Form TJ-110, INSTRUCTION FOR CRIMINAL JURY TRIAL PROCEEDINGS
(Sections 6, 7, and 16, Rule 3, of the JSR)

Recommendation:

1. If several suspected offenders are involved in the same criminal accusation or indictment, no defense attorney shall be allowed to represent more than one criminal defendant. The need for a separate counsel for each accused is imperative to avoid conflict of interest by the same counsel handling cases for different accused. Its parity biblical rule is that "No servant can serve two masters at the same time."

2. If a single suspect is accused of several crimes but arising from the same set of circumstances, his cases should be tried altogether in the same trial proceedings. In this case, the jury should be supplied with the needed number of ballots as well as the "guilty" jury forms, and the "not guilty" jury verdict forms as there are number of cases, and collated by set in each case in separate envelopes premarked with the case name and criminal case number upon submission to the trial jury for its deliberation and decision. The Instruction for the Jury Trial Jury Proceedings should itemize the case number to be tried while using the same format as suggested in this form on a "single" crime accusation.

"Republic of the Philippines

_____ Court _____

Address_____

Mun/City/Province _____

CRIMINAL CASE NO. _____

PART "A"

INSTRUCTION FOR THE COURT AND FOR THE PARTIES OR THEIR COUNSELS

Before announcing the Instruction for the Jury Trial Proceedings, the presiding judge (PJ), the prosecutor and defense counsel shall confer in chamber to frame a **Joint Jury Instruction** for issuance to the jury to guide the members of the jury on how to follow the sequence and to understand the proceedings and the evidence presented by each party during the jury trial.

In preparing the Joint Jury Instruction, Form TJ-121 shall be consulted that will lead in finding the Table for Criminal Jury Instructions, Appendix “A” to these Jury Systems Rules. Great care must be taken in choosing the proper jury instruction from the table. An error in choosing a jury instruction is crucial because such error may be assigned as an error of law and a ground for an appeal on a jury verdict.

The Table of Jury Instructions serves as a systematized researched compilation of existing laws, decrees, laws, and established jurisprudence. If the proponent of a certain instruction believes that the Table for Criminal Jury Instructions is inadequate for his or her own

purpose, such proponent may dig into existing reliable legal references, example: the SCRA or the new applicable laws, to find the appropriate Instruction for his legal advantage and formulate the same at the “In Chamber Conference” for joint approval with the presiding judge and issuance in the course of the jury trial.

Such instruction shall be presented in the following format:

The Joint Criminal Jury Instruction

The PJ, the Prosecutor, and Defense Attorney must prepare before the trial date the matters they are required to accomplish the matters they need to agree on the date at their conference in the Chamber of the Presiding Judge.

The Judge: In conference and assistance with both and/or all counsels of the parties with their respective Trial Briefs, prosecution and defense, the judge shall issue his Instruction on the applicable LAWS to the case which shall be written in a form titled as “**Joint Prosecution and Defense Law Sheet** for delivery to the jury upon submission of the case for jury deliberation. The Law Sheet shall indicate in simplified language with translation in the local dialect of the jurors as follows:

1. The law and elements of the crime the accused is charged with;
2. The law and elements of the aggravating circumstances attending the case;
3. The law or laws relied by the accused for his defense;
    (a) (If applicable) Self-defense;
    (b) (If applicable) Acquittal based on reasonable doubt;

4. The law and elements of the mitigating circumstances attending the case;
5. The law and concept of alternative circumstances surrounding the commission of the crime.

