



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
BAGUIO CITY

**A.M. No.15-06-10-SC**

**REVISED GUIDELINES FOR  
CONTINUOUS TRIAL OF CRIMINAL CASES**

**RESOLUTION**

WHEREAS, in the Resolution dated 21 February 2012 of the Court *en banc* in A.M. No. 11-6-10-SC (*Re: Guidelines for Litigation in Quezon City Trial Courts*), the Guidelines for Litigation in Quezon City Trial Courts (Q.C. Practice Guidelines for brevity), were adopted to test the practicability and feasibility thereof, and to enhance the rules of procedure and expedite the litigation process;

WHEREAS, in the 30 June 2015 Resolution of the Court *en banc* in A.M. No. 15-06-10-SC (*Re: Adopting the Guidelines for Continuous Trial of Criminal Cases in Pilot Courts*), the Proposed Guidelines for Continuous Trial of Criminal Cases (Continuous Trial Guidelines for brevity) were adopted in 52 pilot courts in both first and second levels in Metro Manila, effective 17 August 2015, clarifying the application of existing rules on speedy trial to expedite trial and resolution of criminal cases;

WHEREAS, the Results Analysis of Practice Guidelines Implementation in Quezon City, Philippine Hall of Justice (August 2015) conducted by the American Bar Association Rule of Law Initiative (ABA-ROLI) showed that specific procedural and case management reforms produced notable effects on reducing case processing time;

WHEREAS, a Validation Workshop for the Guidelines on Continuous Trial of Criminal Cases was held on 21 October 2016, where The Asia Foundation presented its report and evaluation of the implementation of said guidelines, showing remarkable and significant improvement in reducing the duration of criminal proceedings and improving the trial courts' compliance with the periods and timeframes for trial set in the Rules of Court and pertinent laws;

WHEREAS, pursuant to Memorandum Order No. 14-2015 creating the Special Committee on Speedy Trial (Special Committee), a Technical Working Group (TWG) was created on 7 November 2016 to review the possible consolidation of A.M. No. 15-06-10-SC (Continuous Trial Guidelines) and A.M. No. 11-6-10-SC (Q.C. Practice Guidelines);

WHEREAS, pursuant to Memorandum Order No. 09-2017, the amended composition of the Special Committee is as follows:

Chairperson: **HON. DIOSDADO M. PERALTA**  
*Associate Justice, Supreme Court*

Vice-Chairperson: **HON. LUCAS P. BERSAMIN**  
*Associate Justice, Supreme Court*

Members: **HON. JOSE CATRAL MENDOZA**  
*Associate Justice, Supreme Court*

**HON. JOSE MIDAS P. MARQUEZ**  
*Court Administrator*

**HON. FERNANDA LAMPAS PERALTA**  
*Associate Justice, Court of Appeals*

**HON. MAGDANGAL M. DE LEON**  
*Associate Justice, Court of Appeals*

**HON. MANUEL M. BARRIOS**  
*Associate Justice, Court of Appeals*

**HON. ALEXANDER G. GESMUNDO**  
*Associate Justice, Sandiganbayan*

**HON. CAESAR A. CASANOVA**  
*Associate Justice, Court of Tax Appeals*

Secretariat: **ATTY. RALPH JEROME D. SALVADOR**  
*Office of Justice Diosdado M. Peralta*

**ATTY. JILLIANE JOYCE DE DUMO**  
*Office of the Chief Justice*

**ATTY. JO ANN FRANCES D. MADARANG**  
*Office of the Chief Justice*

WHEREAS, the TWG is composed of the following:

Chairperson: **HON. FERNANDA LAMPAS PERALTA**  
*Associate Justice, Court of Appeals*

Members: **HON. MAGDANGAL M. DE LEON**  
*Associate Justice, Court of Appeals*

**HON. MANUEL M. BARRIOS**  
*Associate Justice, Court of Appeals*

**HON. ALEXANDER G. GESMUNDO**  
*Associate Justice, Sandiganbayan*

**HON. EMILY L. SAN GASPAR-GITO**  
*Presiding Judge, RTC, Branch 5, Manila*

**HON. CARIDAD M. WALSE-LUTERO**  
*Presiding Judge, RTC, Branch 223, Quezon City*

**HON. JURIS S. DILINILA-CALLANTA**  
*Presiding Judge, RTC, Branch 85, Quezon City*

**HON. BARBARA ALELI C. HERNANDEZ-BRIONES**  
*Presiding Judge, MeTC, Branch 61, Makati City*

**HON. JUVENAL N. BELLA,**  
*Presiding Judge, MeTC, Branch 39, Quezon City*

**HON. BELEN S. CARASIG**  
*Presiding Judge, MeTC, Branch 88, Parañaque City*

**HON. ERIZA P. PAGALING-ZAPANTA**  
*Presiding Judge, MeTC, Branch 4, Manila*

Secretariat: **ATTY. JASON J. ZAPANTA**  
*Office of Justice Diosdado M. Peralta*

**ATTY. RALPH JEROME D. SALVADOR**  
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**ATTY. JILLIANE JOYCE R. DE DUMO**  
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**ATTY. JO ANN FRANCES D. MADARANG**  
*Office of the Chief Justice*

**ATTY. CAMILLE LEELIN TING**  
*Office of the Court Administrator*

WHEREAS, the Chairperson, Vice-Chairperson and Members of the Special Committee, as well as the TWG, conducted consultative meetings to consolidate, review and revise the Q.C. Practice Guidelines and the Continuous Trial Guidelines;

WHEREAS, on 2 December 2016, the TWG, together with representatives of the Philippine Mediation Center (PMC) and the Developmental Partners (The Asia Foundation and the American Bar Association-Rule of Law Initiative), held a meeting to discuss the methodology of consolidation of the Q.C. Practice Guidelines and the Continuous Trial Guidelines;

WHEREAS, on 19 January 2017, a meeting was held with the TWG and the PMC where the Special Committee Chairperson presented the working draft of the Revised Guidelines for Continuous Trial of Criminal Cases for discussion and revision;

WHEREAS, on 2 February 2017, the Special Committee, together with representatives of the PMC and the Developmental Partners, reviewed and finalized the proposed "Revised Guidelines for Continuous Trial of Criminal Cases," to protect and advance the constitutional right of persons to a speedy disposition of their criminal cases, to reinforce and give teeth to the existing rules on criminal procedure and other special rules prescribing periods for court action and those which promote speedy disposition of said cases, and to introduce innovations and best practices for the benefit of the parties.

NOW, THEREFORE, acting on the recommendation of the Chairperson of the Special Committee and the TWG, submitting for consideration and approval of the Court the proposed "**Revised Guidelines for Continuous Trial of Criminal Cases,**" the Court hereby resolves to **APPROVE** the same.

The Revised Guidelines shall take effect on **1 September 2017** following its publication in two (2) newspapers of general circulation.

