JURY SYSTEM, The People Powered Judiciary. The only effective device to minimize government corruption ever invented by Man according to U.S. President Thomas Jefferson and proven to work for over 226 years. Recommended by Atty. Marlowe Camello.

It is presided ministerially by a Regional Executive Judge only on and during its first and inaugural session to confer empowerment of the Grand Jury at which its members are sworn and their Grand Jury Instructions are read and issued by the presiding executive judge. The GJ is self-autonomous and required to complete its investigation within 90 days from date it begins its investigation. Its session is conducted in a secret room where no one can observe, except one witness at a time to testify.

The Presiding judge does not partake in any investigation proceeding by the Grand Jury and has no power to approve or disapprove its decision to indict or not to indict.

The Clerk of Court of the REJ provides assistance to the Grand Jury including channeling GJ subpoena and ushering of witness to the Secret GJ room.

The function of a GJ is equal to the combined jobs of the NBI, Ombudsman and Investigating fisca\ls but it does much simpler and faster. GJs easily find their crime suspects and witnesses secretly from tipsters and they will never be revealed to the public or to any party. Only the crime suspect will be known when he is already arrested after his accusation is filed in court.

Its members are sworn to secrecy, must be college graduates, not have been a member of any fraternity, sorority or mista and must not be a public official or employee.

After the GJ has filed its complaint known as “Indictment” in court and the suspect is arrested, he shall then face arraignment to plead guilty or not. If he will not plead guilty, the Trial Jury shall then proceed to try and decide whether he is guilty or not.

No government can ever free itself from corruption unless justice is powered and decided by you, the ordinary and common man through the juries, to enforce action. The Jury System can do in 12 months what the present Philippine justice system could finish in 12 years. Philippine justice is a self-serving justice system exclusively for the rich and powerful. Let us do away with it to ultimately solve government corruption.

U.S. President Thomas Jefferson said: “The JURY is the only anchor ever imagined by man that can hold a government to the principles of its constitution.” I think, he knew what he was talking about.

Marlowe Camello. Jury Proponent. Email: MCamello@Verizon.net
The MOST EFFECTIVE GOVERNMENT ANTI-CORRUPTION DEVICE IN THE WORLD

By Atty. Marlowe Camello, Author of the “People Empowerment Initiative”

May 21, 2011, California

Thomas Jefferson said that the “Jury is the only anchor ever yet imagined by man that can hold a government to the principles of its government”. As president of a very successful democracy, the U.S.A., we can assume without doubt that Mr. Jefferson well understood the meaning of what he said. Those who oppose it are either negligently ignoring its great potentials to clean the government of corruption or have an ulterior personal motives for selfish entrenchment.

Any anti-graft public official who is truly sincere to stop government corruption, which I believe includes President Aquino, Justice Secretary Leila De Lima, and Social Welfare Secretary Corazon Dinky Soliman, Et Al and every adult citizen in the private sector, who is determined to speed up justice in the Philippines and stop human rights abuses, should take a serious look and adopt what Thomas Jefferson declared as the “only anchor ever imagined by man” that can hold every public official in the government, and every citizen for that matter, to obey the constitution and our laws. I think we, in the Philippines, should cease indulging with analysis paralyzes just to simply find a temporary “band aid” solution of one’s government administration like the self-serving government controlled anti-graft commission, i.e. the Presidential Anti-Graft Commission of PGMA and now renamed by President Aquino into Investigative and Adjudicatory Division (I&AD) which looks like the old dog with a new collar and still controlled by the President. Question: If a close relative of the President (or another president in the future) commits an act of corruption, do you think he, or she, will allow the I&AD to investigate and file a criminal complaint against such relative? Whether such I&AD will get the stamp of approval by Congress, it is still a self-serving band aid anti-graft solution that can be manipulated by its controller for his own personal advantage which is meaningless as far as the people are concerned. It is still a “NGEK” as the common saying goes.

Justice Secretary De Lima once avowed to eradicate this death squad business to keep the peace of a city, but now she seems to have backed out of, or forgotten on, her avowal due to some possible political considerations. Unfortunately, justice and politics can never mix like oil and water. If she is afraid to step on the toe of a powerful character, then, she should help the people create the Jury Systems, so that the people on their own sovereign free will, through their Grand Juries, they can decide to eradicate the mega government abuses against the common Filipino people.

As Justice Secretary, Ms. de Lima should not thwart the will and aspirations of the people through the justice system to clear the country of misfits of society. If given the proper judicial instrument, the jury system, the people can care less to step on the toe of a powerful corrupt official because they owe no gratitude to him in keeping their livelihood or their jobs with their private employers. If she would help establish the jury systems during her incumbency, she can become the most powerful Justice Secretary the Philippines can ever have and leave the greatest legacy in creating an effective justice system that will reform the country into a safe society which the people will never forget.

