BAR REMEDIAL LAW PRACTICE EXAM (SAMPLE)

STUDY GUIDE



SAMPLE STUDY GUIDE WITH LIMITED QUESTIONS

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Introduction

Preparing for a certification exam can feel overwhelming, but with the right tools, it becomes an opportunity to build confidence, sharpen your skills, and move one step closer to your goals. At Examzify, we believe that effective exam preparation isn't just about memorization, it's about understanding the material, identifying knowledge gaps, and building the test-taking strategies that lead to success.

This guide was designed to help you do exactly that.

Whether you're preparing for a licensing exam, professional certification, or entry-level qualification, this book offers structured practice to reinforce key concepts. You'll find a wide range of multiple-choice questions, each followed by clear explanations to help you understand not just the right answer, but why it's correct.

The content in this guide is based on real-world exam objectives and aligned with the types of questions and topics commonly found on official tests. It's ideal for learners who want to:

- Practice answering questions under realistic conditions,
- Improve accuracy and speed,
- Review explanations to strengthen weak areas, and
- Approach the exam with greater confidence.

We recommend using this book not as a stand-alone study tool, but alongside other resources like flashcards, textbooks, or hands-on training. For best results, we recommend working through each question, reflecting on the explanation provided, and revisiting the topics that challenge you most.

Remember: successful test preparation isn't about getting every question right the first time, it's about learning from your mistakes and improving over time. Stay focused, trust the process, and know that every page you turn brings you closer to success.

Let's begin.

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How to Use This Guide

This guide is designed to help you study more effectively and approach your exam with confidence. Whether you're reviewing for the first time or doing a final refresh, here's how to get the most out of your Examzify study guide:

1. Start with a Diagnostic Review

Skim through the questions to get a sense of what you know and what you need to focus on. Your goal is to identify knowledge gaps early.

2. Study in Short, Focused Sessions

Break your study time into manageable blocks (e.g. 30 – 45 minutes). Review a handful of questions, reflect on the explanations.

3. Learn from the Explanations

After answering a question, always read the explanation, even if you got it right. It reinforces key points, corrects misunderstandings, and teaches subtle distinctions between similar answers.

4. Track Your Progress

Use bookmarks or notes (if reading digitally) to mark difficult questions. Revisit these regularly and track improvements over time.

5. Simulate the Real Exam

Once you're comfortable, try taking a full set of questions without pausing. Set a timer and simulate test-day conditions to build confidence and time management skills.

6. Repeat and Review

Don't just study once, repetition builds retention. Re-attempt questions after a few days and revisit explanations to reinforce learning. Pair this guide with other Examzify tools like flashcards, and digital practice tests to strengthen your preparation across formats.

There's no single right way to study, but consistent, thoughtful effort always wins. Use this guide flexibly, adapt the tips above to fit your pace and learning style. You've got this!

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Questions

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1. What is the effect of death when the claim in a pending action is purely personal?

A. The claim is extinguished and the action is dismissed.

B. The claim continues against the estate.

C. The heirs automatically substitute for the party.

D. The case is transferred to probate court.

2. For a Petition for Review on Certiorari to the Supreme Court under Rule 45, the extension by proper motion may be up to how many days?

A. Thirty days

B. Sixty days

C. Fifteen days

D. Ninety days

3. Distinguish a Complaint from an Information: which statement is correct?

A. An information is a sworn written statement charging a person with an offense, subscribed by the offended party; a complaint is an accusation in writing charged by the prosecutor.

B. A complaint is a sworn written statement charging a person with an offense, subscribed by the offended party; an information is an accusation in writing charged by the prosecutor.

C. A complaint is filed with the court by the prosecutor; an information is a sworn written statement by the offended party.

D. An information is filed with the court by the offended party; a complaint is an accusation in writing charged by the prosecutor.

4. What does an indeterminate sentence mean?

A. Must be definite.

B. The penalty is fixed within the range by the judge.

C. Invalid.

D. Not allowed.

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5. What is the doctrine of hierarchy of courts?

A. It provides an ordained sequence of recourse from the lowest to the highest court, with direct invocation of the Supreme Court's original jurisdiction allowed only for special and important reasons.

B. It requires all cases to go directly to the Supreme Court.

C. It forbids any direct appeal to the Supreme Court.

D. It is irrelevant to modern litigation.

6. Who holds the deposit for expropriation under RA 8974?

A. Bureau of Lands

B. Register of Deeds

C. Supreme Court

D. Land Bank of the Philippines

7. In a case where a gun obtained through an unlawful search is used in trial, what is the correct principle about its admissibility and the conviction?

A. The gun is not indispensable; conviction can rely on other evidence.

B. The gun must be admitted; otherwise conviction can't stand.

C. The gun is always admissible regardless of legality.

D. The gun's inadmissibility requires automatic quash.

8. Is the second unlawful detainer case barred by res judicata if the first judgment lapsed into finality but was not enforced and possession was tolerated before?

