

th March 1887  
2 farthings = 1 halfpenny  
2 halfpennies = 1 penny  
2 pennies = 1 shilling  
20 shillings = 1 pound  
21 shillings = 1 guinea

11 12 1  
2  
3  
4

# A dunces guide to writing legal forms in the Philippine Bar exams



**By:**

**Atty. Zigfred M. Diaz**

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## **ACKNOWLEDGEMENT & DEDICATION**

*I dedicate this short but useful free ebook to God Almighty who is the source of all infinite knowledge and wisdom.*

*To my family, my wife Zenith and my son Zed for their support and understanding when I took the bar exams*

*To my parents Engr. Nolan & Dra. Arlene Diaz who were my first teachers in life.*

*To my law school, Southwestern University School of law, Cebu City, Cebu and to our law deans, Dean Emeritus Jonah Villagonzalo and Dean Godwin Denzel Manginsay.*

*To all our bar reviewers in Lex bar review and Jurists Bar Review Center who has also somehow contributed through their lectures.*

*To all those who aspire to belong to the most noble of all professions.*

*Lastly, I would like acknowledge the contributions of my good friends Nolito "Noli" Dayanan and Atty. Alrey Ouano for contributing to the ideas that are written in this free ebook. Noli and Alrey were my "Bar buddies" I lived with these guys for 6 months in Las Pinas, Metro Manila when we had our bar exams review at the Jurists Bar Review Center. The ideas you are now reading are the result of our brain storming on how to tackle legal forms in the bar exams.*

**SOLI DEO GLORIA**

**Atty. Zigfred Diaz  
January 17, 2009**

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## Chapter 1 - INTRODUCTION

For some people, writing legal forms is the hardest part of the last exam in the bar. This is probably because it takes some time to memorize it and there are hundreds of legal forms that you should be familiar with.

Six months into my review period I already anticipated this problem so instead of crossing my fingers and relying upon luck, with the help of my friends, Noli and Alrey, I developed my own system on how to tackle legal forms. I also laid down some fundamental rules on how to tackle legal forms. These fundamental rules are:

- 1.) Do not isolate your study of legal forms with your study of Remedial law. Knowledge in Remedial law will always come in handy when making legal forms;
- 2.) Don't just memorize, know the basic structure;
- 3.) Practice, Practice, Practice. Write four legal forms a day. There is no substitute.

Having worked on the first edition of the [Lex Pareto notes](#), I knew already what the most frequently asked legal forms for the pass 15 years were. So I familiarized myself with them and wrote 4 forms everyday, 2 in the morning and 2 in the evening. I focused on the most frequently asked and familiarized myself with them. Not only that, I came up with a system, a "template" on how I could remember legal forms easily.

When I took my bar exams, some of my friends having known that I have worked out the statistics on the bar exams through the [Lex Pareto Notes](#), asked me some on what I think about the Legal forms in the bar exams. I told them that if there are 5 questions asked 2 will be "stray"(Not so familiar) and 3 will be very familiar, that is they are repeatedly asked in the bar exams for the past 15 years. If there are 3 asked, 2 will be familiar and 1 will be stray. True enough, when the exam on legal ethics was given, there were 3 questions on legal forms. 2 were familiar and 1 was a stray.

It is important not to take legal forms for granted as it may make or break your becoming a lawyer. If legal forms comprises 30 % and you can't even get one correct, you would probably get a "DQ" in Legal Ethics since it is always expected that you cannot get a perfect score in Legal Ethics. I've heard about horror stories about bar examinees who failed to become lawyers just because they got a very low score in legal ethics since they did not write anything in legal forms.

This very short ebook outlines the system and strategy that I used in writing legal forms for the Philippine bar exams. I shall try to come up with a longer and more comprehensive printed book in the near future.

## Chapter 2 – STATISTICALLY SPEAKING

Statistically, about 30 % of the legal forms asked are classified as “stray” that is they are “unusual” or not frequently asked (*Note: This 80-20 phenomenon is what is known as the “Pareto Principle” which is the basis of our law reviewer “The Lex Pareto Notes” for more information visit [www.lexparetonotes.blogspot.com](http://www.lexparetonotes.blogspot.com)*)

That is to say if there are 3 forms asked 2 of them are frequently asked while 1 is “stray” If there are 5 forms asked 2 of them are stray and 3 are frequently asked. It is therefore logical to know what is being frequently asked. This will ensure you get 80 % of all the legal forms asked. In order to do this, you do not need to memorize a lot of legal forms. You only need to know about 20 % or less of all the legal forms.

