

1. In 2020, Jay married Kathleen. A year after, or in 2021, Jay filed a petition with the Family Court for the declaration of nullity of his marriage to Kathleen on the ground of absence of a marriage license. While the said petition was pending, Jay contracted a second marriage with Chrissy. When Kathleen learned of this, she filed a criminal case for bigamy against Jay. During the pendency of the criminal case, Jay's first marriage to Kathleen was declared null and void by the Family Court. No appeal was made from this judgment. The Family Court judgment was introduced by Jay in evidence in the criminal case. Nonetheless, in accordance with the then prevailing jurisprudence, Jay was convicted in 2022 by the court of bigamy since there had been no prior judicial declaration of nullity of his first marriage with Kathleen when he married Chrissy. While serving sentence in prison, Jay was informed by a representative from the Public Attorneys Office of a recent Supreme Court decision promulgated in 2023, which held that the nullity of the first marriage, regardless of whether there was a prior judicial declaration to that effect, is an absolute defense in bigamy. The public attorney told Jay that because of this new Supreme Court decision, he is entitled to be immediately set free from prison consistent with the exception to the Prospectivity Principle. If you were the judge, would you order Jay's release from prison? Explain. (10 points)
2. Nadine and Yngwie got married on August 1, 2018 in Mandaue City. Their union produced two (2) children: Yads and Kagawad. In October of 2019, Yngwie started working in Hong Kong as a sous-chef for a Michelin-starred restaurant called Pee Khoy, and thereafter acquired Permanent Resident status in October of the same year. Despite earning almost half a million pesos every month, Yngwie never sent financial support to his family back in the Philippines. This compelled Nadine, who was working as a flight attendant for Crash Landing Airlines, to fly extra hours and even take on additional jobs, such as teaching part-time in the Department of Computer, Information Science, and Mathematics of the University of San Carlos in Cebu City, to augment her income as a flight attendant. On August 1, 2020, Nadine flew to Hong Kong without informing Yngwie to surprise the latter for their second wedding anniversary. However, upon arriving at Yngwie's condominium unit, Nadine was the one surprised as she caught him *in flagrante* passionately having a livestreamed sexual intercourse with an Australian woman named Issa with whom Yngwie allegedly has been living in Hong Kong. Back in the Philippines, Nadine filed a criminal case against Yngwie for concubinage. Article 334 of the Revised Penal Code provides that any husband who shall have sexual intercourse under scandalous circumstances with a woman who is not his wife shall be guilty of the crime of concubinage. Yngwie argued that the case should be dismissed on the ground that since his marital infidelity occurred in Hong Kong, Philippine courts do not have jurisdiction pursuant to the Territoriality Principle. Nadine countered that since the effect of Yngwie's infidelity, which was emotional trauma on her part, happened in the Philippines, our courts may still hear the case. Resolve the case. (10 points).
3. Giovanni, fondly called Mami Giovz by his peers and a retired teacher, had a drinking session at a bar beside *Bakit Ngayon Ka Lang* Funeral Homes with two (2) of his former students Raymond and Nathaniel. Giovanni, drunk and confident of his intellectual prowess, dared his former students to ask him any question and assured them that he will be able to come up with sensible answers to the same. Heeding their former teacher's challenge, Raymond asked "*Mami Giovz, unsa may shampoo ni Boy Abunda?*" (Mami Giovz, what shampoo is Boy Abunda using?), followed by Nathaniel who queried "*Mami Giovz, asa man dapit ang exit sa Entrance Exam?*" (Mami Giovz, where can we find the exit of an Entrance Exam?). Their questions irked Giovanni so much that he approached them from behind shouting "*Mga wa gyud moy ayo mga amawa mo!*" (You fools!) and, with intent to kill, attacked the duo one after the other. After Nathaniel fell to the ground bloodied, Giovanni retreated and escaped. Although Nathaniel sustained mortal hack wounds, he did not die as he was immediately rushed to a hospital by bystanders where he was medically attended to. On the other hand, Raymond, who turned out to be an expert in a martial art called "Bullshido", was not at all injured as he was able to ward off the bolo attack and flee. Giovanni was charged with and prosecuted for two counts of frustrated murder. May Giovanni be validly convicted of the charges? Explain. (10 points)

