



## INSTRUCTION:

1. YOU ARE GIVEN A TEST QUESTION SHEET CONTAINING 130 ITEMS AND A SEPARATE ANSWER SHEET.
2. USE A BALLPEN FOR FILLING THE PRELIMINARY INFORMATION IN THE ANSWER SHEET. USE A PENCIL (MONGOL 2) FOR SHADING YOUR ANSWER ON THE TEST PROPER.
3. WRITE YOUR ANSWERS ON THE ANSWER SHEET BY SHADING THE APPROPRIATE, CORRESPONDING BOX OF YOUR CHOICE.

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1. Which statement should be sworn?
  - a. complaint
  - b. warrant of arrest
  - c. subpoena
  - d. summons
2. Which circumstances should be included in the information?
  - a. alternative and aggravating
  - b. attenuating and qualifying
  - c. qualifying and aggravating
  - d. mitigating and exempting
3. Place is essential in filing the complaint in the crime of
  - a. murder
  - b. libel
  - c. robbery with violence.
  - d. Robbery in an inhabited place
4. Defined as the method fixed by the law for the apprehension and prosecution of persons allegedly to have committed a crime and further punishment in case of conviction.
  - a. criminal justice system
  - b. rules of court
  - c. criminal procedure
  - d. rules of procedure
5. During preliminary investigation, when the respondent has received a subpoena, what is required of him to be submitted?
  - a. counter-affidavit
  - b. answer to complaint
  - c. counterclaim
  - d. complaint-in-intervention
6. This system of criminal justice is conducted either at the initiative of the public prosecutor or the offended party and the right to appeal is limited to the defense.
  - a. fixed
  - b. mixed
  - c. inquisitorial
  - d. accusatorial

