

Form TJ-111, INSTRUCTION FOR SUBMITTING A CRIMINAL CASE TO THE JURY FOR
DELIBERATION AND VERDICT: (Section 6, Rule 3, of the JSR)

This form, including the Juror's Ballot form, the "Guilty" Verdict form, and the "Not Guilty" Verdict form, must be translated into the local dialect that is commonly spoken among the people within the jury district where the trial court sits. The Executive Judge of the Regional Trial Court shall form a Committee composed of 5 citizens who are proficient both in English and the local dialect of the district to perform the translation. The translation shall be recommended for approval of the Supreme Court by the said Executive Judge before the translation is distributed to each trial court under his jury (legislative) district. The blanks in the forms shall then be filled in with the local dialect.

CRIMINAL CASE NO. (Refer to Form No. TJ-111A)

"Ladies and Gentlemen of the Jury:

"Here is your Written Final Instruction in dealing with this matter. This written Instruction is NOT EVIDENCE. It is given to you as a GUIDE ONLY on where to begin with your analysis of the evidence for your discussion and in deciding the case. I order the Bailiff to stand by near the door of your deliberating room and if you need something very important for this court to know, you simply knock at your door and the Bailiff will knock to answer your call.

All alternate jurors in this matter shall be present in your discussion but shall not be allowed to make comment during your deliberation and shall not be allowed to vote and to whom no ballot shall be furnished. If, for any reason, one or any of your regular members is

unable to finish with your deliberation or is unable to write his or her ballot, you must call the Bailiff. Tell him you are unable to finish the deliberation and you want to see the judge and all parties in court. You wait and keep locked in your deliberating room till the bailiff comes back to permit you to see the judge in open court. The Presiding Judge shall make a formal order to replace your incapacitated regular juror with the senior alternate. You will be ordered back to continue deliberation until you accomplish your secret voting.

At this moment, I instruct you to deposit your cell-phones with our clerk-secretary. I also instruct the secretary to provide you a clean empty envelope. Write your name on the envelope and wrap or seal your cell-phone in it and deposit it with the secretary. Your cell phones will be handed back to you when you leave this court room

(After all cell-phones are deposited with the secretary, give the following instructions)

I now instruct you, the jury, to go into your deliberating room. I remind you that you are not allowed to call on anybody in answering your respective questions and you alone among yourselves can answer those questions in the process of your discussion or deliberation. When each and all say you are ready to decide, you must simply write your vote secretly. Do not tell your fellow jurors what your decision is and you must not ask any of them what their decisions are. What is important is to arrive at your collective judgment called the jury verdict. Stand up now and go to your jury room.

"FINAL JOINT INSTRUCTION TO THE JURY

The Presiding Judge shall hand this instruction together with Forms TJ-111A, TJ-112 (12 pre-cut pieces), TJ-113 and TJ-114 to the Clerk with instruction for delivery to the Jury in the Jury Room.

(Follow the Sequence in this Instruction)

REMINDER: THESE DOCUMENTS ARE NOT EVIDENCE THEY ARE GUIDES ONLY FOR YOUR DISCUSSION

First: DO THIS NOW: Choose your Foreman before proceeding.

Second: **Special instruction for the Foreman.** Stay neutral when you preside so that you will not violate your certification which you must sign in the verdict form, Form TJ-113 or Form TJ-114. You do not want to become a target of investigation for violating this Special Instruction.

Exception: You vote either way but secretly. No tape recording shall be allowed during your deliberation. Alternate jurors shall participate in choosing your foreman. Your Foreman shall be chosen only from among the regular members of the jury.

Absolute rule: An alternate juror has no power to vote to decide to reach a jury verdict and no alternate juror shall have the power to request, demand, or force to exercise the vote of a regular juror.

Third: Your Foreman MUST read for all of you to hear this entire instruction including the

enclosed Ballot forms (which must be all in blanks), the "Guilty" Jury Verdict form, and the "Not Guilty" Jury Verdict form. DO NOT DO ANYTHING ELSE until this entire instruction is read to you. After reading proceed back to Stage "A" and start your work:

Also absolutely important: No one else but only you, the members of this jury, must enter in the deliberation room. You must not call by phone anyone. You are absolutely forbidden to contact any outsider for anything you need for information. You must contact the Bailiff of this court, if someone tries to interfere in your proceeding.

