

BENCHBOOK FOR TRIAL COURT JUDGES

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b2610d63b4dd/>

INTRODUCTION

I.

JUDICIAL POWER AND THE ROLE OF THE JUDICIARY

i-1

II.

HOW TO USE THE BENCHBOOK

i-2

A.

The Benchbook as Judge's Guide

i-3

B.

Organization of the Benchbook

i-3

C.

Benchbook Citations

i-5

OUTLINE OF JURISDICTION

I.

SUPREME COURT

1-1

A.

Original

1-1

1.

Exclusive

1-1

2.

Concurrent

1-1

B.

Appellate

1-2

1.

Notice of appeal

1-2

2.

Petition for review on certiorari

1-2

3.

Special civil action of certiorari

1-2

II.**COURT OF APPEALS**

1-3

A.

Original

1-3

1.

Exclusive

1-3

2.

Concurrent

1-3

B.

Appellate

1-3

1.

Ordinary appeal by notice of appeal or record on appeal

1-3

2.

Petition for review

1-3

III.

SANDIGANBAYAN

1-4

A.

Original

1-4

1.

Exclusive

1-4

2.

Concurrent with Supreme Court

1-5

B.

Appellate

1-5

IV.**REGIONAL TRIAL COURTS**

1-5

A.

Original

1-5

1.

Civil

1-5

2.

Criminal

1-7

B.

Appellate

1-7

V.**FAMILY COURTS**

1-7

A.

Exclusive and Original

1-7

VI.**METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS**

1-8

A.

Original

1-8

1.

Civil

1-8

2.

Criminal

1-9

3.

Summary procedure

1-10

CIVIL

PROCEDURE PART ONE

ORDINARY CIVIL ACTIONS

I.

CASE BEGINS WITH THE FILING OF COMPLAINT

2-1

A.

Preliminary

2-1

1.

Definition of complaint

2-1

2.

Requirements

2-1

B.

Filing of Complaint

2-3

1.

Manner

2-3

2.

Payment of docket and other lawful fees

2-4

II.

COURT ACQUIRES JURISDICTION OVER THE PARTIES

2-5

A.

Modes of Service of Summons

2-5

1.

Personal service

2-5

2.

Substituted service

2-5

3.

Constructive service (By Publication)

2-7

4.

Extraterritorial service, when allowed

2-8

B.

Effect of Lack of Summons

2-9

III.

INCIDENTS AFTER COURT HAS ACQUIRED JURISDICTION OVER THE PARTIES

2-10

A.

Preliminary

2-10

B.

Rules on the Specific Incidents

2-10

1.

Notice of dismissal of complaint

2-10

2.

Amended complaint

2-11

3.

Supplemental complaint

2-11

4.

Deposition

2-12

5.

Written interrogatories upon defendant

2-12

6.

Request for admission

2-13

7.

Production or inspection of document or things

2-13

8.

Physical and mental examination of a party

2-13

9.

Consequences of refusal

2-13

10.

Default

2-14

11.

Extension of time to file responsive pleading

2-16

12.

Bill of particulars

2-17

13.

Motion to dismiss

2-17

IV.

JOINDER OF ISSUES

2-29

A.

Filing of Answer

2-29

1.

Time to plead

2-29

2.

Strict observance of the period

2-30

3.

Effect of failure to plead

2-30

B.

Counterclaim

2-31

1.

Definition

2-31

2

Difference between permissive and compulsory counterclaim

2-31

3.

Cognate rules

2-32

V.

PRE-TRIAL

2-33

A.

Concept of Pre-Trial

2-33

1.

Concept of pre-trial

2-33

2.

Purpose of pre-trial

2-33

3.

Administrative Circular No. 3-99

2-34

4.

The pre-trial order

2-35

VI.

TRIAL

2-36

A.

Administrative Circular No. 3-99

2-36

B.

Some Rules

2-38

VII.

ADJUDICATION

2-40

A.

Concept and Requirements

2-40

B.

Kinds of Judgment and Definitions

2-40

1.

