



Republic of the Philippines
Supreme Court
Manila

A.M. No. 03-1-09-SC

RE: PROPOSED RULE ON GUIDELINES TO BE OBSERVED
BY TRIAL COURT JUDGES AND CLERKS OF COURT
IN THE CONDUCT OF PRE-TRIAL AND USE OF
DEPOSITION-DISCOVERY MEASURES

RESOLUTION

Acting on the recommendation of the Chairman of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures, the Court Resolved to **APPROVE** the same. The said Rule is hereto attached as an integral part of this Resolution.

The Rule shall take effect on August 16, 2004 following its publication in a newspaper of general circulation not later than July 30, 2004.
July 13, 2004.

Hilario G. Davide, Jr.
HILARIO G. DAVIDE, JR.
Chief Justice

Reynato S. Puno
REYNATO S. PUNO
Associate Justice

Jose C. Vitug
JOSE C. VITUG
Associate Justice

ARTEMIO V. PANGANIBAN
Associate Justice

LEONARDO A. QUISUMBING
Associate Justice

Consuelo Ynares-Santiago
CONSUELO YNARES-SANTIAGO
Associate Justice

Angelina Sandoval-Gutierrez
ANGELINA SANDOVAL-GUTIERREZ
Associate Justice

ANTONIO T. CARPIO
Associate Justice

MA. ALICIA AUSTRIA-MARTINEZ
Associate Justice

BENATO C. CORONA
Associate Justice

CONCHITA CARPIO MORALES
Associate Justice

ROMEO J. CALLEJO, SR.
Associate Justice

ADOLFO S. AZCUNA
Associate Justice

Dante O. Tinga
DANTE O. TINGA
Associate Justice

GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES
AND CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL
AND USE OF DEPOSITION-DISCOVERY MEASURES

The use of pre-trial and the deposition-discovery measures are undeniably important and vital components of case management in trial courts. To abbreviate court proceedings, ensure prompt disposition of cases and decongest court dockets, and to further implement the pre-trial guidelines laid down in Administrative Circular No. 3-99 dated January 15, 1999 and except as otherwise specifically provided for in other special rules, the following guidelines are issued for the observance and guidance of trial judges and clerks of court:

- I. PRE-TRIAL
 - A. Civil Cases
 - 1. Within one day from receipt of the complaint:

- 1.1 Summons shall be prepared and shall contain a reminder to defendant to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer, in conformity with IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002. A copy of the summons is hereto attached as Annex "A;" and
- 1.2 The court shall issue an order requiring the parties to avail of interrogatories to parties under Rule 25 and request for admission by adverse party under Rule 26 or at their discretion make use of dispositions under Rule 23 or other measures under Rules 27 and 28 within five days from the filing of the answer.¹ A copy of the order shall be served upon the defendant together with the summons and upon the plaintiff.

Within five (5) days from date of filing of the reply,² the plaintiff must promptly move ex parte that the case be set for pre-trial conference.³ If the plaintiff fails to file said motion within the given period, the Branch COC shall issue a notice of pre-trial.

- 2. The parties shall submit, at least three (3) days before the pre-trial, pre-trial briefs containing the following:⁴
 - a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
 - b. A summary of admitted facts and proposed stipulation of facts;
 - c. The issues to be tried or resolved;
 - d. The documents or exhibits to be presented, stating the purpose thereof. (No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);
 - e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
 - f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

A copy of the Notice of Pre-trial Conference is hereto attached as Annex "B."

The rule on the contents of the pre-trial brief must strictly be complied with.

The parties are bound by the representations and statements in their respective pre-trial briefs.

- 3. At the start of the pre-trial conference, the judge shall immediately refer the parties and/or their counsel if authorized by their client to the PMC mediation unit for purposes of mediation if available. If mediation fails, the judge will schedule the continuance of the pre-trial conference. Before then, the Judge may refer the case to the Branch COC for a preliminary conference to assist the parties in reaching a settlement, to mark the documents c exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider such other matters as may aid in its prompt disposition.⁵

During the preliminary conference, the Branch COC shall also ascertain from the parties the undisputed facts and admission on the genuineness and due execution of the documents marked as exhibits. The proceedings during the preliminary conference shall be recorded in the "Minutes of Preliminary Conference" to be signed by both parties and/or counsel, the form of which is hereto attached as Annex "C".