The common people in the private sector have greater concern than public officials over the state of government corruption and human rights abuses because they are the ones suffering most of these social maladies than government officials who can sleep soundly each time they go to bed. The common people, therefore, have every right to have a voice in justice and there is no other “vehicle” they can exercise that right through the juries in their communities. “Sovereignty resides in the people and all government authority emanates from them” according to Article II, Section 1, of the Constitution. They are constitutionally entitled to exercise that right through the jury system. The free-wheeling abuse and monopoly of justice by the powerful rich over the lowly poor should stop without preconditions if we are going to have a peaceful and just society in this generation and the next.

JURY SYSTEM WILL SHORTEN PERIOD OF CRIMINAL PROCEEDINGS

If we adopt the Jury System, it will shorten the time required to completely dispose a criminal case to 12 months, instead of 12 years, regardless of who the accused is, whether he is a powerful character or not, except the appeal part of course of the case. What is important is to know whether the accused is guilty or not within the 12-month time frame which is
highly possible in the proposed jury law this author has drafted. I think, this is what President Aquino wants in his latest overtones to improve justice in this country.

If an accused pleads guilty, or enters a plea of “no contest”, that period could further be shortened. In the proposed jury law, his guilty plea shall not be approved or granted unless he shall first pay back in full to the government all moneys he had stolen from the people. If his probable imprisonment will be for life (or death if this penalty is restored), I think he would prefer to simply plead guilty on an offer of a lower period of time to serve his imprisonment, provided that he shall first pay back the people or the government all the funds and the value of the time of the people and government in pursuing the crime against him BEFORE HIS GUILTY PLEA IS APPROVED. For example: If the accused had stolen P700 million pesos and the cost of prosecuting him is P100 million pesos, he should pay back the people the amount of P800 million pesos. **He should be required to pay first the price of his liberty no more, no less,** and have the restored money budgeted for public work projects to create local employment opportunities for the people. This is a win-win solution both for the people and the accused. Why and How?

1. Grand Jury investigation and indictment, 90 days to finish;

2. Arraignment within 3 days from arrest;

3. Trial preparation, 6 months maximum as requested by a party who presents the longest time to prepare. He cannot complain short of time to prepare because the preparation time to reach a “firm trial date” (FTD) is based on his own estimate. The opposing party cannot complain because he benefits from the longer time to prepare his case. If the accused is not on bail, trial preparation is 3 months only.

4. Trial continuances, limited to 3 days only.

5. Any lawyer, including the presiding judge, who will abuse or violate the trial continuance rules will be liable for obstruction of justice upon complaint of any citizen to a grand jury which is punishable from 3 to 5 years and lose of professional license and lose the privilege to hold a public office;

6. The longest continuous trial, 4 weeks on the average; and

7. Jury deliberation and verdict, 5 days on the average.

8. If there is shortage of presiding judges or prosecutors, the proposed jury law has provided a rule wherein 3-year law practitioners can qualify either as a “Pro-Temp Presiding Judge” (PTPJ) or as a “Community Deputy Prosecutor” (or CDP) who are bound by their agreement to serve within 3-day call notice.

The above time estimates will not go beyond 12 months to finish the proceeding of a criminal case.

GOVERNMENT MONOPOLY OF JUSTICE
(The fundamental cause of Government corruption)

Government monopoly of justice is the fundamental cause of the social chaos in the Philippines. This government monopoly should be dismantled without delay. It is a monopoly that protects big time crime offenders of society. Everyone knows who they are. Adoption of the Grand Jury and Trial Jury systems is the basic solution to this fundamental judicial “sickness” and not the cumbersome solution offered by Mr. Tony Kwok, the so-called international anti-corruption czar of Hong Kong and a former PGMA highly paid justice adviser. As we know, ironically, former PGMA ended her administration with the most corrupt government in the history of the Philippines in spite of Mr. Kwok’s advisory efforts.
The Jury System is easy to operate. This writer, a Filipino, who has practiced law both in California, USA, and in the Philippines, has drafted the proposed Jury System in the Philippines based on his thorough research on this subject. All that is needed is to review and improve the jury draft according to the peculiarity and ethnic character of the Filipino people without the need of sending Philippine scholars to other countries to study the jury system. His work can be found in the following web site:

http://www.the-filipino-people.com

The United States adopted and experimented the jury system upon the persuasion of Thomas Jefferson. Britain originally experimented on it from whom the U.S. copied the Jury System. Canada experimented on it. Australia experimented on it. New Zealand likewise experimented on it. Each and all of these countries have become the first choice without debate of all migrant Filipinos who leave the Philippines to seek a better place to reside, knowing that in such countries, they will find true self-help justice that can provide them the best opportunity to protect their life, liberty and pursuit of happiness for their families than by residing in the Philippines.

