Form TJ-122. INSTRUCTION FOR CIVIL JURY TRIAL PROCEEDINGS
Briefly called as “CivJI” (Section 33, Rule 1, of the JSR).
(Sections 25(g), Rule 3, of the JSR)

"Republic of the Philippines
_____ Court _____
Address_____
Mun/City/Province _____

CIVIL CASE NO. _____

PART "A"

INSTRUCTION FOR THE COURT AND
FOR THE PARTIES OR THEIR COUNSELS

Before issuances of the Instruction for the Civil Jury Trial Proceedings, the Presiding Judge (or “PJ”), the parties or their respective attorneys 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, to understand the proceedings and the evidence presented by each party during the jury trial.

In preparing the Joint Jury Instruction, Form TJ-126 shall be consulted that will lead in finding the Table for Civil Jury Instructions, Appendix “B” 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 format of the Joint Jury Instruction:

The Joint Jury Instruction

Role of the Judge at the “In Chamber Conference”:

1. In conference with both parties or their attorneys, plaintiff and defendant, the judge shall require each party to state his objective about his case, the law and evidence to be relied by the party to prove his case one at a time with each party starting with the plaintiff and followed by the defendant.

2. The presiding judge shall consolidate the proposed jury instructions as presented by the respective parties for issuance and reading before the jury. A jury instruction is a simplified definition of a legal or non-legal but unfamiliar term, law, rule, legal dictum, phrase, sentence, provision of law or the constitution and followed in parenthesis “(__)” the legal or original reference or citation of the term, law, rule, etc. .

3. The plaintiff and defendant shall submit to the PJ their respective proposed Jury Instructions.

The Plaintiff’s instructions shall be titled: “Plaintiff’s Proposed Jury Instruction”. The Plaintiff must attach Form TJ-127, its Bill of Particulars for its claim. Each plaintiff’s instruction shall be numbered consecutively from “100" through “499" with prefix letter “P”. Example if his first instruction is the word “award” and his first number is “100". Assume further that the legal source of the word “award” is Article 2232 of the Philippine Civil Code. This Instruction shall be identified and written as:

“P-100, Award - If you find in the evidence that the defendant acted fraudulently, you must issue a judgment of award in favor of the plaintiff against the defendant (Article 2232, Civil Code of the Philippines).

If plaintiff's second instruction is about "Fraud", this instruction shall be written as:

"P-101, Fraud - Plaintiff is entitled to an award of exemplary damages against the defendant if plaintiff's evidence show that the defendant acted fraudulently in performing his obligation to the plaintiff (G.R. No. 114791. May 29, 1997, Go & Go, vs Ong & Ong).

The Defendant's instruction shall be titled: "Defendant's Proposed Jury Instruction". If the Defendant has a counter-claim, he/she/it must attach Form TJ-128, indicating his Counter-Bill of Particulars, against the Plaintiff. The defendant shall use the prefex letter "D" followed by his instruction number. Each instruction by the defendant shall be numbered consecutively beginning with "500" through "999" with prefix letter "D" - Example: D-500; D-501; Etc. His instruction shall be written in similar fashion as the plaintiff's. He should review carefully the plaintiff's complaint and his own answer thereto. From there he shall formulate his instruction based on the defenses in his answer and each of his instruction must be accompanied (in parenthesis) the citations of points and authorities to support his instruction.

Advisory Note (Not mandatory): For purposes of forming their civil jury instructions, it may be helpful to peruse the newly up-dated California Civil Jury Instruction which is found in the following web site: http://www.courtinfo.ca.gov/jury/civiljuryinstructions/documents/caci.pdf (copy/paste to ensure in targeting the correct URL).

Role of the Plaintiff at the "In Chamber Conference:

The plaintiff shall submit to the presiding judge his prepared written proposals as his instructions using Form TJ-127 for submission to th jury as a guide to indicate the following items to prove his claim or case:

1. Objective (meaning what does he want from the defendant?) based on his pleading complaint he has filed earlier in court);

2. The evidence and number of witnesses he will present; and

3. Instruction in simplified terms that defines the law, leading decision, jurisprudence, or contract, relied by plaintiff for his or her claim.