7. All are instances when judgment may be promulgated even if the accused is not present, except?
  - a. Judgment for grave offense
  - b. Judgment is for a light offense
  - c. Judgment in trial in absentia and the accused jumps bail
  - d. None, for the present of the accused is required in all judgement.
8. Trial shall not exceed 180 days from the first day of trial, except?
  - a. Those governed by the rules on summary procedure;
  - b. Those where the penalty prescribed by law does not exceed 6 months imprisonment or a fine of P1,000 or both; and
  - c. Those authorized by the Chief Justice of the SC.
  - d. All of the above
9. The following are public officers, who upon committing an offense will be tried in Sandiganbayan, except:
  - a. Regional director
  - b. Fire Officer 1 (FO1)
  - c. governor
  - d. police superintendent
10. Once the case is instituted in court, what is the effect of desistance made by the offended party in private crimes?
  - a. it does not bar the People from prosecuting the criminal action
  - b. the case will be dismissed
  - c. it will set aside the case
  - d. the case the cease to be heard and tried
11. It is a inquiry or a proceeding for the purpose of determining whether there is sufficient ground to engender a well-founded belief that a crime has been committed.
  - a. preliminary investigation
  - b. probable cause
  - c. reasonable suspicion
12. filing of information The finding of probable cause for filing an information is based on
  - a. clear and convincing evidence
  - b. evidence beyond reasonable doubt
  - c. reasonable suspicion
  - d. mere suspicion
13. The following are public officers, who upon committing an offense will be tried in Sandiganbayan, except:
  - a. Regional director
  - b. Fire Officer 1 (FO1)
  - c. governor
  - d. police superintendent
14. The finding of probable cause for filing an information is based on
  - a. clear and convincing evidence
  - b. evidence beyond reasonable doubt
  - c. reasonable suspicion
  - d. mere suspicion
15. It provides that once jurisdiction is vested in the court, it is retained up to the end of litigation
  - a. doctrine of estoppel
  - b. principle of adherence
  - c. continuity doctrine
  - d. principle of perpetuity
16. prosecuted de officio except on complaint filed by the offended party
  - a. political crimes
  - b. private crimes
  - c. de officio crimes
  - d. public crimes
17. All are crimes which may only be prosecuted by a complaint filed by the private offended party, except:
  - a. adultery
  - b. defamation
  - c. acts of lasciviousness
  - d. rape
18. When should the reservation to file a separate civil action be made?
  - a. before arraignment
  - b. before prosecution starts to present evidence
  - c. after arraignment
  - d. after prosecution
19. When is a separate civil action suspended?
  - a. after the criminal action has been commenced
  - b. after arraignment
  - c. before the accused enters a plea
  - d. before judgment
20. An arrest may be
  - a. made on any day and at any time of the day or night
  - b. made on any day and at any time of the day only
  - c. made on any day and at any time of night
  - d. made on any day only
21. May the offended party compromise the criminal aspect of a crime?
  - a. Yes, provided it must be entered before the litigation
  - b. Yes, provided it must be entered during the litigation
  - c. No, not unless in a compromise agreement
  - d. all of the foregoing
22. Can the right to preliminary investigation be waived?
  - a. Yes, by failure to invoke the right prior to or at least at the time of plea
  - b. Yes, by express consent
  - c. No, it is an inviolable constitutional right
  - d. No, except if in the presence of counsel
23. How should the complaint or information be filed when the accused is lawfully arrested without warrant?
  - a. Conduct a preliminary investigation first before filing an information