The minutes of preliminary conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

- 4. Before the continuation of the pre-trial conference, the judge must study all the pleadings of the case, and determine the issues thereof and the respective positions of the parties thereof to enable him to intelligently steer the parties toward a possible amicable settlement of the case, or, at the very least, to reduce and limit the issues. The judge should not allow the termination of pre-trial simply because of the manifestation of the parties that they cannot settle the case. He should expose the parties to the advantages of pre-trial. He must also be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.⁷

The Judge with all tact, patience, impartiality and with due regard to the rights of the parties shall endeavor to persuade them to arrive at a settlement of the dispute.⁸ The court shall initially advise the parties and their lawyers if an amicable settlement of the case



Republic of the Philippines
Supreme Court
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A.M. No. 03-1-09-SC

RE: PROPOSED RULE ON
GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND
CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF
DEPOSITION-DISCOVERY MEASURES

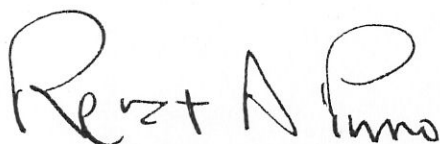
RESOLUTION

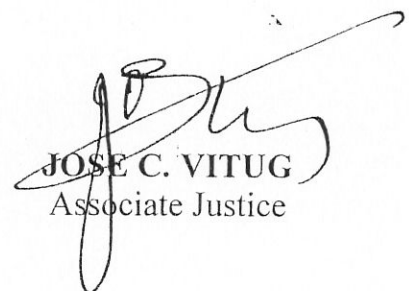
Acting on the recommendation of the Chairman of the Committee on Revision of the Rules of Court submitting for this Court's consideration and approval the Proposed Rule on Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures, the Court Resolved to **APPROVE** the same. The said Rule is hereto attached as an integral part of this Resolution.


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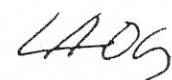
July 13, 2004.


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**GUIDELINES TO BE OBSERVED BY TRIAL COURT
JUDGES AND CLERKS OF COURT IN THE CONDUCT OF
PRE-TRIAL AND USE OF DEPOSITION-DISCOVERY
MEASURES**

The use of pre-trial and the deposition-discovery measures are undeniably important and vital components of case management in trial courts. To abbreviate court proceedings, ensure prompt disposition of cases and decongest court dockets, and to further implement the pre-trial guidelines laid down in Administrative Circular No. 3-99 dated January 15, 1999 and except as otherwise specifically provided for in other special rules, the following guidelines are issued for the observance and guidance of trial judges and clerks of court:

I. PRE-TRIAL

A. Civil Cases

1. Within one day from receipt of the complaint:

1.1 Summons shall be prepared and shall contain a reminder to defendant to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer, in conformity with IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002. A copy of the summons is hereto attached as Annex "A;" and

1.2 The court shall issue an order requiring the parties to avail of interrogatories to parties under Rule 25 and request for admission by adverse party under Rule 26 or at their discretion make use of dispositions under Rule 23 or other measures under Rules 27 and 28 within five days from the filing of the answer.¹ A copy of the order shall be served upon the defendant together with the summons and upon the plaintiff.

Within five (5) days from date of filing of the reply,² the plaintiff must promptly move ex parte that the case be set for pre-trial conference.³ If the plaintiff fails to file said motion within the given period, the Branch COC shall issue a notice of pre-trial.

¹ According to Justice Jose Y. Feria, Co-Chairman of the Revision of the Rules of Court Committee, Rules 25 and 26 require the parties to avail of said rules. (1997 Rules of Civil Procedure, p. 88 and p. 89, Philippine Legal Studies, Series No. 5, 1998)

² Administrative Circular No. 3-99 dated 15 January 1999.

³ Sec.1, Rule 18 of the 1997 Rules of Civil Procedure.

2. The parties shall submit, at least three (3) days before the pre-trial, pre-trial briefs containing the following:⁴
 - a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
 - b. A summary of admitted facts and proposed stipulation of facts;
 - c. The issues to be tried or resolved;
 - d. The documents or exhibits to be presented, stating the purpose thereof. **(No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);**
 - e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
 - f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

A copy of the Notice of Pre-trial Conference is hereto attached as Annex "B."

