

ANSWERS TO 2019 BAR EXAM QUESTIONS IN POLITICAL AND PUBLIC INTERNATIONAL LAW

©

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A.1 Define the following terms:

(a) Jus cogens (2%)

ANSWER: Jus cogens is a peremptory (absolute) norm of general international law accepted and recognized by the international community as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character (*U.P. College of Law Development Foundation, Bar Coded Topical Survey of Bar Questions 412-2 (2011)*).

(b) Principle of double criminality

ANSWER: Under the double criminality rule, the extraditable offense must be criminal under the laws of both the requesting and the requested states. This simply means that the requested state comes under no obligation to surrender the person if its laws do not regard the conduct covered by the request for extradition as criminal (*Government of Hongkong Special Administrative Region (HKSAR) v. Munoz, G.R. No. 207342, August 16, 2016*).

ATTY. ENAN FLORES' ANSWERS TO 2019 BAR EXAM QUESTIONS IN POLITICAL AND PUBLIC LAW

A.1 Define the following terms:

(c) Act of State doctrine (2%)

ANSWER: Under this doctrine, courts of one country will not sit in judgment on the acts of the government of another in due deference to the independence of sovereignty of every sovereign state (*PCGG v. Sandigambayan, G.R. No. 124772, August 14, 2007*).

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