  - b. Conduct an inquest proceeding
  - c. Issue a warrant of arrest
  - d. issue Miranda warnings
24. What amount of force may be used in effecting an arrest?
  - a. violence enough to subdue an offender
  - b. force necessary to make an arrest
  - c. force unnecessary to make an arrest
  - d. violence greater than restraint
25. All are the instances wherein the reservation to file a separate civil action shall not be allowed, except:
  - a. Criminal action for violation of B.P. 22
  - b. A claim arising from an offense which is cognizable by the Sandiganbayan
  - c. Tax cases
  - d. Criminal action in violation of RPC
26. Which civil liability is not available in a criminal case?
  - a. moral damages
  - b. exemplary damages
  - c. nominal damages
  - d. temporal damages
27. If the judge finds probable cause on the information filed by the prosecutor, he shall issue a:
  - a. mittimus
  - b. warrant of arrest
  - c. subpoena
  - d. resolution
28. Statement A: Due process is observed when there is notice and hearing.  
Statement B: Due process is denied when a counter-affidavit is not required in prosecuting a case.
  - a. Statements A and B are correct
  - b. Statements A and B are wrong
  - c. Statement A is correct, statement B is wrong
  - d. Statement A is wrong, Statement B is correct
29. Motion for leave is essential if before the plea:
  - a. there is a formal amendment
  - b. there is a downgrading of the offense
  - c. there is an entry of not guilty



d. there is amendment as to identity of the accused

**30.** If the court denies the motion for discharge of the accused as state witness, his sworn statement shall be

- a. admissible evidence
- b. inadmissible evidence
- c. part of the information
- d. an admission to the crime

**31.** The prescriptive period of the offense is interrupted by:

- a. filing an information in court
- b. filing a complaint at the prosecutor's office

- c. filing an information at the prosecutor's office
- d. filing a complaint at the barangay level

**32.** Who prosecutes criminal actions?

- a. public prosecutor
- b. private prosecutor
- c. peace officer
- d. offended party

**33.** Case for nos. 34-42

In response to a call of a murder incident, police officers immediately (after a few hours) responded and found the victim slumped dead on his tricycle. A witness testified that accused Cubcubin and the victim were last seen together coming out of the Sting Café. Another witness told the police the description given by the first witness fitted a person known as alias Jun Dulce, (Cubcubin) the accused, who knew where accused-appellant lived. The police immediately went to the accused house. The police operatives identified themselves and informed the accused that he was being sought in connection with the shooting near the cemetery. The police then asked permission to enter and look around the house with the accused. The accused never gave express permission but also never protested the search. Upon entering the house, the police noticed a bloodied white t-shirt. When the police picked up the t-shirt, two spent .38 caliber shells fell from it. The police investigators arrested the accused brought the accused to Sting café for identification and asked accused where the fatal gun was. The accused refused to tell the police where he hid the gun. The police sought accused permission to go back to his house to conduct a further search. The search led to the discovery on top of a plastic water container (*drum*) outside the bathroom a homemade Smith and Wesson caliber .38 revolver (six shooter), without a serial number. The evidence for the prosecution consisted of the bloody "Hanes" t-shirt, the two spent slugs, and the .38 caliber revolver allegedly found in the house of the accused after the killing. The trial court convicted

the accused after trial. The accused, on appeal, contends that his arrest without a warrant, was illegal.

