

## 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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<b>LEGAL ETHICS AND PRACTICAL EXERCISES</b>
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- I -  
(10%)

What are the duties of an attorney?

- II -  
(10%)

C engages the services of attorney D concerning various mortgage contracts entered into by her husband from whom she is separated, fearful that her real estate properties will be foreclosed and of impending suits for sums of money against her. Attorney D advised C to give him her land titles covering her lots so he could sell them to enable her to pay her creditors. He then persuaded her execute deeds of sale in his favor without any monetary or valuable consideration, to which C agreed on condition that he would sell the lots and from the proceeds pay her creditors. Later on, C came to know that attorney D did not sell her lots but instead paid her creditors with his own funds and had her land titles registered in his name.

Did attorney D violate the Code of Professional Responsibility? Explain.

- III -  
(10%)

Attorney M. accepted a civil case for the recovery of title and possession of land in behalf of N. Subsequently, after the Regional Trial Court had issued a decision adverse to N, the latter filed an administrative case against attorney M for disbarment. He alleged that attorney M caused the adverse ruling against him; that attorney M did not file an opposition to the Demurrer to Evidence filed in the case, neither did he appear at the formal hearing on the demurrer, leading the trial court to assume that plaintiff's counsel (attorney M) appeared convinced of the validity of the demurrer filed; that

attorney M did not even file a motion for reconsideration , causing the order to become final and executory; and that even prior to the above events and in view of attorney M's apparent loss of interest in the case, he verbally requested attorney M to withdraw, but attorney M refused. Complainant N further alleged that attorney M abused his client's trust and confidence and violated his oath of office in failing to defend his client's cause to the very end.

Attorney M replied that N did not give him his full cooperation; that the voluminous records turned over to him were in disarray, and that appeared for N, he had only half of the information and background of the case; that he was assured by N's friends that they had approach the judge; that they requested him (M) to prepare a motion for reconsideration which he did and gave to them; however these friends did not return the copy of the motion.

Will the administrative case proper? Give reasons for your answer.

- IV -  
(10%)

When is recovery of attorney's fees based on *quantum meruit* allowed?

- V -  
(10%)

During the hearing of an election protest filed by his brother, Judge E sat in the area reserved for the public, not beside his brother's lawyer. Judge E's brother won the election protest. Y, the defeated candidate for mayor, filed an administrative case against Judge E for employing influence and pressure on the judge who heard and decided the election protest.

Judge E explained that the main reasons why he was there in the courtroom were because he wanted to observe how election protest are conducted as he has never conducted one and because he wanted to give moral support to his brother.

Did Judge E commit an act of impropriety as a member of the judiciary? Explain?

- VI -  
(Total 10%)

- a. A and B are accused of Estafa by C, the wife of Regional Trial Court Judge D. Judge D testified as a witness for the prosecution in the Estafa case. Did Judge D commit an act of impropriety? Give reasons for your answer. (5%)
- b. What qualities should an ideal judge possess under the New Code of Judicial Conduct for the Philippine Judiciary? (5%)

- VII -  
(Total 10%)

- a. What evidence of identity does the 2004 Rules on Notarial Practice require before a notary public can officially affix his notarial seal on and sign a document presented by an individual whom the notary public does not personally know? (5%)

- b. When can Judges of the Municipal Trial Courts (MTC) and Municipal Circuit Trial Courts (MCTC) perform the function of notaries public *ex officio*, even if the notarization of the documents are not in connection with the exercise of their official function and duties? (5%)

- VIII -  
(10%)

Prepare a clause stipulating a right of first refusal to be embodied in a contract of lease, in case of sale of the property leased.

- IX -  
(10%)

Prepare an affidavit of merits to be attached to a Petition for Relief.

- X -  
(10%)

Prepare an arbitration clause to be included in a contract.

*NOTHING FOLLOWS.*