Without reception of evidence

2-40

2.

With partial reception of evidence

2-41

C.

Cases on Summary Judgments

2-41

D.

Ordinary Judgment

2-43

VIII.**REMEDIES AGAINST JUDGMENT AND FINAL ORDERS**

2-46

A

Kinds of Remedies

2-46

1.

Before finality of judgments or final orders

2-46

2.

After finality of judgments or final orders

2-46

B.

Motion for Reconsideration and New Trial

2-46

1.

Common rules

2-46

2.

Motion for reconsideration

2-47

3.

Motion for new trial

2-47

C.

Appeal

2-50

1.

General principles

2-50

D.

Modes of Appeal

2-52

E.

Cognate Rules

2-53

1.

General rule

2-53

2.

Difference between question of fact and question of law

2-53

3.

Notice of appeal

2-53

4.

Record on appeal

2-54

5.

Perfection of appeal

2-54

6.

Effect of perfection of appeal

2-54

7.

Period to appeal

2-55

IX.

EXECUTION OF JUDGMENTS AND FINAL ORDERS

2-56

A.

Basic Concepts and Doctrines

2-56

1.

Definition

2-56

2.

Kinds of execution

2-56

3.

When writ of execution may be quashed

2-57

4.

Execution of final judgments and orders

2-57

5.

Specific rules

2-58

6.

Levy and garnishment

2-59

7.

Rules on redemption

2-61

8.

Rules in deed of possession

2-62

CIVIL

PROCEDURE PART TWO

PROVISIONAL REMEDIES

I. COMMON RULES

2-63

A. Attachment

2-64

1.

Definition

2-64

2.

Concept and purpose

2-64

3.

Nature and scope

2-64

4.

Strict compliance with the rule

2-65

5.

Attachment to acquire jurisdiction over the res

2-65

6.

Stages in the issuance of the writ

2-65

7.

Orders in provisional remedies

2-66

8.

Important jurisprudential rules

2-67

B. Preliminary Injunction and Temporary Restraining Order

2-68

1.

Two kinds of preliminary injunction

2-68

2.

Purpose

2-69

3.

Definition of status quo

2-69

4. Independent action to obtain preliminary injunction

2-70

5.

Essential requisites for issuance of preliminary injunction

2-70

6.

Rulings

2-70

7.

Summary denial without adequate hearing proper

2-70

8.

When hearing on the merits unnecessary

2-71

9.

Cases where injunction was held improper

2-71

10. Exceptions

2-73

11. Cases where injunction prohibited

2-73

12. Cases where criminal prosecutions were enjoined

2-73

13. Mandatory injunction

2-74

14.

Cases where mandatory injunction not granted

2-74

15.

Injunction against courts or tribunals of equal rank is prohibited

2-75

16.

Statutory prohibitions against the issuance of a writ of preliminary injunction

2-75

17.

Injunctions not issued where act sought to be prevented had been committed

2-77

18.

No injunction beyond prayer in complaint

2-78

19.

Temporary restraining order

2-78

D. Receivership

2-79

1.

Appointment of a receiver

2-79

2.

Specific situations when a receiver may be appointed

2-79

E. Replevin

2-80

1.

Steps in the issuance and implementation of a writ of replevin

2-80

2. Notes

2-80

3.

Return of property under writ of replevin

2-81

F. Support Pendente Lite

2-81

1.

Notes and cases

2-81

CIVIL

PROCEDURE PART THREE

SPECIAL CIVIL ACTIONS

I. THE DIFFERENT SPECIAL CIVIL ACTIONS

2-83

A. Interpleader

2-83

1.

Requisites

2-83

2. Decisional rules

2-83

3.

Procedural peculiarities

2-84

B. Declaratory Relief and Similar Remedies

2-84

1.

Requisites

2-84

2.

Procedural peculiarities

2-85

3.

Declaratory relief improper in the following cases

2-85

C. Certiorari

2-86

1.

Requisites

2-86

2.

Terminology

2-86

3.

When not proper

2-86

4.

