

Philippine Remedial Law Practice Questions

Law · Answer Key · 13 Questions

1. A wants to file a Petition for Writ of Habeas Data against the AFP in connection with threats to his life allegedly made by AFP intelligence officers. A needs copies of AFP highly classified intelligence reports collected by Sgt. Santos who is from AFP. A can file his petition with:

- A) RTC where AFP is located
- B) RTC where Sgt. Santos resides
- C) Supreme Court

D) Court of Appeals

2. Distinguish error of jurisdiction from error of judgment.

- A) An error of judgment is committed when a court acts without or in excess of its jurisdiction, rendering its order void or voidable.
- B) An error of jurisdiction is committed when a court acts within its jurisdiction but commits an error in applying the law or in appreciating facts, making the judgment correctible only by appeal.

C) An error of judgment is an error in the exercise of jurisdiction, correctible by appeal, while an error of jurisdiction is acting without or in excess of jurisdiction, correctible by certiorari.

- D) Errors of jurisdiction are correctible by appeal, while errors of judgment are correctible by certiorari.

3. A criminal case should be instituted and tried in the place where the offense or any of the essential elements took place, except in:

- A) Estafa cases
- B) Complex crimes

C) Cases cognizable by the Sandiganbayan

- D) Court martial cases

4. The Sandiganbayan can entertain a quo warranto petition only in:

- A) Cases involving public officers with salary grade 27 or higher.

B) Only in aid of its appellate jurisdiction.

- C) As a provisional remedy.
- D) Cases involving "ill gotten wealth".

5. Sandiganbayan exercises concurrent jurisdiction with the Supreme Court and the Court of Appeals over:

- A) Petitions for Writ of Certiorari and Prohibition
- B) Petitions for Writ of Habeas Corpus
- C) Petitions for Quo Warranto

D) Petitions for Writ of Amparo and Habeas Corpus

6. Prince Chong entered into a lease contract with King Kong. On January 1, 2013, Prince Chong died. Kin II Chong was appointed administrator of the estate. King Kong filed an action for rescission of contract with damages and payment of accrued rentals. Can Kin II Chong move to dismiss the complaint on the ground that the RTC is without jurisdiction since the amount claimed is only P300,000.00?

A) Yes, because the amount claimed is within the exclusive original jurisdiction of the MeTC.

B) No, because an action for rescission of contract with damages is incapable of pecuniary estimation and thus cognizable by the RTC.

C) Yes, because the rentals accrued after the death of Prince Chong and should be claimed from the estate.

D) No, because the RTC has jurisdiction over all cases involving contracts regardless of the amount.

7. Cesar, age 16, a habitual offender, was caught in possession of .001 grams of marijuana. He was charged for violation of Sec. 16 of R.A. 9165. The court which has jurisdiction is:

- A) The MTC
- B) The RTC
- C) Special Drugs Court

D) Family Court

8. A judge of an MTC can hear and decide petitions for habeas corpus or applications for bail where:

- A) The Supreme Court authorizes the MTC.
- B) The judge is the Executive Judge of the MTC.
- C) The judge of the RTC where the case is raffled has retired, was dismissed or had died.

D) In the absence of all the RTC Judges in the province or city.

9. When a Municipal Trial Court (MTC), pursuant to its delegated jurisdiction, renders an adverse judgment in an application for land registration, the aggrieved party's remedy is:

- A) Ordinary appeal to the Regional Trial Court
- B) Petition for review on certiorari to the Supreme Court
- C) Ordinary appeal to the Court of Appeals**
- D) Petition for review to the Court of Appeals

10. Estrella filed a complaint for ejectment with the MTC. The MTC dismissed the complaint for lack of jurisdiction. On appeal by Estrella to the RTC, a full-blown trial was conducted. Was the MTC correct in dismissing the complaint for lack of jurisdiction?

- A) Yes, because the MTC only has jurisdiction over possession and not ownership.
- B) No, because jurisdiction is determined by the allegations in the complaint, and ejectment cases fall under MTC jurisdiction.**
- C) Yes, because the assessed value of the property is P21,000.00 which is beyond the MTC's jurisdiction.
- D) No, because the MTC should have transferred the case to the RTC once it observed the issue of ownership.

11. Was the RTC correct in ruling that based on the assessed value of the property, the case was within its original jurisdiction and, hence, it may conduct a full-blown trial of the appealed case as if it was originally filed with it?

- A) Yes, because the RTC can always conduct a full-blown trial on appealed cases regardless of the MTC's dismissal.
- B) No, because the RTC should have affirmed the MTC's dismissal if it lacked jurisdiction.
- C) No, because forcible entry and unlawful detainer cases are within the exclusive original jurisdiction of the MTC, and all cases decided by the MTC are generally appealable to the RTC irrespective of amounts involved.**
- D) Yes, because the RTC has jurisdiction over cases involving property regardless of the nature of the action.

12. A bought a Volvo Sedan from ABC Cars. When delivered, the car's upholstery was found to be damaged. ABC Cars and XYZ Detailing (which rust-proofed and tinted the car) both deny liability. Who can A sue and on what cause(s) of action?

- A) A can sue XYZ Detailing for damages due to improper work.
- B) A can sue ABC Cars for specific performance and damages, as the damage occurred before delivery and transfer of ownership.**
- C) A can sue both ABC Cars and XYZ Detailing for damages.
- D) A can only sue ABC Cars for rescission of the contract.

13. The following are accurate statements on joinder of causes of action, except:

A) Joinder of actions avoids multiplicity of suits.

B) Joinder of actions may include special civil actions.

C) Joinder of causes of action is permissive.

D) The test of jurisdiction in case of money claims in a joinder of causes of action, is the "totality rule".