Consider the following statistics:

### **FREQUENTLY ASKED LEGAL FORMS FROM 1990 TO 2006** (*Note: This comprises 80 % + of all legal forms asked*)

FORM	Number of times asked
Complaint (The favorite being a complaint for ejectment which was asked 12 times)	20
Information (Various criminal offenses)	16
Deed of Absolute sale	9
Contract of lease	6
Motion to quash	4
Answer	4
Special power of Attorney	4
Other forms are asked once or twice (For a complete list, see Volume IV of the <a href="#">Lex Pareto Notes 2007 edition</a> )	

There are only four “Forms” you need to memorize well. Those are the JURAT (For oaths) the ACKNOWLEDGEMENT (Conveyances) and the “CERTIFICATION OF NON-FORUM SHOPPING.” It would be so much better if you can memorize these “forms” word for word. A fourth one would be the “Verification.” However you do not really need to memorize this, you only need to be very familiar with it.

## **CHAPTER 3 - CATEGORIES OF LEGAL FORMS**

Now that we know the most frequently asked legal forms, should we memorize all of them? You could probably do it but it will take some time. The best solution is to find something common with each legal form and sort them into categories.

I have discovered that all legal forms fall into either one of these categories these are:

- 1.) **DEEDS AND CONTRACTS** - Examples of these are: Deed of absolute sale, Contract of lease, Chattel mortgage etc.
- 2.) **SWORN STATEMENTS** – Refers to all kinds of affidavits
- 3.) **JUDICIAL FORMS** – Any thing you submit to court. Examples of these are: Pleadings, motions, Orders, entry of appearance, admission of satisfaction of judgment etc.
- 4.) **MISCELLANEOUS** – These are legal forms that do not fall in any of the above three. Examples of these are: The last will and Testament, business organization forms, negotiable instruments and promissory notes.

So starting right now, bear in mind that every legal form you encounter belongs to any of these four categories. It is important to remember this because each legal form that belongs to each category has more or less the same pattern or “template.”

## Chapter 4 – TEMPLATE FOR EACH LEGAL FORM CATEGORY

Now that we know that each legal form belongs to a certain category, let us examine the template for each category. What you should do is to memorize the template because they are almost the same in each category.

Look at the template provided below in each category. In each category the legal form is further divided into two sections in which you can substitute the proper words that is needed to be substituted to conform to what is being asked. What is important here is that you need to memorize and master the sections that belong to each category. So whenever you are asked a legal form that belongs to such and such a category you know already the sections belonging to such category. This way you can write the legal form with ease.

### 1.) DEEDS AND CONTRACTS

Basic template:

<b>Title</b>	“Deed of Absolute sale or Contract of lease etc . . . “
<b>Announcement</b>	KNOW ALL MEN BY THESE PRESENTS
<b>Parties</b>	“I, _____, (citizenship) (status) (address) resident of hereinafter called the (capacity)
<b>Act</b>	“Do hereby Lets and leases” or Do hereby” or Sells, Transfer, Convey . .
<b>Consideration</b>	“A parcel of land . . . Or “ That apartment unit”
<b>Other stipulations</b>	“Subject to the following terms and conditions”
<b>Signature</b>	(Actors) (Witnesses) (Spouse)
<b>Acknowledgement</b>	

So how do you use this template?

Whether you are asked to write a Deed of absolute sale or a contract of lease or any other contract or deed, the sections in such legal forms are similar. Since you know already the sections in the category of “DEEDS & CONTRACTS,” you simply substitute the words that are needed on what is being asked.

So if you are asked to draft a “Deed of absolute sale” you simply put “DEED OF ABSOLUTE SALE” in the title. The next section which is “Announcement” is the same for all forms. Next section is Parties which is also same for all forms belonging to this category. The next section may differ, since

this refers to “Act” so in the case of “Deed of absolute sale” you write “Do hereby sells, transfer and convey . . .” and so on. It’s as easy as 1,2, 3 . . . !!!

There are two exceptions to the above mentioned template. These are the Chattel Mortgage and Special Power of Attorney. Let’s tackle them one by one.