Exceptions to requirements before certiorari can be availed of

2-87

5.

Requirements regarding the extrinsic sufficiency of the petition

2-87

6.

Time to file

2-88

7.

Decisions

2-88

D. Prohibition

2-88

1.

Requisites

2-88

2.

Decisional rules

2-88

E. Quo Warranto

2-89

1.

Definition

2-89

2.

Quo Warranto as distinguished from election contest

2-89

3.

Peculiarities of proceedings

2-89

F. Expropriation

2-90

1.

Requisites for exercise of right

2-90

2.

Two stages in expropriation proceedings

2-90

G. Foreclosure of Real Estate Mortgage

2-90

1.

Judgment in a foreclosure proceeding

2-90

2.

Distinction between right of redemption and equity of redemption

2-91

3.

Writ of possession in judicial foreclosure

2-91

4.

Deficiency judgment

2-91

H. Partition

2-92

1.

Two stages of the action

2-92

2.

Prescription of action

2-92

3.

Some decisions

2-93

I. Forcible Entry and Unlawful Detainer

2-93

1.

Nature of accion interdictal

2-93

2.

Immediate execution and how to stay it

2-93

3.

Important decisional rules on unlawful detainer

2-94

J. Contempt

2-96

1.

Two kinds of contempt

2-97

2.

Two aspects of contempt

2-97

3.

Decisions

2-97

4.

Necessity of hearing

2-97

5.

Contempt by non-party

2-98

6.

Power to punish for contempt to be exercised in preservative not vindictive principle; what constitutes disobedience

2-98

ANNEX: TABLES

2-99

Table 1

Differences among Provisional Remedies

Table 2

Basic Characteristics of Provisional Remedies

Table 3

Differences of Bonds in Provisional Remedies

Table 4

Differences of Counterbonds in Provisional Remedies

Table 5

Differences among the Modes of Appeal

Table 6

Differences between Certiorari, Prohibition and Mandamus

Table 7

Differences between Prohibition and Injunction

Table 8

Differences between Forcible Entry and Unlawful Detainer.

SPECIAL PROCEEDINGS

I.

INTRODUCTION

3-1

A.

Definition of Terms

3-1

B.

Rules That Govern Special Proceedings

3-4

C.

The Special Proceedings Provided in the Rules of Court

3-5

D.

Special Proceedings Under Various Laws

3-5

E.

Jurisdiction of Family Courts

3-6

II.**SETTLEMENT OF ESTATE OF DECEASED PERSONS**

3-8

A.

In General

3-8

1.

Jurisdiction and venue

3-8

2.

Kinds of settlement

3-9

3.

Extrajudicial settlement

3-9

4.

Summary settlement of estates of small value

3-10

5.

Judicial settlement with letters testamentary or with letters of administration

3-11

B.

Probate of Wills

3-12

1.

Will, explained

3-12

2.

Time to submit to the court

3-13

3.

Procedure in the probate of a will

3-14

C.

Executors and Administrators

3-17

1.

Requirements For The Issuance of Letters Testamentary and of Letters of Administration

3-17

2.

Appointment of Executors (who may become executors)

3-17

3.

Appointment of administrators; priorities

3-18

4.

Appointment of special administrators

3-18

5.

Bond of administrator or executor

3-20

6.

General powers and duties of executors and administrators

3-21

7.

Inventory and appraisal

3-21

8.

Sales and mortgages

3-22

9.

Actions by and against executors and administrators

3-24

10.

Money claims against the estate; notice to creditors

3-26

11.

Payment of debts

3-29

12

Accountability and compensation of executors and administrators

3-31

D.

Distribution and Partition

3-34

1.

When distribution is made

3-34

2.

Partial distribution, when paying estate taxes

3-35

3.

Expenses of partition

3-35

4.

Project of partition

3-35

5.

Final order of partition; recording of order of partition of estate

3-35

III.

GUARDIANS

3-36

A.

Necessity for guardianship

3-36

1.

“Incompetent” as subject of guardianship

3-36

2.