25 April 2017.



**MARIA LOURDES P. A. SERENO**  
Chief Justice



**ANTONIO T. CARPIO**  
Associate Justice



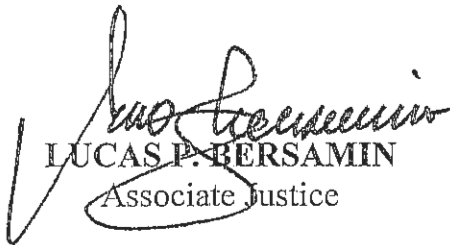
**PRESBITERO J. VELASCO, JR.**  
Associate Justice



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



**DIOSDADO M. PERALTA**  
Associate Justice



**LUCAS P. BERSAMIN**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**JOSE CATRAL MENDOZA**  
Associate Justice



**BIENVENIDO L. REYES**  
Associate Justice



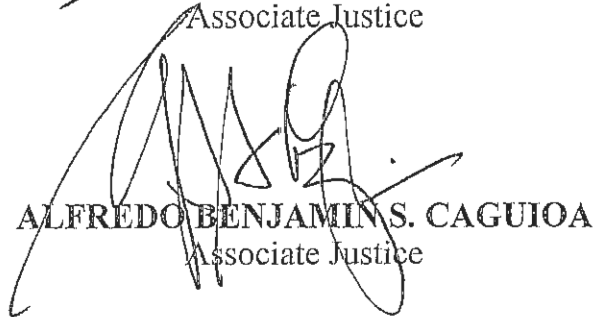
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



**FRANCIS H. JARDELEZA**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**SAMUEL R. MARTIRES**  
Associate Justice



**NOEL G. TIJAM**  
Associate Justice

# REVISED GUIDELINES FOR CONTINUOUS TRIAL OF CRIMINAL CASES

## I. Applicability

The Revised Guidelines for Continuous Trial of Criminal Cases (*Revised Guidelines*) shall apply to all newly-filed criminal cases, including those governed by Special Laws and Rules,<sup>1</sup> in the First and Second Level Courts, the Sandiganbayan and the Court of Tax Appeals as of effectivity date. The Revised Guidelines shall also apply to pending criminal cases with respect to the remainder of the proceedings.

Unless otherwise specifically provided herein, the Revised Guidelines shall not apply to criminal cases filed under the Rule on Summary Procedure.

## II. Objectives

1. To protect and advance the constitutional right of persons to a speedy disposition of their criminal cases;
2. To reinforce and give teeth to the existing rules on criminal procedure and other special rules prescribing periods for court action and those which promote speedy disposition of criminal cases; and
3. To introduce innovations and best practices for the benefit of the parties.

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<sup>1</sup> Comprehensive Dangerous Drugs Act of 2002, Cybercrime Prevention Act of 2012, Rules of Procedure for Environmental Cases, Rules of Procedure for Intellectual Property Rights Cases, and Criminal Cases cognizable by Family Courts and Commercial Courts.

### III. Procedure

#### 1. Hearing Days and Calendar Call

Trial shall be held from Monday to Thursday, and courts shall call the cases at exactly 8:30 A.M. and 2:00 P.M., pursuant to Administrative Circular No. 3-99. Hearing on motions, arraignment and pre-trial, and promulgation of decisions shall be held in the morning of Fridays, pursuant to Sec. 7, Rule 15 of the Rules of Court.

All courts shall ensure the posting of their court calendars outside their courtrooms at least one (1) day before the scheduled hearings, pursuant to OCA Circular No. 250-2015.

#### 2. Motions

(a) *Motion for Inhibition.* - Motions for inhibition based on grounds provided for under Rule 137 shall be resolved immediately or within two (2) calendar days from date of their filing.

(b) *Prohibited Motions.* - Prohibited motions shall be denied outright before the scheduled arraignment without need of comment and/or opposition.

The following motions are prohibited:

i. Motion for judicial determination of probable cause.

ii. Motion for preliminary investigation filed beyond the five (5)-day reglementary period in inquest proceedings under Sec. 6, Rule 112, or when preliminary investigation is required under Sec. 8, Rule 112, or allowed in inquest proceedings and the accused failed to

participate in the preliminary investigation despite due notice.

iii. Motion for reinvestigation of the prosecutor recommending the filing of information once the information has been filed before the court (1) if the motion is filed without prior leave of court; (2) when preliminary investigation is not required under Sec. 8, Rule 112; and (3) when the regular preliminary investigation is required and has been actually conducted, and the grounds relied upon in the motion are not meritorious, such as issues of credibility, admissibility of evidence, innocence of the accused, or lack of due process when the accused was actually notified, among others.

iv. Motion to quash information when the ground is not one of those stated in Sec. 3, Rule 117.

v. Motion for bill of particulars that does not conform to Sec. 9, Rule 116.

vi. Motion to suspend the arraignment based on grounds not stated under Sec. 11, Rule 116.

vii. Petition to suspend the criminal action on the ground of prejudicial question, when no civil case has been filed, pursuant to Sec. 7, Rule 111.

(c) *Meritorious Motions.* - Motions that allege plausible grounds supported by relevant documents and/or competent evidence, except those that are already covered by the Revised Guidelines, are meritorious motions, such as:

i. Motion to withdraw information, or to downgrade the charge in the original



information, or to exclude an accused originally charged therein, filed by the prosecution as a result of a reinvestigation, reconsideration, and review;

ii. Motion to quash warrant of arrest;

iii. Motion to suspend arraignment on the ground of an unsound mental condition under Sec. 11(a), Rule 116;

iv. Motion to suspend proceedings on the ground of a prejudicial question where a civil case was filed prior to the criminal case under Sec. 11(b), Rule 116;

v. Motion to quash information on the grounds that the facts charged do not constitute an offense, lack of jurisdiction, extinction of criminal action or liability, or double jeopardy under Sec. 3, par. (a), (b), (g), and (i), Rule 117;

vi. Motion to discharge accused as a state witness under Sec. 17, Rule 119;

vii. Motion to quash search warrant under Sec. 14, Rule 126 or motion to suppress evidence; and

viii. Motion to dismiss on the ground that the criminal case is a Strategic Lawsuit Against Public Participation (SLAPP) under Rule 6 of the Rules of Procedure for Environmental Cases.

The comment of the adverse party shall be filed within a non-extendible period of ten (10) calendar days from notice/receipt of the order of the

court to file the same, and the court shall resolve the motion within a non-extendible period of ten (10) calendar days from the expiration of the ten (10)-day period, with or without comment. The court, at its discretion, may set the motion for hearing within a non-extendible period of ten (10) calendar days from the expiration of the ten (10)-day period to file comment, in which case the same shall be submitted for resolution after the termination of the hearing, and shall be resolved within a non-extendible period of ten (10) calendar days thereafter. Reply and memorandum need not be submitted.

In case of a motion to discharge accused as state witness under Sec. 17, Rule 119, where the prosecution is required to present evidence in support thereof, such motion shall be submitted for resolution from the termination of the hearing, and shall be resolved within a non-extendible period of ten (10) calendar days thereafter.

The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, and the adverse party shall be given an equal period of five (5) calendar days from receipt of the motion for reconsideration within which to submit its comment. Thereafter, the motion for reconsideration shall be resolved by the court within a non-extendible period of five (5) calendar days from the expiration of the five (5)-day period to submit the comment.

Motions that do not conform to the requirements stated above shall be considered unmeritorious and shall be denied outright.

(d) *Motion for postponement.* - A motion for postponement is prohibited, except if it is based on

acts of God, *force majeure* or physical inability of the witness to appear and testify. If the motion is granted based on such exceptions, the moving party shall be warned that the presentation of its evidence must still be finished on the dates previously agreed upon.

A motion for postponement, whether written or oral, shall at all times be accompanied by the original official receipt from the Office of the Clerk of Court evidencing payment of the postponement fee under Sec. 21 (b), Rule 141, to be submitted either at the time of the filing of said motion or not later than the next hearing date. The Clerk of Court shall not accept the motion unless accompanied by the original receipt.