**34.** Was the arrest legal based on flagrante delicto?

- a. No as the accused was not overtly committing a crime when he was arrested
- b. Yes as the accused was overtly committing a crime when he was arrested
- c. Yes as the accused was arrested just after he committed the crime.
- d. No the police has no personal knowledge based on facts and circumstances that the accused committed the crime.

**35.** Was the arrest legal based on the doctrine of hot pursuit?

- a. No as the accused was not overtly committing a crime when he was arrested
- b. Yes as the accused was overtly committing a crime when he was arrested
- c. Yes as the accused was arrested just after he committed the crime.
- d. No the police has no personal knowledge based on facts and circumstances that the accused committed the crime

**36.** Were the evidences admissible?

- a. yes as it was obtained from a lawful search after a valid arrest.
- b. no, it was a "fruit of the poisonous tree"
- c. no as it was obtained from an illegal arrest
- d. yes as it was obtained from a lawful search based on the plain view doctrine

**37.** Granting *arguendo* that the arrest is valid, are the police officers allowed search the house of the accused for the second time as a consequence of a valid arrest?

- a. No, the police needs a search warrant since valid search after an arrest is limited only to search of the body of the accused and immediate vicinity.
- b. Yes, based on plain view doctrine
- c. Yes, since there was implied permission from the accused to search the house.
- d. Yes, since the evidence no matter how acquired as long as it is relevant is admissible.

**38.** In intrusion of privacy like a consented search of the house of the accused. Who has the burden of proof to prove that there was consent?

- a. accused
- b. prosecution
- c. complaining witness
- d. none

**39.** Statement A: The court has a duty to determine a *prima facie* case. Statement B:

The Secretary of Justice is the only person that can determine probable cause.

- a. Statements A and B are correct
- b. Statements A and B are wrong
- c. Statement A is correct, statement B is wrong
- d. Statement A is wrong, Statement B is correct

**40.** Statement A: Upon finding a presence of a prejudicial question, the criminal case can proceed until the civil case is resolved. Statement B: The validity of the warrant of arrest can still be questioned despite posting of bail.

- a. Statements A and B are correct
- b. Statements A and B are wrong
- c. Statement A is correct, statement B is wrong
- d. Statement A is wrong, Statement B is correct

**41.** Statement A: A warrant of arrest is necessary to arrest a suspect for the crime of rebellion.

Statement B: Hot pursuit operations require a warrant of arrest.

- a. Statements A and B are correct
- b. Statements A and B are wrong
- c. Statement A is correct, statement B is wrong
- d. Statement A is wrong, Statement B is correct

**42.** It is an order issued by the court reciting the actions taken, the facts stipulated and the evidence marked during the pre-trial conference.

- a. mitimus
- b. pre trial conference
- c. pre trial order
- d. warrant

**43.** It is the examination before a competent tribunal according to the laws of the land, of facts put in issue in a case for the purpose of determining such issue.

- a. pre trial
- b. judgement
- c. preliminary investigation
- d. trial

**44.** All are requisites before an accused may become a State witness, except?

- a. There is absolute necessity for the testimony of the accused whose discharge is requested;
- b. There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of the said accused;

- c. The testimony of said accused can be substantially corroborated in its material points;
- d. Said accused appears to be the least guilty

**45.** It is an objection by one of the parties in an action to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue.

- a. demurer to evidence
- b. motion to quash
- c. motion to dismiss
- d. objection to admissibility of evidence

**46.** What are the matters considered during pre-trial?

- a. Plea bargaining
- b. Stipulation of fact
- c. Marking for identification of evidence of parties objections to admissibility of evidence
- d. All of the above

**47.** Is the process whereby the accused, the offended party and the prosecution work out a mutually satisfactory disposition of the case subject to court approval.