The Prosecution: Must present a Trial Brief proposing the sequence in presenting his witnesses and exhibits: (The source of SIDN#'s is in the Grand Jury Indictment Witness List)

1. Witness (SIDN#-_____) _____ <- (Fill in name only when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

2. Witness (SIDN#-_____) _____ <- (Fill in name only when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

3. Witness (SIDN#-_____) _____ <- (Fill in name only when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

The Defense: Must likewise present his Trial Brief indicating the sequence in presenting his witnesses and exhibits:

1. Witness _____<- (Fill in blank when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

To identify Exhibit "__" (With one brief sentence)

2. Witness _____<- (Fill in blank when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

3. Witness _____<- (Fill in blank when witness is sworn)

   To testify that: (In one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

   To identify Exhibit "__" (With one brief sentence)

Upon completion of the foregoing Joint Jury Instruction by the Presiding Judge, the Prosecutor, and Defense Counsel, and **before proceeding to Part "B" below**, the Presiding Judge shall then issue an order to call the Jury Commissioner to bring in 28 jurors for empaneling pursuant to Section 16, Rule 3, (Page 232) of the Rules of the Jury System.

PART "B"

INSTRUCTION FOR THE CRIMINAL JURY TRIAL PROCEEDINGS

(*Must be translated contemporaneously during the trial*

from English to the local dialect of the jurors)

This instruction shall be read to the jury prior to the presentation of the evidence at the trial.

At the trial, a simultaneous translator may be employed to translate the Instruction as it is being delivered. Part of the training of a court translator is to read this instruction in advance so that he will be ready with terms to translate unfamiliar words. It may be delivered in a combination of both English and the local dialect by the judge to make the proceedings substantially understood by the jurors as follows:

"Ladies and Gentlemen of the Jury:

"You are now about to hear the presentation of the evidence in this case. There are two opposing parties in this trial. The accuser and the accused.

"The people are the accuser and they are represented by the government attorney. He is called the Prosecutor. The People or Prosecutor may be referred to as the "Prosecution."

"The suspected offender is the accused. He is represented and defended by his defense attorney. The Accused and the defense attorney may be referred to as the "Defense."

"First, I would want you to learn about the word "Witness." A "witness" is the person who is sworn to testify to tell the truth, the whole truth, and nothing but the truth in this court. He/She is required to sit in a witness chair or stand to state the information he/she is asked for the purpose of this trial that you are about to hear by way of answering questions from the

Prosecution, the Defense, or by this Presiding Judge.

"Therefore, if you hear that same person speaking outside this court and it happens that you were riding in the same bus with him and you heard him talking about the same case he testified to whether the same or different from what he said in court, you must not give any credible value to whatever he said at the bus. **Important reminder**: You must not talk or argue with him and you do not need to listen to him. And so, at the time this case reaches the stage wherein you are asked to deliberate on it, you must not tell your fellow jurors about the story the witness said that you heard at the bus. Why? Because he was not sworn at the bus and he was not sitting on the witness chair. The bus has no witness chair in the first place.

"At this time, I want you to know two important words. They are very different from each other. They are not the same. You cannot substitute one for the other.

"The first word is “Opinion” and the second is the word “Evidence.”

"The “opinion” is what you hear from the mouth of the government prosecutor or of the defense attorney says about his case or his opponent’s case. An opinion is not evidence. You are not allowed to use an opinion to make your decision. From time to time, by way of instructions, I will tell you which is an evidence and which is not. Exception: You may consider an opinion like an evidence if:

(a) It is an "Expert Opinion",

(b) The person stating his opinion must have been sworn in to tell the truth, etc. and must have been seated in the witness chair and has answered questions from the Prosecution or from the Defense;

(c) It is shown that the person making the opinion had sufficient training or experience on the subject he testifies to; AND

(d) It was admitted into evidence by the presiding judge of the court; and, again,

"The “evidence” is what you hear from the mouth of the witness who was sworn in and he is required to talk in the witness chair. The evidence is your basis to make your decision in this case.

"Another thing you must learn about "evidence" is that it consists of several things: The statement or word of mouth by a witness is evidence. An object or thing related to a case in court to prove a fact is evidence. Objects are usually marked or referenced with exhibit identification, such as Exhibit "A", Exhibit "B", Exhibit "1", and others. Evidence, therefore, is a combination of what the witness said, an object and identified as an exhibit to prove or disprove a fact.

"The words and statements of attorneys are not evidence. Attorneys only act as guides to help you find and understand the evidence. If there is variance or difference between what the attorney says over what the witness says, you must rely on what the witness said - not what the attorney said.