Role of the Defendant at the "In Chamber Conference:

Likewise, the defendant shall submit to the presiding judge a written outline of his defense/s also showing the following items:

1. Objective (meaning why the plaintiff has no right to collect or seek redress from the defendant) usually based on his response pleadings he as filed earlier in court;

2. The evidence and number of witnesses he will present; and

3. Instruction in simplified terms that defines the law, leading decision, jurisprudence, or contract, relied by defendant to defeat plaintiff' claim.

If the defendant has a counter-claim or cross-claim, the defendant shall likewise formulate his or her Instruction by submitting Form TJ-128 in simplified terms that defines the law, leading decision, jurisprudence, or contract, relied by plaintiff for his or her claim.

If there are other adverse parties, the same pattern shown above shall be used by that party

in outlining his objective/s about his case which he must submit to the presiding judge. The PJ shall assign to each additional parties their jury instruction numbers from 1000 through 1449; 1500 through 1599; etc., and their respective letter prefixes.

If a counter-claim or a cross claim is presenting by the defendant or any third party, the Presiding Judge shall explain to the Jury the meaning and nature of a "Counter-Claim" or a "Cross-Claim".

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 and approval by the PJ of the foregoing Joint Jury Instruction (which must include the proposed instruction by both parties), the Plaintiff's, and Defendant's Counsels, 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 ____) of the Rules of the Jury System.

PART "B"

INSTRUCTION FOR THE CIVIL JURY TRIAL PROCEEDINGS
(*Must be translated contemporaneously during the trial from English to the local dialect of the jurors, if necessary*)

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 Plaintiff and the Defendant.

"The Plaintiff is the party who is seeking an award (or restitution) from the defendant.
"The Defendant is the party who is resisting or denying the complaint or claim of the plaintiff."

(If there are other contending parties such as a counter-claimant or cross-claimant, the Presiding Judge should state that fact and instruct the jury accordingly.)

"It is a common practice that a plaintiff or a defendant is represented by an attorney or counsel. The word counsel has the same meaning as attorney. When I mention of plaintiff's counsel, it is the same as plaintiff's attorney. And so with defense counsel is the same as defense attorney.

"I understand that you have no special training in law and it is for this reason that you qualified to sit as a juror. The jury system has been specially instituted for the general public to participate in our justice system in accordance with our democratic form of government. Juries are not necessarily made for lawyers. In order for you to learn your job as jurors in this case, I instruct you to listen carefully on what I read or say to you. By the rules of the jury system, legal terms have been redefined into simple terms, words and phrases. To make those legal terms even easier to understand, we have employed a trial translator who will translate my words, and the words of the attorneys, into your common local dialect.

"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. Normally, 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 Plaintiff's Counsel, the Defense Counsel, or by this Presiding Judge.

"Therefore, if you hear that same witness speaking outside this court and it happens that you were riding together in the same bus with him and you heard him talking about the same case he testified to but with a different story than what he said in court, you must not give any value (or you should not mind) to what he said at the bus. **Important reminder**: This is my instruction to you. 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 different 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. Their meaning 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 Plaintiff's counsel or of what the defense counsel says about his case or his opponent's case or from the mouth of some else who is not a witness. An opinion is not evidence. You are not allowed to use an opinion to make your decision in this case. From time to time, by way of instructions, I will tell you which one 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 Plaintiff's Counsel 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 during a court session. 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 when identified by a witness 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 plaintiff’s attorney 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 bravest 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 during a court hearing or trial. 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 even if such person is the most powerful government official of the land.

"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 that something occurred or exists but does not directly prove it. It is a proof of one or more facts from which one can find another fact. An example of that fact is while you were sleeping during the night it rain very hard. When you walk up and looked over the window the ground was very wet and a neighbor of yours said “it rain very hard last night”. You believed your neighbor’s statement because you saw the effect of what he stated.

"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 believe a hearsay evidence and I confirm it is 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 a fact, 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 plaintiff’s attorney 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 or not 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. In a civil case such as this present case, the law of the case is the law according to what I state to you or the contract between the parties. However, a contract entered into by two or parties contrary to law or public policy is not a contract and cannot be made the “law” between the parties. It is an invalid contract.

