

Title

People of the Philippines, Amelia K. Del Rosario, and Dionisio Cerbo vs. Hon. Numeriano G. Estenzo and Gregorio Ojoy

Facts

In Criminal Case No. 2891, “People of the Philippines vs. Gregorio Ojoy,” at the Court of First Instance of Iloilo, after the defense’s primary witness, the accused Gregorio Ojoy, had testified, the defense counsel opted for a non-traditional method of presenting subsequent witnesses. Instead of having them testify orally in court, the defense proposed to file their affidavits as direct testimony, allowing cross-examination by the prosecution upon matters contained within the affidavits and other relevant topics. Private prosecutor Atty. Amelia K. Del Rosario objected to this proposal, believing it contravened the Revised Rules of Court which mandate oral testimony in open court. However, the presiding judge, Hon. Numeriano G. Estenzo, approved the defense’s approach, leading to the issuance of an order to that effect on July 30, 1975.

Contesting this order, petitioners argued that it represented a grave misuse of judicial discretion, violating procedural rules with no sufficient legal recourse available. Thus, they sought intervention from the Supreme Court through a petition for certiorari and prohibition with a prayer for a preliminary injunction, aiming to nullify the contested order. The Supreme Court reacted promptly by issuing a temporary restraining order against the enforcement of Judge Estenzo’s decision on August 22, 1975.

Issues

1. Whether the submission of affidavits in lieu of oral testimony in open court for witnesses other than the accused constitutes a violation of the Revised Rules of Court, specifically Sections 1 and 2 of Rule 132, and Section 1 of Rule 133.
2. Whether allowing affidavits to serve as direct testimony undermines the adversarial process, particularly the opportunity for cross-examination in the determination of witness credibility.

Court’s Decision

The Supreme Court granted the petition, ruling that the procedure approved by respondent Judge Estenzo was indeed in violation of established procedural norms that mandate oral testimony in open court. The Court emphasized the primary objective of this requirement: to ensure the integrity of the adversarial process, allowing for immediate cross-examination and enabling the judge to make firsthand observations of witness demeanor, which

significantly influences assessments of credibility. By substituting oral testimony with affidavits, the respondent Judge's order was found to circumvent these vital procedural safeguards. Consequently, the Supreme Court set aside the questioned Order, issued on July 30, 1975, in Criminal Case No. 2891 and made the temporary restraining order permanent, revoking permission to substitute witnesses' oral testimony with affidavits.

Doctrine

The Supreme Court reiterates the indispensable nature of oral testimony in open court, as encapsulated in Sections 1 and 2 of Rule 132 and Section 1 of Rule 133 of the Revised Rules of Court. This principle secures the right of cross-examination, a cornerstone of the adversarial system, and affords the judge the opportunity to observe witnesses' demeanor, significantly influencing credibility assessments.

Class Notes

- **Oral Testimony Requirement**: The need for witnesses to testify orally in open court is fundamental to the Philippine legal process, ensuring both the opportunity for cross-examination and the judge's ability to observe witness demeanor.
- **Cross-Examination**: This case underscores the critical importance of cross-examination in the adversarial system as a means of assessing witness credibility and the reliability of their evidence.
- **Witness Demeanor**: The judge's firsthand observation of a witness's demeanor while testifying is essential in assessing credibility, which in turn, can significantly affect the outcome of a case.
- **Procedural Integrity**: The case highlights the Supreme Court's stance on adhering to procedural norms specified in the Revised Rules of Court to uphold the integrity of the judicial process.

Historical Background

This decision serves as a reaffirmation of long-standing procedural norms within the Philippine legal system, emphasizing the critical role of oral testimony and direct observation by judges in the administration of justice. It reflects the Court's commitment to upholding procedural safeguards that are foundational to the adversarial system. The ruling underscores the judiciary's willingness to intervene when lower courts deviate from established procedural standards that could undermine the fairness and integrity of trials.