In the Special Power of Attorney, do not forget these words in the body:

*. . .to be my true and lawful attorney, for me and in my name, place and stead, to do and perform the following acts to wit: . . .*

*. . . .HEREBY GIVING AND GRANTING unto said attorney full power and authority whatsoever requisite or necessary or proper to be done in an about the premises as fully to all intents and purposes as I might or could lawfully do if personally present, with power of substitution and revocation, and hereby, ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done under And by virtue of these presents.*

In Chattel Mortgage do not forget the:

- Acknowledgement,
- The affidavit of good faith which states:

*“We the mortgagor and Mortgagee, severally swear that the foregoing chattel mortgage is made and executed for the purpose of securing the obligation specified therein and for no other purpose, and that the same is a just and valid obligation and one not entered into for the purpose of fraud”*

- Jurat

## **2. SWORN STATEMENTS**

**Basic Format:**

<b>Venue</b>	Republic of the Philippines . . . . .)
<b>Title</b>	AFFIDAVIT . . . .
<b>Party</b>	I, ____ (citizenship), (status), (residence)
<b>Oath</b>	Having been duly sworn to in accordance with law do hereby depose and state that:
<b>Statement</b>	1. That . . . . .
<b>Closing statement</b>	IN WITNESS, I have hereunto set my hand . . .
<b>Signature</b>	
<b>JURAT</b>	

Sworn statements are the easiest legal forms to do. Whether you are asked to write an affidavit of loss or a joint affidavit of two disinterested person or any kind of affidavit or sworn statement, the sections in such legal forms are similar. Since you know already the sections in the category of “SWORN STATEMENTS” you simply substitute write the words that are needed on what is being asked.

### 3. JUDICIAL FORMS

<b>Caption</b>	“REPUBLIC OF THE PHILIPPINES 7TH JUDICIAL REGION REGIONAL TRIAL COURT BRANCH _, CEBU”  Indicate whether criminal, civil etc
<b>Title</b>	“Motion to dismiss”, “COMPLAINT” “Information”
<b>Introduction</b>	COMES NOW the accused, through the undersigned counsel unto this honorable court respectfully . . . Or “Plaintiff by the undersigned counsel respectfully alleges that”
<b>Body</b>	1. On . . . .
<b>Relief (not included in information)</b>	WHEREFORE, it is respectfully prayed that . . . (Place and date)
<b>Attorney</b>	(Include office address, Roll no, PTR, IBP)
<b>Attachments</b>	Ex: Certification of non-forum shopping, notice of hearing, verifications, explanations etc.)

Judicial forms are pleadings you submit in court. These include the complaint, information, motions etc.

Although these forms have different variations in actual practice, in writing legal forms for the bar exams they basically have the same elements.

In judicial forms you need to **MEMORIZE** some important words and be mindful of several things:

**A.) “INFORMATION”:**

- Bear in mind that the introduction should always be “The undersigned prosecutor hereby accuses“
- In the body of the information you need to memorize the phrase “did then and there willfully, unlawfully and feloniously” when describing the crime done. (Example “did then and there willfully, unlawfully and feloniously use a knife to stab the victim”)
- Attachments included in an information are “Recommended bail” and “Certification of Preliminary investigation.”

**B.)** In a “Complaint” it is always important to state the cause of action (What is

the right of the plaintiff and how such right was violated by the defendant)

C.) In “motions”, the body should always contain the ground for the motion and the argument.

Do not forget the attachments that should be included in judicial forms. Know what you are suppose to attach by familiarizing yourself with the Rules of Court

#### **4. MISCELLANEOUS LEGAL FORMS**

The last type of legal forms is what I categorize as “MISCELLANOUS” since these forms do not have a common pattern. There are several of them, but three of the most common are the “Last will and Testament”, “Business organization forms” and the “Negotiable instruments and the promissory note.” There are several things I would like you to take note of when writing these legal forms.

A.) Last will and Testament - A last will and testament usually involves three persons, the are:

- *The Testator*
- *Three witnesses* – Must make attestation that they signed it in the presence of testator and vice versa
- *Notary Public* - Must state that testator and witnesses acknowledge the will before him

B.) Business Organization forms – These include the Articles of Corporation, other corporate forms and partnership forms. For Articles of incorporation, just familiarize yourself with the Sec. 15 of the Corporation Code. Partnerships are basically just contracts so utilize the template in “DEEDS AND CONTRACTS.”

C.) Negotiable instruments / Promissory note – These are quite easy to make. For negotiable instruments, if you know Section 1 of your negotiable instruments law (NIL)(Which is a must since this is the most asked section in the bar exams with regards to the NIL) then you will have no problem. A promissory note only requires common sense to make.

Some of these miscellaneous forms are quite long. But do not worry. Statistics shows that these forms have a very low probability of being asked in the bar exams. So do not panic. Just familiarize yourself with them.