- 4.
- a. Two (2) years after their marriage, Lean discovered that her husband Gran has a sexually-transmissible disease which he contracted even prior to their marriage, although Gran did not know it himself until he was examined two (2) years later when a child was already born to them. Lean sued Gran for annulment of their marriage. Gran opposed the annulment on the ground that he did not even know that he had such a disease, hence there was no fraud or bad faith on his part. Rule on the annulment case filed by Lean. (5 points)
 - b. Jomar, a court interpreter who is a two-time recipient of the typographically-erroneous award “*Best Court Interpreter Intawn (In Town) Award*”, and Hannah, a part-time pastry chef who was formerly convicted of theft for stealing s’mores from her professor’s office, are Australian citizens and employees of the Australian Ministry of Foreign Affairs. The couple, madly in love with each other, decided to get married in Timor-Leste where sterility is a ground for annulment of marriage. Thereafter, the spouses were assigned to the Australian Embassy in Manila. Jomar and Hannah then became Filipino citizens and decided to take up residence in the Philippines permanently. On the ninth year of the spouses’ tour of duty in the Philippines, Hannah filed an annulment case against her babe Jomar before a Philippine court on the ground of her babe Jomar’s sterility at the time of the celebration of their marriage. Rule on the annulment case filed by Jomar’s sweetheart. (5 points)
5. Arkane, a driver, was engaged by Stewart to drive for his client, an unknown woman with the nickname Gorgeous, using Stewart's Toyota Fortuna 2023. After driving Gorgeous to Gen. Maxilom Ave., Gorgeous instructed Arkane to proceed to Tintin's Siomaian without her and to meet with a certain Alias Yummy who would get Gorgeous' blue bag for a fee, which was placed on the backseat of the Toyota Fortuner. Meanwhile, Senior Police Officer 3 Jomer (SPO3 Jomer) received a tip that a drug trade would happen in front of Tintin's Siomaian involving a notorious drug pusher named Gorgeous on board on a Toyota Fortuner. Acting on the said tip, SPO3 Jomer went undercover, proceeded to Tintin's Siomaian, and walked towards the car matching the description that he received. When SPO3 Jomer opened the door, he saw Arkane to whom he asked where Gorgeous is. Clueless and instead of giving a responsive answer, Arkane asked SPO3 Jomer if he was Alias Yummy since he also looked yummy, to which the latter answered in the affirmative. Forthwith, Arkane told him to get the blue bag at the back seat of the Toyota Fortuner and leave the money there as instructed by Gorgeous. At once, SPO3 Jomer took the blue bag from the Toyota Fortuner and opened it. SPO3 Jomer then saw six (6) brown envelopes containing white crystalline substance inside a plastic bag which turned out to be methamphetamine hydrochloride or *shabu*. Arkane was subsequently arrested and was charged with illegal possession of dangerous drugs, a *malum prohibitum* crime. In his defense, Arkane contended that he was not aware that he was in possession of the shabu recovered. The fiscal countered that good faith is not a defense in a prosecution for a crime *malum prohibitum*. Can Arkane be successfully prosecuted for the crime charged? Explain. (10 points)
6. Woogue Corp. (Woogue) is a pharmaceutical company operating in the Philippines since 1999. One of its products is a drug called carbamazepine under the brand name “YATAPS”, which is an anti-convulsant used to control all types of seizure disorders of varied causes like epilepsy. Samson Inc. (Samson), also a pharmaceutical company in the Philippines, sells citicoline under the mark “YATAPS JED”, which is indicated for the treatment of cerebrovascular disease or stroke. “YATAPS JED” was registered as a trademark by Samson with the Intellectual Property Office of the Philippines (IPO) on September 24, 2017. On November 19, 2017, Samson filed with the lower court a Complaint against Woogue for Trademark Infringement, alleging that Woogue’s “YATAPS” is confusingly similar to its registered trademark “YATAPS JED” and the resulting likelihood of confusion is dangerous because the marks cover medical drugs intended for different types of illnesses. Woogue countered that: (a) it has been selling carbamazepine under the brand name “YATAPS” since 2004; (b) it was impossible for Samson not to have known the existence of “YATAPS” before the latter's registration of “YATAPS JED” because Samson had promoted its products in the same publications where Woogue had advertised “YATAPS”; and (c) as the prior user, Woogue is the owner of “YATAPS” and the continued use by Samson of “YATAPS JED” will cause it grave and irreparable damage. Thus, Woogue prayed for the cancellation of the trademark registration of Samson’s “YATAPS JED”. Rule on the Trademark Infringement case filed by Samson. (10 points)