- a. Plea bargaining
- b. Pre-trial
- c. compromise
- d. court annexed mediation.

**48.** In the Philippines, the system of criminal procedure is:

- a. fixed
- b. mixed
- c. inquisitorial
- d. accusatorial

**49.** A sworn statement charging a person with an offense subscribed by the offended party, any peace officer or other peace officer charged with the enforcement of the law violated.

- a. complaint
- b. charge sheet
- c. blotter
- d. information

**50.** In criminal cases, the people of the Philippines is the:

- a. Plaintiff
- b. Complainant
- c. Offender
- d. Aggrieved party

**51.** Refers to an accusation in writing charging a person with an offense subscribed by the prosecutor and filed with the court.

- a. Complaint
- b. Charge sheet
- c. Blotter



- d. Information
- 52.** Refers to persons given by law the duty and power to exercise jurisdiction and maintenance of peace and order as well as life, liberty and property.
- persons in authority
  - judge
  - agents of a person in authority
  - prosecutors
- 53.** Time is material ingredient in the crime of
- illegal possession of firearm
  - theft
  - slander
  - violation of election laws
- 54.** Such fact which would lead a reasonable person to believe that an offense was committed
- guilt
  - presumption of innocence
  - probable cause
  - reasonable doubt
- 55.** If a married man was killed, who is considered the offended party in a criminal case?
- beneficiary
  - employer
  - People of the Philippines
  - surviving wife
- 56.** In a shooting incident with an automatic rifle, if there are four accused, how many complaint or information should be filed?
- 1
  - 2
  - 3
  - 4
- 57.** If a complaint is filed with John Doe as the name and later on the accused was identified, what is to be made?
- amendment
  - substitution
  - motion to dismiss
  - motion to quash
- 58.** What is the effect of an erroneous name given to the accused in the complaint or information?
- The defect is fatal.
  - The error will not produce any adverse effect.
  - It is sufficient in form and substance anyway.
  - The error can be cured by amendment.
- 59.** The information does not allege the aggravating circumstances. In the course of the trial, the prosecution starts proving. The aggravating circumstance will be:
- appreciated by the court
  - charged upon the accused
  - disregarded
  - credited to the accused
- Case for nos. 60-63
- Acting on a tip by an informant, police officers stopped a car being driven by D and ordered him to open the trunk. The officers found a bag containing several kilos of cocaine. They seized the car and the cocaine as evidence and placed D under arrest. Without advising him of his right to remain silent and to have the assistance of an attorney, they questioned him regarding the cocaine. In reply, D said, "I don't know anything about it. It isn't even my car." D was charged with illegal possession of cocaine, a prohibited drug. Upon motion of D, the court suppressed the use of cocaine as evidence and dismissed the charges against him. D commenced proceedings against the police for the recovery of his car. In his direct examination D testified that he owned the car but had registered it in the name of a friend for convenience. On cross-examination, the attorney representing the police asked, "After your arrest, did you not tell the arresting officers that it wasn't your car?"
- 60.** Is the tip sufficient for a police officer to do a checkpoint?
- No, as it does not constitute probable cause.
  - Yes, as reasonable suspicion is sufficient to constitute a checkpoint.
  - Yes, since the conduct of checkpoint is a matter of discretion for a police officer to do.
  - Which statement is true?
- There is a valid warrantless search and seizure.
  - There is a valid arrest as an incident to a lawful warrantless search.
  - The warrantless search and seizure was unlawful.
- 62.** The statements of the accused, in reply to the questions of the police officers are:
- Admissible as evidence
  - Excluded as evidence by way of the exclusionary rule.