"Before the attorneys will present their witness or evidence, each of them will make an opening statement in favor of their side of the case.

"The prosecutor usually delivers his opening statement, and the lawyer of the accused may, or many not, make an opening statement.

"At this point, I will ask you a question. You must not be afraid to give me a wrong answer.

This is a part of your instruction and it is imperative that you learn it now. My question is this:

"When the lawyer delivers or speaks of his opening statement, did you hear an evidence or did you hear an opinion? Right or wrong, I would like to hear from the “most brave” among you."

(Presiding judge should emphasize that the words coming from the mouth of the lawyer is only an opinion and it is not an evidence).

"Again, the thing you should remember is that an evidence can be accepted only when it is stated by the witness while testifying in the witness chair. The subsequent statement, therefore, of the witness who speaks at another location after he testified in court such as when he speaks over the radio or television show or anywhere with another version than what he testified to in court is not the evidence. What the witness said over the radio or television station is a matter of opinion and of no evidentiary value because he was not sworn to tell the truth of what he said at the radio station or at the television show or anywhere else.

"Another evidence you must know is "Circumstantial evidence." Circumstantial evidence is a fact or event that can be used to infer or presume another fact or another event. It is an indirect evidence, an evidence the witness did not see, but it implies something occurred but doesn't directly prove it. It is a proof of one or more facts from which one can find another fact. It is also a proof of a chain or connection of facts and circumstances indicating that the person is either guilty or not guilty.

"You may also hear an objection to an evidence by an opposing attorney saying that the evidence is a "hearsay evidence." In ordinary meaning, a hearsay evidence is like a second hand evidence where the witness is stating a fact or event based on what he heard from another person or witness and not on what the witness himself has directly and actually seen,

heard, or felt of the occurrence or existence of a fact or event he is testifying to. You must not give credibility to a hearsay evidence if it is objected to by an opposing party.

"In the course of the trial, an expert witness may be called to demonstrate or describe a "Scientific Evidence." He is more of a teacher about the underlying scientific theory and instrument implementing theory. He is called in to bring out opinions that a theory is valid and the instruments involved are reliable. The witness must be accredited as an expert witness, which may require academic qualifications or specific training. You may or you may not accept his explanation as viewed from the logic or natural result of his statements.

"Remember the rule. Evidence may be acceptable only if allowed by the judge to be admitted into the record and while the witness speaks on the witness stand. So, if you hear any body talking about the case or crime, not sworn and not seated in a witness chair or stand, regardless of how prestigious or powerful he is, even if he may be the highest somebody of your community or who said "I am Chief of Police So and So, and I actually saw the happening of the crime or event," what you hear is not evidence. What you hear is an unsworn declaration from someone who cannot be prosecuted if his or her statement is a lie or a statement of falsehood outside of the court trial.

There is an exception wherein an evidence will be admitted without the need of a testimony by a witness. It is called “Stipulated Evidence”. Its other name is “Agreed Evidence” wherein both the prosecutor and the defense attorney will agree with the approval of the judge that the evidence be admitted without being testified to by a sworn witness. If such an evidence will come up, you will be told that it is a "stipulated evidence" upon which you believe to prove or disprove the existence of a thing, fact, or event.

Now, here is another word I want you to know at heart. The word is the “law” of the case you are going to hear. You must disregard any law you have learned outside this court.

The law that will govern the case is the principal law that the accuser or complaining party has submitted to this court which the accused is suspected to have committed. The definition of the law will be issued to you in a "Law Sheet" titled as **"Prosecution and Defense Law Sheet".** You are therefore forbidden to read a law book, legal dictionary or any dictionary whatsoever. You are not allowed to learn more of the law than what I have stated to you. Your prior knowledge of the law is irrelevant and you must not use that knowledge.