7.

- a. Can an article of trade or commerce serve as a trademark and at the same time enjoy patent and copyright protection? Explain and provide an illustration/example as to why an article of commerce can or cannot be entitled to trademark, patent, and copyright protection all at the same time. (5 points)
- b. Patrie and Kenty, males, were besties. However, unknown to Kenty, Patrie was sexually attracted to males. In fact, still unknown to Kenty, Patrie was in love with him. One evening, Patrie texted Kenty to send him some "dick pics." Thinking that Patrie was merely joking, Kenty sent Patrie a dozen photos of former Senator Richard "Dick" Gordon. Fuming and irritated, Patrie stormed the apartment of Kenty and shot him three (3) times - one bullet for each word in the phrase "I Love You" - in the groin. The killing was personally witnessed by Police Officer 1 Denzel (PO1 Denzel) who happened to be patrolling the vicinity. PO1 Denzel immediately ran after Patrie who had just killed Kenty in his presence. PO1 Denzel fired at Patrie in an attempt to stop him in his tracks. In response, Patrie fired back at PO1 Denzel, hitting him. PO1 Denzel was seriously wounded but survived due to timely medical assistance. Patrie was then arrested and charged with frustrated homicide. During the trial, Patrie invoked self-defense. Is Patrie's claim of self-defense tenable? Explain. (5 points)

8. In an ejectment case, the lower court issued a decision in favor of the complainant Jade against the informal settlers of a compound known as Cherry Pie Belarmino's Compound. A Final Demolition Order was issued. However, despite several attempts, the Demolition Order was returned unsatisfied. Apparently, the mayor of the town, Mayor Joshua, is preventing the implementation of the Demolition Order. In fact, Mayor Joshua, during an attempt to demolish the shanties, angrily mentioned to the demolishing officer the following words: *"Mga evil mong tanan! I'm so mad. Abi'g naa moy order gikan sa court you demolish na dayon the houses. Wa man lang gani mo nananghid nako. What was that? Ngano mananghid mo nako? Bitaw ngano kaha let me think hmmm. Oh wait, that's right, I'M THE MAYOR HERE! Grrrrr. Sige ipadayon na kay pamusilon tamo you animals you, paksit nang bilbil ninyo. Grrrr I'm so mad gyud."* (Instructor's note: I leave the translation to the examinee) On the same occasion, the demolishing officer was approached by Noel and Kiko, both of whom were bodybuilders working at Sometime Fitness and at the same time, were in the employ of Mayor Joshua. Noel and Kiko told the demolishing officer that if he will not desist from the demolition, something untoward will happen to him and that he will be slapped with a court case. Aggrieved, Jade charged Mayor Joshua, Noel, and Kiko with corruption under Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, alleging that they were in a conspiracy when they acted with evident bad faith by preventing the implementation of a valid court order and by giving the informal settlers unwarranted benefits. During the pendency of the criminal case before the court, Mayor Joshua died due to injuries he sustained after being bumped by a kid's bicycle. Is there a conspiracy between Mayor Joshua, Noel, and Kiko? Explain. (10 points)

9.