The rule on the contents of the pre-trial brief must strictly be complied with.

The parties are bound by the representations and statements in their respective pre-trial briefs.

3. At the start of the pre-trial conference, the judge shall immediately refer the parties and/or their counsel if authorized by their clients to the PMC mediation unit for purposes of mediation if available.⁵ If mediation fails, the judge will schedule the continuance of the pre-trial conference. Before then, the Judge may refer the case to the Branch COC for a preliminary conference to assist the parties in reaching a settlement, to mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider such other matters as may aid in its prompt disposition.⁶

During the preliminary conference, the Branch COC shall also ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of the

⁴ Sec. 6, Rule 18 of the 1997 Rules of Civil Procedure.

⁵ Issuances of the Court in A.M. No. 01-10-5-SC-PHILJA dated October 16, 2001, Administrative Circular No. 20-2002 dated April 24, 2002 and A.M. No. 04-3-15-SC-PHILJA dated March 23, 2004 relative to the use of Alternative Dispute Resolution in Pre-Trial, particularly, on court-annexed mediation shall continue to apply in proceedings before pilot courts in Metro Manila, Cebu and Davao.

⁶ Vol. I, 2002 Revised Manual for Clerks of Court, pp. 234-244.

documents marked as exhibits. The proceedings during the preliminary conference shall be recorded in the "Minutes of Preliminary Conference" to be signed by both parties and/or counsel, the form of which is hereto attached as Annex "C".

The minutes of preliminary conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

4. Before the continuation of the pre-trial conference, the judge must study all the pleadings of the case, and determine the issues thereof and the respective positions of the parties thereon to enable him to intelligently steer the parties toward a possible amicable settlement of the case, or, at the very least, to help reduce and limit the issues. The judge should not allow the termination of pre-trial simply because of the manifestation of the parties that they cannot settle the case. He should expose the parties to the advantages of pre-trial. He must also be mindful that there are other important aspects of the pre-trial that ought to be taken up to expedite the disposition of the case.⁷

The Judge with all tact, patience, impartiality and with due regard to the rights of the parties shall endeavor to persuade them to arrive at a settlement of the dispute.⁸ The court shall initially ask the parties and their lawyers if an amicable settlement of the case is possible. If not, the judge may confer with the parties with the opposing counsel to consider the following:

- a. Given the evidence of the plaintiff presented in his pre-trial brief to support his claim, what manner of compromise is considered acceptable to the defendant at the present stage?
- b. Given the evidence of the defendant described in his pre-trial brief to support his defense, what manner of compromise is considered acceptable to the plaintiff at the present stage?

If not successful, the court shall confer with the party and his counsel separately.

If the manner of compromise is not acceptable, the judge shall confer with the parties without their counsel for the same purpose of settlement.

5. If all efforts to settle fail, the trial judge shall:
 - a. Adopt the minutes of preliminary conference as part of the pre-trial proceedings and confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents;

⁷ Administrative Circular No. 3-99 dated 15 January 1999.

⁸ *Ibid.*

- b. Inquire if there are cases arising out of the same facts pending before other courts and order its consolidation if warranted;
- c. Inquire if the pleadings are in order. If not, order the amendments if necessary;
- d. Inquire if interlocutory issues are involved and resolve the same;
- e. Consider the adding or dropping of parties;
- f. Scrutinize every single allegation of the complaint, answer and other pleadings and attachments thereto and the contents of documents and all other evidence identified and pre-marked during pre-trial in determining further admissions of facts and documents. To obtain admissions, the Court shall ask the parties to submit the depositions taken under Rule 23, the answers to written interrogatories under Rule 25 and the answers to request for admissions by the adverse party under Rule 26. It may also require the production of documents or things requested by a party under Rule 27 and the results of the physical and mental examination of persons under Rule 28;
- g. Define and simplify the factual and legal issues arising from the pleadings. Uncontroverted issues and frivolous claims or defenses should be eliminated. For each factual issue, the parties/counsel shall state all the evidence to support their positions thereon. For each legal issue, parties/counsel shall state the applicable law and jurisprudence supporting their respective positions thereon. If only legal issues are presented, the judge shall require the parties to submit their respective memoranda and the court can proceed to render judgment;⁹
- h. Determine the propriety of rendering a summary judgment dismissing the case based on the disclosures made at the pre-trial or a judgment based on the pleadings, evidence identified and admissions made during pre-trial;¹⁰
- i. Ask parties to agree on the specific trial dates for continuous trial in accordance with Circular No. 1-89 dated January 19, 1989; adhere to the case flow chart determined by the court, which shall contain the different stages of the proceedings up to the promulgation of the decision and use the time frame for each stage in setting the trial dates. The One-Day Examination of Witness Rule, that is, a witness has to be fully examined in one (1) day only, shall be strictly adhered to subject to the courts' discretion during trial on whether or not to extend the direct and/or cross-examination for justifiable reasons. On the last hearing day allotted for each party, he is required to make his formal offer of evidence after the presentation of his last witness and the opposing party is required