The United States has kept the unity of its peoples and states for over 200 years now, thanks to their excellent justice system through their use of Juries, the Grand Jury and Trial Jury systems that enable them to live in harmony with each other as peaceful neighbors in their communities, cities, counties, and states. Without these judicial devices, the unity of its 50 united states could have disintegrated long before the Union of the Soviet Socialist Republics, or U.S.S.R., have crumbled.

The U.S.S.R., you may recall, use to have a government monopolized justice system, the same "compadre" justice system that we have now in the Philippines. The unity of the states of the U.S.S.R. barely survived that lasted only for 75 years and ultimately collapsed in the early 90's. The reason for this was that justice then in the U.S.S.R. was the exclusive monopoly of its government that turned out only to protect the freedom and liberty of its public officials. Its judicial government monopoly of justice was exactly the opposite in the in the United States wherein the American People themselves enjoys a self-protection of their freedom and liberty through the jury systems and not by their Federal Government.

Many Muslims likewise live in the United States but none of them is known to have formed a group that is advocating to secede from the U.S. like the Bangsamoro in Mindanao due to what they perceive as dismal injustice system the Filipino Muslim people are getting from the central government in Manila.

We wonder why in the Philippines that Filipino Muslims leaders in Mindanao are discontented with their social relationship with the Philippine Government as well as among themselves such as a clan of Muslim sultan versus another Muslim sultan or a clan of Muslim datu versus another Muslim datu. There is one important basic cause for this social chaos in the Philippines. This cause is lack of a workable justice system to keep the Filipino People at peace and united with each other either socially or individually.

The real cause of the social turmoil in the Philippines is the monopoly of justice by the rich and powerful characters of Philippine society and they are usually in control of the government at the expense of the poor and lowly Filipino people. It is a judicial monopoly that always favors the rights and interests of powerful Christians or Muslims over that of the poor and powerless Christians or Muslims.

To prevent the powerful from taking advantage of the powerless of society, a device in the justice system has to be adopted to enable the poor to have a deciding “vote” in justice. Common people are not afraid to decide in justice because their employment with their private employers cannot be controlled or sabotaged by powerful public officials. In the United States, such device is known as the Jury System. Such a system is created in two forms with different functions known as the Grand Jury and the Trial Jury Systems. Administration of justice in the U.S. is a joint partnership of the government and people.

As Thomas Jefferson further said “There is no better protector of the freedom and liberty of the people than the people themselves” - rich and poor alike.

Adoption of the Jury System in the Philippines was naturally implied from the words of the late President Ramon Magsaysay when he said: “Those who have less in life, must have more in law.” The law he may had in mind must
have been the JURY LAW. This law, as stated earlier, is now proposed under the “People’s Empowerment Initiative” to establish the JURY SYSTEMS in the Philippines.

IMMINENT LEGAL, CIVIC, POLITICAL AND RELIGIOUS LUMINARIES TODAY WHO HAVE EXPRESSED THEIR SUPPORT FOR THE JURY ADOPTION

During the first historic Jury Forum last April 28, 2011, at the UP-NCPAG, UP Diliman, Quezon City, a number of important government luminaries attended the affair.

Among those present who spoke and endorsed the Jury Adoption in the Philippines were Justice Undersecretary Ernesto Pineda, Human Rights Commissioner Eligio Mallari, Dean Ponciano Subido, and Malolos Regional Trial Court Branch 6 Judge Manuel DJ Siyangco.

Ms. Daisy Arcilla Brett-Holt, president of the Philippine Jury International came all the way from the United Kingdom and spoke strongly for the need of the Jury System in the Philippines at the UP-NCPAG Jury Convention.

Organizing the convention was made possible through the fervent efforts of Atty. Cita Borromeo Garcia, Mr. Oscar Barrera and Atty. Berteni “Toto” Causing. Atty. Causing delivered an impassioned speech supporting the Jury Adoption to protect the rights of the poor.

Former Constitutional Commissioner of the present constitution Hon. Florangel Braid tendered a surprise dinner party for the organizers of the Jury Convention. She is also a firm supporter of the Jury Adoption movement.

Others who were present and strong jury advocates were Mr. Mar Tecson, a CPA and fearless economic analyst and auditor, and civic leader Mr. Patrick Pantaleon. The event was attended by Father Terry L. Barcelon, SJ, of Xavier University in Cagayan De Oro and by civic leader and journalist of Zamboanga City, Mr. Abduljaman Damahan.

