

INSTRUCTIONS

This questionnaire consists of ten (10) numbers contained in seven (7) pages. Read each question very carefully. Answer *legibly, clearly, and concisely*. Start each number on a separate pages; 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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CIVIL LAW

I

Distinguish the following concepts:

- a. Occupation v. possession. (5%)

- b. Illegal and impossible conditions in a simple donation v. illegal and impossible conditions in an onerous donation. (5%)

II

(10%)

Manila Petroleum Co. owned and operated a petroleum operation facility off the coast of Manila. The facility was located on a floating platform made of wood and metal, upon which was permanently attached the heavy equipment for the petroleum operations and living quarters of the crew. The floating platform likewise contained a garden area, where trees, plants and flowers were planted. The platform was tethered to a ship, the MV 101, which was anchored to the seabed.

- a. Is the platform movable or immovable property?

- b. Are the equipment and living quarters movable or immovable property?

- c. Are the trees, plants and flowers immovable or movable property?

Please briefly give the reason for your answers.

III.

Explain the following concepts and doctrines and give an example of each:

- a. concept of trust *de son tort* (constructive trust) (5%)
- b. doctrine of discovered peril (last clear chance) (5%)

IV.
(10%)

Bedrock Land & Property Development Corp. is a development company engaged in developing and selling subdivisions, condominium units and industrial estates. In order to replenish its inventories, it embarked on an aggressive land banking program. It employed "scouts" who roam all over the Philippines to look for and conduct investigations on prospective sites for acquisition and development, whether developed, semi-developed or raw land. The management of Bedrock asks you as the company counsel to prepare a manual containing a summary of the pertinent laws and regulations relating to land registration and acquisition of title to land. The manual should include the following items:

- a. What is the governing law?
- b. What properties are not registrable?

Supply this information.

V.
(10%)

What are obligations without an agreement"? Give five examples of situations giving rise to this type of obligations?

VI.
(10%)

Clara, thinking of her mortality, drafted a will and asked Roberta, Hannah, Luisa and Benjamin to be witnesses. During the day of signing of her will, Clara fell down the stairs and broke her arms. Coming from the hospital, Clara insisted on signing her will by thumb mark and said that she can sign her full name later. While the will was being signed, Roberta experienced a stomach ache and kept going to the restroom for long periods of time. Hannah, while waiting for her turn to sign the will, was reading the 7th Harry Potter book on the couch, beside the table on which everyone was signing. Benjamin, aside from witnessing the will, also offered to notarize it. A week after, Clara was run over by a drunk driver while crossing the street in Greenbelt.

May the will of Clara be admitted to probate? Give your reasons briefly.

VII.

Write "TRUE" if the statement is true or "FALSE" if the statement is false. If the statement is FALSE, state the reason. (2% each).

1. Roberta, a Filipino, 17 years of age, without the knowledge of his parents, can acquire a house in Australia because Australian Laws allow aliens to acquire property from the age of 16.
2. If a man commits several acts of sexual infidelity, particularly in 2002, 2003, 2004, 2005, the prescriptive period to file for legal separation runs from 2002.
3. An individual, While single, purchases a house and lot in 1990 and borrows money in 1992 to repair it. In 1995, such individual gets married while the debt is still being paid. After the marriage, the debt is still the responsibility of such individual.
4. The day after John and Marsha got married, John told her that he was impotent. Marsha continued to live with John for 2 years. Marsha is now estopped from filing an annulment case against John.
5. Amor gave birth to Thelma when she was 15 years old. Thereafter, Amor met David and they got married when she was 20 years old. David had a son, Julian, with his ex-girlfriend Sandra. Julian and Thelma can get married.

VIII.

(10%)

In 1986, Jennifer and Brad were madly in love. In 1989, because a certain Picasso painting reminded Brad of her, Jennifer acquired it and placed it in his bedroom. In 1990, Brad and Jennifer broke up. While Brad was mending his broken heart, he met Angie and fell in love. Because the Picasso painting reminded Angie of him, Brad in his will bequeathed the painting to Angie. Brad died in 1995. Saddened by Brad's death, Jennifer asked for the Picasso painting as a remembrance of him. Angie refused and claimed that Brad, in his will, bequeathed the painting to her. Is Angie correct? Why or why not?

IX

Multiple choice: Choose the right answer. (2% each)

1. The parties to a bailment are the:

- a. bailor;
- b. bailee;
- c. *comodatario*;
- d. all the above;
- e. letters a and b

2. A deposit made in compliance with a legal obligation is:

- a. an extrajudicial deposit;
- b. a voluntary deposit;
- c. a necessary deposit;
- d. a deposit with a warehouseman;
- e. letters a and b

3. A contract of antichresis is always:

- a. a written contract;
- b. a contract, with a stipulation that the debt will be paid through receipt of the fruits of an immovable;
- c. Involves the payment of interests, if owing;
- d. All of the above;
- e. Letters a and b

4. An, assignee in a proceeding under the Insolvency Law does not have the duty of:
- a. suing to recover the properties of the state of the insolvent debtor;
 - b. selling property of the insolvent debtor;
 - c. ensuring that a debtor corporation operate the business efficiently and effectively while the proceedings are pending;
 - d. collecting and discharging debts owed to the insolvent debtor.
5. In order to obtain approval of the proposed settlement of the debtor in an insolvency proceeding.
- a. the court must initiate the proposal
 - b. $\frac{2}{3}$ of the number of creditors should agree to the settlement;
 - c. $\frac{3}{5}$ of the number of creditors should agree to the settlement;
 - d. $\frac{1}{3}$ of the total debts must be represented by the approving creditors;
 - e. Letters a and b

X
(10%)

For purpose of this question, assume all formalities and procedural requirements have been complied with.

In 1970, Ramon and Dessa got married. Prior to their marriage, Ramon had a child, Anna. In 1971 and 1972, Ramon and Dessa legally adopted Cherry and Michelle respectively. In 1973, Dessa died while giving birth to Larry Anna had a child, Lia. Anna never married. Cherry, on the other hand, legally adopted Shelly. Larry had twins, Hans and Gretel, with his girlfriend, Fiona. In 2005, Anna, Larry and Cherry died in a car accident. In 2007, Ramon died. Who may inherit from Ramon and who may not? Give your reason briefly;

NOTHING FOLLOWS.