⁹ Administrative Circular No. 3-99 dated 15 January 1999.

¹⁰ *Ibid.*

- to immediately interpose his objection thereto. Thereafter, the Judge shall make the ruling on the offer of evidence in open court. However the judge has the discretion to allow the offer of evidence in writing in conformity with Section 35, Rule 132;
- j. Determine the most important witnesses to be heard and limit the number of witnesses (Most Important Witness Rule). The facts to be proven by each witness and the approximate number of hours per witness shall be fixed;
 - k. At his discretion, order the parties to use the affidavits of witnesses as direct testimonies subject to the right to object to inadmissible portions thereof and to the right of cross-examination by the other party. The affidavits shall be based on personal knowledge, shall set forth facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. The affidavits shall be in question and answer form, and shall comply with the rules on admissibility of evidence;
 - l. Require the parties and/or counsel to submit to the Branch COC the names, addresses and contact numbers of the witnesses to be summoned by subpoena;
 - m. Order the delegation of the reception of evidence to the Branch COC under Rule 30; and
 - n. Refer the case to a trial by commissioner under Rule 32.

During the pre-trial, the judge shall be the one to ask questions on issues raised therein and all questions or comments by counsel or parties must be directed to the judge to avoid hostilities between the parties.

6. The trial judge shall schedule the pre-trial in the afternoon sessions and set as many pre-trial conferences as may be necessary.
7. All proceedings during the pre-trial shall be recorded. The minutes of each pre-trial conference shall contain matters taken up therein more particularly admissions of facts and exhibits and shall be signed by the parties and their counsel.
8. The judge shall issue the required Pre-Trial Order within ten (10) days after the termination of the pre-trial. Said Order shall bind the parties, limit the trial to matters not disposed of and control the course of the action during the trial. A sample Pre-Trial Order is hereto attached as Annex "D."

However, the Court may opt to dictate the Pre-Trial Order in open court in the presence of the parties and their counsel and with the use of a computer, shall have the same immediately finalized and printed. Once finished, the parties and/or their counsel shall sign the same to manifest their conformity thereto.

9. The court shall endeavor to make the parties agree to an equitable compromise or settlement at any stage of the proceedings before rendition of judgment.

B. Criminal Cases

1. Before arraignment, the Court shall issue an order directing the public prosecutor to submit the record of the preliminary investigation to the Branch COC for the latter to attach the same to the record of the criminal case.

Where the accused is under preventive detention, his case shall be raffled and its records transmitted to the judge to whom the case was raffled within three days from the filing of the complaint or information. The accused shall be arraigned within ten days from the date of the raffle. The pre-trial of his case shall be held within ten days after arraignment unless a shorter period is provided for by law.¹¹

