

109 年公務人員普通考試試題

類科：各類科

科目：法學知識與英文(包括中華民國憲法、法學緒論、英文)

- (D) 10. 下列何者並非憲法及增修條文對於婦女之特別保護？
(A)保障婦女之參政權 (B)對婦女從事勞動者之特別保護
(C)消除性別歧視，促進兩性地位之平等 (D)保障婦女之生育自主權

(A) 11. 年滿 20 歲的公民皆有選舉權，此為下列何種原則之體現？
(A)普通選舉 (B)平等選舉 (C)直接選舉 (D)秘密選舉

(C) 12. 依司法院大法官解釋，下列關於言論自由之敘述，何者錯誤？
(A)猥褻資訊亦受言論自由保障
(B)法律要求特定商品應標示警語，為對於言論自由之限制
(C)與事實不符之言論不受言論自由保障
(D)化妝品廣告之事前審查原則上應屬違憲

(B) 13. 依司法院大法官解釋，關於人身自由之敘述，下列何者錯誤？
(A)憲法第 8 條第 1 項所稱「法定程序」，須以法律規定，其內容更須實質正當
(B)凡限制人民身體自由之處置，不問其是否屬於刑事被告之身分，皆應踐行相同之法定程序
(C)行政執行法之管收處分，係於一定期間內拘束人民身體自由於一定之處所，屬拘禁之類型之一
(D)人身自由之保障亦應及於外國人，使其與本國人同受保障

(C) 14. 下列關於基本國策的敘述，何者正確？
(A)基本國策皆為具體的社會權，可以作為人民對國家給付請求權的基礎
(B)基本國策所揭示的各種國家目標，都是憲法所承認的制度性保障
(C)基本國策中的憲法委託條款，若立法者不積極履行，會構成立法怠惰
(D)基本國策中的國家目標條款，都是單純政策目標的宣示，對立法者不具有拘束力

(C) 15. 關於我國憲法總綱規定，下列敘述何者錯誤？
(A)明文規定我國為民主共和國 (B)明文規定主權屬於國民全體
(C)明文規定我國採單一國籍制 (D)明文規定我國國旗之樣式

(A) 16. 甲男平日皆著褲裝上班，後因醫師建議其表現自我而開始著裙裝上班，同事對於甲男的改變開始竊竊私語，甲向主管乙反映此事，但並未獲得相關協助，反而將甲調職，雖然新工作甲亦可勝任，但仍悶悶不樂，請求調回原職，關於上述案例，下列敘述何者正確？
(A)乙不得因甲之性傾向而有不利益對待 (B)甲著裙裝已違背公序良俗
(C)乙之調職決定和甲之性傾向無關 (D)甲穿裙裝造成他人困擾

(C) 17. 有關我國中央層級立法之敘述，下列何者錯誤？
(A)立法院為我國最高之立法機關
(B)依據憲法規定人民得依法行使創制、複決權，創制、複決中央法律
(C)由於我國採取中央集權制，至今尚未承認地方自治議會立法權
(D)依據憲法規定，中央之立法除經立法院三讀通過外，尚須經總統公布始得生效

(A) 18. 下列何者為地方制度法所稱之自治團體？
(A)鄉、鎮、市 (B)農田水利會 (C)行政法人 (D)大學法人

(D) 19. 甲公務人員某日收受 A 市政府的處分函，主旨為：「臺端因溢領薪資，限 7 日內繳回溢領之金額，逾期將送行政執行。」此外並無任何說明。則該處分違反下列那一項原則？
(A)不利變更禁止之原則 (B)必要衡量原則
(C)比例原則 (D)明確性原則

(C) 20. 司法院釋字第 535 號解釋指出：「……臨檢自屬警察執行勤務方式之一種。臨檢實施之手段：檢查、路檢、取締或盤查等不問其名稱為何，均屬對人或物之查驗、干預，影響人民

行動自由、財產權及隱私權等甚鉅，應恪遵法治國家警察執勤之原則。實施臨檢之要件、程序及違法臨檢行為之救濟，均應有法律之明確規範，方符憲法保障人民自由權利之意旨。……」這段話與下列那一原則較無關聯？