The role of the Foreman: He/She will preside your discussion. He/She should stay neutral all through out your proceeding, except when finally voting for the verdict which he/she shall do so likewise secretly with other members; Arrange the sequence in which each one who wish to speak or to ask a question among you. When a question is asked whether the accused is guilty or not, the Foreman must call any member to answer the question and let such member speak to express his opinion. Regardless of the conflicting or agreeing opinions expressed in the oral discussion, no one should dictate or force his fellow jurors to follow his opinion. It is enough that other jurors have heard his opinion. What will count are the secret votes of the members and when summed up will become the verdict of the jury.

It is now your duty to carefully examine the evidence presented to you by going over them in the order and sequence in the stages below:

STAGE "A"

THE INSTRUCTION BY THE JUDGE ON THE LAWS GOVERNING THE CASE ARE AS FOLLOWS Blanks in Stage "A" to be filled in by the Presiding Judge :

"1. The law of the alleged crime committed by the accused is _____.
In simple definition, it is committed by _____

"2. (If applicable, check this) The Prosecution has claimed that the alleged crime was aggravated by the following circumstances; _____

You must find in the evidence whether such circumstance(s) exist to guide the court the proper penalty and fine to be imposed in this matter.

3. (If applicable, check this box) The Prosecution further claimed that an alternative circumstance exist that may increase the penalty and fine. It alleged that _____

You must find in the evidence whether such circumstance(s) exist to determine the proper penalty and fine to be imposed in this matter by this court.

4. (If applicable) The law or laws relied by the accused for his defense:

(a) Self-defense: _____

To successfully claim self-defense, the accused must prove the existence of the following: (1) unlawful aggression on the part of the victim; (2) reasonable means employed by the person being attacked to prevent or repel it; and (3) lack of sufficient provocation on the part of the

person defending himself.

(b) Guilt of accused not proven beyond reasonable doubt: _____

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.

4. (If applicable) The Accused claims that the alleged crime was mitigated by the following circumstances _____

(Defense must write here the particular "mitigating" provision of law) _____

_____, etc.

You must find in the evidence whether such circumstance(s) exist to determine the proper penalty and fine to be imposed in this matter by this court.

5. (If applicable) The -Prosecution claims alternative aggravating circumstance as follows: _____

-Defense claims alternative mitigating circumstance. Claiming party to allege facts here: _____

You, this jury, must find whether or not such circumstance is clearly supported by evidence of the claiming party to determine the proper penalty and fine to be imposed in this matter by this court.

STAGE "B" - PRESENTATION AND OFFER OF EVIDENCE BY THE PROSECUTOR -

Blanks in Stage "B" is to be filled in by Prosecutor :

1. Witness (Name now written)_____

Testified that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about his/her testimony?"

Any or more juror may answer, one at a time.

Exhibit "A" showed that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

Exhibit "B" showed that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

2. Witness (Name now written)_____

Testified that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about his/her testimony?"

Any or more juror may answer, one at a time.

Exhibit "C" showed that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

Exhibit "D" showed that: (one brief sentence by prosecutor)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

3. Witness (Name now written)_____

Testified that: (one brief sentence by prosecutor) _____

Foreman should ask: "What can you say about his/her testimony?"

Any or more juror may answer, one at a time.

Exhibit "E" showed that: (one brief sentence by prosecutor)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

STAGE "C" PRESENTATION AND OFFER OF EVIDENCE BY THE ATTORNEY
OF THE ACCUSED - Blanks in Stage "C" to be filled in by the attorney
of the Accused:

1. Witness (Name now written)_____

Testified that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about his/her testimony?"

Any or more juror may answer, one at a time.

Exhibit "1" showed that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

Exhibit "2" showed that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

2. Witness (Name now written)_____

Testified that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about his/her testimony?"

Any or more juror may answer, one at a time.

Exhibit "3" showed that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

Exhibit "4" showed that: (one brief sentence by defense attorney)_____

Foreman should ask: "What can you say about this exhibit?"

Any or more juror may answer, one at a time.

STAGE "D" IN THIS STAGE, YOU WILL NOW ENGAGE IN AN OVER ALL DISCUSSION OR DELIBERATION ON THE MATTER AMONG YOURSELVES. Your discussion should not be recorded by a stenographer or by electronic recorder. You are forbidden to make a recording of any kind in your deliberation.

(1) You MUST NEVER ASK from any one who is not a member of your group to help in your discussion.

(2) If there is a question or anything that is preventing you to proceed with your discussion, you must send to the Presiding Judge - to no one else - a written note about your situation but YOU MUST NOT INDICATE what your decision is going to be. You must knock at your door to call the Bailiff to pick up your note who will bring it to the Presiding Judge. The Presiding Judge will then confer with the Prosecutor and the Attorney for the accused before giving out his instruction about your note or question.