If you are a lawyer, you are advised to inform this court and by our jury rules, you are disqualified to sit as a juror in this case or in another case. The reason for this is that, it is difficult for attorneys to reconcile their legal training with the jury instructions. A lawyer-juror would tend to dominate non-lawyer jurors. At the deliberation he may be speaking like a lecturer or professor of law about his own theory of the case different from this jury instruction. When a juror-lawyer gives out his theory on a case in the jury discussion or deliberation, that would be an illegal instruction. A lawyer-juror is not allowed to use his legal training to consciously or subconsciously interfere with the court instruction of the law in question.

Here is another instruction and a reminder: In a criminal case, the accused is considered innocent in the course of the trial. What this means is that if the witness says something against the accused and the accused remain silent and does not make any protest over what the witness said against him, you must not imply or impute guilt upon the accused. The reason for this is because he has the constitutional right to remain silent about the accusation against him as a matter of law and the bill of rights in our constitution. You must consider him innocent until the last moment when you shall have reached the stage of your deliberation wherein you finally vote secretly to arrive at your jury verdict either guilty or not guilty. If he refuses to testify for his side, you must not imply guilt upon him by reason of his silence or refusal to testify.

You must remain neutral and you must not make a final mental decision in this case until up to the last minute when the time comes for you to cast your secret vote to make a jury verdict or judgment. Before making your decision you must first carefully and thoroughly deliberate or discuss with each other this matter with your fellow jurors in your deliberation room. If we are not able to finish this trial at the end of this day, you must not think anything about this case, and have a good night sleep.

In criminal trials, it is the obligation of the prosecutor to prove his case by his own evidence beyond reasonable doubt and not on the weakness of the evidence of the accused even if you are in doubt of the innocence of the accused. Proof beyond reasonable doubt is that degree of proof that produces conviction without mental bias as found in the evidence shown to you regardless of what you hear from the media or news stating that the accused "was caught red handed with his act." The evidence in court is what prevails over outsider gossips or stories or news reports.

Both of the parties will present or show to you their respective evidence. Stated in another way, the evidence consists of the testimony of the witness and the exhibits that each party will introduce through the identification by their witnesses. The exhibits come in different forms such as a document or a simple piece of paper or anything you hear and see or shown to you by the witness who is testifying with the help of the attorney. Once it is identified by the witness it is promptly marked with such words as “Exhibit 1 or Exhibit 2, and others.

Sometimes the exhibits were already marked earlier with such identifications. Remember that exhibits are not evidence if they are not identified by the witness at the witness stand. Example: If you had seen the exhibits with the markings and being carried into the court room and the attorney told the jury, “this is Exhibit 1", but it was not identified by a witness on the witness stand, that Exhibit 1 even if it was marked is not evidence. It is only made as an

evidence when it is actually identified by the witness or when it is admitted as a "Stipulated Evidence."

If you have read in the newspaper that the accused was indeed the crime offender and caught in the act by the police, even if it was cut out and marked as “Exhibit 5", for example, and presented by the lawyer during the trial without being authenticated by the testimony of a witness, that newspaper cut out or clipping is not evidence.

The presentation of the evidence will be in the following sequence:

The party who has the first right to present his evidence is the prosecutor as the attorney for the people, the accuser.

He will call his first witness to the witness stand and have his witness sworn to tell the truth, the whole truth and nothing but the truth and required to sit in the witness chair. The prosecutor will then ask all questions to the witness to obtain his statements or testimony. Along the way, he will show documents or things or items to the witness which are marked with Exhibit identifications to prove his case. The act of the prosecutor to ask questions to his own witness is called “Direct Examination.”

In "direct examination," the witness that is being asked to answer questions is the witness who is in favor of the party or his attorney who is asking the questions. In direct examination, the attorney or the party asking questions is not allowed to ask a leading question to his own witness.

A "leading question" is usually calls for an answer that is either "Yes" or "No". The

question itself already contains the answer. It is like putting the answer in the mouth of the witness. Often times, a leading question is objected to by the opposing attorney. If there is an objection to a leading question, you must listen to the instruction of the judge who will tell you either to accept or forget about the answer as if it is not an answer at all.