2. After the arraignment, the court shall forthwith set the pre-trial conference within thirty days from the date of arraignment, and issue an order: (a) requiring the private offended party to appear thereat for purposes of plea-bargaining except for violations of the Comprehensive Dangerous Drugs Act of 2002, and for other matters requiring his presence;¹² (b) referring the case to the Branch COC, if warranted, for a preliminary conference to be set at least three days prior to the pre-trial to mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider other matters as may aid in its prompt disposition; and (c) informing the parties that no evidence shall be allowed to be presented and offered during the trial other than those identified and marked during the pre-trial except when allowed by the court for good cause shown. A copy of the order is hereto attached as Annex "E". In mediatable cases, the judge shall refer the parties and their counsel to the PMC unit for purposes of mediation if available.
3. During the preliminary conference, the Branch COC shall assist the parties in reaching a settlement of the civil aspect of the case, mark the documents to be presented as exhibits and copies thereof attached to the records after comparison, ascertain from the parties the undisputed facts and admissions on the genuineness and due execution of documents marked as exhibits and consider such other matters as may aid in the prompt disposition of the case. The proceedings during the preliminary conference shall be recorded in the Minutes of Preliminary Conference to be signed by both parties and counsel. (Please see Annex "B")

¹¹ Sec. 1, Rule 116, Revised Rules of Criminal Procedure, as amended.

¹² Sec. 1, Rule 118, *Id.*

The Minutes of Preliminary Conference and the exhibits shall be attached by the Branch COC to the case record before the pre-trial.

4. Before the pre-trial conference the judge must study the allegations of the information, the statements in the affidavits of witnesses and other documentary evidence which form part of the record of the preliminary investigation.
5. During the pre-trial, except for violations of the Comprehensive Dangerous Drugs Act of 2002, the trial judge shall consider plea-bargaining arrangements.¹³ Where the prosecution and the offended party agree to the plea offered by the accused, the court shall:
 - a. Issue an order which contains the plea bargaining arrived at;
 - b. Proceed to receive evidence on the civil aspect of the case; and
 - c. Render and promulgate judgment of conviction, including the civil liability or damages duly established by the evidence.¹⁴
6. When plea bargaining fails, the Court shall:
 - a. Adopt the minutes of preliminary conference as part of the pre-trial proceedings, confirm markings of exhibits or substituted photocopies and admissions on the genuineness and due execution of documents and list object and testimonial evidence;
 - b. Scrutinize every allegation of the information and the statements in the affidavits and other documents which form part of the record of the preliminary investigation and other documents identified and marked as exhibits in determining further admissions of facts, documents and in particular as to the following:¹⁵
 1. the identity of the accused;
 2. court's territorial jurisdiction relative to the offense/s charged;
 3. qualification of expert witness/es;
 4. amount of damages;
 5. genuineness and due execution of documents;
 6. the cause of death or injury, in proper cases;
 7. adoption of any evidence presented during the preliminary investigation;
 8. disclosure of defenses of alibi, insanity, self-defense, exercise of public authority and justifying or exempting circumstances; and

¹³ Bellosillo, J., *Effective Pre-trial Technique*, pp. 4-42.

¹⁴ *Id.*, pp. 4-43.

¹⁵ *Id.*, pp. 4-44.

9. such other matters that would limit the facts in issue.
 - c. Define factual and legal issues;
 - d. Ask parties to agree on the specific trial dates and adhere to the flow chart determined by the court which shall contain the time frames for the different stages of the proceeding up to promulgation of decision and use the time frame for each stage in setting the trial dates;
 - e. Require the parties to submit to the Branch COC the names, addresses and contact numbers of witnesses that need to be summoned by *subpoena*;¹⁶ and
 - f. Consider modification of order of trial if the accused admits the charge but interposes a lawful defense.
7. During the pre-trial, the judge shall be the one to ask questions on issues raised therein and all questions must be directed to him to avoid hostilities between parties.
8. All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot be used against the accused. The agreements covering the matters referred to in Section 1 of Rule 118 shall be approved by the court. (Section 2, Rule 118)
9. All proceedings during the pre-trial shall be recorded, the transcripts prepared and the minutes signed by the parties and/or their counsels.
10. The trial judge shall issue a Pre-trial Order within ten (10) days after the termination of the pre-trial setting forth the actions taken during the pre-trial conference, the facts stipulated, the admissions made, evidence marked, the number of witnesses to be presented and the schedule of trial. Said Order shall bind the parties, limit the trial to matters not disposed of and control the course of the action during the trial.¹⁷

Encl:

- Annex "A" – Summons
- Annex "B" – Notice of Pre-trial Conference in Civil Cases
- Annex "C" – Minutes of Preliminary Conference
- Annex "D" – Pre-trial Order in Civil Cases
- Annex "E" – Notice of Pre-trial Conference in Criminal Cases

¹⁶ *Id.*, pp. 4-45.

