

108年公務、關務人員升官等考試、108年交通 事業郵政、公路、港務人員升資考試試題

等 級：薦任、員級晉高員級

類科(別)：各類科—公務、各類別—郵政、公路、港務

科 目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當的答案，複選作答者，該題不予計分。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 依憲法增修條文規定，我國憲法非經下列何者之同意，不得修改之？
(A)國民大會 (B)總統 (C)司法院 (D)全體國民
- 下列有關婦女地位之敘述，何者並非憲法增修條文之規定？
(A)應保障婦女之人身安全
(B)不分區立法委員之政黨當選名單，婦女不得低於二分之一
(C)應促進兩性地位之實質平等
(D)各級選舉應規定婦女保障名額
- 關於性行為自由，依司法院大法官解釋，下列敘述何者錯誤？
(A)個人是否以及與何人發生性行為之自由，受憲法第 22 條保障
(B)為維護性行為自由，國家不得對於婚姻外性行為施以刑事制裁
(C)為維護婚姻與家庭制度，國家得對於婚姻外性行為施以刑事制裁
(D)我國刑法第 239 條所規定之通姦罪並未違背比例原則
- 依憲法增修條文規定，監察院人員如有失職或違法之情事，由下列何者機關彈劾？
(A)監察院 (B)司法院 (C)考試院 (D)立法院
- 依憲法增修條文規定，下列何項人事案，毋需經立法院同意方能任命？
(A)行政院院長 (B)大法官 (C)考試委員 (D)監察委員
- 關於違憲政黨解散與總統、副總統之彈劾，下列敘述何者錯誤？
(A)關於違憲政黨解散之宣告，應由大法官組成憲法法庭以判決為之
(B)政黨違憲解散案件之聲請，應由中央主管機關為之
(C)關於總統、副總統之彈劾，應由監察院提出
(D)總統、副總統之彈劾，應由大法官組成憲法法庭審理
- 依司法院大法官解釋意旨，有關大法官解釋之拘束力，下列敘述何者正確？
(A)僅拘束政府機關，不拘束聲請人
(B)僅拘束聲請人及其相對機關
(C)依司法院大法官審理案件法之明文規定決定受拘束對象之範圍
(D)全國各機關均受拘束
- 依司法院大法官解釋，有關居住遷徙自由之限制，下列何者違憲？
(A)納稅義務人欠繳稅捐達一定數額者，財政部得通知內政部移民署限制其出境
(B)未區分國民是否於臺灣地區設有住所而有戶籍，一律非經許可不得入境，並對未經許可入境者，予以刑罰制裁
(C)臺灣地區與大陸地區人民關係條例授權訂定限制大陸地區人民進入臺灣地區之資格要件、許可程序及停留期限
(D)後備軍人居住處所遷移，無故不依規定申報者，即處以刑事罰
- 依司法院大法官解釋，下列何者不屬於憲法第 11 條言論自由之保障範圍？
(A)公開道歉聲明 (B)化妝品廣告 (C)要求更正個人資料 (D)菸品標示
- 下列何者不得成為憲法上財產權之保障主體？
(A)國家 (B)財團法人 (C)原住民部落 (D)行政法人
- 依司法院大法官解釋意旨，有關訴訟權保障，下列敘述何者錯誤？
(A)法官迴避制度屬於訴訟權保障之核心內容
(B)如人民須繳納保證金或提供擔保始得提起訴訟，係對於訴訟權之不必要限制
(C)刑事訴訟被告之卷證資訊獲知權，屬訴訟權保障之範圍
(D)立法者依事件特性制定仲裁等訴訟外紛爭解決機制之規範，不符合訴訟權保障之意旨
- 依司法院大法官解釋，法律不許薪資所得者於該年度之必要費用超過法定扣除額時，得以列舉或其他方式減除之規定，違反下列何者？
(A)租稅法律主義 (B)量能課稅原則 (C)實質課稅原則 (D)比例原則
- 關於外國人在我國得享有之基本權利，不包括下列何者？
(A)人身自由 (B)選舉權 (C)訴訟權 (D)宗教自由
- 關於總統職權，下列敘述何者正確？
(A)總統任命行政院院長須經立法院同意 (B)總統對審計長之人事任命，須經行政院院長副署
(C)總統有逕自發布緊急命令之權 (D)總統有締結條約之權

