were driving at 50 kilometers per hour in a 40-90 kilometers per hour zone. Some banners had been blown off by the wind, and posed a hazard to other motorists. They were stopped by the security police. The protesters then proceeded to march instead, sandwiched between the caravan vehicles. They were also stopped by the security force. May the security police validly stop the vehicles and the marchers?

- VIII -

(10 POINTS)

The Provincial Governor of Bataan requested the Department of Budget and Management (DBM) to release its Internal Revenue Allocation (IRA) of P100 million for the current budget year. However, the General Appropriations Act provided that the IRA may be released only if the province meets certain conditions as determined by an Oversight Council created by the President.

- a. Is this requirement valid?
- b. The Provincial Governor is a party-mate of the President. May the Bataan Representative instead file a petition to compel the DBM to release the funds?

- IX -

(10 POINTS)

The Department of Education (DepEd) requires that any school applying for a tuition fee increase must, as a condition for the increase, offer full tuition scholarships to students from low-income families. The Sagrada Familia Elementary School is a Catholic school and has applied for a tuition fee increase. Under this regulation by the DepEd, it will end up giving tuition scholarships to a total of 21 students next year. At a cost of P50,000 per student, the school will lose a total of P1.05 million for next year.

- a. Is this DepEd requirement valid?
- b. If instead the DepEd requires a full tuition scholarship for the highest ranking students in each grade, determined solely on the basis of academic grades and rank, will the DepEd requirement be valid?

- X -

(10 POINTS)

The Supreme Court has provided a formula for allocating seats for party-list representatives.

- a. The *twenty percent allocation* - the combined number of all party-list congressmen shall not exceed twenty percent of the total membership of the House of Representatives, including those elected under the party list;
- b. The *two percent threshold* - only those parties garnering a minimum of two percent of the total valid votes cast for the party-list system are "qualified" to have a seat in the House of Representatives;
- c. The *three-seat limit* - each qualified party, regardless of the number of votes it actually obtained, is entitled to a maximum of three seats; that is, one "qualifying" and two additional seats; and
- d. The *first-party rule* - additional seats which a qualified party is entitled to shall be determined in relation to the total number of votes garnered by the party with the highest number of votes.

For each of these rules, state the constitutional or legal basis, if any, and the purpose.

NOTHING FOLLOWS.