After the prosecutor's direct examination is finished, the attorney for the accused will likewise have the right to ask questions to the witness of the prosecutor. This act by the defense attorney is known as "Cross-Examination." The purpose of the cross-examination is to find anything in the direct examination that may not be true or to find inconsistencies on what the witness said. In cross-examination "leading question" is allowed. It is a question from the opposing counsel to verify how truthful the witness was in answering questions during his direct examination by his own friendly attorney or party.

When the cross-examination by the attorney for the accused is done, the prosecutor may continue asking questions to the same witness on matters that were brought out during the cross examination. This process is called "Redirect Examination", to fix or rehabilitate the testimony of his own witness.

When all the witnesses of the prosecutor had already testified with direct examination, cross examination, and re-direct examination, then, it becomes the turn of the accused with his lawyer to call his own witness for his own defense. This is the time when the attorney for the accused will conduct his own "Direct Examination" upon his own witness.

After the lawyer for the accused is through or finished with his direct examination, the prosecutor will in turn have the right to "Cross-Examine" the witness of the accused. And when he is done with his cross-examination, the attorney for the accused may likewise do a "re-direct examination" on his witness to clarify new matters that came about during the

cross-examination.

In the course of the direct examination, or cross-examination, of a witness, the opposing attorney may object to the question of the other counsel. In such event, you must pay attention of what I will say as presiding judge. I will either sustain the objection or I will deny the objection.

When I sustain the objection, it means that I do not want to allow the question to be answered. If the witness had already answered, I will order to strike out the answer and you must therefore disregard the answer.

When I deny the objection, it means that I will allow the question to be answered. The answer to the question will stand or that I will say, “witness may answer.”

Another instruction I want you to remember.

It is usual in a criminal jury trial that a member of the police or military force may be called to testify as a witness. Very often a civilian witness is likewise called in to testify. You are required to give equal weight of credibility to the testimony of either witness. As to whom you will believe better than the other will depend on the logic and truthfulness of the statement of the witness as you may observe between the testimony of such witnesses.

It is likewise usual that a witness may not be an eyewitness to the crime but he is called in to testify because he is considered an expert witness. He is considered to have a better education and experience on the subject that he is testifying to. When you are confronted in believing the testimony between the expert witness and an ordinary witness in the subject that is being talked about, you may give more credence to the testimony of the expert witness.

If you are confronted in weighing the correctness of the testimony of an expert against the testimony of an eyewitness or the witness who actually saw the happening of an event on the subject being talked about, you may give more credence to the testimony of the eyewitness.

I will now explain to you what will take place from now on until the prosecutor and the attorney for the accused shall have finished presenting their respective evidences:

(The Presiding Judge Issues the Joint Trial Instruction to the Jury)

The Judge: "The Accused is charge of _____. This offense is committed by (use definition according to law) _____
_____
_____

"Somehow, in the course of the testimony of the witnesses, it may appear that the commission of the crime was affected by "Aggravating Circumstances". An Aggravating Circumstance is a factor that increases the gravity or wickedness of the crime by the offender that made the victim suffer more hardship physically or psychologically unnecessarily. An aggravating circumstance shall increase the penalty to be imposed upon the offender of the crime.

"To find the accused guilty of the crime, the prosecution must prove its case beyond reasonable doubt with its own evidence by the testimony of its witness and the exhibits it shall offer during the trial. Where there is reasonable doubt as to the guilt of the accused, he must be acquitted even though his innocence may be doubted since the constitutional right to be presumed innocent until proven guilty can only be overthrown by proof beyond reasonable doubt."

"Ladies and gentlemen of the jury,

“We are going to have a trial. The accused has denied responsibility to the [crime of _____] (or crimes of _____; _____.) He has pleaded "Not Guilty" to the commission of the crime. By our constitution, the Accused is presumed innocent notwithstanding of the filing of the criminal accusation(s) against him until proven by evidence beyond reasonable doubt. The accused has no obligation to present any evidence to prove his innocence. He has the right to remain silent by refusing to testify in his behalf. If the prosecutor fails to present proof beyond reasonable doubt of the guilt of the accused, the accused shall be entitled to acquittal, meaning not guilty, if you find that there is doubt in the evidence of the prosecution.