“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. You are not allowed to talk to each other among yourselves for your private deliberation. It is never allowed and if I will learn that you violated this rule, I will hold you in direct contempt of court and I will order the bailiff, the person in uniform in this court, to keep you in jail in the duration of this trial.

“The next phrase you must learn is **“preponderance of evidence**.” In civil trials generally, the proof required to prove a fact is by “preponderance of evidence” or the greater balance between two probabilities. Think of our common estimation of 50-50. Whoever provides additional proof of 1 to raise his point to 51 has achieved his “preponderance of evidence”.

“Another phrase I instruct you to learn is **“Clear and convincing evidence”**. This is a higher degree of proof compared to preponderance of evidence. It is required in proving a fact in civil tort cases. Tort cases refers to injury or property damage claims arising to the recklessness or gross

negligence of the responsible party that leads to accidents. To prove something by "clear and convincing evidence", the party with the burden of proof must convince the trier of fact that it is substantially more likely than not that the thing is in fact true. As a jury in this case, you are the trier of fact. If this were a solo judge trial, the judge would be the trier of fact. In the 50-50 scale of probabilities, Clear and convincing evidence would be somewhere around 60 and/or higher probability.

"The other phrase I am instructing you to learn is the **"Proof beyond reasonable doubt"**. [For criminal case only: This is the standard required by the prosecution in most criminal cases within an adversarial system. This means that the proposition being presented by the government must be proven to the extent that there is no "reasonable doubt" in the mind of a reasonable person that the defendant is guilty. Usually, reasonable doubt is defined as "any doubt which would make a reasonable person hesitate in the most important of his or her affairs." A balance in the scale of 50-50, where the probability of 90 may not satisfy the standard for proof beyond reasonable doubt. It should be much more than 90.]

[**For civil case only:** In the present case, proof beyond reasonable doubt is not required for you in order for the plaintiff to prevail in his/her/its claim.]

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 in answer to the questions in the course of this trial. Once an exhibit is identified by the witness it is promptly designated as an, example "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."

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

The party who has the first right to present his evidence is the Plaintiff through his/her/its attorney or counsel.

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 Plaintiff's attorney 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 Plaintiff's attorney 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 plaintiffs attorney's's direct examination is finished, the attorney for the defendant will likewise have the right to ask questions to the witness of the plaintiff's attorney. 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 defendant is done, the plaintiff's attorney 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 if needed.

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

After the lawyer for the defendant is through or finished with his direct examination, the plaintiff's attorney will in turn have the right to "Cross-Examine" the witness of the defendant. And when he is done with his cross-examination, the attorney for the defendant 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.

There are some few instances in a civil 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 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.

"To start the presentation of the evidence in this case, I ask plaintiff's counsel to introduce himself and the name of his client. Defendant's counsel, please do the same.

(PJ continues the issuance of Instruction) "The plaintiff has presented a complaint to this court seeking (payment for a sum of money) or (for some redress claiming violation of his well-being or right) from the defendant;

"On the other hand the defendant has denied any responsibility against the plaintiff's claim. *(If counter-claim or cross-claim is presented by the defendant, also read the appropriate instruction in the following box/es.)*

Instruction on the Counter-Claim

Additionally, the Defendant has filed a COUNTER-CLAIM against the plaintiff. A counter-claim is a lawsuit in which the defendant is requesting for payment of a sum of money or for damages against the plaintiff. The defendant, then, shall be required by the rules to prove his claim with his/her evidence.

Instruction on the Cross-Claim

Furthermore, the Defendant has also filed a CROSS-CLAIM. This is a situation wherein there are two or more defendants in a case and one of the defendants files a lawsuit on the same subject lawsuit against his own co-defendant. Sometimes, it can also happen when there are two or more plaintiffs in the same case and one plaintiff files a coss-claim against his/her/its co-plaintiff.

