

Form TJ-123. INSTRUCTION FOR SUBMITTING A CIVIL CASE TO THE CIVIL JURY FOR DELIBERATION AND VERDICT: (Section 25(g), Rule 3, of the JSR)

This form, and all other forms to be submitted to the jury must be translated into the common local dialect that the jurors can speak, write, and understand. 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 prior to the distribution of the translation to each trial court under his jury (legislative) district. The blanks in the forms shall then be filled in English or the local dialect of the jurors or a hybrid of the two whichever is convenient for them.

The Presiding Judge will now recall the jurors

CIVIL CASE NO. _____

"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 your deliberating room door 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 and tell him you are unable to finish the deliberation and you want to see the judge and all parties in court. Once back in court, shall you then inform the Presiding Judge who shall formally make an order for the record to replace your incapacitated regular juror with the senior alternate. You will be ordered back to continue deliberation until you make your secret voting.

"FINAL JOINT INSTRUCTION TO THE CIVIL JURY

The Presiding Judge shall hand this instruction with the order to contain in a brown envelope, size 10" by 13" all of the following forms for delivery to the Jury in the Jury deliberating room:

- 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)
_____ ; _____ ; _____ ; _____ ; _____ ; _____ ; _____ ; _____ ;

(Follow the Sequence in this Instruction)

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

Ladies and Gentlemen of the Jury:

I instruct you to follow exactly all the steps below in their proper sequence in your discussion and in arriving at your verdict.

**First: DO THIS FIRST BEFORE STARTING YOUR DISCUSSION:
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-125. 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 aloud this entire instruction for all of you to hear including the enclosed

Ballot forms (which must be all in blanks), the Civil Jury Verdict Form, TJ-125. DO NOT DO ANYTHING ELSE but just read this Instruction. After reading, go 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 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 defendant is responsible to pay the plaintiff 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 your secret votes when summed up which will become your jury verdict.

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 (*Spaces in Nos. 1, 2, 3, and 4 must be pre-filled prior to submission to the Jury*):

1. The law and/or the contract relied by the plaintiff for its entitlement on his/her claim against the defendant is as follows (*adopted from the plaintiff's proposed jury instructions*):

2. The law on punitive damages, if applicable (*adopted from the plaintiff's proposed jury instructions*) _____

STAGE "B" - PRESENTATION AND OFFER OF EVIDENCE BY THE
PLAINTIFF *(Blanks below must have been filled in while
each witness was testifying during the trial):*

1. Witness (Write name of witness) _____
Testified that: (one brief sentence by plaintiff) _____

Foreman
should ask: "Are you convinced by the testimony of this witness? Why? Any or more juror
may answer, one at a time.

Exhibit "____" showed that: (one brief sentence by plaintiff) _____

Foreman should ask: "What can you say about this exhibit?"
Any or more juror may answer, one at a time.

Exhibit "____" showed that: (one brief sentence by plaintiff) _____

Foreman should ask: "What can you say about this exhibit?"
Any or more juror may answer, one at a time.

2. Witness (Write name of witness) _____
Testified that: (one brief sentence by plaintiff) _____

Foreman should ask: "Are you convinced by the testimony of this witness? Why?"
Any or more juror may answer, one at a time.

Exhibit "____" showed that: (one brief sentence by plaintiff) _____

Foreman should ask: "What can you say about this exhibit?"
Any or more juror may answer, one at a time.

Exhibit "____" showed that: (one brief sentence by plaintiff) _____

Foreman should ask: "What can you say about this exhibit?"
Any or more juror may answer, one at a time.

3. Witness (Write name of witness) _____
Testified that: (one brief sentence by plaintiff) _____

Foreman

should ask: "Are you convinced by the testimony of this witness? Why? Any or more juror may answer, one at a time.

Exhibit "____" showed that: (one brief sentence by plaintiff) _____

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 DEFENDANT** *(Blanks below must have been filled in while
each witness was testifying during the trial):*

1. Witness (Write name of witness) _____

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

Foreman

should ask: "Are you convinced by the testimony of this witness? Why? Any or more juror may answer, one at a time.

Exhibit "____" 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 "____" 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 (Write name of witness) _____

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

Foreman

should ask: "Are you convinced by the testimony of this witness? Why? Any or more juror may answer, one at a time.

Exhibit "____" 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 "____" 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" - Deliberation Stage

IN THIS STAGE, YOU WILL NOW ENGAGE IN AN OVER ALL DISCUSSION OR DELIBERATION ON THE MATTER AMONG YOURSELVES. No recording by a stenographer or by electronic recording will be allowed. It is illegal to make a recording of any kind in your deliberation. If this is a case wherein there is a counter-claim by the defendant, you must DISCUSS FIRST THE CLAIM OF THE PLAINTIFF:

- (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 Plaintiff and the Attorney for the defendant 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 YOU AS A JURY TO DECIDE THIS CASE whether the defendant is responsible to pay the plaintiff or not. If this is a case wherein there is a counter-claim by the defendant, you must DECIDE FIRST THE CLAIM OF THE PLAINTIFF:

To reach your decision, you shall vote **BY SECRET BALLOT** using the "Civil Jury Secret Ballot Form." Your ballot has been prescribed as Form TJ-124P, and Form TJ-124D, Section 14, Rule 3 of the Rules of the Jury System. Your ballot should be folded when you submit it to your 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 **"YES"** or **"NO"**. The Foreman shall be responsible that each ballot is properly initialed.

You must be reminded that when you start writing your ballot, no one of you must speak, force or harass any of your fellow jurors as to who would you want to win in this case. Violation of this rule will result in the mistrial or "no trial" and the violator will be personally responsible to pay for the expenses of this trial equal to, but not more than, the total of all the jurors' pay for one day of the trial. If you were threatened or forced to vote one way or the other, you must secretly report the matter to the grand jury for secret investigation and you must ask the clerk of court to help you how to submit your report. The clerk of court is hereby instructed to keep the matter confidential.

You vote and write **"YES"** in your ballot, if you decide that the plaintiff has the right to collect his claim from the defendant.

You vote and write **"NO"** in your ballot, if you decide that the defendant is not responsible to pay the plaintiff.

Your Foreman should instruct to hold on to your filled ballot until every one has finished writing 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 **"YES"** votes and on his left the **"NO"** votes. Your **majority "Yes" vote** is your jury decision requiring the Defendant to pay the claim of the Plaintiff. Your **majority "No" vote** is your jury decision to prevent the Plaintiff from collecting payment of its claim from the Defendant.

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 **"YES"** votes and one on his left to count the **"NO"** votes. Only then shall the Foreman announce to his members the total number of the **"YES"** votes and followed by the total of the **"NO"** votes.

1. If the total of the **"YES"** votes is seven (7) or more, this jury has found the defendant

responsible to pay the plaintiff. If the total “**NO**” votes is six (6) or more, this jury has found the defendant not responsible to pay the plaintiff. You will then proceed as follows:

(a) Pull out your Jury Verdict form, Form TJ-125, and write your verdict in this form and have at least two of your jurors verify and ensure that your verdict is correctly entered in it. After your verification, your Foreman and your two members who verified the verdict must sign the verdict form TJ-125.

(b) Your Foreman shall 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 shall 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. The Presiding Judge shall 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.

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

(Plaintiff’s Attorney)

(Defense Attorney)

(Presiding Judge)

- End of Form -