

[1] WHAT IS A CORPORATION?

A corporation is an artificial being created by operation of law, having the right of succession and the powers, attributes and properties expressly authorized by law or incident to its existence.

[2] WHAT ARE A CORPORATION'S ATTRIBUTES?

If referring to the attribute of a corporation based on its definition, they are the following: [a] artificial being; [b] created by operation of law; [c] having the right of succession; and [d] with express, implied and inherent powers.

If referring to the characteristics of corporations in general, they are the following:

- [a] Continuity of existence;
- [b] Limited investor or shareholder's liability;
- [c] Separate juridical personality;
- [d] Capacity to sue and be sued;
- [e] Capacity to incur obligations and acquire rights;
- [f] Centralized management via the governing board;
- [g] Immunity from collateral attack; and
- [h] others.

[3] WHAT IS THE GRANDFATHER RULE?

The Grandfather Rule is a stricter or more stringent test than the control test when it comes to determining compliance with the minimum Filipino equity requirement among corporations. The Grandfather Rule determines the actual Filipino ownership and control in a corporation by tracing both the direct and indirect shareholdings in the corporation.

In other words, if the shares of stock of the immediate investor corporation is in turn held and controlled by another corporation, then we must look into the citizenship of the individual stockholders of the latter corporation. In other words, if there are layers of intervening corporations investing in a Filipinized venture, we must delve into the citizenship of the individual stockholders of each corporation.

[4] EXPLAIN THE DOCTRINE OF PIERCING THE VEIL OF CORPORATE ENTITY?

As a rule, a corporation has a personality distinct from its stockholders, and is not affected by the personal rights, obligations and transactions of the latter. This general rule also applies between a parent company and subsidiary. However, the veil of corporate fiction may be pierced when it is used as a shield to further an end subversive of justice, or for purposes that could not have been intended by law that created it or to defeat public convenience, justify wrong, protect fraud or defend crime or to perpetuate fraud or confuse legitimate issues or to circumvent the law or perpetuate deception or as an alter ego, adjunct or business conduit for the sole benefit of the stockholders.

[5] WHAT ARE THE OBLIGATIONS OF DIRECTORS AND OFFICERS OF A CORPORATION?

In general, directors and officers are bound by the trust fund doctrine which states that the governing officers of the corporation hold in trust the funds of the corporation in trust for the benefit of the stockholders. Hence, specifically, directors and officers have the obligation to maintain loyalty, obedience and diligence to the corporation.

Corporation Law Exam Questions And Answers

Terry C. Jones



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