Jury supporters likewise came in from Tuguegarao of the Katarungang Pansambayan Inc and gave their views strongly endorsing the jury adoption.

The organizers of the Hukuman Ng Mamamayan Movement Incorporated (HMMI) were present in the UP-NCPAG voicing their endorsement for the jury adoption and led by its chairman Tirso Paglicawan and directors Atty. Cirilo P. Sabarre Jr., Elmer Rodriguez, Romualdo Renta, Jomar Fantillan, Asher Bueno, Hernz Cuare and Atty. Dervin V. Castro.

California law practitioner, Atty. Marlowe Camello, who authored the “People Empowerment Initiative” came in to the convention all the way from the U.S. in giving his first hand information on the workings of the Grand Jury and Trial Jury systems.

FOOTNOTE:
If the Grand Jury and Trial Jury systems will be set up half way through the first half of the term of office of President Benigno Aquino III, he could be leaving office with the most corruption-free government after the late President Ramon Magsaysay and gain more popularity than all his predecessors.

If not, he could end up with a government more corrupt than that of Gloria Arroyo. How can he be able to personally watch, catch and “snatch” grafters and human rights abusers outside and beyond his bedroom in
Malacaniang from Batanes Islands through the Tawi-Tawi Islands? Impossible, no matter how personally honest he can be under the current trend of the growing tide of government graft and corruption all over the nation. Marlowe Camello, 5/09/2011.

(THE JURY HAND BOOK FOLLOWS IN THE NEXT PAGE BELOW)
There are three important reasons for adopting the Jury Systems. They are, namely: To implement the constitution, to vitalize the power of justice, and to serve as a device for crime prevention to achieve national unity.

To Implement Article II, Section 1, of the Constitution
(The Sovereign People's Power Clause)

Right in the opening provision of the constitution, it spells out the type of government ideology we shall embrace and the pecking order of powers of the Filipino people. It states in Article II, Section 1, that “The Philippines is a democratic and republican state. Sovereignty resides in the people and all government authority emanates from them.” This constitutional provision needs implementation with an enabling law, the Jury Systems Law, to recognize and allow free and unrestricted exercise by the people of their supreme authority and power over their government and public servants.

As a human being, you possess certain rights, rights you can never entrust to someone else, called UNALIENABLE rights which only you alone can jealously protect. These rights have been guaranteed in our constitution by creating our democratic form of government. They are your rights to LIFE, LIBERTY, the RIGHT OF ABODE and the PURSUIT OF HAPPINESS. As you can see, it is self-evident that they are UNALIENABLE, meaning you cannot entrust or transfer them for safekeeping in others hands much less to politicians and public officials in order for you to enjoy life. Adopting the Jury Systems in our justice system is the only guaranty to protect you of said rights through yourself and by yourself. Without juries, there is no way you can protect them adequately. If you don’t, others will take it from you, specially those whom you elect to powerful positions in government.

Some specific examples of your unalienable rights are your right where to reside, usually in your own home and land, to breath air, to eat, to think and speak as a human being, to work and to procreate, so that you can keep and fully enjoy your life. Your right, as a social being, to mingle with your friends and fellow citizens in your community is also your unalienable right.
In 1988, Republic Act 6657, the Comprehensive Agrarian Reform Law, was enacted, to provide farm workers ownership of economic-size farms. Until today, many farm workers are still struggling to perfect their ownership over their lands under said law. An example of this is the Hacienda Luisita land distribution that instead created a big trouble for the poor farm and sugar plantation workers resulting in the massacre of 7 people that included 2 children. It is all because of the manipulative acts of its landlords in depriving the farm workers in perfecting their ownership of their share in the hacienda. There were even more killings after this incident while no one has been held responsible for the murder of the victims - “thanks” but no thanks, and “courtesy” of the corruptible Philippine Justice System. The only hope to solve these murders is by the adoption of the Grand Jury and Trial Jury Systems wherein you, the poor man, can put your powerful voice (and vote) in it.

All throughout these many past years and until today, public officials of the government have been misleading the common ordinary people to believe that they, and not the people, are the sovereign masters of Philippine Society, which they were, and are, not in spite of the clear implication of the rights of the people under the constitution.

In practice, public officials and politicians neither believe in the sovereignty of the people except only during election time wherein they buy your votes to keep themselves in power nor they recognize the people’s unalienable rights.

As our best strategy in the private sector therefore, we must initiate to adopt our jury systems law in order for us to protect collectively our sovereignty and unalienable rights.

