

## POLI

A search warrant satisfies the constitutional requirement of particularity if the place can be reasonably identified and distinguished from others. — *People v. Magayon* (2020)

## COM

Mere common ownership or management is not enough to pierce the veil of corporate fiction. It must be shown that the separate personality is used to commit fraud or evade obligations. — *HSBC Staff Retirement Plan v. Spouses Galang* (2021)

## CIV

A divorce decree obtained by a Filipino spouse abroad may still be recognized in the Philippines under Article 26(2) of the Family Code, even if the foreign spouse did not initiate the proceedings alone. — *Moraña v. Republic* (2019)

## LABOR

A teacher's act of denying a young child's urgent restroom request and calling him a liar constitutes serious misconduct warranting dismissal, as it endangers the child's welfare and betrays the high moral standards of the teaching profession. — *St. Benedict Childhood Education Centre, Inc. v. San Jose* (2021)

## CRIM

Treachery requires not just a sudden attack, but a consciously adopted method ensuring the victim has no defense while leaving no risk to the assailant. Mere suddenness is not enough. — *People v. Albino* (2019)

## REM

Intervention is discretionary, not a matter of right, and may only be allowed when the intervenor has a legal interest that cannot be adequately protected in a separate proceeding without causing delay or prejudice. — *Republic v. Rubin* (2020)

## 1

Police Officers, armed with a search warrant describing “the rented residence and its premises located at 125 Mabini Street, Sta. Elena Subdivision, Barangay 4, San Pedro City,” searched the home of Ana Cruz. They also entered a small sari-sari store attached to the house, separated only by a curtain, and found illegal drugs. Ana was arrested and later convicted of illegal possession of drugs. On appeal, she argued that the search was invalid and the seized items inadmissible, since the warrant did not specifically mention the store. **Was the search of the store valid?**

*Suggested answer:* Yes. The search of the store was valid.

In *People v. Magayon*, the Supreme Court ruled that a search warrant meets the constitutional requirement of particularity if the place can be reasonably identified by the officers and distinguished from others. The Court upheld a warrant that covered a “rented residence and its premises,” including an attached store separated only by a curtain. Similarly, Ana’s store was part of the same structure at the stated address. Thus, the search did not violate the Constitution.

## 2

Emerald Bank, Inc. (EBI) offered housing loans to employees through EBI Staff Retirement Plan (EBI-SRP), a separate entity. Kate obtained a loan from EBI-SRP secured by a mortgage on her property, which EBI-SRP later foreclosed. Kate claimed the foreclosure was void and sued both EBI and EBI-SRP. During the trial, it was established that EBI screened employee eligibility, while EBI-SRP alone approved and processed the housing loans. EBI was also not a party to the mortgage and had no role in the foreclosure. The trial court voided the foreclosure and held both liable. It found that EBI-SRP was a mere conduit of EBI, given that EBI appointed EBI-SRP trustees and transferred assets, liabilities, or other interests to it. **Is the trial court correct?**

*Suggested answer:* No. The trial court is not correct.

In *HSBC Staff Retirement Plan v. Galang*, the Court held that a related entity’s separate personality may be disregarded only if used to commit fraud or evade an obligation. Common ownership or management is not enough. Moreover, corporate personality cannot be collaterally attacked as only the Solicitor General may do so via quo warranto. As in HSBC, EBI was not a party to the mortgage, had no role in the foreclosure, and merely determined eligibility. Without proof of fraud or misuse of corporate form, EBI cannot be held liable for EBI-SRP’s acts.

## 3

In 2010, Tara, a Filipino, married Keichi, a Japanese national, in Manila. In 2018, they obtained a divorce in Japan. Back in the Philippines, Tara petitioned the court for recognition of the foreign divorce. She submitted a Japanese “Divorce Report” authenticated by the Japanese Embassy, but did not present the actual Divorce Decree. During trial, it was revealed that Tara herself had secured the Divorce Decree. The trial court dismissed her petition. It held that a foreign divorce obtained by the Filipino spouse cannot be recognized under Section 26 of the Family Code, and that Tara’s failure to present the foreign Divorce Decree itself is fatal to her case. Tara appealed. **Should Tara’s appeal be granted?**

*Suggested answer:* Yes. Tara’s appeal should be granted.