Parents as guardians

3-36

B.

Jurisdiction and Venue

3-36

1.

Where to file petition for guardianship

3-36

2.

Transfer of venue

3-37

C.

Petition for Guardianship

3-37

1.

Who may file

3-37

2.

Contents of petition

3-37

3.

Notice of hearing

3-37

4.

Grounds for opposition

3-38

5.

Order

3-38

6.

Guardian for the estate of a non-resident

3-38

D.

Guardian's Bond

3-38

1.

New bond

3-38

2.

Bond to be filed; actions thereon

3-38

E.

General Powers and Duties

3-39

F.

Sale or Encumbrance

3-40

G.

Petition for Termination of Guardianship

3-40

IV.**ADOPTION**

3-41

A.

Governing Laws

3-41

B.

Petition for Adoption

3-43

1.

Who may adopt

3-43

2.

Jurisdictional venue

3-44

3.

Subjects of adoption

3-44

4.

Aliens

3-44

5.

Joint adoption

3-45

6.

Age difference

3-45

7.

Procedure

3-45

8.

Civil registry record

3-48

9.

Confidential nature of proceedings

3-48

10.

Service of judgment

3-48

C.

Rescission of Adoption

3-49

1.

Grounds for rescission

3-49

2.

Who may file

3-49

3.

Time to file petition

3-49

4.

Procedure

3-49

5.

Service of judgment

3-50

D.

Inter-Country Adoption

3-50

1.

Adoption by aliens

3-50

2.

The law and the implementing rules and regulations

3-50

3.

The process

3-50

4.

A legally free child

3-50

5.

Adopters

3-51

6.

Application

3-51

7.

Functions of the RTC

3-51

8.

Resident Aliens

3-51

9.

Case rulings

3-52

V.

CUSTODY OF MINORS

3-53

A.

Jurisdiction

3-53

B.

Children Under Seven Years of Age

3-53

C.

Child Abuse

3-53

1.

Protective custody

3-54

2.

Special court proceedings

3-54

3.

When parents are separated

3-54

D.

Special Provisional Remedies

3-55

1.

Restraining order

3-55

2.

Temporary custody

3-55

3.

Support pendente lite

3-56

E.

Foster Care

3-56

F.

Dependent, Abandoned or Neglected Children

3-56

1.

Involuntary commitment

3-56

2.

Voluntary commitment

3-56

3.

Various other provisions

3-57

4.

Special children

3-57

VI.**HABEAS CORPUS**

3-58

A.

Definition and Nature

3-58

B.

Functions and Scope of Writ

3-58

C.

Grounds for Relief

3-58

1.

Deprivation of fundamental or constitutional rights

3-58

2.

Lack of jurisdiction of the court to impose the sentence

3-58

3.

Excessive penalty

3-59

D.

Power to Grant Writ; Enforceability

3-59

E.

Requisites of Application

3-59

F.

Procedure (issuance of writ and return)

3-59

G

Discharge of Person Detained

3-59

VII.**ESCHEATS**

3-60

A.

Meaning

3-60

B.

Procedure

3-60

1.

When filed

3-60

2.

Who files petition

3-60

3.

Where filed

3-60

4.

Contents of petition

3-60

5.

Order of hearing

3-61

6.

Publication

3-61

7.

Judgment

3-61

C.

Permanent Trust

3-61

D.

Claim Within Five Years

3-62

E.

Other Actions For Escheat

3-62

VIII.**CHANGE OF NAME**

3-63

A.

Name Defined

3-63

1.

Minor

3-63

2.

Resident aliens

3-63

B.

Procedure

3-63

1.

Venue

3-63

2.

Petition

3-63

3.

Hearing

3-64

C.

Case Rulings

3-64

1.

Joinder or causes of action

3-64

2.

Resumption of use of maiden name after divorce

3-64

3.

Absence of cause

3-64

4.

Causes for change of name

3-64

5.

Erasing signs of former nationality

3-65

6.

Resulting confusion

3-65

7.

