

BAR REMEDIAL LAW PRACTICE EXAM (SAMPLE)

STUDY GUIDE



Prepare with structure. Pass with confidence



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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.

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!

Questions

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- 1. Rule 3, Section 16 of the Rules of Court provides a remedy when no legal representative is named for the deceased party. What is that remedy?**
 - A. Dismiss the case for lack of representation.
 - B. Order the opposing party to procure the appointment of an executor or administrator for the estate.
 - C. Transfer the case to the probate court for administration.
 - D. Issue a temporary guardianship for the estate.
- 2. Jurisdiction over the person is acquired when the complaint is filed.**
 - A. It requires service of summons to acquire
 - B. It depends on residency of plaintiff
 - C. It is achieved only by consent
 - D. It is acquired when the complaint is filed
- 3. A certiorari petition under Rule 65 is filed on the 65th day after notice of judgment. Is it timely?**
 - A. Yes, it is timely.
 - B. No, it is untimely.
 - C. Timeliness depends on the Supreme Court's discretion.
 - D. Only if there is an extension granted.
- 4. In a petition for nullity filed in the Regional Trial Court, summons by publication was directed to be served in the United States because the defendant resided abroad. The order did not include service to the defendant's last known address. Is the RTC order proper?**
 - A. Yes, publication alone suffices for extraterritorial service.
 - B. No, because extraterritorial service by publication must be accompanied by service to the last known address via registered mail.
 - C. Yes, because the petition was properly served by publication.
 - D. No, because summons must be personally served in the United States.
- 5. Who may file a petition for habeas corpus?**
 - A. Only the detainee
 - B. The agency head
 - C. A person who is detained or any person in his behalf
 - D. Only a relative

- 6. Which of the following is a form of bail?**
- A. Corporate surety
 - B. Property bond
 - C. Cash deposit
 - D. All of the above
- 7. Which of the following is a duty enjoined on the guardian and covered by the guardian's bond?**
- A. Provide for the proper care, custody, and education of the ward.
 - B. Ensure the wise and profitable investment of the ward's financial resources.
 - C. Collect compensation for his services to the ward.
 - D. Raise the ward to become a responsible member of society.
- 8. What is the effect of the rule against splitting causes of action when multiple suits are based on the same cause?**
- A. The earlier filed suit controls; others may be dismissed.
 - B. All suits must be consolidated.
 - C. The later filed suit prevails.
 - D. The suits may proceed independently.
- 9. Which of the following is an advantageous feature of filing a writ of kalikasan?**
- A. The petition is exempt from docket fees
 - B. The petition requires a cash bond
 - C. The writ cannot be issued within three days
 - D. The writ precludes any separate civil action for damages
- 10. What term is used to describe the concept of double jeopardy, sometimes humorously referred to as 'res judicata in prison grey'?**
- A. Res judicata in prison grey
 - B. Collateral estoppel
 - C. Estoppel by judgment
 - D. Mootness

Answers

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

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Explanations

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1. Rule 3, Section 16 of the Rules of Court provides a remedy when no legal representative is named for the deceased party. What is that remedy?

- A. Dismiss the case for lack of representation.
- B. Order the opposing party to procure the appointment of an executor or administrator for the estate.**
- C. Transfer the case to the probate court for administration.
- D. Issue a temporary guardianship for the estate.

When a party to a civil action dies and no legal representative is named, the court can keep the case alive by having the estate properly represented. The remedy is for the court to order the opposing party to procure the appointment of an executor or administrator for the deceased's estate. This allows the estate to be substituted in the suit and continue litigation without dismissal, since the claim or defense can be carried on by the estate through its representative. This fits because the court recognizes that the action may involve the deceased's rights or liabilities that survive death, and representation is necessary to proceed. Dismissal for lack of representation would prematurely end the case rather than permit substitution. Transferring to probate court or creating a temporary guardianship doesn't align with the mechanism provided for in this rule, which focuses on appointing the estate's representative to continue the civil action.

2. Jurisdiction over the person is acquired when the complaint is filed.

- A. It requires service of summons to acquire
- B. It depends on residency of plaintiff
- C. It is achieved only by consent
- D. It is acquired when the complaint is filed**

Personal jurisdiction over the defendant is not established by filing the complaint alone. Filing brings the action to court and gives the court power over the subject matter, but the defendant must be brought within the court's power personally. That happens only when the defendant is served with summons (or voluntarily appears in court or waives service). Service of summons provides proper notice and obligates the defendant to respond, enabling the court to bind them personally. Without service or appearance, the court lacks personal jurisdiction, even though the case exists in the court's file. So the idea that jurisdiction over the person is acquired merely upon filing is not correct; notice to and appearance of the defendant are what establish personal jurisdiction.

3. A certiorari petition under Rule 65 is filed on the 65th day after notice of judgment. Is it timely?

- A. Yes, it is timely.
- B. No, it is untimely.**
- C. Timeliness depends on the Supreme Court's discretion.
- D. Only if there is an extension granted.

Time limits for certiorari petitions under Rule 65 are strict: the petition must be filed within 60 days from receipt of notice of the judgment, final order, or resolution. This deadline is generally not extended by default; extensions to file must be sought and granted before the period ends, otherwise the petition is dismissed for lack of jurisdiction. Filing on the 65th day means the petition is outside the 60-day window, and since no timely extension is presumed to have been granted, it is untimely. Extension, if any, would have to be granted prior to expiration to salvage the filing.

4. In a petition for nullity filed in the Regional Trial Court, summons by publication was directed to be served in the United States because the defendant resided abroad. The order did not include service to the defendant's last known address. Is the RTC order proper?