- 15 依司法院大法官解釋，有關憲法第 80 條，下列敘述何者錯誤？
(A)法官審判所應遵守的法律，僅指立法院三讀通過的法律
(B)基於依法審判的要求，凡是依法公布施行的法律，法官都應援引作為審判依據，不得逕行拒絕適用
(C)依法審判的要求，並不排斥法官在審理案件時對法律的合憲性進行審查
(D)若作為審判依據之法律的違憲性將影響裁判結果，法官可具體指陳其確信違憲之理由，向司法院大法官聲請解釋
- 16 關於行政程序法之敘述，下列何者錯誤？
(A)為實定法
(B)為任意法
(C)為普通法
(D)兼具實體法與程序法之性質
- 17 有關主物與從物之關係，下列何者不屬之？
(A)房屋與屋側之車庫
(B)房屋與屋內之地板
(C)落地燈與燈罩
(D)CD 錄影機與其遙控器
- 18 關於消費訴訟之敘述，下列何者正確？
(A)消費者保護官，就企業經營者重大違反消費者保護法有關保護消費者規定之行為，得為消費者向法院請求損害賠償，免繳裁判費
(B)消費者保護團體，就企業經營者重大違反消費者保護法有關保護消費者規定之行為，得向法院訴請停止或禁止之，免繳裁判費
(C)消費者保護團體，對於同一原因事件致使眾多消費者受害時，於受讓 20 人以上消費者損害賠償請求權時，得提起團體訴訟，免繳裁判費
(D)消費者保護官，對於同一原因事件致使眾多消費者受害時，於受讓 20 人以上消費者損害賠償請求權時，得提起團體訴訟，免繳裁判費
- 19 鄉（鎮、市）就違反地方自治事項之行政業務者，於其自治條例中訂定罰則時，下列敘述何者正確？
(A)應報請行政院核定後始得發布
(B)應報請中央各該主管機關核定後始得發布
(C)應報請縣（市）政府核定後始得發布
(D)縣（市）政府得將自治條例函告無效
- 20 依行政程序法之規定，下列何者可能違反正當法律程序之要求？
(A)對公務員所為之人事行政行為，排除適用行政程序法之程序規定
(B)對有一定利害關係或其執行職務有偏頗之虞之公務員，要求其迴避
(C)賦予當事人與利害關係人有申請閱覽卷宗之權利
(D)作成剝奪或限制人民自由或權利之行政處分前，賦予相對人或利害關係人有陳述意見之機會
- 21 關於法律保留原則及授權明確性原則，下列敘述何者錯誤？
(A)對人民自由權利之限制，應以法律或法律明確授權之命令為之
(B)授權條款之明確程度應與所授權訂定之法規命令對人民權利之影響相稱
(C)若法律僅為概括授權時，應就該項法律整體所表現之關聯意義為判斷，而非拘泥於特定法條之文字
(D)依法律概括授權所訂定之命令得設裁罰性規定
- 22 當立法院與行政院發生爭執時，下列何者非憲法所規定之解決機制？
(A)副署制度
(B)覆議制度
(C)釋憲制度
(D)總統調處制度
- 23 政府所實施之年金制度，係基於憲法下列何項原則之要求？
(A)民主國
(B)共和國
(C)社會國
(D)法治國
- 24 甲已喪偶，育有丙丁戊三名子女，丙與己結婚後育有 A、B 兩名子女，丁與庚結婚後育有 C、D 兩名子女，丙因病過世，3 年後甲因車禍過世，甲留下 600 萬元遺產。A 可繼承多少遺產？
(A) 0 元
(B) 100 萬元
(C) 120 萬元
(D) 150 萬元
- 25 下列關於代物清償之敘述，何者錯誤？
(A)為債之消滅原因之一
(B)為諾成契約
(C)債權人與債務人受領他種給付時，須有以他種給付替代原定給付之合意
(D)他種給付與原定之給付其價值無須相當
- 26 甲因犯罪經法院判刑，並受緩刑宣告，下列何者應撤銷甲之緩刑？
(A)甲在緩刑期間內，過失再犯他罪，受 8 月有期徒刑宣告
(B)甲在緩刑期間內，故意再犯他罪，受 8 月有期徒刑宣告
(C)甲在緩刑宣告前，故意犯他罪，緩刑期滿後發覺
(D)甲在緩刑宣告前，過失犯他罪，緩刑期滿後發覺
- 27 下列關於公司名稱之敘述，何者錯誤？
(A)公司名稱，不能為易於使人誤認為其與政府機關或公益團體有關之名稱
(B)公司名稱，不能與他公司名稱相同或類似
(C)大發股份有限公司，與大發有限公司屬於名稱不相同
(D)經主管機關撤銷登記之公司，自撤銷登記之日起，逾 10 年仍未完成清算完結，其公司名稱得為他人申請核准使用
- 28 依著作權法之規定，下列何者於利用他人著作時無需明示出處？
(A)因立法或行政目的重製他人著作
(B)因司法目的重製他人著作
(C)因授課需要重製他人著作
(D)圖書館、博物館等就收藏著作之重製
- 29 有關我國勞動基準法對於工資之敘述，下列何者錯誤？
(A)雇主對勞工不得因性別而有差別之待遇
(B)工作相同、效率相同者，給付同等之工資
(C)雇主得約定預扣勞工工資作為違約金或賠償費用
(D)雇主不按期給付工資者，主管機關得限期令其給付