¹⁷ Bellosillo, *Effective Pre-trial Technique*, 1990, p. 622; Sec. 7, Rule 18, 1997 Rules of Civil Procedure; Sec. 4, Rule 118, Revised Rules of Criminal Procedure.

ANNEX "A"

Republic of the Philippines

COURT

Judicial Region
Branch _____

Plaintiff/s,

- versus -

Civil Case No. _____

SUMMONS

Defendant/s.

x ----- x

TO: _____

GREETINGS:

You are hereby required, within fifteen (15) days after service of this summons upon you, to file with this Court and serve on the plaintiff your answer to the complaint, copy of which is attached, together with the annexes. You are reminded of the provision in the IBP-OCA Memorandum on Policy Guidelines dated March 12, 2002 to observe restraint in filing a motion to dismiss and instead allege the grounds thereof as defenses in the Answer. If you fail to answer within the time fixed, the plaintiff will take judgment by default and may be granted the relief applied for in the complaint.

WITNESS my hand under the seal of the Court, this _____ day of _____, 20____.

Clerk of Court

Republic of the Philippines

COURT

Judicial Region
Branch _____

- versus -

X ----- X

CASE NO. _____
FOR: _____

NOTICE OF PRE-TRIAL CONFERENCE

Pursuant to the Order dated _____, this case is set for pre-trial conference on _____ at _____ o'clock A.M./P.M.

The parties and their counsels are required to be present at the pre-trial and to file with the Court and serve on the adverse party at least three (3) days before the date of the pre-trial their respective pre-trial briefs which shall contain, among others:

- a. A statement of their willingness to enter into an amicable settlement indicating the desired terms thereof or to submit the case to any of the alternative modes of dispute resolution;
- b. A summary of admitted facts and proposed stipulation of facts;
- c. The issues to be tried or resolved;
- d. The documents or exhibits to be presented, stating the purpose thereof. **(No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown);**
- e. A manifestation of their having availed or their intention to avail themselves of discovery procedures or referral to commissioners; and
- f. The number and names of the witnesses, the substance of their testimonies, and the approximate number of hours that will be required by the parties for the presentation of their respective witnesses.

Failure to file the pre-trial brief shall have the same effect as failure to appear at the pre-trial.

WITNESS, the HON. _____, Presiding Judge of this Court, this _____ day of _____, 20____ at _____.

Branch Clerk of Court

ANNEX "C"

People of the Philippines

vs.

Civil/Criminal Case No. _____

MINUTES OF PRELIMINARY CONFERENCE

For the Prosecution:

Assisted by:

For the Defense:

Assisted by:

Marking of Documentary Evidence:

For the Plaintiff/Prosecution:

- 1.
- 2.
- 3.
- 4.

For the Defendant/Accused:

- 1.
- 2.
- 3.
- 4.

Genuineness and Due Execution Admitted:

For the Plaintiff/Prosecution:

- 1.
- 2.
- 3.
- 4.

For the Defendant/Accused:

- 1.
- 2.
- 3.
- 4.

Listing of Witnesses and Object Evidence:

For the Plaintiff/Prosecution:

Witnesses:

- 1.
- 2.
- 3.
- 4.

For the Defendant/Accused:

Witnesses:

- 1.
- 2.
- 3.
- 4.

Object Evidence:

For the Plaintiff/Prosecution:

- 1.
- 2.
- 3.
- 4.

For the Defendant/Accused:

- 1.
- 2.
- 3.
- 4.

Possibility of Settlement:

Stipulation of Facts:

Other Matters:

CONFORME:

Plaintiff/Prosecution

Defendant/Accused

Assisted by:

Assisted by:

Republic of the Philippines
_____ Judicial Region
Regional Trial Court
Branch _____

NAMES(s) OF PLAINTIFF/S,
Plaintiff/s,

- versus -

Case No. _____

NAME(s) OF DEFENDANT/S,
Defendant/s.

