

**\*\*Title:\*\*** Ingrid Sala Santamaria, et al. vs. Thomas Cleary: A Case on the Use of Depositions in Civil Litigation in the Philippines

**\*\*Facts:\*\***

Thomas Cleary, an American citizen residing in Los Angeles, initiated a civil suit for specific performance and damages against Miranila Land Development Corporation and individuals, including Ingrid Sala Santamaria, Astrid Sala Boza, and Kathryn Go-Perez, before the Regional Trial Court of Cebu, Philippines. The case emerged from a Stock Purchase and Put Agreement concerning the payment of US\$191,250.00 for shares in Miranila Land Development Corporation. Cleary, on January 22, 2009, moved for court authorization to take his deposition in Los Angeles, intending to use it as his direct testimony. This motion met opposition from Santamaria and Boza, and separately from Go-Perez, on grounds that it departed from Philippine legal processes and would cause them undue disadvantage. The trial court denied the motion, leading Cleary to elevate the issue to the Court of Appeals, which reversed the trial court's decision. The matter proceeded to the Supreme Court through separate petitions filed by Santamaria and Boza, and Go-Perez.

**\*\*Issues:\*\***

The Supreme Court deliberated whether the limitations for taking depositions under Rule 23, Section 16 of the Rules of Court apply in this case, and whether the rule on depositions applies to a non-resident foreign plaintiff's direct testimony.

**\*\*Court's Decision:\*\***

The Supreme Court denied the petitions for lack of merit, upholding the Court of Appeals decision. The Court underscored the wide latitude granted in taking depositions under Rule 23 of the Rules of Court and distinguished between the right to take depositions and the right to use them, offering significant freedom in gathering information for litigation. It was decided that the trial court's restrictions were unreasonable, as Rule 23 does not specify limitations based on the deponent being a plaintiff or on their physical condition. Moreover, considering the agreement that allowed Cleary to choose the jurisdiction, his decision to file in the Philippines did not oblige him to forgo legal provisions on depositions, especially since the agreement contemplated international litigation contexts.

**\*\*Doctrine:\*\***

The Supreme Court highlighted the principle that the utmost freedom in taking depositions is allowed under Rule 23 of the Rules of Court, distinguishing this from the stricter conditions on their use. This case reinforced the doctrine that depositions serve both as a

method of discovery and a means of presenting testimony, subject to the court's discretion and the relevancy and admissibility under the rules of evidence.

**\*\*Class Notes:\*\***

- **\*\*Key elements:\*\*** Understanding Rule 23 of the Rules of Court on depositions; distinction between taking deposition and using it in court; importance of agreement terms in international litigation contexts.
- **\*\*Legal Provisions:\*\*** Highlighted are Rule 23, Section 1 and 4 of the Rules of Court about taking depositions and their use in trials, correlating these rules to the facts and decision of this case.
- **\*\*Application in Context:\*\*** Demonstrates the Supreme Court's tendency to uphold procedural rights under the Rules of Court, particularly in facilitating fair and informed litigation, while ensuring that procedural tools like depositions are not misused but align with justice's interest.

**\*\*Historical Background:\*\***

This case reflects the interaction between Philippine procedural law and international civil litigation. By acknowledging the global context within which modern legal disputes occur, the Supreme Court's decision underscores the Philippines' adherence to procedural fairness and flexibility, accommodating litigants who are outside the country but have elected the Philippine legal system for resolution of disputes.