- 30 有關性別工作平等法第 15 條第 5 項規定之陪產假，下列何者錯誤？
(A) 受僱者於其配偶分娩時，得請求陪產假
(B) 受僱者於未婚妻分娩時，亦得請求陪產假
(C) 受僱者應於配偶分娩之當日及其前後合計 15 日期間內，擇其中之 5 日請假
(D) 受僱者請陪產假期間，雇主薪資照給
- 31 To reduce the risk that someone might _____ embarrassing data from the USB flash drive you ditched, you can run a disk wipe utility to make sure that no data is left on the flash drive.
(A) salvage (B) investigate (C) reduce (D) temper
- 32 The Pope held a mass to address peace and _____ because the Korean Peninsula is divided.
(A) reconciliation (B) recommendation (C) diagnosis (D) sanitation
- 33 The school has held a number of talks and workshops on the topic of peer support and peer respect to _____ the idea of a bully-free campus.
(A) boycott (B) denounce (C) reinforce (D) trespass
- 34 It was quite a scene at the party that Jerry spoke _____ to Martin in every possible way trying to make a fool of him in front of the pretty woman they were both interested in.
(A) courteously (B) provisionally (C) sarcastically (D) cordially
- 35 The tendonitis in my wrists and shoulders starts to _____ after I work on computer for long periods of time. It can be very painful.
(A) act up (B) sit up (C) catch up (D) go up
- 36 Nowadays kids are playing sports more _____ at younger ages; they are pushing their bodies to the limit, practicing sports too hard for too long.
(A) aggressively (B) defensively (C) elegantly (D) persuasively

依下文回答第 37 題至第 40 題

The lexicon of oncology is filled with military metaphors: the war on cancer, aggressive tumors, magic bullets. And although these are indeed only metaphors, they do reflect an underlying attitude—that it is the clinician's job to attack and destroy his patient's tumor directly, with whatever weapons that come in handy. 37 There is even talk of biological agents, in the form of viruses specifically tailored to seek out and eliminate their tumorous targets.

38 But as Sun Tzu observed, the wisest general is not one who wins one hundred victories in one hundred battles, but rather one who overcomes the armies of his enemies without having to fight them himself. And one way to do that is to get someone else to do your fighting for you.

39 Instead of attacking cancer directly, immunotherapy recruits a patient's immune system to do the attacking. The latest way of doing so is by removing the controls which keep the immune system in check during times of bodily peace, let it damage the person it is supposed to be protecting. Now, as a series of papers presented in June 2013 to the annual meeting of the American Society of Clinical Oncology in Chicago shows, its range is being extended. 40 The treatment of melanoma that started the ball rolling employed a particular drug called ipilimumab, a monoclonal antibody.

- 37 (A) The troops on the front will be no untested conscripts, experienced marines and special forces.
(B) But so far the patient has no clear sense of the cancer, its treatment and recovery.
(C) As in real warfare, those weapons may be conventional, chemical or nuclear.
(D) But some tumors prove unknowable and unconquerable.
- 38 (A) They all suffer from the same drawback.
(B) This is all well and good as strategies go.
(C) In the original trials, all proved inefficient.
(D) Among the aforementioned weapons, the best are viruses.
- 39 (A) This is bad news for all cancer patients.
(B) Sun Tzu would surely have approved.
(C) If such approaches are confirmed, cancers will be nowhere to find.
(D) That, in an oncological context, is where immunotherapy comes in.
- 40 (A) More Chinese herbs are being brought in to treat all cancers.
(B) More effective versions are being brought to bear on melanoma.
(C) More viruses are being brought in to treat melanoma.
(D) More warriors are being brought in to treat melanoma.

依下文回答第 41 題至第 45 題

Ritchie's Fabulae Faciles is a graded reader of made-up Latin stories, which the author Francis Ritchie wrote in order to give students additional practice before they began reading Julius Caesar's *Gallic War*. The text includes the myths of Perseus, Heracles, Jason and the Argonauts, and Ulysses; and the entire volume is divided into 100 sections of Latin, which are roughly a paragraph in length. Although Ritchie assumes that readers know all five declensions, pronouns, and active and passive verbs from the beginning of the Perseus readings, he does not introduce the subjunctive mood until the middle of the Heracles selections or indirect discourse and ablative absolutes until Jason and the Argonauts. Ritchie's purpose is to provide readers with an opportunity to master simple Latin grammar and morphology before they encounter more complex constructions in the later stories, and he does so while presenting students with an informative and thoroughly engaging storyline.