Likewise, do you wonder why many land holdings of poor people now-a-days have become housing developments by large corporations owned by a certain senator? Senators also are supposed to prevent illegal logging when you reside in the hinterlands to keep you safe from landslides during rainy seasons, do they? Senators are supposed to protect you, but they don’t because justice is always in their side and against your interest.

If we, the common and ordinary citizens, fail to adopt a Jury Systems Law, we will continue to live in bondage in the hands of corrupt and filthy rich public officials in every aspects of our lives.

In addition to our individual unalienable rights, under our democratic society, we likewise have the right to exercise our rights by “majority rule.” The “Rule of Majority” is vested in us in the private sector because we compose the greatest number of people in our society. While we compose the greater majority, we
are unfortunately also composed of the poor and the poorest class of citizens. The purpose of vesting the majority rule in us in the private sector is to prevent the more fortunate minority, who are the rich and the powerful of society, from using their wealth and power to overrule our rights to life, liberty, right of abode, and the pursuit of happiness that are guaranteed to us in our constitution.

It has also been ordained in the constitution that we must have a republican state. This term “republican” has nothing to do with the popular, or sometimes less popular, “republican party” of politicians in the U.S. Neither does it refer to the dreaded “republican guard” in Iraq during the dictatorship of the late Saddam Hussein.

The word “republican” in the Philippine constitution refers to the minority of the Filipino people, called public officials, who “occupy” the “community” of power in the government. We officially refer to their “community” collectively as the “Republic of the Philippines.” But as you have been observing, this “republic” has only been made to operate in favor of government officials and wealthy people. Why? Because, again, we do not have a jury system of justice. Philippine justice has always been under the exclusive “ownership” and control of those powerful public officials as I have been stating time and time again.

A Republican system of government is what we have been hearing about “Representative Democracy”, or Democracy by representation. It is the opposite of what we have learned about “Direct Democracy”. In a direct democracy, there is no such thing as congress. The entire population of the people is the congress itself and you can imagine how cumbersome this can be. Direct democracy is characterized by the common adage which says: “One for all and all for one”. An example is when a national budget is to be enacted, wherein all the people of the country will have to come to the poles to vote to approve the budget.

The nature of the Philippine government as being “Republican” is very important for us, specially to the poor. It paves the way of “organizing” our government into a representative democracy. Instead of all of us acting in totality to keep our democracy functioning, we need to choose and entrust to some of our fellow citizens to do the chores of administering the government to keep it going in our behalf. This is made possible by declaring that the Philippines is a “Republican State” in the constitution.

By the “republican” system of government, it implies that we also have the perfect right to VOTE OUT a public official just as much as we have the right to VOTE IN a public official.

By this republican system of government, it further implies that we have the right, not only to vote to elect,
but also the right to VOTE TO OUST a public servant who breaches and betrays our trust by committing abuses and acts of corruption in office. This is why we need the Jury System as our means to VOTE OUT corrupt officials through our precious JURY BALLOTS. In voting to oust a corrupt official or in sending him to jail as a crime suspect, it requires two SEPARATE Jury groups with different members to vote to remove from office a bad official.

The **first separate process** is by secret investigation and indictment by a group of private or ordinary citizens like you and me. If in the investigation, probable cause is found that the public official has committed abuse or corruption in office or a crime suspect has committed a criminal offense, such as depriving you illegally of your land holdings, the said group of people then shall file an accusation in court against the said official. This group composed of 23 of private citizens is known as the “Grand Jury” whose main job is to investigate and accuse said official in court. Its accusation is called an “indictment” which must be approved by at least 14 votes of its membership by secret ballot.

The **second separate process** is a follow-up of the first process. After the indictment in court, the accused shall then be required to stand trial before another jury, known as the Trial Jury composed of 12 citizens.

The trial jury will be presided by a judge who acts like a referee during the presentation of the evidence. The judge shall enforce discipline through his instructions. He also determines whether an evidence is admissible or not during the trial. Along the way, the judge will issue his jury instruction to guide the jurors how to do their job but the judge does not participate with the jury to decide the case. Only the 12 jurors will privately discuss the case and vote secretly to reach their decision on a majority vote. Unanimity is not required.

Our votes by the jury systems are constitutionally made possible in the Philippines because we have the Republican system of government according to our constitution. In declaring the Philippines as a republican state, it is not necessary to write in the constitution the use of the jury systems because the jury system is already an essential attribute, or natural part, of a republican system of government to vote to elect, to vote to accuse and to vote to convict a criminally abusive public official or public servant. You may read a historical account about these jury votes system in a web site at:

http://www.lizmichael.com/rulebook.html

To Vitalize the Power of Justice
Another reason for the adoption of the Jury System is to vitalize the Judicial Branch of the Philippines and bring it up to its true equality with its counter-parts in the Legislative and Executive branches of the government. The judiciary does not enjoy a direct voting support from the common people for lack of the jury system. This explains why the Judicial Branch is the weakest in authority among the 3 government branches.