"The plaintiff and the defendant now are asking your wisdom to resolve their conflicting claims. Before you may do so, I want you to listen and understand carefully every word in the following instructions I am about to issue to you:

(All INSTRUCTIONS MUST BE FORMULATED BEFORE ADDRESSING THE JURY)

"Counsel for the plaintiff may now make his/her opening statement for the plaintiff's case and followed by the defense counsel to do so for the defendant. You may recall in the earlier instruction that the statements of the respective counsels or attorneys are not evidence and they are merely your guides in understanding the case.

Attorney for the Plaintiff: "Good morning/afternoon, Ladies and Gentlemen of the Jury.

(Plaintiff's attorney to deliver his opening statement at this stage and promptly calls in his first witness to testify)

"My first witness is _____.

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."

Attorney for the Plaintiff shall now proceed with his questions to the witness.

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

Plaintiff Attorney's redirect examination (asks question) on the same witness

Attorney for the Plaintiff continues with his next witness:

"My next witness is _____ .

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

Witness to answer Attorney for the Plaintiff's questions.
Plaintiff's attorney asks witness to identify Exhibit "__"; asks questions about it;
Plaintiff's attorney asks witness to identify Exhibit "__"; asks questions about it;
Defense attorney cross-examines (asks question) on same witness;
Plaintiff Attorney's redirect examination (asks question) on the same witness

Attorney for the Plaintiff continues with his next witness:

"My last witness is _____

3. Witness _____ <- (Fill in blank when witness is sworn)
Witness to answer Attorney for the Plaintiff's questions.
Plaintiff's attorney asks witness to identify Exhibit "__"; asks questions about it;
Plaintiff's attorney asks witness to identify Exhibit "__"; asks questions about it;
Defense attorney cross-examines (asks question) on same witness;
Plaintiff Attorney's 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. I must remind you that you must not yet make any conclusion in your mind about 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 defendant, 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.

"The defense attorney may now deliver his opening statement or he may proceed to call his

witness to the stand without making an opening statement.

"Defense counsel, you may now proceed."

Defense counsel:

"Thank you, your Honor.

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

(Defense counsel to deliver his opening statement or directly call in his witness to testify)

My first witness is _____

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;
   Plaintiff's attorney cross-examines (asks question) on same witness;
   Defense attorney redirect examination (asks question) on the 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;
   Plaintiff's attorney cross-examines (asks question) on same witness;
   Defense attorney redirect examination (asks question) on the same witness

Defense attorney continues and says: "My last witness is" (and sworn in):

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;
   Plaintiff's attorney cross-examines (asks question) on same witness;
   Defense attorney redirect examination (asks question) on the same witness

After the attorney for the defendant 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 Attorney for the Plaintiff: "Counsel, 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 Attorney for the Plaintiff, 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 Attorney for the Plaintiff's Closing Argument, he gives his thanks to the jury and the judge.

When the Closing Arguments by the Attorney for the Plaintiff is done, the attorney for the defendant will likewise state his Closing Arguments to overcome the allegations of the Attorney for the Plaintiff.

Finally, following Closing Arguments of the attorney for the defendant, the Attorney for the Plaintiff will make his sur-rebuttal against the closing arguments of the attorney for the defendant. 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. 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 plaintiff 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 plaintiff 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 plaintiff;"

The Plaintiff and the Defense lawyers with the PJ will now finalize their 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 changes and some lines are already filled in very briefly. Upon completion, the presiding judge shall order his clerk of court to compile in one large brown envelope, 10" X 13" in size, the following Items:

[_] - This Final Joint Instruction to the Civil Jury;
[_] - Form TJ-124P, Plaintiff's ballot forms (pre-cut and kept in a separate small envelope);
[_] - Form TJ-124D, Defendant's ballot forms (pre-cut and kept in a separate small envelope);
[_] - Form TJ-125, Civil Jury Verdict'

[_] - All documentary exhibits of the Plaintiff, marked as Exhibits (or see List attached)
_____; _____; _____; _____; _____; _____; _____; _____;

[_] - All documentary exhibits of the Defendant, marked as Exhibits (or see List attached)
_____; _____; _____; _____; _____; _____; _____; _____;

- End of Form -