Improving personality or social standing

3-65

8.

Legitimate minor child

3-65

IX.

ABSENTEES

3-67

A.

Basic Concepts

3-67

1.

Provisional representative

3-67

2.

Trustee or administrator

3-67

3.

Notice and publication required

3-67

4.

Preferences

3-67

5.

Termination

3-67

X.

CANCELLATION OR CORRECTION OF ENTRIES IN THE CIVIL REGISTRY

XI

SUMMARY PROCEEDINGS UNDER THE FAMILY CODE

3-69

A.

Summary Proceedings Under the Family Code

3-69

1.

Rationale

3-69

2.

Procedural rules

3-69

3.

Coverage

3-69

4.

Procedure

3-70

XII

TRUSTEES

3-72

A.

Basic Concepts

3-72

1.

Appointment

3-72

2.

Venue

3-72

3.

Notice

3-72

4.

Bond, inventory and sale of trust estate

3-72

XIII

PROCEEDINGS FOR THE HOSPITALIZATION OF INSANE PERSONS

3-73

XIV

OTHER SPECIAL PROCEEDINGS

3-74

A.

Voluntary Distribution of Corporations

3-74

B.

Judicial Approval of Voluntary Recognition of Minor Natural Children

3-75

C.

Constitution of the Family Home

3-77

XV

APPEALS IN SPECIAL PROCEEDINGS

3-78

A.

Appealability

3-78

B.

Who May Appeal

3-78

C.

Perfection of Appeal

3-79

D.

Advanced Distribution

3-80

CRIMINAL
PROCEDURE PART ONE

PROCEURE IN TRIAL COURTS

I.

JURISDICTION IN CRIMINAL CASES

4-1

A.

Introduction

4-1

1.

Criminal jurisdiction defined

4-1

2.

Elements

4-1

B.

Requisites For Its Valid Exercise

4-1

C.

Jurisdiction Determined by Allegations of Complaint or Information

4-2

D.

Jurisdiction Over Complex Crimes

4-3

E.

Crimes Punishable by Destierro

4-3

II.

TERRITORIAL JURISDICTION

4-4

A.

General Rule

4-4

B.

Jurisdiction Over the Person of Accused

4-4

C.

Criminal Jurisdiction of Municipal Trial Courts

4-4

D.

Cases Governed by the Summary Rules

4-8

E.

Cases Governed by the Regular Rules

4-8

F.

Damage to Property Through Criminal Negligence

4-11

G.

Special Jurisdiction in Certain Cases

4-11

III.**PROSECUTION OF OFFENSES**

4-12

A.

Institution of Criminal Action

4-12

1.

Prosecution of offenses is instituted either by complaint or information

4-12

2.

Procedure for institution of criminal actions

4-12

3.

Who must prosecute criminal actions

4-13

4.

Recovery of civil liability

4-13

5.

Prosecution of private crimes

4-13

B.

Distinction Between Control of Prosecution and Control of Court

4-14

1.

Control by prosecution

4-14

2.

Control by court once case is filed

4-14

3.

Limitations on control by court

4-15

C.

Testing Sufficiency of Complaint or Information

4-15

D.

Strict Scrutiny in Heinous Crimes

4-16

1.

Cause of the accusation

4-16

E.

Duplicity of the Offense and Continuing Crimes

4-17

1.

Duplicity of the offense

4-17

2.

Continuing crimes: the principle of delito continuado

4-18

3.

Exceptions to rule on duplicity

4-20

4.

Rule on complex crimes

4-20

5.

No duplicity in rape with homicide

4-21

6.

No duplicity in charge of estafa

4-21

7.

Illegal possession of firearm and unlawful killing with the use thereof

4-22

8.

Reckless imprudence cases

4-23

9.

Amendment or substitution

4-23

III.**PROSECUTION OF CIVIL ACTION**

4-24

A.

Basic Rule

4-24

B.

Civil Actions not Based on Crime not Extinguished

4-25

C.