- a. Pretty Boy Vlad Development Corporation (Pretty Boy Vlad), a domestic corporation owned by Vladymir, a Blackpink fan and a Filipino heartthrob, is engaged in the real estate business and the developer of the Sagitarrius Commercial Square in Cebu I.T. Park. Pretty Boy Vlad filed a Complaint for Unfair Competition against Jastine's Tingog Realty Corporation (Jastine's Tingog) owned by Jastine, a retired singer-songwriter and part-time barangay councilor of Brgy. Stand, Cebu City, before the Intellectual Property Office (IPO) due to Jastine's Tingog's use and filing of applications for the registration of the marks "Sagitarrius Homes" and "Sagittarius Condominiums" for use relative to Jastine's Tingog's business, particularly the construction of permanent buildings or structures for residential purposes. Is Jastine's Tingog guilty of unfair competition? Explain. (5 points)
- b. Regacho Printers Inc. (Regacho Printers) operated a mall outlet located at the ground floor of a university building in Lapu-Lapu City. It possessed soft copies of certain textbooks on file, and would print "bookalikes" (i.e., reproduction of the textbooks) of these textbooks upon order and for a fee. It would even display samples of such "bookalikes" in its stall for sale to the public. Upon learning of Regacho Printers' activities, Baguio, one of the authors of the textbooks, filed a suit against it for copyright infringement. In its defense, Regacho Printers invoked the Doctrine of Fair Use, contending that the "bookalikes" are being used for educational purposes by those who avail of them. Baguio, on the other hand, argued that Regacho Printers' use of his books was unfair. Rule on the case filed by Baguio. (5 points)

10.

- a. In 2015, R Hotels Inc. (R Hotels), a multinational corporation engaged in the hospitality business owned by Reigina, applied for and was able to register its trademark "R" with the Intellectual Property Office of the Philippines (IPO) in connection with its hotels found in different parts of the world except the Philippines. In 2019, W Corp. (W Corp), a Philippine company owned by Wayne, filed before the IPO a Petition for Cancellation of R Hotels' "R" trademark on the ground of non-use, claiming that R Hotels failed to use its mark in the Philippines because it is not operating any hotel in the country which bears the "R" trademark. In its defense, R Hotels maintained that it has used its "R" trademark in Philippine commerce, pointing out that while it did not have any hotel establishment in the Philippines, it should still be considered as conducting its business herein because its hotel reservation services, albeit for its hotels abroad, are made accessible to Philippine residents through its interactive websites prominently displaying the "R" trademark. R Hotels also presented proof of actual booking transactions made by Philippine citizens and residents through such websites. Is R Hotels' defense sufficient to dismiss the Petition for Cancellation of Trademark filed by W Corp? Explain. (5 points)
- b. Byron Teemo, Erik Teeko, Darcy Teenia, and Marc Teenatinglahat are cousins of Chinese descent living in Talisay City and are the owners of a popular apparel/clothing store in Cebu called "Tee Tees". However, during the height of the COVID-19 pandemic, the cousins had a disagreement as to how their "Tee Tees" was to be managed. Hence, they ultimately decided to just close down their "Tee Tees". After two (2) years, the cousins, independently of each other and to ride on the wave of the popularity of milk teas, decided to put up their individual milk tea stores in the following order: Byron opened "Tea Teemo"; Erik opened "Tea Teeko"; Darcy opened "Tea Teenia"; and Marc opened "Tea Teenatinglahat." Byron claims that his cousins Erik, Darcy, and Marc committed (a) trademark infringement and (b) unfair competition. Rule on Byron's contention. (5 points)

BONUS QUESTION (5 points):

Write a C function named `createArray()` which dynamically creates and populates a two-dimensional array of structures and returns the said array to the calling function. The dimensions of the array should be in the form of formal parameters. The array should be populated using the Column-Major Order method. The structure should contain at least two (2) variables.

--- NOTHING FOLLOWS ---