### 3. Free Legal Assistance

If a party fails to qualify for the availment of the services of the Public Attorney's Office, the Integrated Bar of the Philippines Local Chapter shall provide free legal assistance to said party. For this purpose, the IBP Local Chapter shall submit to the Executive Judges a list of IBP-local lawyers who may be appointed by the courts to act as counsel *de officio* in such cases. The lists shall be disseminated among all the trial courts in the station.

### 4. Private Prosecutor

In cases where only the civil liability is being prosecuted by a private prosecutor, the head of the prosecution office must issue in favor of the private prosecutor a written authority to try the case even in the absence of the public prosecutor. The written authority must be submitted to the court prior to the

presentation of evidence by the private prosecutor in accordance with Sec. 5, Rule 110.

With this authority on record, the court may set the trial in the case and in other cases tried by private prosecutors with delegated authority on separate days when the presence of the public prosecutor may be dispensed with.

## 5. Consolidations

(a) *Newly-filed Cases.* - When newly-filed criminal cases involving offenses based on the same facts or forming part of a series of offenses of similar character, are accompanied by a motion for consolidation filed by the Office of the Prosecutor, the Executive Judge shall cause the raffle to only one court which shall then resolve said motion for consolidation, preferably on the date of the arraignment and in the presence of the accused and counsel.

(b) *Pending Cases with Multiple Accused.* - In cases involving multiple accused where a subsequent information is filed involving an accused who has been subjected to further investigation by the Office of the Prosecutor over an incident which has the same subject matter as a prior information/s against different accused, said subsequent case when filed accompanied by a motion for consolidation from the Office of the Prosecutor shall no longer be raffled. The subsequent case shall be assigned directly by the Executive Judge to the court where the earlier case is pending. If the earlier case is already at the trial stage and witnesses have been presented, the parties may be allowed to adopt the evidence so far presented, without prejudice to additional direct

examination questions and cross-examination questions.

## 6. Archiving of Cases

The archiving of cases shall be done within the period prescribed under the Guidelines in the Archiving of Cases under SC Administrative Circular No. 7-A-92, as restated in OCA Circular No. 89-2004. A criminal case shall be archived only if, after the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer. Such case shall likewise be archived when proceedings therein are ordered suspended for an indefinite period because:

(a) the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;

(b) a valid prejudicial question in a civil action is invoked during the pendency of the criminal case, unless the civil and criminal cases are consolidated;

(c) an interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction; and

(d) when the accused has jumped bail before arraignment and cannot be arrested by the bondsman.

## 7. Revival of Provisionally Dismissed Cases

Revival of provisionally dismissed cases shall conform to the requisites and the periods provided for under Sec. 8, Rule 117. Provisional dismissal of offenses punishable by imprisonment not exceeding six (6) years or a fine of any amount or both shall become permanent one (1) year after issuance of the order without the case having been revived. Provisional dismissal of offenses punishable by imprisonment of more than six (6) years, shall become permanent two (2) years after the issuance of the order without the case having been revived.

## 8. Arraignment and Pre-trial

(a) *Schedule of Arraignment and Pre-trial.* – Once the court has acquired jurisdiction over the person of the accused, the arraignment of the accused and the pre-trial shall be set within ten (10) calendar days from date of the court's receipt of the case for a detained accused, and within thirty (30) calendar days from the date the court acquires jurisdiction (either by arrest or voluntary surrender) over a non-detained accused, unless a shorter period is provided by special law or Supreme Court circular.

The court must set the arraignment of the accused in the commitment order, in the case of detained accused, or in the order of approval of bail, in any other case. For this purpose, where the Executive Judge and Pairing Judges act on bail applications in cases assigned to other courts, they shall coordinate with the courts to which the cases are actually assigned for scheduling purposes.

(b) *Notice of Arraignment and Pre-Trial.* – Notice of arraignment and pre-trial shall be sent to the

accused, his/her counsel, private complainant or complaining law enforcement agent, public prosecutor, and witnesses whose names appear in the information for purposes of plea-bargaining, arraignment and pre-trial.

(c) *Waiver of Reading of the Information.* - In multiple cases, the court, upon personal examination of the accused, may allow a waiver of the reading of the information upon the full understanding and express consent of the accused and his/her counsel, which consent shall be expressly stated in both the minutes/certificate of arraignment and the order of arraignment. The court shall explain the waiver to the accused in the language or dialect known to him/her, and ensure the accused's full understanding of the consequences of the waiver before approving the same. (*See Annex 1*)

(d) *Arraignment Proper*

i. *Plea Bargaining Except in Drug Cases.* - If the accused desires to enter a plea of guilty to a lesser offense, plea bargaining shall immediately proceed, provided the private offended party in private crimes, or the arresting officer in victimless crimes, is present to give his/her consent with the conformity of the public prosecutor to the plea bargaining. Thereafter, judgment shall be immediately rendered in the same proceedings. (*See Annexes 2 and 3*)

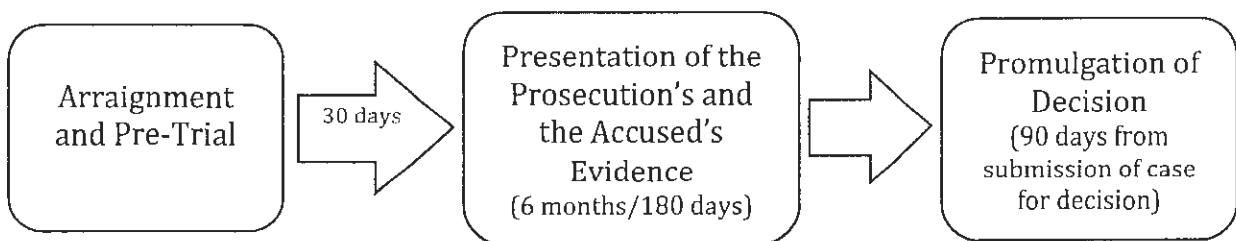
ii. *Plea of Guilty to the Crime Charged in the Information.* - If the accused pleads guilty to the crime charged in the information, judgment shall be immediately rendered, except in those cases involving capital punishment. (*See Annex 4*)

iii. *Where No Plea Bargaining or Plea of Guilty Takes Place.* – If the accused does not enter a plea of guilty, whether to a lesser offense or to the offense charged in the information, the court shall immediately proceed with the arraignment and the pre-trial, in accordance with the succeeding provisions on pre-trial.