  - Excluded as evidence by way of implied admission.
- 63.** The inconsistency in the answer of the accused as to ownership of the car is
- Enough to convict him of the crime.
  - Ground enough to sustain conviction
  - Not sufficient to convict him.
- 64.** What is required of judge to issue a warrant of arrest?
- the existence of probable cause
  - personal evaluation of the documents submitted
  - personal appearance of witnesses
  - none of the foregoing
- 65.** In a shooting incident with an automatic rifle, if there are four victims, how many complaint or information should be filed?
- 1
  - 2
  - 3
  - 4
- 66.** Pedro was a victim of robbery. Can a complaint for robbery be filed if he died before he could file?
- No: There will be no case.
  - Yes: The family can file a case.
  - Yes: The police will file the complaint.
  - No: A complaint is to be filed by the prosecutor.
- 67.** There are three important requisites which must be present before a court can acquire jurisdiction over criminal cases. Which is not one of them?
- the court must have jurisdiction over the object of the crime
  - the court must have jurisdiction over the offense or the subject matter
  - the court must have jurisdiction over the territory where the offense was committed
  - the court must have jurisdiction over the person of the accused
- 68.** For a public officer to held liable for an offense triable at the Sandiganbayan, the offense must be committed:
- while in the performance of his office
  - with grave abuse of discretion
  - in relation to his office
  - beyond his official function
- 69.** All are requisites of a complaint, except:
- sworn written statement
  - subscribed by the offended party
  - subscribed by the prosecutor
  - charge against a person with an offense
- 70.** All are requisite elements for the sufficiency of the information, except:
- name of the accused
  - the designation of the offense given by the statute
  - the acts or omissions complained of as constituting the offense
  - the jurisdiction of the offense charged
- 71.** In designating an offense, all should be stated, except:
- the designation of the offense given by the statute
  - aver the acts or omissions constituting the offense
  - penalty imposed by the offense
  - specify its qualifying and aggravating circumstances
- 72.** Where an offense is committed in a train, aircraft, or other public or private vehicle while in the course of its trip, the criminal action shall be instituted in all, except:
- in the place of its departure
  - in the place of its arrival
  - in the place where such train, aircraft or other vehicle passed during such its trip
  - in the venue agreed by the parties
- 73.** It is the authority to hear and try a particular offense and impose the punishment for it
- jurisdiction
  - venue
  - jurisprudence
  - criminal action
- 74.** Who can file a complaint for adultery or concubinage?
- parents
  - offended spouse
  - grandparents
  - ascendants or descendants
- 75.** Can the father file a complaint on behalf of his daughter for concubinage, if the daughter refused?
- no, only the offended spouse can file
  - no, except if pardoned
  - yes, if the daughter will not file
  - yes, as a general rule
- 76.** If the offended party in abduction, seduction, and acts of lasciviousness is not of age, can her parents file the complaint for her?
- yes, as a matter of right
  - yes, the parents could file it for her
  - no, it's the exclusive right of the offended party to file
  - no, only the descendants can file
- 77.** Where do you file a case for homicide?
- MTC
  - RTC
  - Sandiganbayan
  - Court of Appeals
- 78.** What is required of the prosecutor to issue a warrant of arrest?
- the existence of probable cause
  - personal evaluation of the documents submitted
  - personal appearance of witnesses
  - none of the foregoing
- 79.** All are the matters within the control and supervision of the prosecutor, except:
- What case to file
  - Whom to prosecute
  - Judgement
  - Right to withdraw information