Currently, justices, judges and prosecutors cannot freely exercise their decisions in fulfilling their functions because they are, in actual practice, totally controlled by powerful officials of the Republic from the President and Lawmakers in the national government level down through all the local government units from whom justices, judges, and prosecutors owe their positions in office. They are almost nothing but errand boys and girls of their recommending or appointing politicians. Unfortunately, a symptomatic syndrome of this kind is now showing up in the administration of President Aquino where he does not want to investigate certain members of his cabinet that were implicated by Archbishop Cruz of being suspected of protecting the illegal jueteng gambling operators.

As a result, our Philippine Justice (sometimes described as that blind folded “Lady Justice”) has become the loyal “mistress” for the politicians and powerful officials of the Republic. It is no wonder why the Philippine Government is basically corrupt, inutile, unreliable and not worthy of support by many members of its armed services. Those in the military who publicly declared their complaints against corruption were instead sent to jail.

How can the jury system vitalize the Judicial Branch and the justice system? Easy and securely. Firstly, by gaining the direct voting support of the people for its acts in administering justice system through the jury systems. Secondly, The common people as members of the juries will not be deterred to decide in justice against any powerful corrupt officials because their livelihood or jobs with private employers cannot be sabotaged by any powerful corrupt government officials. Thirdly, justices, judges, and prosecutors, shall then be shielded by the people through the juries against the unlawful interference from the powerful members of the other branches and instrumentality of the government. Politicians can no longer use said justice officials as their errand boys and girls.

With the jury systems in place, powerful public officials will be prevented from imposing their whims in securing judicial decisions in their favor. Any public official or person who tries to contact a juror or even the judge shall be liable for indictment for obstruction of justice by the grand jury.

A Device for Crime Prevention
To Achieve National Unity
The Jury System shall operate by instruction to the people who will serve as jurors. The instruction consists of the Grand Jury Instruction and the Trial Jury Instruction. In both forms of instruction, they shall be issued under the tutelage of the presiding judge. These instructions will be uniform in their application throughout the country. This will logically result in the reduction of crimes and naturally pave the way to national unity.

There is no better authority who can give lawful and proper instruction in law to the people than judges who are in the best position and training to teach the law. The Jury System shall become the “school of law” under the supervision by lawful authorities, the judges all over the land, 5 days a week, and 52 weeks a year. This is tantamount to mass legal education of the people about their civic responsibilities. By training the people with good citizenship rules coupled with their power to decide in justice, the logical result will be a great reduction in the extent of lawlessness and government corruption in the Philippines.

Without the jury systems, where else shall the people get their education for “good” citizenship and loyalty to their government? Well, of course, from outlaws such as criminal gang leaders, death squad masterminds, or rebel leaders who teach people how to kill people; how to ambush peacekeepers; how to rob, how to murder and how to massacre people; how to fight petty wars between and against opposing tribes due to their rivalry in courtship, business, and in politics.

In the proposed jury systems law, continuous trial with no more than 3 days of postponement, except in life threatening situation, will be mandatory making any lawyer or presiding judge or any party liable for the crime of obstruction of justice upon indictment by the grand jury for the violation of this rule. Administration of justice will speed up that will significantly reduce criminality in the community. With less incidence of crimes, it will promote peace and encourage unity among the Filipino people.

With juries, the Filipino people will be recruited randomly or by lottery and that will mean that jurors will be chosen to sit in juries regardless of their color, religion, wealth, poverty, gender, or ethnicity and not upon the dictates or instruction of politicians. As they sit in juries, they decide justice peacefully in their halls of justice without hand guns or hand grenades.

The mode of choosing jurors by lottery to serve in juries is one of those factors that shall unite the Filipino people. In southern Mindanao, for example, it will become a common sight to see Muslims, a Christians, Galis, Tirurays, Tasadays, Manobos and Tausugs sitting side by side and face to face in discussing together and deciding together to reach their verdict in a case. This has never happened in the entire history of the Filipino people but it can happen soon once we shall have adopted the jury systems.
Being guided by the same lawful rules and laws nationally via the same Jury System and Instructions, there is no other logical way for Philippine society to go but towards national unity with justice, national reconciliation, and national peace and prosperity.

Grand Jury Introduction

What is a GRAND JURY, or “GJ”?