x ----- x

PRE-TRIAL ORDER

- I. Summary of the Case
- II. Preliminary Matters
 - A. Amendments allowed in the pleadings
 - B. Rulings on all objections to or comments on admissibility of any documentary or other evidence
 - C. Other matters taken up in conference not covered by the subsequent items and actions taken thereon
- III. Statement of the Facts
 - A. Admitted
 - B. Disputed
 - 1. Version of the Plaintiff
 - 2. Version of the Defendant
- IV. Issues to be Resolved
 - A. Factual
 - B. Legal
- V. Applicable Laws
- VI. Evidence for the Parties

No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been identified below and pre-marked during the pre-trial. Any other evidence not indicated or listed below shall be considered waived by the parties. However, the Court, in its discretion, may allow introduction of additional evidence in the following cases: (a) those to be used on cross-examination or re-cross-examination for impeachment purposes; (b) those presented

on re-direct examination to explain or supplement the answers of a witness during the cross-examination; (c) those to be utilized for rebuttal or sur-rebuttal purposes; and (d) those not available during the pre-trial proceedings despite due diligence on the part of the party offering the same.

All documentary evidence have already been pre-marked and copies thereof, after comparison with the original, have been given the other party or such party has been given an opportunity to examine the same in cases when generating copies proves impractical.

A. Evidence of the Plaintiff

1. Documentary Evidence

a) Exhibit _____

- (1) Title
- (2) Brief Description
- (3) Purpose

(b) Exhibit _____

- (1) Title
- (2) Brief Description
- (3) Purpose

(Additional documentary evidence shall be similarly presented)

2. Testimonial Evidence

(a) Name of First Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(b) Name of Second Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(Additional witnesses shall be similarly presented)

3. Other Evidence

B. Evidence of the Defendant

1. Documentary Evidence

a) Exhibit _____

- (1) Title
- (2) Brief Description
- (3) Purpose

(b) Exhibit _____

- (1) Title
- (2) Brief Description
- (3) Purpose

(Additional documentary evidence shall be similarly presented)

2. Testimonial Evidence

(a) Name of First Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(b) Name of Second Witness

- (1) Purpose of the testimony
- (2) Estimated length of testimony

(Additional witnesses shall be similarly presented)

3. Other Evidence

VII. Hearing Dates

(These hearing dates, from the completion at the pre-trial, shall be strictly followed and all postponements by either party shall be deducted from such party's allotted time to present evidence.)

A. Schedule of Plaintiff's Presentation of Evidence

	Hearing Dates
1. Testimony of Plaintiff -	_____
2. Testimony of Mr. _____ -	_____
3. Testimony of Mr. _____ -	_____
4. Offer of Evidence of Plaintiff & Ruling -	_____

B. Schedule of Defendant's Presentation of Evidence

	Hearing Dates
1. Testimony of Defendant -	_____
2. Testimony of Mr. _____ -	_____
3. Testimony of Mr. _____ -	_____
4. Offer of Evidence of Defendant & Ruling -	_____

C. Schedule of Rebuttal Evidence

1. Testimony of Mr. _____ -	_____
2. Offer of Additional Evidence & Ruling -	_____

D. Schedule of Sur-rebuttal Evidence

1. Testimony of Mr. _____ - _____
2. Offer of Additional Evidence & Ruling - _____

E. Filing of Memoranda - _____

F. Decision - _____

It is understood that the testimony of the witness should be completed on the scheduled date of hearing allotted to said witness under the One-Day Examination of Witness Rule. The Court however has the discretion on whether or not to extend the direct and/or cross-examination of witnesses for good cause shown.

- V. Failure of the party or his counsel to comply with the aforementioned schedule of hearings and deadlines may be a ground for the imposition of fines and other sanctions by the court.

JUDGE

ORDER

Upon arraignment, the accused pleaded not guilty.

The pre-trial of this case is set on _____ at _____ . The public prosecutor, the private complainant, the accused and their counsels are required to attend the same.

The parties and their counsels are ordered to attend a preliminary conference before the Branch COC on _____ at _____ to mark the documents and substituted copies to be attached to the records after comparison, list exhibits to be presented and to consider other matters as may aid in its prompt disposition. Such pre-marking shall be adopted during the pre-trial.

The parties are reminded that no evidence shall be allowed and offered during the trial other than those identified and pre-marked during the pre-trial except when allowed by the court for good cause shown.

SO ORDERED.

JUDGE