Criminal Actions to Recover Civil Liability Arising from Delict and Civil Actions Based on Quasi-Delict may proceed Simultaneously

4-26

D.

Extinction of the Penal does not Carry with it Extinction of the Civil

4-27

IV.**PROCEDURAL CHECKLISTS ON CRIMINAL PROCEDURE**

4-28

A.

For Cases Cognizable by the Municipal Trial Courts

4-28

Checklist I - Things to check/do upon receipt of complaint or information

4-28

When Case is for Preliminary Investigation

4-28

When Case is for Trial on the Merits

4-29

Checklist II - Things to check/do after the issuance of arrest warrant and before trial stage

4-32

B.

For Cases Cognizable by the Regional Trial Courts

4-32

Checklist I - Things to do upon receipt of complaint or information up to issuance of the warrant of arrest

4-34

Checklist II - Incidents after issuance of warrant of arrest or commitment order

4-35

C.

Common Procedures in First and Second Level Courts

4-39

Checklist I - Things to do at the arraignment of the accused

4-39

Checklist II - Pre-Trial

4-42

Things to do during the pre-trial conference

4-42

When there is plea bargaining

4-43

When there is no plea bargaining

4-44

Checklist III - What to do after pre-trial to initial trial

4-46

Ten Commandments for a Judge on Applications for Bail

4-48

Checklist IV - Incidents during trial

4-50

What to do when there is application to discharge accused to be state witness

4-50

Effects of discharge

4-53

When a motion/petition to suspend a criminal action based upon the alleged pendency of a prejudicial question in a civil action is filed in the criminal action

4-54

What a judge should do if accused is reported to have died

4-56

What a judge should do in case a motion for disqualification or inhibition is filed

4-57

V.

CONDUCTING THE TRIAL

4-60

A.

Supreme Court Circulars

4-60

B.

Compliance with Periods

4-60

C.

Pertinent Rules

4-61

1.

Time to prepare for trial

4-61

2.

Continuous trial until terminated; postponements

4-61

3.

Exclusions

4-61

4.

Factors for granting continuance

4-63

5.

Time limit following an order for new trial

4-63

6.

Extended time limit

4-64

7.

Public attorney's duties when accused is imprisoned

4-64

8.

Sanctions

4-65

9.

Remedy where accused is not brought to trial within the time limit

4-65

10.

Law on speedy trial not a bar to provision on speedy trial in the Constitution

4-66

11.

Order of trial

4-66

D.

How to Deal with Accused's Motion for Examination of his/her Witness before Trial

4-66

E.

How to Deal with Prosecution's Motion for Examination of its Witness before Trial

4-68

F.

If a Motion for Confinement of an Accused in a Mental Hospital is Filed

4-69

G.

Demurrer to Evidence

4-70

Checklist - Steps to Take When Demurrer to Evidence is Filed

4-70

VI.**JUDGMENT**

4-72

A.

Definition

4-72

Checklist - Steps to Take in Rendering Judgment

4-72

B.

Extent of Damages Awarded in Civil Liability Arising from Crimes

4-74

C.

Promulgation of Judgment

4-75

D.

Modification of Judgment

4-77

E.

Entry of Judgment

4-77

VII.**MOTION FOR NEW TRIAL OR RECONSIDERATION**

4-78

A.

Grounds for New Trial

4-78

B.

Ground for Reconsideration

4-78

C.

Form of Motion for a New Trial or Reconsideration

4-78

D.

Steps to Take

4-79

Checklist I - Steps from Filing of Application to Referral Thereof to Probation Officer

4-79

Sample Probation Court Forms

4-81

Checklist II - Steps from receipt of Post-Sentence Investigation Report to issuance of Probation Order

4-84

Checklist III - How to Deal with Incidents During Probation

4-85

Sample forms Revoking/Modifying Conditions of Probation

4-88

VIII.**ISSUANCE OF SEARCH WARRANTS**

4-91

A.

Rule on Forum Shopping

4-91

B.

Meaning of Probable Cause

4-92

C.

Basis of Probable Cause; Personal Knowledge

4-92

1.