The schedule of the trial dates, for both the prosecution and the accused, shall be continuous and within the periods provided in the Regular Rules/Special Rules. The trial dates may be shortened depending on the number of witnesses to be presented. In this regard, a flowchart shall be prepared by the court which shall serve as the final schedule of hearings. (See Annexes 5 and 6)

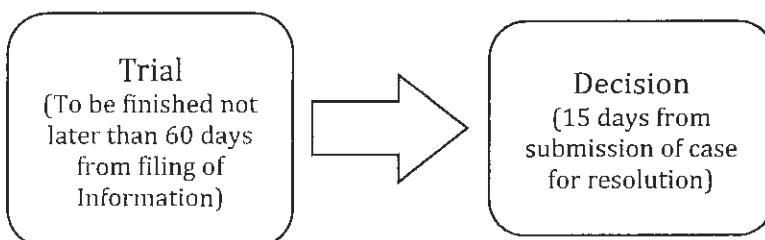
**Sample flowcharts**

**A. Regular Rules**



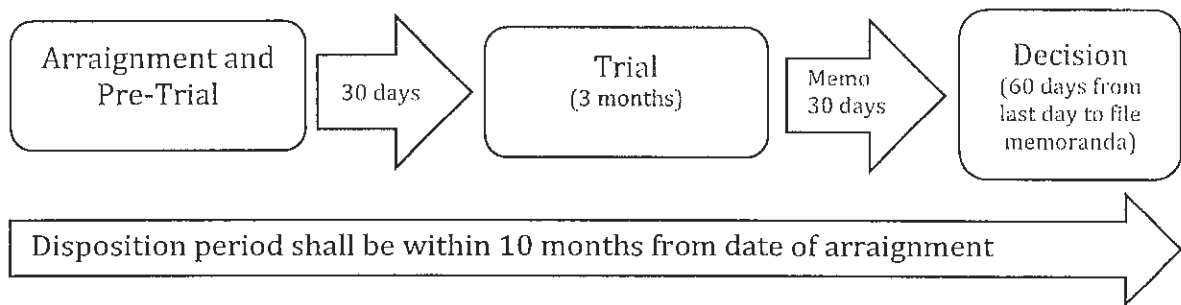
**B. Special Laws/Rules**

**1. Drug Cases**

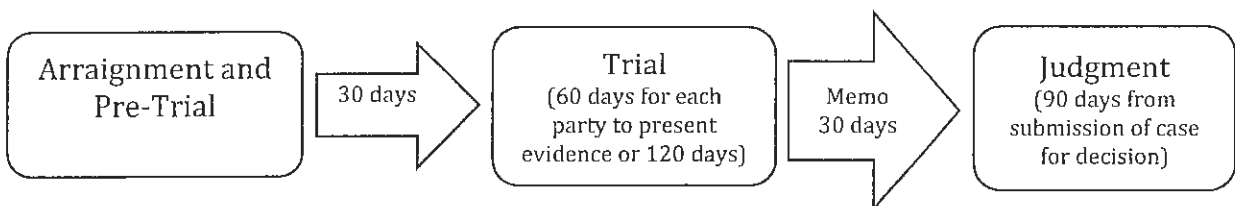




## 2. Environmental Cases



## 3. Intellectual Property Rights Cases



## 4. Arraignment and Pre-trial of Cases Referred to Mediation



### *(e) Arraignment and Preliminary Conference of Mediatable Cases subject to the Rule on Summary Procedure*

The arraignment and preliminary conference shall be simultaneously held, and the court shall take up all the matters required under Sec. 14, Rule on Summary Procedure during the preliminary conference.

- i. If the accused pleads guilty to the crime charged in the information, subheading III, item no. 8, subparagraph (d) ii (Plea of

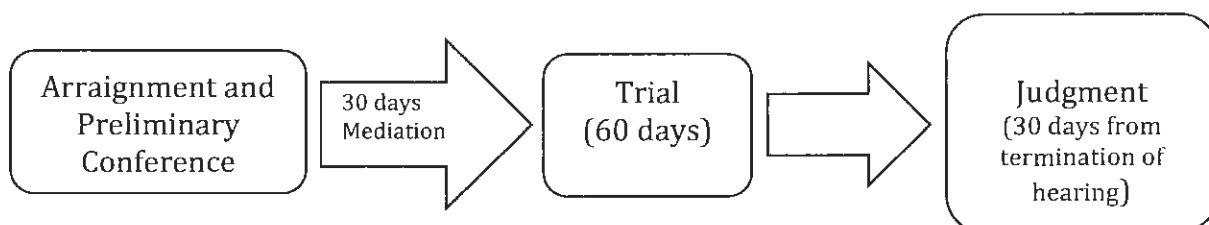
Guilty to the Crime Charged in the Information) shall be followed.

ii. If the accused pleads guilty to a lesser offense, subheading III, item no. 8, subparagraph (d) i (Plea Bargaining except in Drug Cases) shall be followed.

iii. If the accused does not enter a plea of guilty, whether to a lesser offense or to the offense charged in the information, the court shall immediately proceed with the arraignment and the preliminary conference, and thereafter refer the case to mediation. (See Annex 7)

### Sample flowchart

Rule on Summary Procedure of Criminal Cases referred to Mediation



#### (f) *Conduct of Pre-trial*

i. *Absence of parties.* - The court shall proceed with the pre-trial despite the absence of the accused and/or private complainant, provided they were duly notified of the same, and the counsel for the accused, as well as the public prosecutor, are present.

ii. *Stipulations.* - Proposals for stipulations shall be done with the active participation

of the court itself and shall not be left alone to the counsels.

iii. *Marking of evidence.* - The documentary evidence of the prosecution and the accused shall be marked.

iv. *Pre-trial Order.* - The Pre-trial Order shall immediately be served upon the parties and counsel on the same day after the termination of the pre-trial.

v. *Compliance with Rules.* - Courts must strictly comply with the Guidelines to be Observed in the Conduct of Pre-Trial under A.M. No. 03-1-09-SC.

## 9. Mediation

(a) The following cases shall be referred to mediation on the civil liability unless a settlement is reached earlier in the pre-trial/preliminary conference:

i. Crimes where payment may prevent criminal prosecution or may extinguish criminal liability, such as violations of:

- a. B.P. Blg. 22;
- b. SSS Law (R.A. No. 1161, as amended by R.A No. 8282); and
- c. PAG-IBIG Law (R.A. No. 9679).

ii. Crimes against property under Title 10 of the Revised Penal Code (RPC), where the obligation may be civil in nature, such as:

- a. Theft under Art. 308, RPC, cognizable by the first level courts;
- b. Estafa under Art. 315(1), RPC, except estafa under Art. 315 (2) and (3);
- c. Other forms of swindling under Art. 316, RPC;
- d. Swindling of a minor under Art. 317, RPC;
- e. Other deceits under Art. 318, RPC; and
- f. Malicious mischief under Art. 327, RPC.

iii. Crimes against honor under Title 13, RPC, where the liability may be civil in nature, such as:

- a. Libel by means of writings or similar means under Art. 355, RPC;
- b. Threatening to publish and offer to present such publication for a compensation under Art. 356, RPC;
- c. Prohibited publication of acts referred to in the course of official proceedings under Art. 357, RPC;
- d. Grave Slander (Grave Oral Defamation) - of serious and insulting nature under Art. 358, par. 1, RPC;
- e. Simple Slander (Oral Defamation) - not of a serious and insulting nature under Art. 358, par. 2, RPC;
- f. Grave Slander by Deed - of a serious nature under Art. 359, par. 1, RPC;
- g. Simple Slander by Deed - not of a serious nature under Art. 359, par. 2, RPC;

- h. Incriminating innocent person under Art. 363, RPC;
- i. Intriguing against honor under Art. 364, RPC;

iv. Libel under R.A. 10175 (Cybercrime Prevention Act of 2012) where the liability may be civil in nature;

v. Criminal negligence under Title 14, RPC, where the liability may be civil in nature; and

vi. Intellectual property rights cases where the liability may be civil in nature.

(b) The referral of the case for mediation to the Philippine Mediation Center (PMC) Unit shall be made only after the conduct of the arraignment and the pre-trial/preliminary conference. The court shall serve the Order of Referral to the PMC Unit immediately after the arraignment and the pre-trial/preliminary conference.