80. Who shall review the decisions of the prosecutor?  
a. Trial court judge  
b. Secretary of Justice  
c. Appellate court justice  
d. President of the Philippines
81. Statement A: Submission of complaint-affidavit is required in preliminary investigation.  
Statement B: Submission of counter-affidavit is not necessary in preliminary investigation.  
a. Statements A and B are correct  
b. Statements A and B are wrong  
c. Statement A is correct, statement B is wrong  
d. Statement A is wrong, Statement B is correct
82. In preliminary investigation, the person charged is referred to as:  
a. Accused  
b. Suspect  
c. Defendant  
d. Respondent
83. Can an amendment from frustrated murder to consummated murder be made after arraignment and during trial?  
a. yes, if the evidence in the former case is equally applicable to the amended charge  
b. yes, if it changes the jurisdiction of the court  
c. yes, if it adversely affect the substantial rights of the accused  
d. yes, if it alter the theory of the case
84. If there is an identity of offenses charged in both the original and the amended information, the amendment is:  
a. formal  
b. substantial  
c. fatal  
d. not allowed
85. Given the following information: "the above-named accused, while armed with a handgun, did then and there willfully, unlawfully, and feloniously attack, assault and shoot one M on the head, resulting to her death." The proper charge on the accused would be:  
a. frustrated homicide  
b. homicide  
c. frustrated murder  
d. murder
86. A permission obtained from a court to take some action which, without such permission, would not be allowable is called  
a. motion to quash  
b. demurrer to evidence  
c. leave of court  
d. a motion to amend information
87. Which among the foregoing pleadings may be filed in a criminal case?  
a. cross claim  
b. counterclaim  
c. third part complaint  
d. counter-affidavit
88. When a criminal action is instituted and there is no reservation to file a separated civil action, the civil action is  
a. deemed instituted expressly  
b. deemed instituted impliedly  
c. automatically reserved  
d. expressly waived
89. It is an obligation of record, entered into before some court or magistrate duly authorized to take it, with the condition to do some particular act, the most usual condition in criminal cases being the appearance of the accused for trial.  
a. deposit  
b. surety  
c. bond  
d. recognizance
90. A written legal order summoning a witness or requiring evidence to be submitted to a court or similar deliberative body.  
a. subpoena  
b. summons  
c. court order  
d. contempt of court
91. A preliminary investigation is required to be conducted before the filing of a complaint or information for an offense where the penalty prescribed by law is?  
a. 4 years and 1 day  
b. 6 years and 1 day  
c. 4 years, 2 months and 1 day and above  
d. 4 years, 2 months and 1 day and below
92. \_\_\_\_\_ is the security given for the release of a person in custody of the \_\_\_\_\_.  
a. bail: court  
b. bail: law  
c. vale: police  
d. bond: peace officer
93. What is the purpose for the implied institution of civil action with criminal action?  
a. to claim for damages  
b. to enforce the right of the private offended party  
c. to prevent double recovery  
d. to proceed with enforcement of claims
94. What quantum of evidence is required for civil actions proceeding independently of the criminal action?  
a. proof beyond reasonable doubt  
b. clear and convincing evidence  
c. preponderance of evidence  
d. substantial evidence
95. It is one which arises in a case, the resolution of which is a logical antecedent of the issue involved therein and the cognizance of which pertains to another tribunal  
a. double jeopardy  
b. res judicata  
c. prejudicial question  
d. jurisdiction
96. Statement 1. If the two cases are both civil, prejudicial question applies.  
Statement 2. If the two cases are both criminal, prejudicial question applies.  
a. Both statements are correct  
b. Both statements are wrong  
c. Statement 1 is correct, Statement 2 is wrong  
d. Statement 1 is wrong, Statement 2 is correct
97. Who has the authority to conduct preliminary investigation of offenses falling within the original jurisdiction of Sandiganbayan?  
a. Ombudsman  
b. National and Regional State Prosecutors  
c. Provincial or city prosecutors and their assistants  
d. Secretary of Justice
98. The following persons are not subjected to arrest, except:  
a. senator or congressman for offenses punishable by more than 6 years  
b. senator or congressman for offenses punishable by not more than 6 years  
c. ambassadors  
d. chiefs of state
99. All may issue a warrant of arrest, except:  
a. RTC and MTC judges  
b. Commissioner of Immigration on deportation cases  
c. Sandiganbayan justice  
d. Ombudsman
100. Statement 1: Arrest must precede the search, the process cannot be reversed.  
Statement 2: Reliable information alone is not sufficient to justify a warrantless arrest.  
Choices:  
a. Both statements are correct  
b. Both statements are wrong  
c. Statement 1 is correct, Statement 2 is wrong  
d. Statement 1 is wrong, Statement 2 is correct
101. Probable cause is the existence of such facts and circumstances as would excite the belief, in a \_\_\_\_\_, acting on the facts within the \_\_\_\_\_ of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted.  
a. sane mind: knowledge  
b. conscious mind: care  
c. reasonable mind: facts  
d. reasonable mind: knowledge
102. All are the extent of damages that may be awarded in civil liability arising from a crime, except:  
a. actual damages  
b. moral damages  
c. exemplary damages  
d. normal damages
- Case for nos. 103-105  
The case is an appeal from the decision of the Regional Trial Court, finding accused Romeo Gonzales guilty of possession and sale of marijuana. He was caught in a buy bust operation. In his brief, accused-appellant claimed that he was a victim of a frame-up and that his arrest without warrant was illegal and consequently, the marijuana found in his possession should be deemed inadmissible.
103. Is the argument of the accused correct?  
a. yes, the arrest was illegal  
b. no, a buy-bust operation is valid
104. How does the court appreciate the defense of frame-up?  
a. it is a valid defense  
b. it is frowned upon by the courts
105. Is the marijuana admissible as evidence?  
a. yes  
b. no
106. Jun and Jim are charged for murder but in the information stated, it was Jun who killed the victim. Now, in conspiracy, the act of one is the act of all. Would that sufficiently charge Jim?  
a. Yes, as conspiracy is sufficiently alleged in the information.  
b. Yes, but Jim will not be considered as principal.  
c. No, since the liability of Jim is different from Jun.  
d. No, the facts of conspiracy was not established in the information.
107. How is criminal jurisdiction determined?  
a. by the penalty imposed after trial  
b. by the fine and imprisonment prescribed by law  
c. by the weight of evidence presented in court  
d. by the designation of the offense
108. As a rule, in a criminal case, the courts will not issue an injunction. Given the choices below, which is not an exception?  
a. When the injunction is necessary to afford adequate protection to the constitutional rights of the accused