Meaning of knowledge; test is liability for perjury

4-92

2.

Insufficiency of affidavits

4-93

3.

Prudente v. Hon. Executive Judge A.M. Dayrit

4-93

4.

Factors that may be considered in determination of probable cause

4-94

5.

The need of competent proof of particular acts or specific omissions

4-95

6.

Probable cause to be determined only by judge

4-96

7.

Manner of examination

4-97

8.

Examination is heard ex-parte and may be done in chambers but action must be expedited

4-97

9.

The need for searching questions and answers by the judge

4-98

10.

Requisite of particular description of things to be seized

4-99

11.

Tests to determine Particularity

4-100

12.

Description of place to be seized

4-100

13.

Determination of whether search warrant describes premises with particularity

4-101

IX.

PROVISIONAL REMEDIES

4-102

CRIMINAL

PROCEDURE PART TWO

PROCEDURE IN SANDIGANBAYAN

I.

STAGES TN CRIMINAL CASES

4-103

II.**CIVIL CASES**

4-105

III.**PROCEDURE ON APPEALED CASES**

4-106

EVIDENCE
BASIC PRINCIPLES
AND SPECIAL
PROBLEMS

I.**WHEN EVIDENCE IS NECESSARY**

5-1

II.**ADMISSIBILITY OF EVIDENCE**

5-2

A.

Axiom of Admissibility of Evidence

5-2

B.

Proper Presentation of Evidence

5-3

1.

Object evidence

5-3

2.

Oral evidence

5-3

3.

Documentary evidence

5-4

C.

Formal Offer of Evidence; Need for Statement of the Purpose of Evidence

5-5

III.**MODES OF EXCLUDING INADMISSIBLE EVIDENCE**

5-7

A.

Evidence is objected to at the time it is offered and not before

5-7

B.

Motion to strike out answer to testimony

5-7

C.

Objections and Ruling

5-8

IV.**LAYING THE FOUNDATIONS FOR EVIDENCE**

5-12

A.

Judicial Notice

5-12

1.

Mandatory and discretionary judicial notice

5-12

2.

Hearing the parties on discretionary judicial notice

5-13

3.

Judicial notice of proceedings in another case

5-13

B.

Admissions: Judicial and Extra-Judicial

5-14

C.

Best Evidence Rule

5-17

D.

Parol Evidence Rule

5-19

E.

Admissibility of Extra-Judicial Confessions

5-19

F.

Examination of Witnesses

5-21

G.

Authentication and Proof of Documents

5-24

H.

Tender of Excluded Evidence

5-26

JUDICIAL

ETHICS

I.

THE ROLE OF THE JUDGE

6-1

II

ETHICAL RULES OF JUDICIAL CONDUCT

6-3

1.

Necessity and Sources of Judicial Ethics

6-3

2.

Ethical Rules Relating to Competence

6-3

3.

Ethical Rules Relating to Independence

6-9

4.

Ethical Rules Relating to Integrity

6-13

5.

Social Justice

6-15

JUDICIAL REASONING,
WRITING AND RESEARCH:
JUDICIAL REASONING

I.

METHODS OF REASONING

7-1

1.

Analogy

7-1

2.

Induction

7-2

3.

Deduction

7-2

II.

FREQUENTLY COMMITTED FALLACIES

7-3

1.

Misplaced authority

7-3

2.

Post hoc, ergopropter hoc

7-3

3.

Tu quoque

7-3

4.

Dicta simpliciter

7-3

5.

Argumentum adpopulum

7-3

6.

Argumentum ad baculum

7-3

III.

THE LOGICAL FLOW IN CASE ANALYSIS

7-4

JUDICIAL REASONING,
WRITING AND RESEARCH:
JUDICIAL WRITNG

I.

INTRODUCTION

7-7

II.

POINTERS FOR JUDICIAL WRITING

7-7

1.

The Three “Cs” in Judicial Writing

7-7

1.1

Use of single words in place of several words

7-8

1.2

Diction

7-8

1.3

Spell words correctly

7-13

1.4

Verbs not followed by prepositions

7-13

2.