(If applicable) “He is also entitled to acquittal if he committed the alleged crime in self-defense wherein his life or physical well-being was placed in eminent danger because of the act of the alleged victim of his crime.

(If applicable) "Likewise in the course of the trial it may be shown that there was a mitigating circumstance in the commission of the alleged crime. A mitigating circumstance is an event or factor attributed to some humane acts of the accused in the commission of the crime that does not necessarily excuse him of the crime but will only entitle him a reduction of the penalty and fine to be imposed by law upon him if he is found guilty of the crime.

(If applicable) “Alternative circumstance. It is a circumstance that may either increase or decrease the penalty and fine against the accused depending on the predisposition of his mind prior to his alleged commission of the crime.

"The Prosecutor may now start in presenting his evidence:"

Prosecutor: "Good morning/afternoon, Ladies and Gentlemen of the Jury.

“My first witness is _____ (he mentions the name of the witness

for the first time).

The Court Clerk swears in the witness: "Do you swear to tell the truth, the whole truth and nothing but the truth at this trial?"

Witness answers: "I do."

Prosecutor shall proceed now with his questions to the witness (SIDN#s you see are samples only).

1. Witness (SIDN#-“234") _____ <- (Fill in blank when witness is sworn)
   Witness to answer prosecutor's questions.
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Defense attorney cross-examines (asks question) on same witness;
   Prosecutor redirect examination (asks question) on the same witness

Prosecutor continues with his next witness:

"My next witness is _____ (he mentions the name of the witness for the first time).

2. Witness (SIDN#-“125") _____ <- (Fill in blank when witness is sworn)
   Witness to answer prosecutor's questions.
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Defense attorney cross-examines (asks question) on same witness;
   Prosecutor redirect examination (asks question) on the same witness

Prosecutor continues with his next witness:

"My last witness is _____ (he mentions the name of the witness for the first time).

3. Witness (SIDN#-“428") _____ <- (Fill in blank when witness is sworn)
   Witness to answer prosecutor's questions.
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Prosecutor asks witness to identify Exhibit "__"; asks questions about it;
   Defense attorney cross-examines (asks question) on same witness;
   Prosecutor redirect examination (asks question) on the same witness

The Judge:

"Ladies and Gentlemen of the Jury, it is now the turn of the defense to present its evidence. Please take note, however, that it is optional for the accused to testify in this case. If he chooses to, he may not even present any evidence, if the defense believes that the evidence of the prosecution is weak or it is not sufficient to prove the guilt of the accused beyond reasonable doubt. I must remind you that you must not make yet any conclusion in your mind about the outcome of this case at the present time.

"There are two things to consider before you can conclude this case and that: One, you must first hear the evidence of the defense, if it intends to present his evidence; and second, you must discuss about the case only when you are told to do so at the proper time. I must remind you again, that you must not discuss or talk about this case with anyone, not even among with your fellow jurors at this time.

"Obey exactly the instruction I have said to you so that all your efforts will not be in vain and end in a mistrial. The only way to succeed with this jury trial is not to talk about the case at this time.

"Let us now hear the evidence of the defense. Defense counsel may now proceed."

Defense counsel:

"Thank you, your Honor.

"Ladies and Gentlemen of the Jury, good morning/afternoon, to you all.

My first witness is _____ (mentioning the name of his witness

The Court Clerk swears in the witness: "Do you swear to tell the truth, the whole truth and nothing but the truth at this trial?"

Witness answers: "I do."

Defense attorney shall proceed now with his questions to the witness.