A. Yes, res judicata bars second ejectment case.

B. No, res judicata does not bar because there is identity of cause of action.

C. Yes, res judicata bars if same relief.

D. No, res judicata only applies to proceedings with same defendant.

9. What is the correct ramification of an order allowing a new trial?

A. Use prior evidence.

B. Suspension of the court's decision.

C. Keep unchanged the part of the judgment; void the rest.

D. Vacate the entire judgment.

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10. Where should the probate proceeding on the estate of a resident of Malolos, Bulacan, who left an estate in Manila valued at P200,000 be instituted?

A. Regional Trial Court of Manila.

B. Municipal Trial Court of Manila.

C. Regional Trial Court of Malolos.

D. Municipal Trial Court of Malolos, Bulacan.

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Answers

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1. A
2. A
3. B
4. B
5. A
6. D
7. A
8. B
9. A
10. D

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Explanations

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1. What is the effect of death when the claim in a pending action is purely personal?

A. The claim is extinguished and the action is dismissed.

B. The claim continues against the estate.

C. The heirs automatically substitute for the party.

D. The case is transferred to probate court.

When the claim is purely personal, death ends the right to sue because such a action is personal to the plaintiff and cannot be inherited or continued by others. The remedy dies with the person who had the cause of action, so the court must dismiss the case since there is no one left who can pursue that personal claim. This is different from claims that survive death—where the right to sue passes to the estate or is maintainable by heirs or a representative if the action involves interests that survive or are attached to property. In those situations, substitution or continuation could occur. Transferring the case to probate court isn't the mechanism for continuing a purely personal civil action; probate handles estate administration, not the ongoing pursuit of a personal claim against a defendant.

2. For a Petition for Review on Certiorari to the Supreme Court under Rule 45, the extension by proper motion may be up to how many days?

A. Thirty days

B. Sixty days

C. Fifteen days

D. Ninety days

The key idea is how much extra time you can get to file a petition for review on certiorari under Rule 45. If you need more time beyond the original deadline, you may file a proper motion for extension, but the maximum extension you can obtain is thirty days. This provides a finite grace period to gather needed materials or finalize the filing, while keeping the overall schedule reasonably prompt. Beyond that thirty-day extension, the petition would be late and typically barred, unless another exceptional mechanism applies.

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3. Distinguish a Complaint from an Information: which statement is correct?

A. An information is a sworn written statement charging a person with an offense, subscribed by the offended party; a complaint is an accusation in writing charged by the prosecutor.

B. A complaint is a sworn written statement charging a person with an offense, subscribed by the offended party; an information is an accusation in writing charged by the prosecutor.

C. A complaint is filed with the court by the prosecutor; an information is a sworn written statement by the offended party.

D. An information is filed with the court by the offended party; a complaint is an accusation in writing charged by the prosecutor.

In criminal procedure, who starts the case and how the charging document is prepared depends on whether the offense is of private or public nature. A complaint is the sworn written statement by the offended party (or his agent) charging a person with an offense. It is a private-initiated instrument, used when the private party brings the case to court. An information, on the other hand, is a formal written accusation filed by the prosecutor with the court, initiating a public prosecution. It represents the government's charge against the person accused of the offense and is the standard charging document in many criminal cases. So the statement that correctly distinguishes them reflects that a complaint is sworn by the offended party, while an information is filed by the prosecutor as a written accusation.

4. What does an indeterminate sentence mean?

A. Must be definite.

B. The penalty is fixed within the range by the judge.

C. Invalid.

D. Not allowed.

Indeterminate sentence means the court does not fix a single definite term, but imposes a penalty within a prescribed range and the judge selects the exact amount within that range. This structure lets the court tailor punishment to the offender and to circumstances, while also tying parole eligibility to serving the minimum term. For example, if the statute provides imprisonment between a minimum and a maximum, the judge can sentence somewhere in that window; the convict then becomes eligible for parole after serving the minimum term. The other options describe a definite term, an invalid result, or an outright not-allowed situation, which don't fit how indeterminate sentences operate.

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5. What is the doctrine of hierarchy of courts?

A. It provides an ordained sequence of recourse from the lowest to the highest court, with direct invocation of the Supreme Court's original jurisdiction allowed only for special and important reasons.

B. It requires all cases to go directly to the Supreme Court.

C. It forbids any direct appeal to the Supreme Court.

D. It is irrelevant to modern litigation.

Courts are organized in a hierarchy, and cases generally move up the ladder from the lowest court to the next higher one, with the Supreme Court acting as the final arbiter. This structure allows errors to be corrected at the appropriate level and keeps the Supreme Court from being overwhelmed with routine matters. In ordinary circumstances, a case starts in a trial court, moves to an appellate court for review, and only then can reach the Supreme Court, if review is properly sought and permitted. The Supreme Court does have original jurisdiction, but only for certain enumerated matters or when the law explicitly grants direct access; such direct invocation is allowed for special and important reasons, not as a general rule. This arrangement ensures serious constitutional or legal questions can be addressed promptly while preserving orderly, incremental review of cases.