Writing Style

7-13

2.1

Stages of writing process

7-13

2.2

Pointers on style

7-14

2.3

Effective sentences

7-20

JUDICIAL REASONING,
WRITING AND RESEARCH:
GLOSSARY OF LEGAL TERMS

GLOSSARY OF LEGAL TERMS

7-25

JUDICIAL REASONING,
WRITING AND RESEARCH:
JUDICIAL RESEARCH

I.

INTRODUCTION

7-29

II.

CONDUCTING LEGAL RESEARCH

7-29

1.

Critical Fact-Related Steps that Must Precede Research in Law Books

7-29

1.1

Gathering the facts

7-29

1.2

Analyzing the facts — the TARP rule

7-30

1.3

Identifying the legal issues

7-30

1.4

Organizing the legal issues in a logical order

7-30

1.5

Doing legal research

7-31

2.

Law Finding Techniques

7-31

2.1

Approaches

7-31

3.

Classifying the Issues Involved in the Problem

7-31

4.

Finding the Law

7-31

4.1

Sources of law

7-31

5.

Research in Statutory Law

7-34

5.1

Constitution

7-34

5.2

Treaties and international agreements

7-35

5.3

Statutes proper

7-35

5.4

Administrative regulations and rules

7-37

5.5

Ordinances

7-38

5.6

Court Rules

7-38

5.7

Military rules

7-39

6.

Researching in Case Law

7-39

6.1

Types of case law

7-39

6.2

Supreme Court decisions

7-39

6.3

Court of Appeals decisions

7-40

6.4

Other courts

7-40

6.5

Decisions of administrative agencies and boards

7-40

6.6

American setting

7-40

7.

Reading the Law

7-41

7.1

Internal evaluation

7-42

8.

Updating the Law

7-41

9.

Writing Your Decision

7-42

10

General Pointers in Legal Research

7-42

III.

CONCLUSION

7-43

COURT AND CASE
MANAGEMENT:
TRIAL COURT
PERFORMANCE STANDARDS
AND MEASUREMENT

I

INTRODUCTION

8-1

II

KEY ELEMENTS OF MEASURES

8-1

1.

Methods

8-1

2.

Tools

8-2

3.

People

8-2

III

CREATION OF CORE TEAM

8-2

IV

APPLICATION OF MEASURES

8-3

1.

Court Reviews and Case Data Examination

8-3

2.

Observations and Simulations

8-3

3.

Surveys and Questionnaires

8-4

4.

Interviews

8-4

5.

Group Technique

8-4

COURT AND
CASE
MANAGEMENT:
TOTAL QUALITY
MANAGEMENT

I.

Concept

8-5

II

Rationale

8-5

III

Organizing a TQM-CORE Team

8-5

1.

Developing Leadership Qualities

8-5

2.

Applying Teamwork Concepts

8-6

3.

Formulating Vision and Mission Statements and Implementing Strategies

8-6

4.

Values

8-7

IV

Setting up an Ideal Climate for TQM Implementation

8-7

1.

The Self-Assessment Process

8-7

2.

Assessment of Facilities

8-8

3.

Regular Evaluation Meetings

8-8

V.

Case Management

8-9

1.

Concept and Purpose

8-9

2.

Objectives of Case Management

8-9

3.

Basic Principles

8-9

4.

Five Steps to Caseflow Management

8-10

5.

Implementing Guidelines

8-11

VI

Records Management

8-12

1.

Concept

8-12

2.

Types of Trial Court Records

8-12

3.

Protection and Preservation of Records

8-13

4.

Destruction of Records

8-14

VII

Pre-Trial as Component of Caseload Management

8-15

1.

Nature, Concept and Purpose

8-15

2.

Rules on Pre-Trial

8-15

3.

The Mechanics of Pre-Trial

8-15

4.

The Pre-Trial Order

8-18

Annex “A” - Sample Chart for Fast Track System

8-19

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.