The mediation shall be terminated within a non-extendible period of thirty (30) calendar days from the date of referral by the court to the PMC Unit. After the lapse of the mediation period or if mediation fails, trial shall proceed.

Except those cases mentioned above, criminal cases subject to the Rule on Summary Procedure shall not be referred to mediation.

## 10. Bail

(a) *Petition for bail*

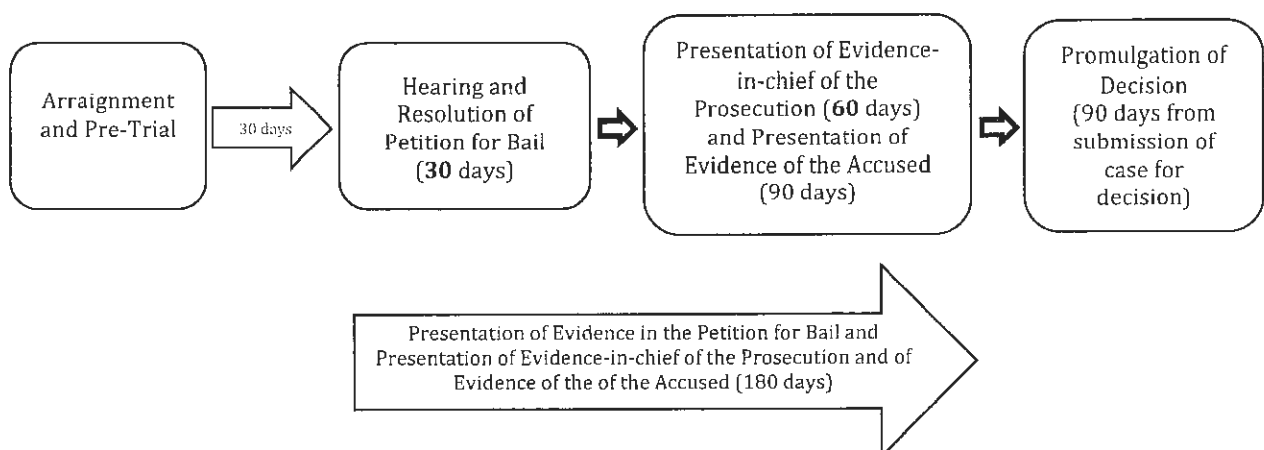
Petition for bail filed after the filing of the information shall be set for summary hearing after arraignment and pre-trial. Testimony of a witness in petition for bail may be in the form allowed by subheading III, item no. 11, par. b (Form of Testimony) of the Revised Guidelines, provided that the demeanor of the witness is not essential in determining his/her credibility.

Petition for bail shall be heard and resolved within a non-extendible period of thirty (30) calendar days from date of the first hearing, except in drug cases which shall be heard and resolved within twenty (20) calendar days, without need of oral argument and submission of memoranda, consistent with the summary nature of the proceedings. (See Annexes 8-A and 8-B)

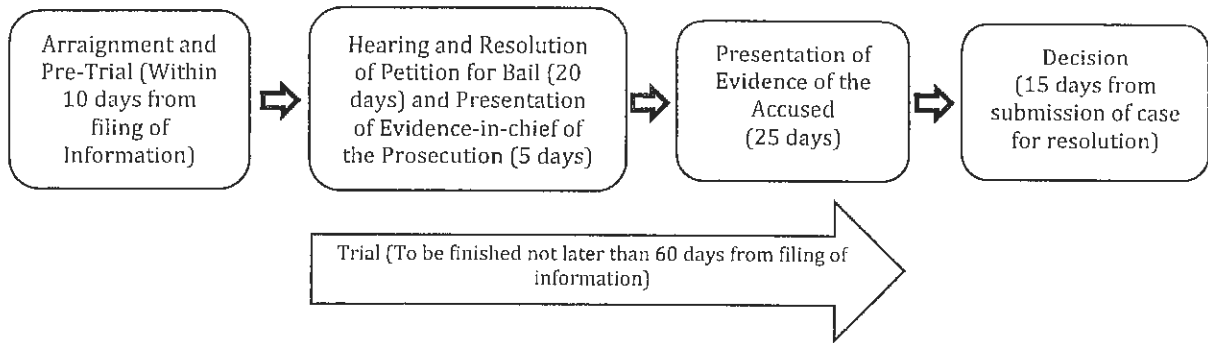
Motion for reconsideration on the resolution of petition for bail shall be resolved within a non-extendible period of ten (10) calendar days from date of submission of the motion.

## Sample flowcharts with Petition for Bail

### A. Regular Rules



## B. Drug Cases



### (b) *Evidence in petition for bail*

The resolution of petition for bail shall be based solely on the evidence presented during the bail proceedings by the prosecution. The prosecution shall present only pieces of evidence that are essential in establishing that the evidence of guilt is strong. The accused need not present evidence to contradict or rebut the prosecution's evidence.

### (c) *Non-suspension of the presentation of evidence*

The court shall not suspend the presentation of the evidence in chief while awaiting resolution of the petition for bail or the motion for reconsideration.

## 11. Form of Testimony

### (a) *For First Level Courts*

In all criminal cases, including those covered by the Rule on Summary Procedure, the testimonies of witnesses shall consist of the duly subscribed written statements given to law enforcement or peace officers or the affidavits or counter-affidavits submitted before the investigating prosecutor, and if such are not available, testimonies shall be in the form of

judicial affidavits, subject to additional direct and cross-examination questions.

The trial prosecutor may dispense with the sworn written statements submitted to the law enforcement or peace officers and prepare the judicial affidavits of the affiants or modify or revise the said sworn statements before presenting it as evidence.

*(b) For Second Level Courts, Sandiganbayan and Court of Tax Appeals*

In criminal cases where the demeanor of the witness is not essential in determining the credibility of said witness, such as forensic chemists, medico-legal officers, investigators, auditors, accountants, engineers, custodians, expert witnesses and other similar witnesses, who will testify on the authenticity, due execution and the contents of public documents and reports, and in criminal cases that are transactional in character, such as falsification, malversation, estafa, or other crimes where the culpability or innocence of the accused can be established through documents, the testimonies of the witnesses shall be the duly subscribed written statements given to law enforcement or peace officers or the affidavits or counter-affidavits submitted before the investigating prosecutor, and if such are not available, testimonies shall be in the form of judicial affidavits, subject to additional direct and cross-examination questions.

In all other cases where the culpability or the innocence of the accused is based on the testimonies of the alleged eyewitnesses, the testimonies of these witnesses shall be in oral form.



## 12. Stipulations

During pre-trial/preliminary conference, the court shall require the parties to enter into stipulations on the subject of both direct and cross-examinations of witnesses who have no personal knowledge of the material facts constituting the crimes, such as forensic chemists, medico-legal officers, investigators, auditors, accountants, engineers, custodians, expert witnesses and other similar witnesses, who will testify on the authenticity, due execution and the contents of public documents and reports; corroborative witnesses; and those who will testify on the civil liability.

This rule is without prejudice to allowing additional direct and cross-examination questions.

If stipulations cannot be had in full, where the adverse party does not waive the right to cross-examination, the subject of the direct testimony of these witnesses should be stipulated upon, without prejudice to additional direct and cross-examination questions.