This Latin text was first published by Ritchie in 1884 in a volume called *Fabulae Faciles: A First Latin Reader*. In 1903, John Kirtland produced a revised edition of the book under the title *Ritchie's Fabulae Faciles: A First Latin Reader*. Kirtland modified Ritchie's Latin text, added grammatical notes, and eliminated a section of drill exercises found in the original volume. Kirtland's book remained the standard edition until 1991, when another revised volume was prepared by Gilbert Lawall, Stanley Iverson, and Allan Wooley, entitled *Fabulae Graecae: A Revised Edition of Ritchie's Fabulae Faciles*. While the first two books are out of copyright and can be downloaded for free, the *Fabulae Graecae* remains available in paperback. The aim of this current edition(2012) is to make Ritchie's myths even more accessible to intermediate-level Latin readers.

- 41 According to the passage, who are the target readers of *Ritchie's Fabulae Faciles*?
 (A) Beginning students of Latin. (B) Intermediate students of Latin.
 (C) Advanced students of Latin. (D) Native speakers of Latin.
- 42 How many editions of Ritchie's *Fabulae Faciles* are there?
 (A) One. (B) Two. (C) Three. (D) Four.
- 43 Which of the following statements about *Fabulae Faciles* is NOT true?
 (A) It is a graded Latin reader. (B) It was first published in the nineteenth century.
 (C) It consists of roughly 100 paragraphs. (D) It is intended be read after Caesar's *Gallic War*.
- 44 Which of the following statements about *Ritchie's Fabulae Faciles* is true?
 (A) Its section about Perseus introduces the use of the subjunctive mood.
 (B) It helps readers learn basic Latin grammar.
 (C) It was first published in 1903.
 (D) Its 1901 edition can be download for free from the Internet.
- 45 Which of the following statements can be inferred from the passage?
 (A) This 2012 edition can only be purchased from the Internet.
 (B) It is still possible to find the first two editions online now.
 (C) The 1991 edition is out of print now.
 (D) The new edition is more suitable for all levels of Latin learners.

依下文回答第 46 題至第 50 題

Acknowledging that traditional passwords are no longer secure, some of the largest banks in the world are increasingly using voices, fingerprints, facial scans and other types of biometrics to safeguard bank accounts.

Through their mobile phones, millions of banking customers routinely use fingerprints to log into their bank accounts. This feature, which some banks have introduced since the second decade of the 21st century, enables a huge share of banking customers to verify their identities with biometrics. The move reflects deep concerns that so many hundreds of millions of email addresses, phone numbers, social security numbers and other personal identifiers have fallen into the hands of criminals, rendering those identifiers increasingly ineffective at protecting accounts. "We believe the password is dying," said Tom Shaw, vice president for enterprise financial crimes management at USAA. "We realized we have to get away from personal identification information because of the growing number of data breaches."

Long regarded as the stuff of science fiction, biometrics have been tested by big banks for decades, but have only recently become sufficiently accurate and cost effective to use on a large scale. It has taken a great deal of trial and error: With many of the early prototypes, a facial scan could be foiled by bad lighting, and voice recognition could be scuttled by background noise or laryngitis.

Before smartphones became ubiquitous, there was another obstacle: To capture a finger image or scan an eyeball, a bank would have to pay to distribute the necessary technology to tens of millions of customers. A few tried, but their efforts were costly and short-lived. On top of all these, there is an even bigger problem: As criminals have found their ways to break the traditional banking passwords, they could eventually find ways to steal biometric data as well.

- 46 Which of the following words best describes the author's attitude toward the use of biometrics to safeguard bank accounts?
 (A) optimistic (B) pessimistic (C) picky (D) skeptical
- 47 Which of the following statements about the banking password is NOT true?
 (A) The banking password may be about to expire forever.
 (B) The banking password has been replaced by biometrics for two decades.
 (C) The banking password is not secure anymore.
 (D) The data breaches of banking are increasing.
- 48 According to the passage, which of the following is most likely to endanger the system of biometrics to safeguard bank accounts?
 (A) Smartphones are not to become ubiquitous.
 (B) A facial scan could be foiled by bad lighting.
 (C) Voice recognition could be scuttled by background noise or laryngitis.
 (D) Criminals could eventually find ways to steal biometric data.
- 49 Which of the following is NOT mentioned in the passage?
 (A) Banking customers' psychological reactions to the use of biometrics.
 (B) Some banks have tried the use of biometrics.
 (C) To use the biometrics, a great deal of trial and error must be undergone.
 (D) The distribution of the biometrics technology to the banking customers is costly.
- 50 When was the use of fingerprints to log into bank accounts first introduced?
 (A) Before the 2000s. (B) During the 2010s. (C) After the 2020s. (D) During the 2030s.