

POLI

In regulated industries like pharmaceuticals, administrative warrantless inspections are constitutional under the State's police power. Affected entities have a reduced expectation of privacy. — *Venus Commercial Co., Inc. v. DOH* (2021)

COM

Once a rehabilitation plan is approved, its terms bind all creditors, even those who didn't participate. — *China Banking Corp. v. St. Francis Square Realty Corp.* (2022)

CIV

Possession of registered land won't confer ownership by prescription, but recovery can be barred if the registered owner fails to act within the prescriptive period.— *Heirs of Yadao v. Heirs of Caletina* (2022)

LABOR

Rank-and-file employees in positions of trust may be lawfully dismissed for acts justifying the loss of trust.— *The Peninsula Manila v. Jara* (2019)

CRIM

Self-defense fails if the accused provoked the aggression, even if the victim initiated the attack and the means employed were reasonable.— *Cambe v. People* (2021)

REM

Exclusive jurisdiction lies with the tribunal first taking cognizance, even on ancillary issues like forum shopping. — *Sierra v. Alejandro* (2023)

1

Vital Remedies, a distributor of health supplements, was the subject of a Mission Order issued by the Director-General of the Food and Drug Administration, authorizing its officers to inspect its warehouse and seize unregistered products. The company assailed the constitutionality of the provisions in the FDA Act and its IRR, which authorized the FDA to seize health products that are unregistered, misbranded, or hazardous, and empowered the Director-General to issue Mission Orders. It argued that these provisions permit unconstitutional warrantless searches and seizures. **Is Vital correct?**

Suggested answer: No. Vital is not correct.

In *Venus Commercial v. DOH*, the Supreme Court ruled that the pertinent provisions in the FDA Act and its IRR do not violate the right against unreasonable searches and seizures because administrative inspections in pervasively regulated industries, such as pharmaceuticals, are a recognized exception to the requirement of a judicial warrant. The FDA's authority is part of the State's police power to protect public health, and the affected entities have a reduced expectation of privacy. Thus, the assailed provisions were constitutional.

2

Crestview Realty filed a petition for corporate rehabilitation. The rehabilitation court approved the petition along with a Rehabilitation Plan that suspended the accrual of interests, penalties, and other charges on Crestview's loans. However, Ladera Bank, one of its creditors, demanded payment of interest and penalties based on the original loan terms. The case reached the Court of Appeals, which upheld the suspension of these charges in line with the Rehabilitation Plan. **Was the Court of Appeals correct?**

Suggested answer: Yes. The Court of Appeals was correct.

In *China Bank v. St. Francis Square Realty*, the Supreme Court ruled that once a Rehabilitation Plan is approved, its provisions become binding on all creditors, including those who did not participate in the proceedings. The Court emphasized that the purpose of corporate rehabilitation is to enable a financially distressed corporation to recover, and this includes suspending the enforcement of interest, penalties, and other charges inconsistent with the approved plan. Thus, the Court of Appeals did not err in upholding the suspension of these charges to give effect to the Rehabilitation Plan and facilitate Crestview's recovery.

3

Tomas was the registered owner of Lot 5123. In 1962, he sold it to Teresa through a notarized Deed of Absolute Sale. Since then, Teresa, and later her heirs, had been in open, continuous possession of the lot. In 1993, the heirs of Tomas filed a complaint for ownership and recovery of possession against the heirs of Teresa, claiming the lot was never sold. They did not dispute the latter's possession since 1962 but argued that, being registered land, it could not be acquired by prescription. **Who has the better right over Lot 5123?**

Suggested answer: The heirs of Teresa have a better right.

In *Heirs of Yadao v. Heirs of Caletina*, the Supreme Court ruled that while acquisitive prescription does not apply to registered land, recovery may be barred by extinctive prescription if the registered owner or heirs fail to assert their claim within the prescriptive period—generally 10 years in cases of constructive trust or fraud. Here, possession lasted 31 years after the sale without objection from Tomas's heirs, who also failed to justify their inaction. By the time the complaint was filed in 1993, the prescriptive period had already expired. The Court stressed that the law aids the vigilant, not those who sleep on their rights.

4

Jeric, a captain waiter at the Royal Horizon Hotel, was tasked with tallying cash counts against transaction receipts. While closing at the restaurant, he discovered a ₱6,500 overage. He kept the excess cash in his locker and submitted a report stating that the discrepancy had been reconciled. Days later, he gave the money to the head waitress for safekeeping. He was dismissed for willful breach of trust. Jeric argued that his dismissal was illegal since as a rank-and-file employee, he did not hold a position of trust. **Was the dismissal valid?**

Suggested answer: Yes. The dismissal was valid.

In *The Peninsula Manila v. Jara*, the Court held that certain rank-and-file employees, such as cashiers or captain waiters handling large sums of money, occupy positions of trust and confidence and may be dismissed for acts justifying loss of trust. Being tasked with reconciling cash transactions, Jeric held such a position. His acts of misrepresenting the reconciliation, falsifying a report, and failing to promptly inform his supervisor justified the loss of trust. Thus, he was validly dismissed.

5

Police Officers Carlos and Arnel were drinking at Luna's Bar. Paolo and his friends were at the adjacent Bamboo Breeze Bar. Around 9:30 p.m., Krista, Paolo's mother, arrived to fetch them. As they exited Bamboo Breeze, they caused some noise. PO2 Carlos admonished them. A verbal altercation followed, during which Carlos cursed, shouted expletives, and pushed Krista. Paolo then struck Carlos with a beer bottle, causing him to fall. As Paolo and his friends moved in to attack, Carlos shot Paolo in the torso. Charged with frustrated murder, Carlos claimed self-defense. **Is his claim tenable?**

Suggested answer: No. Carlos' claim of self-defense is not tenable.

In *Cambe v. People*, the Supreme Court ruled that self-defense requires: (1) unlawful aggression, (2) reasonable necessity of the means employed, and (3) lack of sufficient provocation. Here, while Carlos faced unlawful aggression from Paolo's group when they struck him with a beer bottle, and used reasonable means to repel it by shooting as they prepared to attack while he was down, the third element is lacking. Carlos' act of cursing, shouting, and pushing Krista sufficiently provoked Paolo's group, inciting their retaliatory attack. Thus, his claim of self-defense is untenable.

6

Irene agreed to sell her Makati condo to Atty. Pineda for ₱4 million. After making a ₱1 million initial payment, Atty. Pineda decided to back out and demanded a refund of ₱800,000. He filed a petition for declaratory relief before the Manila RTC, with a prayer for injunction to access the property pending litigation, which the court denied. He then filed a notice of dismissal citing improper venue. Subsequently, he filed an action for specific performance before the Valenzuela RTC, seeking a similar injunctive relief, which the court granted. Irene raised the defense of forum shopping, but the Valenzuela court rejected it with finality. She later filed a disbarment case against Atty. Pineda before the IBP alleging violation of the rules of professional conduct for willful and deliberate forum shopping. **Which tribunal has jurisdiction over the issue of forum shopping?**

Suggested answer: The Valenzuela RTC has exclusive jurisdiction.

In *Sierra v. Alejandro*, the Supreme Court reiterated that the tribunal taking cognizance of the main case shall exercise jurisdiction to the exclusion of others until the case's final termination. Such jurisdiction extends not only to the principal remedies but also to all incidents and ancillary matters, including the issue of forum shopping. Moreover, since the Valenzuela RTC had already ruled with finality that no forum shopping was committed, the IBP had no authority to preempt or reverse that determination.