1. Witness _____ <- (Fill in blank when witness is sworn)
   Witness to answer defense attorney's questions.
   Defense attorney asks witness to identify Exhibit "__"; asks questions about it;
   Defense attorney asks witness to identify Exhibit "__"; asks questions about it;
   Prosecutor redirect examination (asks question) on the same witness
   Defense attorney cross-examines (asks question) on same witness;

Defense attorney continues and says: “My next witness is:”

2. Witness _____ <- (Fill in blank when witness is sworn)
   Witness to answer defense attorney's questions.
   Defense attorney asks witness to identify Exhibit "__"; asks questions about it;

Defense attorney asks witness to identify Exhibit "__"; asks questions about it;

Prosecutor redirect examination (asks question) on the same witness

Defense attorney cross-examines (asks question) on same witness;

Defense attorney continues and says: “My last witness is:”

3. Witness _____ <- (Fill in blank when witness is sworn)

Witness to answer defense attorney's questions.

Defense attorney asks witness to identify Exhibit "__"; asks questions about it;

Defense attorney asks witness to identify Exhibit "__"; asks questions about it;

Prosecutor redirect examination (asks question) on the same witness

Defense attorney cross-examines (asks question) on same witness;

After the attorney for the accused is done in presenting his witness and his exhibits, he addresses or tells the jury and the judge: "Your Honor, I have no more witness to present or exhibits to be identified."

The judge now shall ask the prosecutor: "Mr Prosecutor, are you presenting a rebuttal witness?"

If, there is, or there is none, the judge will inform the jury accordingly.

If no more rebuttal witness is presented by the prosecutor, he will then proceed with his Closing Arguments which he must address to the Jury. He will again state his position regarding his side of the case.

After the delivery of the prosecutor's Closing Argument, he gives his thanks to the jury and the judge.

When the Closing Arguments by the prosecutor is done, the attorney for the accused will likewise state his Closing Arguments to overcome the allegations of the prosecutor.

Finally, following Closing Arguments of the attorney for the accused, the prosecutor will make his sur-rebuttal against the closing arguments of the attorney for the accused. A sur-rebuttal argument is a statement intended to overcome what was said by the defense attorney in his closing arguments.

The Judge now addresses the Jury:

"We still have another instruction coming up but In the mean time, I order you to have a brief recess. While you are in recess, I will be presiding the offer of exhibits by the respective parties to this case. Exhibits admitted into evidence will be submitted to you once you get your order from this court to proceed to the deliberating. Remember that up to this time, your mind should remain neutral. You are reminded that you must not talk with any person even among yourselves about this case while you are on recess. Do not stay too far from this court. You will be called back any moment soon for further instruction.

PART "C"

OFFER OF EXHIBITS

As soon as all the jurors have step out of the room for recess, the Presiding Judge shall order the parties or their attorneys to offer their respective exhibits as well as each other's objection. The presiding judge will then formally rule on the admissibility of the exhibits being offered. The judge will then instruct the respective attorneys to the case, the following:

"First, let me ask the prosecution for its exhibits. One at a time, I will identify all the exhibits as marked and I will show them briefly, one at a time, to the defense and to which the defense counsel must state his objection for its admission and the basis for his objections. After this process is completed, I will then rule on the admissibility or not on the exhibits objected to by the defense;"

"The defense counsel shall act by the same process. The prosecution has the obligation to offer its objection specifically for each exhibits and the basis for his objection. I will then rule on the admissibility or not on the exhibits objected to by the prosecution;"

The Prosecution and the Defense lawyers with the judge will now finalize their final joint instruction which they prepared before the Jury Trial began. This final instruction in written form

will then be submitted to the Jury. It will be in the following form. It looks almost exactly the same Joint Instruction before the trial began, except this time, there may be some few changes and some blank lines are already filled in very briefly. Upon completion, the presiding judge will then call in the jury to receive this final instruction which shall be contained in an envelope with the following Items:

Item 1, The Written Final Instruction (officially prescribed as Form TJ-111);

Item 2. The Juror's Ballot form (officially prescribed as Form TJ-112);

Item 3. The Jury "GUILTY" Verdict Form (officially prescribed as Form TJ-113); and

Item 4. The Jury "NOT GUILTY" Verdict Form (officially prescribed as Form TJ-114).

The Presiding Judge now will recall the jurors.

- End of Form -