## 13. Trial

(a) The court shall encourage the accused and the prosecution to avail of:

- i. For the accused - Secs. 12 and 13, Rule 119 on the application for examination of witness for accused before trial and how it is made; and

ii. For the prosecution - Sec. 15, Rule 119 on the conditional examination of witness for the prosecution.

(b) *Absence of counsel de parte.* - In the absence of the counsel *de parte*, the hearing shall proceed upon appointment by the court of a counsel *de officio*.

(c) *Offer of evidence.* - The offer of evidence, the comment/objection thereto, and the court ruling thereto shall be made orally. A party is required to make his/her oral offer of evidence on the same day after the presentation of his/her last witness, and the opposing party is required to immediately interpose his/her oral comment/objection thereto. Thereafter, the court shall make a ruling on the offer of evidence in open court.

In making the offer, the counsel shall cite the specific page numbers of the court record where the exhibits being offered are found, if attached thereto. The court shall ensure that all exhibits offered are submitted to it on the same day of the offer.

If the exhibits are not attached to the record, the party making the offer must submit the same during the offer of evidence in open court.

(d) *Demurrer to Evidence.* - After the prosecution has rested its case, the court shall inquire from the accused if he/she desires to move for leave of court to file a demurrer to evidence, or to proceed with the presentation of his/her evidence. (*See Annex 9*)

If the accused orally moves for leave of court to file a demurrer to evidence, the court shall

orally resolve the same. If the motion for leave is denied, the court shall issue an order for the accused to present and terminate his/her evidence on the dates previously scheduled and agreed upon, and to orally offer and rest his/her case on the day his/her last witness is presented.

If despite the denial of the motion for leave, the accused insists on filing the demurrer to evidence, the previously scheduled dates for the accused to present evidence shall be cancelled.

The demurrer to evidence shall be filed within a non-extendible period of ten (10) calendar days from the date leave of court is granted, and the corresponding comment shall be filed within a non-extendible period of ten (10) calendar days counted from date of receipt of the demurrer to evidence. The demurrer shall be resolved by the court within a non-extendible period of thirty (30) calendar days from date of the filing of the comment or lapse of the ten (10)-day period to file the same.

If the motion for leave of court to file demurrer to evidence is granted, and the subsequent demurrer to evidence is denied, the accused shall likewise present and terminate his/her evidence (one day apart, morning and afternoon) and shall orally offer and rest his/her case on the day his/her last witness is presented. The court shall rule on the oral offer of evidence of the accused and the comment or objection of the prosecution on the same day of the offer. If the court denies the motion to present rebuttal evidence because it is no longer necessary, it shall consider the case submitted for decision. (*See Annex 10*).

(e) *Presentation of Rebuttal and Sur-rebuttal Evidence.* - If the court grants the motion to present rebuttal evidence, the prosecution shall immediately proceed with its presentation after the accused had rested his/her case, and orally rest its case in rebuttal after the presentation of its last rebuttal witness. Thereafter, the accused shall immediately present sur-rebuttal evidence, if there is any, and orally rest the case in sur-rebuttal after the presentation of its last sur-rebuttal witness. Thereafter, the court shall submit the case for decision. (See Annexes 11 to 13).

(f) *One-day examination of witness rule.* - The court shall strictly adhere to the rule that a witness has to be fully examined in one (1) day.

#### 14. Memoranda

The submission of memoranda is discretionary on the part of the court, which in no case shall exceed twenty-five (25) pages in length, single-spaced, on legal size paper, using size 14 font. The period to submit memoranda shall be non-extendible and shall not suspend the running of the period of promulgation of the decision; thus, with or without memoranda, the promulgation shall push through as scheduled.

#### 15. Lack of Stenographic Notes

Judges who conducted the trial and heard the testimonies of some or all of the witnesses shall not defer the submission of the case for decision on the ground of incomplete or missing transcript of stenographic notes. If the case was heard

completely by another judge, not the judge tasked to write the decision, the latter shall direct the stenographers concerned to submit the complete transcripts within a period of thirty (30) calendar days from date of his/her assumption to office.

## 16. Promulgation

(a) *Schedule of promulgation.* - The court shall announce in open court and include in the order submitting the case for decision, the date of the promulgation of its decision which shall not be more than ninety (90) calendar days from the date the case is submitted for decision,<sup>4</sup> except when the case is covered by Special Rules and other laws which provide for a shorter period.<sup>5</sup>

(b) *Resolution of motion for reconsideration of judgment of conviction or motion for new trial.* - A motion for reconsideration of judgment of conviction or motion for new trial under Rule 121 filed within the reglementary period of fifteen (15) days from promulgation shall be resolved within a non-extendible period of ten (10) calendar days from the submission of the comment of the prosecution. With or without comment, the court shall resolve the motion within the ten (10)-day period.

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<sup>2</sup> For those covered by Regular Rules, including Sandiganbayan and Court of Tax Appeals.

<sup>3</sup> For those covered by Special Laws and Rules:

- a) Drug cases - fifteen (15) days from the date of submission for resolution of the case;
- b) Environmental cases - sixty (60) days from the last day of the 30-day period to file the memoranda;
- c) Intellectual Property Rights cases - 60 days from the time the case is submitted for decision, with or without the memoranda; and
- d) Others that may be provided in other Rules and Laws.

## 17. Inventory of Criminal Cases

The one (1) week of each semester devoted for the conduct of annual and semi-annual physical inventory of cases and preparation of the semestral docket inventory report pursuant to Administrative Circular No. 76-2007 shall not suspend court hearings.

## 18. Posting

The Revised Guidelines shall be posted at all floors of the covered halls of justice, the Sandiganbayan, the Court of Tax Appeals and the offices of their respective Clerks of Court, including all offices of the Integrated Bar of the Philippines and other Bar associations.

## IV. Monitoring, Evaluation and Training

The application of and adherence to the Revised Guidelines shall be subject to periodic monitoring by the Committee and its Technical staff by visitation and submission of data.

For this purpose, all courts covered by the Revised Guidelines shall accomplish and submit a periodic report of data in a form to be generated and distributed by the Committee.

Training of judges and court personnel shall be undertaken by the PHILJA in coordination with the Committee and its Technical staff.

## V. Effect of Non-Compliance

Non-compliance with the Revised Guidelines, including failure to observe the timelines and deadlines herein provided, is a ground for disciplinary action.

## VI. Repealing Clause

Existing rules and guidelines inconsistent with the Revised Guidelines are deemed amended or repealed.

## VII. Effectivity

The Revised Guidelines shall take effect on 1 September 2017, after publication for two (2) consecutive weeks in two (2) newspapers of general circulation.

ANNEX 1

*Template; Waiver of Reading of Informations:*

“I hereby voluntarily waive the reading of the Informations with full comprehension of the consequences thereof, and that I understand the nature of the charges against me as alleged in the Informations, as the same were read and explained to me earlier by the court and my counsel in a language or dialect known and understood by me.

Accused

Signed in the presence of:

Public Prosecutor

Counsel *de parte/de officio*”



## ANNEX 2

### *Template Judgement; Plea to a Lesser Offense; Non-Detention Prisoners:*

"When the accused was arraigned for the lesser crime of \_\_\_\_\_, by reading the Information in a language or dialect known and understood by the accused, assisted by his/her counsel *de officio/de parte* (name of counsel), accused, entered a plea of guilty. The private complainant (name of complainant) consented to\* and the public prosecutor (name of prosecutor) conformed with the accused pleading guilty to a lesser offense.