(3) Reread the instruction on the law, the aggravating, mitigating, and alternative circumstances attending the case;

(4) Your Foreman shall at all times remain neutral and he shall schedule everyone to speak. He must give at least 5 minutes for every speaker to make his comment. After everyone has spoken, The Foreman will then say: "Everyone has spoken, let us now end our deliberation and come to vote by secret ballot. Let us make no further comment on the matter and go on with our secret voting." The Foreman shall then vote whichever way he decides.

(5) An alternate shall make NO comment in the discussion and he shall have no power to vote to decide in reaching your jury verdict.

STAGE "E" - DECISION STAGE.

THIS IS THE TIME FOR THE JURY TO DECIDE THIS CASE whether it will convict or acquit the accused. To make its decision, you shall vote **BY SECRET BALLOT** using the "Juror's Ballot Form." Your ballot has been prescribed as Form TJ-112, Section 14, Rule 3 of the Rules of the Jury System. Your ballot should be folded when you submit it to the Foreman for counting. The Foreman shall not open a ballot until all your ballots are submitted. Each of you has one (1) vote to cast. Your collective or total votes will represent the jury decision, called the "Verdict." You write your vote either "GUILTY" or "NOT GUILTY". Your Foreman should instruct to hold on to your filled ballot until every one has written his vote. When every one has written his vote, only then shall the Foreman gather the votes all at one time. The total of all ballots shall neither be less nor be more than 12. Once all your votes are submitted to the Foreman, the Foreman shall open each ballot and he shall separate the ballots into two (2) groups. On his right will be the "Guilty" ballots and on his left the "Not Guilty" ballots. Before the Foreman announces the result of the balloting he shall ask two jurors to review the reading of the ballots one on his right to count the Guilty votes and one on his left to count the Not Guilty votes. Only then shall the Foreman announce to his members the total number of the "Guilty" Ballots and followed by the total of the "Not Guilty" ballots.

The "Guilty" Verdict

1. If the total of the "Guilty" votes is seven (7) or more, this jury has convicted the accused of the crime charged against him.

(a) For the "Guilty" Jury Verdict, you shall write in the "Guilty" Verdict on Form TJ-113 to declare the jury verdict to the Court.

(b) Your Foreman must then call the Bailiff stating that the jury is now ready to declare its verdict. You **MUST NOT GIVE THE VERDICT SHEET AND YOU MUST NOT TELL** the Bailiff what your verdict is. Simply say, the jury is now ready to declare its verdict.

(c) The Bailiff will then inform the Presiding Judge that you are ready to declare the jury verdict in court.

(d) In the mean time, you must wait in your deliberation room until the Bailiff ask you to report back to your seats at the court room regardless of how long will it take for him to get back to you to report to the court.

(e) The Foreman shall hand in the Verdict Sheet to the Presiding Judge and the judge must inform that no clapping of hands is allowed upon reading the verdict. He will then order the Clerk of the Court to read the Verdict in open court in the presence of all parties concerned as well as any of the interested members of the public.

The "Not Guilty" Verdict

2. If the total of the "Not Guilty" votes is six (6) or more, or a tie vote, meaning six (6) "Guilty" votes and six (6) "Not Guilty" votes, the jury has acquitted the accused of the crime charged against him and he shall suffer no penalty of imprisonment or fine. The tie vote signifies that the prosecution has not proved its case beyond reasonable doubt.

(a) For the "Not Guilty" Jury Verdict, you shall write in the "Not Guilty" Verdict on Form TJ-114 to declare your verdict to the Court.

(b) Your Foreman must then call the Bailiff stating that the jury is now ready to declare its verdict. You **MUST NOT GIVE THE VERDICT SHEET AND YOU MUST NOT TELL** the Bailiff what your verdict is. Simply say, the jury is now ready to declare its verdict.

(c) The Bailiff will then inform the Presiding Judge that you are ready to declare your verdict in court.

(d) In the mean time, you must wait in your deliberation room until the Bailiff ask you to report back to your seats at the court room regardless of how long will it take for him to get back to you to report to the court.

(e) The Foreman shall hand in the Verdict Sheet to the Presiding Judge and the judge must inform that no clapping of hands is allowed upon reading the verdict. He will then order the Clerk of the Court to read the Verdict in open court in the presence of all parties concerned as well as any of the interested members of the public.

This Instruction has been JOINTLY APPROVED this _____ day of _____, year _____ (this part to be signed by Prosecutor, Defense Attorney, and by the Presiding Judge before handing to the Clerk for delivery to the jury in the jury room.

(Prosecutor)

(Defense Attorney)

(Presiding Judge)

- End of Form -