- (A)法律保留原則 (B)正當程序原則 (C)信賴保護原則 (D)法明確性原則
- (C) 21. 關於社團法人的事項，依民法規定，下列何者須經過總會特別決議？
(A)開除社員 (B)任免監察人 (C)變更章程 (D)任免董事
- (B) 22. 甲經營汽車維修保養廠與 T 通運公司間有多年的汽車維修保養（營業）關係。數週前，T 送修 X、Y 二車，其中 Y 車的數萬元維修材料費全未獲清償。當 T 要取回 X、Y 二車時，甲得主張何種權利？
(A)得主張就 X、Y 二車有留置權 (B)僅得主張就 Y 車有留置權
(C)得主張就 X、Y 二車均有抵押權 (D)得主張就 X、Y 二車有質權
- (D) 23. A 透過網路向 B 訂購飛機模型一盒（種類之債），並約定送至便利超商，貨到付款。但 B 却逾期遲遲未發貨，終於在超出約定期限後發貨至便利商店。詎當夜因便利超商大火，飛機模型燒毀。下列敘述何者正確？
(A)因不可歸責 B 而致給付不能，故 A 須給付價金
(B)因貨品尚未特定，無給付不能之情況，故 A 無須給付價金
(C)因 B 須對不可抗力事件負責，故 B 須對 A 負賠償責任
(D) B 須再給付一次飛機模型
- (C) 24. 下列有關被繼承人所負債務之敘述，何者錯誤？
(A)遺產分割前，繼承人以因繼承所得遺產為限，對外負連帶清償責任
(B)遺產分割後經過 5 年，繼承人之連帶清償責任可免除
(C)遺產分割前，繼承人應平均清償被繼承人之債務
(D)遺產分割後，若經債權人同意，各繼承人免除連帶責任
- (D) 25. 甲、乙於民國 100 年結婚，未約定夫妻財產制。結婚前乙有乳牛 100 頭。婚後甲、乙工作收入豐厚。下述何者於夫妻財產制關係消滅時，應納入財產分配範疇？
(A)甲離婚前 3 年贈與某博物館價值 6,000 萬元的古董，未料其後甲因經商失敗而離婚
(B)甲於婚後因車禍取得加害者所提供之 20 萬元精神上損害賠償
(C)乙於婚後受祖母以遺囑遺贈 100 萬元
(D)甲、乙婚後，乙之 100 頭乳牛所生 10 隻小牛
- (B) 26. 關於民法之消滅時效制度，下列敘述何者錯誤？
(A)經確定判決所確定的請求權，其原有時效期間短於 5 年者，重行起算的期間為 5 年
(B)時效期間得以法律行為加長或減短
(C)僅適用於請求權
(D)消滅時效完成，義務人取得拒絕給付的抗辯權
- (B) 27. 關於刑法第 12 條所規定之「行為非出於故意或過失者，不罰。過失行為之處罰，以有特別規定者，為限。」下列敘述，何者錯誤？
(A)刑法以處罰故意犯為原則 (B)刑法不處罰過失行為
(C)故意犯罪行為應處罰 (D)過失行為有規定才罰
- (D) 28. 某甲因犯強制性交罪遭判有期徒刑二年而入監服刑，後來獲得假釋，卻在假釋期間因涉嫌強制猥褻罪遭地檢署起訴，並為法院裁定羈押，拘禁於看守所。強制猥褻罪的法定刑是六個月以上，五年以下有期徒刑。就本案與前案，下列敘述何者正確？
(A)在羈押期間，法院應依檢察官之聲請，撤銷甲的假釋
(B)如果甲就本案被判二年以下有期徒刑，則法院得同時宣告緩刑

請依下文回答第 41 題至第 45 題：

Touch is the earliest sense to mature. It manifests itself in the final embryonic stage and comes into its own long before eyes, ears, and the higher brain centers begin to work. Soon 41 birth, infants begin to employ their other senses to interpret reality. During the same period, they are highly 42 touch. They are being nuzzled, cuddled, cleaned, patted, kissed, and in many cases breastfed. So important is touch to human communication 43 researchers now know that people who are denied caregivers' touch can develop serious biological and emotional problems. As you move from infancy into childhood, you learn the rules of touching. You are taught whom to touch and where they may be touched. By the time you reach 44 your

culture has taught you how to communicate with touch. You use touch out of social politeness, 45, sex, consolation, support, and control. In the U.S., people learn to shake hands with nearly everyone, hug certain people, and be intimate with still other people.

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| (B) 41. (A)for | (B)after | (C)before | (D)until |
| (D) 42. (A)invested in | (B)informed of | (C)deprived of | (D)involved in |
| (A) 43. (A)that | (B)which | (C)what | (D)who |
| (D) 44. (A)confidence | (B)residence | (C)innocence | (D)adolescence |
| (D) 45. (A)to | (B)in | (C)on | (D)for |

請依下文回答第 46 題至第 50 題：

There are around 380 underwater cables in operation around the world, **spanning** a length of over 1.2 million kilometers (745,645 miles). In 2012, Hurricane Sandy slammed into the U.S. East Coast, knocking out several key exchanges where undersea cables linked North America and Europe. The entire network between North America and Europe was isolated for a number of hours. For us, the storm brought to light a potential challenge in the consolidation of transatlantic cables that all landed in New York and New Jersey. But most often when a cable goes down, nature is not to blame. There are about 200 such failures each year and the vast majority are caused by humans. "Two-thirds of cable failures are caused by accidental human activities, fishing nets and trawling and also ships' anchors," said an expert. "The next largest category is natural disaster, mother nature -- sometimes earthquakes but also underwater landslides." A magnitude-7.0 earthquake off the southwest coast of Taiwan in 2006, along with aftershocks, cut eight submarine cables which caused internet outages and disruption in Taiwan, Hong Kong, China, Japan, Korea and the Philippines.

- (A) 46. Which of the following could be the best title for this passage?
- (A)How Vulnerable Undersea Cables Are.
(B)How Humans Can't Live Without Undersea Cables.
(C)How Undersea Cables Were Laid.
(D)How Undersea Cables Connects the World.
- (D) 47. According to the passage, which of the following events have caused most of the cable failures?
- (A)Earthquakes. (B)Storms. (C)Sea waves. (D)Human activities.
- (B) 48. Which of the following has the closest meaning with the word "spanning" in the passage?
- (A)Linking. (B)Stretching. (C)Estimating. (D)Affecting.
- (D) 49. Which of the following is NOT a possible cause for the network failure?
- (A)Earthquake. (B)Underwater landslides.
(C)Ships' anchors. (D)Snowstorm.
- (D) 50. According to the passage, which of the following statements is TRUE?
- (A)In 2012, Hurricane Sandy caused Taiwan to go through power failure for several days.
(B)Only a large earthquake could have possibly caused the cable failures.
(C)In 2006, a mild earthquake cut off cable connection between Taiwan and other nearby countries.
(D)A couple hundreds of cable failures happen each year due to various reasons.