6. Who holds the deposit for expropriation under RA 8974?

A. Bureau of Lands

B. Register of Deeds

C. Supreme Court

D. Land Bank of the Philippines

The deposit for expropriation under RA 8974 is held by the Land Bank of the Philippines. This law assigns the Land Bank as the depository for the just compensation funds, keeping them secure and readily available to pay property owners once a final award or settlement is in place. The Bureau of Lands, Register of Deeds, and the Supreme Court each have other roles in land administration and litigation, but none serves as the funds depository for expropriation. The Land Bank's entrusted role ensures the money set aside for compensation is protected and can be released promptly to owners as required.

7. In a case where a gun obtained through an unlawful search is used in trial, what is the correct principle about its admissibility and the conviction?

A. The gun is not indispensable; conviction can rely on other evidence.

B. The gun must be admitted; otherwise conviction can't stand.

C. The gun is always admissible regardless of legality.

D. The gun's inadmissibility requires automatic quash.

When evidence is obtained through an unlawful search, it cannot be admitted, reflecting the protection against illegal police conduct. But that doesn't automatically void a conviction. The purpose of suppressing the tainted item is to deter illegal search, not to force acquittal if the prosecution can otherwise prove guilt beyond a reasonable doubt. So the gun being excluded does not prevent a conviction if there is other admissible evidence that independently proves the defendant's guilt. In other words, the gun is not indispensable to the verdict; the state can rely on alternative evidence to sustain the conviction. Only if the entire case rests solely on that tainted gun would the conviction be impermissible.

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8. Is the second unlawful detainer case barred by res judicata if the first judgment lapsed into finality but was not enforced and possession was tolerated before?

A. Yes, res judicata bars second ejectment case.

B. No, res judicata does not bar because there is identity of cause of action.

C. Yes, res judicata bars if same relief.

D. No, res judicata only applies to proceedings with same defendant.

In unlawful detainer, res judicata kicks in to bar a second suit when a final judgment on the merits between the same parties has settled the right to possession. But that bar only applies if the prior case actually resolved the possessory rights and there's no continuing dispute over who may possess the property. Here, the first judgment became final, yet it was not enforced and possession had been tolerated before. That tells you the possessory relationship wasn't conclusively settled by that judgment. The landlord's tolerance meant the tenant could stay, so the factual basis for a second ejectment action remains, and the second case is not barred by res judicata simply because there was a prior final judgment. The later suit can proceed because the prior judgment did not truly finalize the possessory dispute. The other options would require a bar to apply in circumstances where the prior judgment had conclusively and enforceably resolved possession and left no room for a continued dispute. If the possession was tolerated and enforcement never occurred, those conditions aren't met, so the second ejectment action isn't barred.

9. What is the correct ramification of an order allowing a new trial?

A. Use prior evidence.

B. Suspension of the court's decision.

C. Keep unchanged the part of the judgment; void the rest.

D. Vacate the entire judgment.

When a court grants a new trial, the case is reopened and relitigated on the merits, with the judgment set aside for the issues involved. The key point is that the evidence already on the record remains usable in the retrial; the parties can rely on prior admitted exhibits and testimony and may also offer new evidence. This continuity—being able to use the existing evidence while presenting additional proof—is why the option about using prior evidence is the best description of the ramification. The other outcomes described don't capture how a new trial operates: it isn't merely suspending the previous decision, it isn't limited to keeping part of the judgment while voiding the rest, and it isn't automatically a total vacatur of the judgment—rather, it reopens the case with the possibility of presenting new evidence alongside the retained record.

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10. Where should the probate proceeding on the estate of a resident of Malolos, Bulacan, who left an estate in Manila valued at P200,000 be instituted?

A. Regional Trial Court of Manila.

B. Municipal Trial Court of Manila.

C. Regional Trial Court of Malolos.

D. Municipal Trial Court of Malolos, Bulacan.

The situation hinges on the Small Estates Procedure, which handles probate of estates that consist only of personal property and have a gross value not exceeding a set threshold (currently around 200,000). The petition under this simplified process is filed in the Municipal Trial Court of the decedent's last domicile. Here, the decedent was a resident of Malolos, Bulacan, and the Manila estate is valued at 200,000. There is no indication of real property in the estate. Therefore, the Small Estates Procedure applies, and the proper venue is the Municipal Trial Court in Malolos. If real property were involved (especially in Manila), the probate would move to a court with jurisdiction over that real property, typically the RTC of the location of the property.

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Next Steps

Congratulations on reaching the final section of this guide. You've taken a meaningful step toward passing your certification exam and advancing your career.

As you continue preparing, remember that consistent practice, review, and self-reflection are key to success. Make time to revisit difficult topics, simulate exam conditions, and track your progress along the way.

If you need help, have suggestions, or want to share feedback, we'd love to hear from you. Reach out to our team at hello@examzify.com.

Or visit your dedicated course page for more study tools and resources:

https://barremediallaw.examzify.com

We wish you the very best on your exam journey. You've got this!

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