In *Moraña v. Republic*, the Supreme Court reiterated that under Article 26 of the Family Code, even if it was the Filipino spouse who initiated and obtained the Divorce Decree, it may still be recognized in the Philippines. The law does not require the alien spouse to be the one who initiated the proceedings. Additionally, the absence of the actual Divorce Decree should not bar recognition when the essential facts are established through substantial evidence, such as a “Divorce Report” and authentication by the foreign embassy. Thus, Tara’s appeal should be granted.

## 4

Ms. Laura Diaz, a preschool teacher at Holy Shepherd Academy, twice denied a five-year-old student's request to use the restroom, causing him to wet himself. She then called him a liar in front of classmates. After investigation, she was dismissed for serious misconduct. She claims the dismissal is illegal due to her 20 years of service and clean record. **Is the dismissal valid?**

*Suggested answer:* Yes. The dismissal is valid.

In *St. Benedict Childhood Education Centre v. San Jose*, the Court held that dismissal for serious misconduct requires that the act (1) be grave in character, (2) related to the employee's duties, and (3) show unfitness to continue working. Here, Ms. Diaz's act of denying a young child's urgent restroom request twice, was grave, causing humiliation and distress to a vulnerable pupil. It was related to her duty as a teacher to protect students' welfare. Finally, it showed unfitness to continue working, as the conduct betrayed the high moral standards and trust required in the teaching profession. Long service cannot excuse conduct that violates the core duties of the profession.

## 5

At a barangay benefit dance, an altercation broke out between Mike's group and some locals. When Rafael tried to pacify them, Mike got enraged, pulled out a revolver, and shot Rafael in the chest without warning. Rafael later died. Mike was convicted of Murder. The trial court found that treachery existed as the sudden attack left Rafael unable to defend himself. On appeal, Mike argued that treachery was not established and sought to reduce the crime to Homicide. **As judge, how would you rule?**

*Suggested answer:* As judge, I would grant Mike's appeal and convict him only of Homicide.

In *People v. Albino*, the Court ruled that treachery requires not only a sudden attack but also a consciously adopted method of assault that ensures the victim cannot defend himself while leaving no risk to the assailant. Mere suddenness is not enough. Here, while the attack was sudden, it did not amount to treachery as Mike, being enraged, had no time to reflect on his actions. Moreover, the attack itself was frontal, hitting Rafael in the chest, which, when taken with other circumstances, negates the existence of treachery. Thus, Mike should be convicted of Homicide only.

## 6

Pending issuance of a special patent in its favor, the National Reclamation Authority (NRA) leased part of a reclaimed land in Pasay to MetroPower Corporation for use as a substation. Later, the DENR approved a survey plan over the same property without NRA's clearance and issued patents to private individuals, including Mia Rivera, who obtained an Original Certificate of Title. Rivera then filed an accion reivindicatoria against MetroPower. Meanwhile, the NRA, asserting ownership and possession, filed a reversion case to annul the patents and titles. It also moved to intervene in Rivera's case. **Should NRA's motion to intervene be granted?**

*Suggested answer:* No. NRA's motion to intervene should not be granted.

In *Republic v. Rubin*, the Supreme Court held that intervention is not a matter of right but rests on the court's discretion. To justify intervention, the movant must show (a) legal interest in the matter in litigation, and (b) that such rights cannot be fully protected in a separate proceeding without delaying or prejudicing the original parties. Here, while the NRA had legal interest over the subject property, its rights were already protected in the reversion case. Thus, intervention was unnecessary and could result in conflicting rulings.