## **Chapter 5 – IN CONCLUSION . . .**

**So there you have it! Making legal forms is as easy as 1,2,3 ! There is no need to memorize legal forms! All you have to memorize are the four basic templates!**

**When asked about legal forms in the bar exams all you have to do is follow these three easy steps:**

- 1.) Determine the category to which the legal form belongs to**
- 2.) Recall the template as you memorized it and apply the template in the category. Substitute the words that are needed on what is being asked (customize it)**
- 3.) Include the necessary attachments**

**I have stressed this before, and I will stress this again. What is required in the bar exams when it comes to legal forms is just FAMILIARIZATION, NOT WORD FOR WORD MEMORIZATION! That is why using a template just to get the basic form of a legal form is very useful and will make familiarizing yourself with legal forms easier. Take note that the purpose in asking legal forms in the bar exams is just to make sure that you as a prospective candidate for the bar is familiar with the various legal forms and that you know what legal form to apply in a certain situation.**

**Take note that the this way of writing legal forms is only applicable for the Bar exams. DO NOT USE THIS WAY OF WRITING LEGAL FORMS IN ACTUAL PRACTICE since in actual practice there are several “clauses” “phrases” “words” etc. that needs to be included, otherwise your client might get into deeper legal trouble if you don’t include these words. Besides, when you engage in actual practice, there is no need for you to memorize legal forms. You just load a legal form in your computer and tweak it to suit your needs.**

**May God Almighty richly bless you in your pursuit for the noblest of all professions.**

**Atty. Zigfred M. Diaz**

## ABOUT THE AUTHOR

Zigfred Maceren Diaz - Graduated with a law degree from Southwestern University and passed the 2006 bar examinations. He also has a degree in Industrial Engineering from the Cebu Institute of Technology. He finished his elementary and high school at Bob Hughes Christian academy and graduated as the most outstanding student of the batch.



He is currently the Vice president for Operations for ZANA Holdings Inc., a group of family owned companies with business interest in Funeral servicing, casket manufacturing, funeral supplies, Memorial care and education.

He is also into private law practice and is currently teaching law subjects at the Southwestern University School of law and the Cebu Institute of Technology. He is also a bar exam coach at the Jurists Bar Review Center.

Zigferd is also a passionate writer and co-authored the widely popular “Lex Pareto Notes,” ([www.lexparetonotes.blogspot.com](http://www.lexparetonotes.blogspot.com)) a four volume, statistical based, codal based law and bar exams reviewer. He is also the blogger behind [www.zdiaz.com](http://www.zdiaz.com) where he blogs about a wide variety of topics. He is also co-author of the popular blogging ebook entitled [“Guerilla blogger’s strategy and tactics on making cash online”](#) As an avid fan of Warren Buffett, he is a firm believer in stock market investing and is always studying stock market investments. He plans to write a short ebook on investing in the Philippine stock market some time.

Zigfred is happily married to Zenith Gerodias, a licensed Social worker and a teacher. Together with their son, Zed Avalon Diaz they are currently residing at Talisay City, Cebu.

## ABOUT THE COVER AND THE TITLE



Wikipedia defines a “[Dunce](#)” as somebody who is “dull witted or an ignorant person” The origin of the word comes from the name of John Duns Scotus, one of the greatest minds of the 13th century. The cover of this ebook features a dunce cap in a class room. A dunce cap is typically made of paper and often marked with a D or the word “dunce.” Although use of the cap is now rarely practiced it was used before in traditional Birth and American schools and was given to schoolchildren to wear as punishment by public humiliation for misbehaviour and stupidity.

The use of the word “Dunce” in the title of this ebook does not mean to imply that law students are stupid or ignorant. It is simply an adaptation of the very successful “For dummies” book series and the “Idiot’s guide” book series. Books with this title try to make very complicated topics very simple and easy to understand that even a “dummy” or an “idiot” can understand it. In the some token, the “Dunce guide to writing legal forms in the Philippine bar exams” tries to give the readers a simple, very easy to follow system on how to memorize and familiarize themselves with complicated legal forms.

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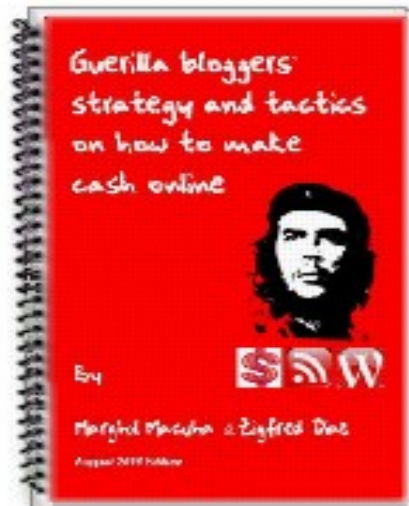
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