- A. Yes, publication alone suffices for extraterritorial service.
- B. No, because extraterritorial service by publication must be accompanied by service to the last known address via registered mail.**
- C. Yes, because the petition was properly served by publication.
- D. No, because summons must be personally served in the United States.

When a party resides abroad, the due process requirement for summons can be satisfied by publication, but that is not the end of the story. The extraterritorial notice must be supplemented by sending a copy of the summons and petition to the defendant at the last known address, typically by registered mail. This additional step ensures actual notice and gives the defendant a fair chance to respond. Here, the order directed summons by publication in the United States but failed to include service to the defendant's last known address via registered mail. Because that safeguard was omitted, the service is defective, and the RTC order is improper. The other options are less accurate because publication alone is not always sufficient; the last known address mailing is the missing element in this scenario. Personal service in the United States isn't a required alternative in this context, since the rule provides publication plus mailed notice to the last known address as the proper method for extraterritorial service.

5. Who may file a petition for habeas corpus?

- A. Only the detainee
- B. The agency head
- C. A person who is detained or any person in his behalf**
- D. Only a relative

Habeas corpus is a fast remedy to challenge the legality of detention, and who can start that remedy is designed to ensure someone can act to protect the detainee's liberty. The filing party may be the person detained, or any person acting on his behalf—such as a relative, friend, or advocate. This broad standing is what lets a next friend or anyone with an interest in the detainee's freedom bring the petition, even if the detainee cannot file personally. The key point is that the petition can be initiated by the detainee or by someone acting for his benefit, which is why that option best captures who may file.

6. Which of the following is a form of bail?

- A. Corporate surety
- B. Property bond
- C. Cash deposit
- D. All of the above**

Posting bail means providing security to a court to guarantee the defendant will appear for trial. There are several accepted forms. A cash deposit is when the defendant or someone on their behalf pays the full bail amount directly to the court; the defendant is released, and the cash is returned later if the defendant complies with all conditions. A property bond uses real estate as security; the court holds a lien on the property in an amount equal to the bail, and the lien is released when the defendant complies, while failure to appear can lead to foreclosure to satisfy the bail. A corporate surety bond involves a bail bonds company posting the bond with the court and charging a nonrefundable fee; if the defendant fails to appear, the company is liable for the full amount and may seek reimbursement from the defendant. Since each method serves the same purpose of ensuring the defendant's appearance, all are valid forms of bail.

7. Which of the following is a duty enjoined on the guardian and covered by the guardian's bond?

- A. Provide for the proper care, custody, and education of the ward.**
- B. Ensure the wise and profitable investment of the ward's financial resources.
- C. Collect compensation for his services to the ward.
- D. Raise the ward to become a responsible member of society.

A guardian's bond is meant to ensure the faithful performance of the guardian's duties to the ward, securing the ward's welfare. The primary obligation tied to the bond is to provide for the ward's proper care, custody, and education. This covers the ward's day-to-day well-being and development, ensuring someone looks after the ward's personal needs and schooling. While guardians may handle the ward's finances and may be entitled to compensation for their services, those aspects are not the fundamental duty secured in the bond in the same way. Elevating or investing funds and finally raising the ward are not the core, enumerated responsibilities guaranteed by the bond in the same legal sense.

8. What is the effect of the rule against splitting causes of action when multiple suits are based on the same cause?

- A. The earlier filed suit controls; others may be dismissed.**
- B. All suits must be consolidated.
- C. The later filed suit prevails.
- D. The suits may proceed independently.

Splitting the same claim across multiple suits is not allowed. When two or more actions are based on the same cause of action and involve the same parties, allowing all of them to go forward would invite duplicative proceedings and potentially inconsistent judgments about the same rights and facts. The rule promotes efficiency and finality by giving priority to the action filed first; the earlier case should proceed, and the later ones are dismissed as multiplicities of actions. This is why the correct result is that the earlier filed suit controls and the other suits may be dismissed. The other options would undermine the goal of avoiding duplicative litigation and conflicting outcomes.

9. Which of the following is an advantageous feature of filing a writ of kalikasan?

- A. The petition is exempt from docket fees**
- B. The petition requires a cash bond
- C. The writ cannot be issued within three days
- D. The writ precludes any separate civil action for damages

The writ of kalikasan is designed to protect environmental rights in a way that is accessible and prompt. A key practical advantage is that the petition is exempt from docket fees, so individuals and NGOs can seek relief without paying filing costs. This exemption lowers the financial barrier and encourages public-interest environmental action. The other statements do not fit: there isn't a mandatory cash bond to file, the writ can be issued quickly for urgent cases (often within a short period), and filing a kalikasan petition does not preclude pursuing separate civil actions for damages.

10. What term is used to describe the concept of double jeopardy, sometimes humorously referred to as 'res judicata in prison grey'?

A. Res judicata in prison grey

B. Collateral estoppel

C. Estoppel by judgment

D. Mootness

The concept being tested is the idea of finality that blocks relitigation after a valid judgment. The humorous phrase "res judicata in prison grey" uses res judicata—the thing judged—to convey that finality, tying it to double jeopardy in a playful jailhouse imagery. This makes it the best fit because it directly invokes the notion that once a matter has been adjudicated, it cannot be relitigated in the same sense that double jeopardy blocks a new prosecution or punishment for the same offense. Collateral estoppel deals with issues actually decided in a prior case, estoppel by judgment is a related but distinct form of preclusion, and mootness refers to a live controversy; none of these capture the specific humorous label used for double jeopardy as cleanly as this phrase.

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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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