A Grand Jury (hereafter referred to as the “GJ”) is a highly confidential group of pre-qualified private citizens organized by law, randomly chosen and empowered to directly exercise the sovereign power and authority of the people under, Article II, Section 1, of the constitution. Its main function is to secretly investigate serious crimes and to file indictment in court against the crime suspect upon its finding of probable cause. It is traditionally composed of 23 members. Once organized, it acts without prior approval from any government authority.

A GJ does not need to find evidence to prove beyond reasonable doubt of the guilt of the crime suspect in order to present its indictment in court. What is important is that it acts as an independent body of the people to decide without fear or favor whether or not to indict a crime suspect, rich or poor, and regardless of the power of the person, public official, or nobility who is suspected of having committed a serious crime. Its members serve anonymously whose identity is secretly kept from publicity.

The Members of a GJ is required to take the following oath before they start to act on their mission:

"I will diligently inquire into, and true presentment make, of all public offenses against the people of the Philippines, committed or triable within this municipality or city as well as within this province, or judicial district, or within any judicial district of the Philippines, of which the Grand Jury shall have or can obtain legal evidence.

"I will keep my own counsel, and that of my fellow grand jurors and of the government, and will not, except when required in the due course of judicial proceedings or authorized by statute, disclose the testimony of any witness examined before the Grand Jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the Grand Jury.

"I will present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof;
"But in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God."

GJ members shall be chosen by lottery from among pre-qualified private citizens. Among others, some of their qualifications as required by the proposed jury law are: that they must be college graduates with a diploma but not necessarily with a law degree; and no public official or government employee or his close relative shall qualify for membership in the GJ. While they may not know the techniques of legal interrogation, they will be guided with a "GJ-WITNESS Interrogation Plan" that will be promulgated by the Supreme Court, in effect, to authorize them to practice law in a limited way. A draft of that Interrogation Plan is found in this book under the “Table of Grand Jury Forms”.

The formation of a GJ shall be accomplished under the supervision of an executive trial judge. The supervising judge, however, has no participatory deciding power in the functions of the GJ. His role is limited only in the formation or organization of this body of citizens and issuing to them the Grand Jury Statutory Instruction for their empowerment to act.

The Basic and Source of the Power of the Grand Jury

The basis and direct source of power of the grand jury is the people's sovereign authority and power in Article II, Section 1 of the Constitution which states that "Sovereignty resides in the people and all government authority emanates from them."

GJ power to investigate and indict transcends all over the three great branches of the government, namely, the Legislature, the Presidency, and Judiciary, whose powers are derived in the subordinate Articles VI, VII, and VIII of the Philippine Constitution, respectively. Question: If the President has been meant to be the sovereign "dignitary" of the Philippines, why is his authority in Article VII written below the People's sovereign power in Article II?

Under the proposed jury law, the GJ is given the power to indict for Obstruction of Justice against any person or public official no matter how high his position is who shall violate laws, obligatory rules, or court orders, such as, among others, disobedience to a GJ subpoena or subpoena duces tecum, or disobedience to court ordered writ of amparo, writ of habeas corpus, writ of mandamus, or writ of habeas data, even if the violator is the President of the Philippines. The penalty for Obstruction of Justice shall be from 3 to 5 years and 5 to 7 years in some specified cases.
By the creation of the Grand Jury System, justices, judges, and prosecutors as "agents" of justice shall no longer be treated as errand "boys" and "girls" of the the President. The Judiciary shall truly become a "living" co-equal branch in our present equal government branches.

**The Ultimate Objective of Creating the Grand Jury System**

The ultimate objective of the GJ is to investigate serious crimes. A serious crime is an offense punishable by imprisonment in jail by one year or more. This body of citizens shall decide by secret ballot so that none of its members shall know each others vote in reaching a decision to indict a suspected crime offender.

The purpose of secret balloting is to prevent coercion by any member upon any of its fellow members in voting so that its decision to indict, or not to indict, the subject of its investigation shall be secured upon the free will (and not on the ill-will) of its members. A member who votes “No” can not be reviled or antagonized by his fellow jurors because he cannot be identified with his “No” vote.

The GJ is never intended as an adversarial forum because it is not a court of law. Making a GJ an adversarial body will merely be duplicating the function of the courts to find whether the subject is guilty beyond reasonable doubt that will only add up delays in deciding to file the needed accusation in court against a crime suspect.

All that is required of the Grand Jury is to find probable cause whether a crime has been committed and that the crime suspect is PROBABLY (or by prima facie evidence) guilty of said crime.

**Utmost Secrecy is Required in Grand Jury Investigations**

The official business of the GJ shall be conducted in a strictly confidential manner and should be accomplished only in a secret investigating room. Absolutely no one is allowed to enter its premises except one witness only at a time when setting a witness for questioning. A witness shall not be allowed to have a lawyer or any public official or anybody to accompany him in the grand jury room. Anyone who will violate this rule shall be subject to indictment for obstruction of justice by the GJ.