- b. when there is a prejudicial question that is *sub judice*  
c. where the court has no jurisdiction over the offense  
d. where there is a valid case against the accused
- 109.** Statement A: Upon posting of bail, a warrant of arrest can no longer be assailed.  
Statement B: There is always a prejudicial question to be resolved when a civil and criminal case is concurrently filed.  
a. Statements A and B are correct  
b. Statements A and B are wrong  
c. Statement A is correct, statement B is wrong  
d. Statement A is wrong, Statement B is correct
- 110.** If the accused dies before arraignment, the case shall be \_\_\_\_\_ without prejudice to any civil action the offended party may file against the estate of the deceased.  
a. dismissed  
b. proceeded  
c. enforced  
d. suspended
- 111.** If a judgment in favor of the defendant is rendered in a prior civil action, will the accused be acquitted in a succeeding criminal aspect of the same case?  
a. yes, as evidence points the accused to be not guilty  
b. yes, there is no more case to proceed after the defendant wins the civil case  
c. no, the accused is guilty as charged  
d. no, it is not a bar to the criminal action
- 112.** If the investigating prosecutor finds cause to hold the respondent for trial, he shall prepare the \_\_\_\_\_ and \_\_\_\_\_.  
a. summons and information  
b. resolution and information  
c. investigation report and resolution  
d. complaint and information
- 113.** During a preliminary investigation, if the respondent does not submit a counter-affidavit, the investigating officer shall:  
a. resolve the complaint based on the evidence presented by the complainant  
b. dismiss the complaint based on the evidence presented by the complainant  
c. forward the complaint to the Secretary of Justice based on the evidence presented by the complainant  
d. refer the complaint to the court based on the evidence presented by the complainant
- 114.** Is a hearing to be conducted by the investigating officer necessary to resolve a complaint?
- a. yes, it is a due process requirement to conduct a hearing  
b. yes, if there are facts and issues to be clarified from a party or a witness  
c. yes, as a matter of procedure  
d. yes, to determine probable cause
- 115.** Arrest is the taking of a person into \_\_\_\_\_ in order that he may be bound to \_\_\_\_\_ for the commission of an offense  
a. restraint: custody  
b. custody: complain  
c. custody: answer  
d. restraint: answer
- 116.** An arrest is made by an \_\_\_\_\_ restraint of a person to be arrested, or by his \_\_\_\_\_ to the custody of the person making the arrest  
a. actual: commission  
b. actual: submission  
c. constructive: petition  
d. actual: surrender
- 117.** All are elements of a prejudicial question, except:  
a. The civil action must be instituted prior to the criminal action  
b. The civil action involves an issue similar or intimately related to the issue raised in the subsequent criminal action  
c. The resolution of such issue determines whether or not the criminal action may proceed  
d. The civil action must be instituted after to the criminal action
- 118.** What is the last procedure for conducting preliminary investigation?  
a. Filing of the complaint accompanied by the affidavits and supporting documents  
b. Resolution of the investigating prosecutor  
c. Clarificatory hearing  
d. Issuance of subpoena to respondent
- 119.** Statement 1: Parties are allowed to cross examine the witnesses during the clarificatory proceeding in a preliminary investigation.  
Statement 2: Within ten days from the termination of the investigation, the investigating prosecutor shall determine whether or not there is sufficient ground to hold the respondent for trial.  
Choices:  
a. Both statements are correct  
b. Both statements are wrong.  
c. Statement 1 is correct, Statement 2 is wrong  
d. Statement 1 is wrong, Statement 2 is correct
- 120.** On preliminary investigation conducted by the prosecutor and the judge:  
Statement 1: The prosecutor is bound by the designation of the offense in the complaint.  
After preliminary investigation, he may file any case as warranted by the facts  
Statement 2: The judge cannot change the charge in the complaint but must make a finding on whether or not the crime charged has been committed.  
Choices:  
a. Both statements are correct  
b. Both statements are wrong.  
c. Statement 1 is correct, Statement 2 is wrong  
d. Statement 1 is wrong, Statement 2 is correct
- 121.** All are officers authorized to conduct preliminary investigation, except:  
a. National and Regional State Prosecutors  
b. RTC judges  
c. Provincial or city prosecutors and their assistants  
d. Other officers as may be authorized by law (COMELEC, PCGG, Ombudsman)
- 122.** Preliminary examination is the proceeding for the determination of the existence of \_\_\_\_\_ for the purpose of issuing a warrant of arrest.  
a. proximate cause  
b. reasonable suspicion  
c. mere suspicion  
d. probable cause
- 123.** A warrant of arrest is a legal process issued by a \_\_\_\_\_ directing the arrest of a person or persons upon the grounds stated therein.  
a. prosecutor  
b. Ombudsman  
c. competent authority  
d. officer entrusted by the law violated
- 124.** If the accused died after arraignment and during the pendency of the criminal action,  
a. the civil liability of the accused based on the crime is extinguished  
b. the civil liability of the accused based on other sources is extinguished  
c. the criminal liability is not extinguished  
d. the civil aspect survives at all times
- 125.** Is preliminary investigation part of the trial?  
a. Yes, as hearing is conducted  
b. No, it is not part of the trial  
c. Yes, as evidence is presented  
d. No, it is part of pre-trial
- 126.** All are rights of the respondent in a preliminary investigation, except:  
a. submit a counter-affidavit  
b. file a motion to quash information  
c. examine the evidence submitted by the complainant at his own expense  
d. be present during the clarificatory hearing
- 127.** All are elements of a hot pursuit, except:  
a. An offense has been committed  
b. An offense is about to be committed  
c. The offense has just been committed  
d. Probable cause based on personal knowledge of facts or circumstances that the person/s to be arrested committed it
- 128.** Which is not a form of bail?  
a. cash deposit  
b. corporate surety  
c. property bond  
d. bailbond
- 129.** Bail is a matter of right in MTC:  
a. before conviction only  
b. after conviction only  
c. before or after conviction  
d. during trial but before judgment
- 130.** Bail is a matter of discretion in RTC  
a. after conviction for offense punishable by death  
b. after conviction for offense not punishable by life imprisonment  
c. before conviction provided he is a recidivist  
d. after conviction provided he is an escapee