

## POLI

Congress has the power to determine seat allocation in the party-list system; the preference for two-percenters under Section 11(b) of RA 7941 is valid and does not violate equal protection, as it rests on substantial distinction.— *ANGKLA v. COMELEC* (2020)

## COM

Corporate officers may be held personally liable for corporate debts if they act in bad faith and use the corporate fiction to defraud or mislead.— *Total Petroleum Philippines Corp. v. Lim* (2020)

## CIV

Specific performance and rescission are alternative remedies under Article 1191 of the Civil Code.— *Chanelay Development Corp. v. GSIS* (2021)

## LABOR

Retirement benefits under a private plan must not be less than the statutory minimum. Pursuing post-retirement work does not diminish entitlement to retirement benefits.— *Santo v. University of Cebu* (2019)

## CRIM

Other than a birth certificate, any competent evidence, including admissions or stipulations, may prove the parent-child relationship to support a conviction for parricide.— *People v. Delos Santos, Jr.* (2020)

## REM

Declaratory relief is not proper when the questioned regulation is already being enforced or when there is an actual violation of rights.— *Association of International Shipping Lines, Inc. v. Secretary of Finance* (2020)

## 1

The COMELEC allocated three party-list seats to Kabayan Marino Party, which garnered over 4% of total party-list votes, following Section 11(b) of R.A. 7941, which grants one qualifying seat to parties with at least 2% of the votes, and up to two additional seats in proportion to the total votes. Rival group Kilos Marino challenged the provision's constitutionality, arguing it violates the "one person, one vote" principle and equal protection clause. It claimed the 2% used in determining the qualifying seat should be excluded when computing additional seats to avoid double-counting. **Is Section 11(b) of RA 7941 unconstitutional?**

*Suggested answer:* No. Section 11(b) of RA 7941 is not unconstitutional.

In *ANGKLA v. COMELEC*, the Supreme Court found Section 11(b) of RA 7941 valid. Following its formula, all votes are counted once. The perceived double-counting is merely an advantage given to two-percenters based on substantial distinction. The 2% voting threshold ensures that only those parties having a sufficient constituency are represented as envisioned by the Framers of the Constitution. The provision does not violate the "one person, one vote" principle and equal protection clause. Thus, not unconstitutional.

## 2

FuelPro entered into a distributorship agreement with Tirex Sales, represented by its president, Marco Antonio, who actively negotiated the deal. Marco later informed FuelPro, via a letter on SuperTread letterhead, that Tirex had changed its trade name to SuperTread. Relying on this, FuelPro entered into a similar agreement with SuperTread. Later, Marco claimed that Tirex and SuperTread were actually distinct entities. He also stopped payment on Tirex's checks. FuelPro pre-terminated both agreements, citing unauthorized assignment. Tirex sued for damages, while FuelPro filed a counterclaim to hold Marco solidarily liable for Tirex's unpaid obligations and damages. **May Marco be held personally liable for Tirex's obligations?**

*Suggested answer:* Yes. Marco may be held personally liable for Tirex's obligations.

In *Total Petroleum Philippines v. Lim*, the Supreme Court ruled that corporate officers may be held personally liable for corporate debts if it is proved that they act in bad faith. Here, Marco acted in bad faith, falsely declaring that Tirex's name was merely changed to SuperTread, which misled FuelPro into executing the new agreement with SuperTread. Marco's misuse of Tirex as a corporation to perpetuate breach of contractual obligations renders him personally liable.

## 3

PrimeLand Builders entered into a Joint Venture Agreement with GSIS to renovate and sell condominium units in State Towers. The agreement required PrimeLand to remit ₱180 million to GSIS as guaranteed payment, regardless of sales. However, PrimeLand failed to pay despite several demands, prompting GSIS to terminate the agreement. PrimeLand questioned the termination before the trial court. The trial court upheld the cancellation and ordered PrimeLand to pay GSIS the ₱180 million. **Was the trial court's decision correct?**

*Suggested answer:* No. The trial court's decision was not correct.

In *Chanelay Development Corp. v. GSIS*, the Supreme Court ruled that specific performance and rescission are alternative remedies under Article 1191 of the Civil Code. Here, GSIS chose rescission. To insist on the ₱180 million payment would be tantamount to requiring specific performance. Consequently, such monetary award is no longer available to GSIS. Once GSIS rescinded the agreement, it could no longer demand performance under it. GSIS cannot have its cake and eat it too.

## 4

Prof. Rosa passed the Bar exams while serving as a full-time college instructor at Metro South University. At 42, she completed 16 years of service. Intending to practice law, she applied for optional retirement under the school's Faculty Manual. The university granted her retirement pay equivalent to 15 days per year of service. Rosa claimed she was entitled to 22.5 days per year under Article 302 [287] of the Labor Code. The NLRC ruled that the Labor Code does not apply since Rosa retired early to practice law. Thus, she is entitled to the benefits under the Faculty Manual. **Was the NLRC correct?**

*Suggested answer:* No. The NLRC was incorrect.

In *Santo v. University of Cebu*, the Supreme Court ruled that the Retirement Pay Law does not prohibit post-retirement employment. Moreover, if a retirement plan grants less than the statutory minimum, Article 302 [287] applies. Here, it is apparent that the benefit provided under the Faculty Manual is much less than that provided under the Labor Code. Thus, the latter should apply. Prof. Rosa's intent to practice law after retirement, does not diminish her entitlement to retirement benefits under the law.

## 5

During a heated argument, Ryan stabbed his father to death. Ryan admitted under oath that the victim was his father and also stipulated this fact during pre-trial. However, the prosecution failed to submit Ryan's birth certificate to prove the parent-child relationship. Ryan was convicted of parricide. He appealed, arguing that without his birth certificate, the relationship required by law was not proven. **Was Ryan's conviction proper?**

*Suggested answer:* Yes. Ryan's conviction was proper.

In *People v. Delos Santos, Jr.*, the Supreme Court ruled that for parricide, the requisite parent-child relationship may be established by oral or any competent evidence, not just a birth certificate. Here, Ryan himself admitted and stipulated that the victim was his father. That Ryan's certificate of live birth was not presented in evidence does not negate his culpability.

## 6

PhilMaritime Alliance, composed of various international carriers, filed a petition for declaratory relief before the Regional Trial Court, seeking to invalidate Revenue Regulation 15-2013 on the ground that it unconstitutionally expanded value-added tax coverage to services rendered outside the Philippines and exceeded the BIR's authority. Several members had already received assessments under the questioned regulation. **Is a petition for declaratory relief a proper remedy?**

*Suggested answer:* No. A petition for declaratory relief is not a proper remedy.

In *Association of International Shipping Lines, Inc. v. Secretary of Finance*, the Supreme Court ruled that declaratory relief is not available when the questioned regulation is already being enforced or when there is an actual violation of rights. Here, RR 15-2013 was already effective and implemented when the petition was filed. Thus, the proper remedy should have been a petition for certiorari or prohibition under Rule 65, not declaratory relief under Rule 63.