WHEREFORE, judgment is hereby rendered finding the accused (name of the accused) guilty beyond reasonable doubt of the crime of \_\_\_\_\_, defined and penalized under \_\_\_\_\_, and is hereby sentenced to suffer the penalty\*\* of \_\_\_\_\_.

The accused is further ordered to pay (name of private complainant/s or heirs of private complainant/s) the amount/s of \_\_\_\_\_ (as civil indemnity, actual, moral, and/or exemplary damages) with legal interest at the rate of six percent (6%) *per annum* on all damages awarded from finality of this judgment until fully paid.\*\*\*

SO ORDERED."

\* If victimless crime, the consent should be given by the arresting officer.

\*\* It may be a straight penalty if imposed by the First Level Court and the penalty is one (1) year or less. But, if imposed by the Second Level Court, the penalty must provide for a minimum period and a maximum period, unless the applicable penalty is one (1) year or less.

\*\*\* Delete if civil liability is waived or when it is a victimless crime.

### ANNEX 3

#### *Template Judgment; Plea to a Lesser Offense; Detention Prisoner:*

"When the accused was arraigned for the lesser crime of \_\_\_\_\_, by reading the Information in a language or dialect known and understood by the accused, assisted by his/her counsel *de officio/de parte* (name of counsel), accused entered a plea of guilty. The private complainant (name of complainant) consented\* to and the public prosecutor (name of prosecutor) conformed with the accused pleading guilty to a lesser offense.

WHEREFORE, judgment is hereby rendered finding the accused (name of the accused) guilty beyond reasonable doubt of the crime of \_\_\_\_\_, defined and penalized under \_\_\_\_\_, and is hereby sentenced to suffer the indeterminate penalty\*\* of \_\_\_\_\_.

The accused is further ordered to pay (name of private complainant/s or heirs of private complainant/s) the amount/s of \_\_\_\_\_ (as civil indemnity, actual, moral, and/or exemplary damages), with legal interest at the rate of six (6%) *per annum* on all damages awarded from finality of this judgment until fully paid.\*\*\*

The period within which the accused was detained shall be credited to him in full, as long as he abides by and follows strictly the rules and regulations of the institution where he is detained or confined.\*\*\*\*

SO ORDERED."

\* If victimless crime, the consent should be given by the arresting officer.

\*\* It may be a straight penalty if imposed by the First Level Court and the penalty is one (1) year or less. But, if imposed by the Second Level Court, the penalty must provide for a minimum period and a maximum period, unless the applicable penalty is one (1) year or less.

\*\*\* Delete if civil liability is waived or when it is a victimless crime.

\*\*\*\* Applicable to detention prisoner.

## ANNEX 4

*Template Judgment; Plea of Guilty to the Crime Charged; Detention Prisoner:*

"When the accused was arraigned by reading the Information in the language or dialect known and understood by him/her, assisted by his/her counsel *de officio/de parte* (name of counsel), the accused entered a plea of guilty. When queried, the accused and his/her counsel informed the court that the accused fully understands the nature and consequence of his entering a plea of guilty to the crime charged in the Information.

WHEREFORE, judgment is hereby rendered finding the accused (name of the accused) guilty beyond reasonable doubt of the crime \_\_\_\_\_, as defined and penalized under \_\_\_\_\_, and there being one (1) mitigating circumstance of plea of guilty as provided for in Paragraph 7 of Article 13 of the Revised Penal Code,\* is hereby sentenced to suffer the indeterminate penalty\*\* of \_\_\_\_\_.

The accused is further ordered to pay (name of private complainant/s or heirs of private complainant/s) the amount/s of \_\_\_\_\_ (as civil indemnity, actual, moral, and/or exemplary damages), with legal interest at the rate of six (6%) *per annum* on all damages awarded from finality of this judgment until fully paid.\*\*\*

The period within which the accused was detained shall be credited to him in full, as long as he abided by and strictly followed the rules and regulations of the institution where he was detained or confined.\*\*\*\*

SO ORDERED."

\* Only in those crimes where plea of guilty is allowed as a mitigating circumstance.

\*\* It may be a straight penalty if imposed by the First Level Court and the penalty is one (1) year or less. But, if imposed by the Second Level Court, the penalty must provide for a minimum period and a maximum period.

\*\*\* Delete if civil liability is waived or when it is a victimless crime.

\*\*\*\* Delete if accused is not a detention prisoner.

## ANNEX 5

*Template Order When there is No Plea Bargaining or Plea of Guilty but the case is referred for mediation:*

"When the accused (name of accused), assisted by his/her counsel *de parte/de officio* (name of counsel), was arraigned by reading to him/her the Information in a language or dialect known and understood by him/her, said accused entered the plea of Not Guilty.

Thereafter, pre-trial proceeded and the parties took up the following matters:

*(Indicate matters taken up in line with Rule 118 on Pre-Trial, including the form of testimony as provided under subheading III, item no. 11, par. (b) of the Revised Guidelines)*

Trial shall proceed on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the prosecution to present and terminate its evidence; and on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the defense to present and terminate its evidence.\*

The trial dates are final and intransferrable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party's allotted time to present evidence.

The parties are hereby ordered to immediately proceed and personally appear at the Philippine Mediation Center located at \_\_\_\_\_ (PMC Unit) today, (*date today*), with or without their counsel/s, for mediation proceedings. The assigned Mediator is ordered to submit a report to this court on the results of the mediation based on the factual and legal issues to be resolved within a non-extendible period of thirty (30) calendar days from the date of the court's referral of this case to the PMC Unit.

Should mediation fail after the lapse of the said 30-day period, the parties are ordered to appear before the court so that the trial shall proceed on the trial dates indicated above.

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

The accused (name of accused), his counsel (name of counsel), public prosecutor (name of prosecutor), and the witness (name of witness) are hereby notified of this Order in open court. The court shall no longer issue a *subpoena* to the parties present today.

SO ORDERED."

\*This will depend on the number of witnesses listed in the information. It is suggested that for every witness, two (2) trial dates should be allotted. The trial dates should likewise be one (1) day apart.

ANNEX 6

*Template Order When there is No Plea Bargaining or Plea of Guilty and the case is not referred for mediation:*

"When the accused (name of accused), assisted by his/her counsel *de parte/de officio* (name), was arraigned by reading to him/her the Information in a language or dialect known and understood by him/her, said accused entered the plea of Not Guilty.

Thereafter, pre-trial proceeded and the parties took up the following matters:

*(Indicate matters taken up in line with Rule 118 on Pre-trial, including the form of testimony as provided under subheading III, Item No. 11, par. (b) of the Revised Guidelines)*

Trial shall proceed on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the prosecution to present and terminate its evidence; and on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the defense to present and terminate its evidence.\*

The trial dates are final and intransferrable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponements/s by either party shall be deducted from such party's allotted time to present evidence.

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

The accused (name of accused), his counsel (name of counsel), public prosecutor (name of prosecutor), and the witness (name of witness) are hereby notified of this Order in open court. The court shall no longer issue a *subpoena* to the parties present today.

SO ORDERED."

\*This will depend on the number of witnesses listed in the information. It is suggested that for every witness, two (2) trial dates should be allotted. The trial dates should likewise be one (1) day apart, morning and afternoon.

## ANNEX 7

*Template Order; No Plea Bargaining or Plea of Guilty; Case Covered by the Rule on Summary Procedure is referred for mediation:*

“When the accused (name), assisted by his/her counsel *de parte/de officio* (name), was arraigned by reading to him/her the Information in a language or dialect known and understood by him/her, said accused entered the plea of Not Guilty.

Thereafter, preliminary conference proceeded and the parties took up the following matters:

*(Indicate matters taken up in line with Section 14 of the Rule on Summary Procedure)*

Trial will proceed on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the prosecution of present and terminate its evidence; and on \_\_\_\_\_, all at 8:30 in the morning and 2:00 in the afternoon, for the defense to present and terminate its evidence.\*

The trial dates are final and intransferable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party's allotted time to present evidence.

The parties are hereby ordered to immediately proceed and personally appear at the Philippine Mediation Center located at \_\_\_\_\_ (PMC Unit) today, (*date today*), with or without their counsel/s, for mediation proceedings. The assigned Mediator is ordered to submit a report to this court on the results of the mediation based on the factual and legal issues to be resolved within a non-extendible period of thirty (30) calendar days from the date of the court's referral of this case to the PMC Unit.

Should mediation fail after the lapse of the said 30-day period, the parties are ordered to appear before the court so that the trial shall proceed on the trial dates indicated above.

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

The accused (name), his/her counsel (name), public prosecutor (name), and the witness (name) are hereby notified of this Order in open court. The court shall no longer issue *subpoena* to the parties present today.

SO ORDERED.”

\* This will depend on the number of witnesses listed in the information. It is suggested that for every witness, two (2) trial dates should be allotted. The trial dates should likewise be one (1) day apart.



ANNEX 8-A

*Template Order; Petition for Bail: Ordinary Cases*

“When the accused (name), assisted by his/her counsel *de parte/de officio* (name), was arraigned by reading to him/her the Information in a language or dialect known and understood by him/her, said accused entered the plea of Not Guilty.

Thereafter, pre-trial proceeded and the parties took up the following matters:

*(Indicate matters taken up in line with Rule 118 on Pre-trial, including the form of testimony as provided under subheading III, item no. 11 (b) of the Revised Guidelines)*

The petition for bail shall be heard summarily on \_\_\_\_\_. *(Within 30 days from conclusion of the arraignment and pre-trial, 1 day apart each, both at 8:30 in the morning and 2:00 in the afternoon, and must be terminated within the 30 days from the first hearing date.)*

The trial for the presentation and reception of the Prosecution’s evidence-in-chief shall proceed on \_\_\_\_\_. *(The first trial date shall be immediately after the expiration of the 30-day period to hear and resolve the petition for bail, and next trial dates shall be 1 day apart each, but shall in no case exceed 60 days.)*

The accused shall present and terminate its evidence on \_\_\_\_\_. *(Trial dates shall likewise be 1 day apart each, but not to exceed 90 days.)*

The hearing and trial dates are final and intransferrable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party’s allotted time to present evidence.

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

The accused (name of accused), his counsel (name of counsel), public prosecutor (name of prosecutor), and the witness (name of witness) are hereby notified of this Order in open court. The court shall no longer issue a *subpoena* to the parties present today.

SO ORDERED.”

ANNEX 8-B

*Template Order; Petition for Bail: Drug Cases*

“When the accused (name), assisted by his/her counsel *de parte/de officio* (name), was arraigned by reading to him/her the Information in a language or dialect known and understood by him/her, said accused entered the plea of Not Guilty.

Thereafter, pre-trial proceeded and the parties took up the following matters:

*(Indicate matters taken up in line with Rule 118 on Pre-trial, including the form of testimony as provided under subheading III, item no. 11 (b) of the Revised Guidelines)*

The petition for bail shall be heard summarily on \_\_\_\_\_.  
*(The hearing and the resolution of the petition shall be within 20 days from arraignment and pre-trial, and the hearing dates shall be 1 day apart each, both at 8:30 in the morning and 2:00 in the afternoon.)*

The trial for the presentation and reception of the Prosecution’s evidence-in-chief shall proceed on \_\_\_\_\_. *(The first trial date shall be immediately after the expiration of the 20-day period to hear and resolve the petition for bail, and next trial dates shall be 1 day apart each, but shall in no case exceed 5 days.)*

The accused shall present and terminate its evidence on \_\_\_\_\_. *(Trial dates shall likewise be 1 day apart each, but not to exceed 25 days.)*

The hearing and trial dates are final and intransferrable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party’s allotted time to present evidence.

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

The accused (name of accused), his counsel (name of counsel), public prosecutor (name of prosecutor), and the witness (name of witness) are hereby notified of this Order in open court. The court shall no longer issue a *subpoena* to the parties present today.

SO ORDERED.”

ANNEX 9

*Template Order on Resting the Case of the Prosecution:*

"After the prosecution rested its case today, trial shall proceed on\_\_\_\_\_, as previously scheduled for the accused to present and terminate his evidence, of which dates and time, the accused, his/her counsel and the prosecutor are already notified in open court.

SO ORDERED."

ANNEX 10

*Template Order on Resting the Case of the Accused; Case is Submitted for Decision:*

"After the presentation of its last witness, the defense rested its case. There being no rebuttal evidence to be presented by the prosecution, the court considers the case submitted for decision. The promulgation of the decision of this case is hereby set on \_\_\_\_\_, of which date and time,\* the accused, his/her counsel, and the prosecution are already notified of this order in open court this morning.

SO ORDERED."

\*Should not be more than ninety (90) days from the submission of the case for decision for regular cases; fifteen (15) days from the date of submission of the case for resolution for drug cases; sixty (60) days counted from the last day of the 30-day period to file the memoranda for environmental cases; 60 days from the time the case is submitted for decision, with or without the memoranda for intellectual property cases; and others that may be provided in new Rules and Laws.

## ANNEX 11

*Template Order on Resting the Case of the Accused when Motion to File Memoranda is Granted; Case is Submitted for Decision:*

"After the accused rested his/her case today and there being no rebuttal evidence to be presented by the prosecution, the court considers the case submitted for decision.

As prayed for, the parties are hereby given thirty (30) days from today within which to submit their respective memoranda.

With or without memoranda, the promulgation of the decision of this case is hereby set on \_\_\_\_\_, of which date and time,\* the accused, his/her counsel and the public prosecutor, are already notified of this order in open court.

SO ORDERED."

\* Should not be more than ninety (90) days from the submission of the case for decision for regular cases

## ANNEX 12

### *Template Order on Presentation and Offer of Rebuttal Evidence of Prosecution:*

"After the accused rested his/her case today, the presentation of rebuttal evidence of the prosecution is hereby set on \_\_\_\_\_, and the presentation of surrebuttal evidence of the accused is hereby set on \_\_\_\_\_, as previously scheduled.

SO ORDERED."

- After the presentation of the rebuttal witness, the prosecution should orally offer its evidence in rebuttal and the counsel for the accused should immediately raise his objections or comments, the court shall resolve the offer and respective objection or comment, and thereafter, start with the presentation of the surrebuttal witness.

ANNEX 13

*Template Order on Presentation and Offer of Surrebuttal Evidence of the Accused:*

"After the accused rested his/her evidence on surrebuttal, the court considers the case submitted for decision. The promulgation is hereby set on \_\_\_\_\_,\* of which date and time, accused and his/her counsel and the prosecution are already notified of this order in open court this morning.

SO ORDERED."

\* Should not be more than ninety (90) days from the submission of the case for decision for regular cases.