To find the subject in a GJ investigation, it shall require the clerk of court to publish in newspapers or in television the invitation of tipsters of Crimes, or whistle blowers, to secretly report suspected serious crime offenders and witnesses with their names and addresses without requiring the tipsters and whistle blowers to disclose their identity. A prescribed form for this purpose can be found in the forms table. No names
of anybody whatsoever will be announced in the advertisement. Only a short description and location of the crime will be announced.

**Tipsters and Whistle Blowers**

Who are the possible tipsters of crimes? Many. He or she could be a disgruntled or jilted lover of the crime suspect; a partner in crime who has not been paid, or or has been underpaid, of his share in the loot; a government employee or official who has been bypassed for promotion; an honest government employee or official who is already fed up with this business of corruption in his office; a person who is bothered by his conscience on a crime he knows about; an innocent person who is blamed for the crime of another; a close family member who is badly maltreated by the crime offender. Perhaps many more types of offenders you can imagine.

Members of the GJ are never required to go out to the field to make their investigation. All their investigation activities are performed in their secret investigation room. In filing of a GJ indictment, none of its members is required to go to the clerk of court to file its indictment. Instead, it shall summon the Clerk of Court to come to the secret GJ investigation room to accept and stamp the filing of its indictment.

Due to the secret manner by which GJs are made to operate, there is no chance that one can see it while at work. This is the reason that you may have not heard about it before. And perhaps today is the first time you have come to know that there is such thing as a Grand Jury. Most Americans, in fact, don’t know about it.

**How Do Witnesses Find the Grand Jury Investigation Room?**

A witness who is subpoenaed by the GJ is required to report to the Clerk of Court who shall, in turn, usher, or bring in, to the GJ investigating room the witness for questioning. If there are several witnesses, only one witness at a time shall be allowed and guided by the clerk of court to enter the GJ investigation room.

The main reason for the utmost secrecy of GJ investigation is to counter-act the secret ways crimes are committed by offenders. GJ members are assigned with security ID numbers (SIDN) for their official name instead of their true names. The only person who will know the true names of GJ members is the judge who swore them into office and he is required by the proposed law to keep the list of the names of the GJ members in a bank vault. A witness is also given an SIDN and his true name is never mentioned when he testifies during investigation or questioning.
Even a crime suspect under investigation is likewise assigned with an SIDN so that nobody whomsoever will know who the object of its investigation is. The only time the subject of investigation will know that he has been indicted is at the moment of the execution of an arrest warrant to take him into custody.

The GJ law will require that court personnel, the court presiding judge, the sheriff or arresting warrant officer to keep the investigation and indictment strictly confidential until the indictee is already taken actually into custody.

Other Purposes for the Secrecy of Grand Jury Investigations

The other purposes of the secrecy of GJ investigation are:

To protect the members of the grand jury from harm or harassment by powerful vindictive crime offenders and their cohorts or relatives such as the President, Governors, Mayors, Senators and Congressmen, Police and Army officers; and

To protect all possible witnesses to the crime from harm and harassment by interested parties or persons to a case;

To prevent the crime suspect from becoming fugitive of justice or from escaping arrest;

To prevent trial by publicity by grandstanding government investigators like the presidential wannabee senators, and police or army officials who want to gain “good points” (or “pugi” points) for promotion with their so called crime prevention efforts; and

To keep the constitutional innocence of the crime suspect from prejudicial judgment by potential jurors in the case.

To prevent the suspect or victim or their respective sympathizers from tampering any evidence or of threatening, harassing or harming potential witnesses;

To protect both the victim and crime suspect from further counter-attacks or from harming each other or by their followers.
To protect judges and government prosecutors and private investigators for doing their jobs honestly from illegal or unethical interference, threats, embarrassments, or physical harm from highly armed or powerful or wealthy elements of society both in and outside of government;

To encourage potential crime informers and whistle blowers to secretly report to the grand jury any criminal wrong doings in their workplace, neighborhood, organizations, and among circle of friends.

To prevent politicians from mutually proclaiming each other to the whole world that they are both thieves. At list, at this time, there is a tiny number of them who are not.

Side Bar Issues

There are two constitutional issues that may be raised over the secrecy of grand jury investigation under the Philippine Constitution, namely:

The right of a person in a criminal investigation against him to be informed of his two important rights in Article III, Section 12(1); and

The right of the accused to be informed of the nature and accusation against him, in Article III, Section 14(2).

Article III, Section 12(1) is a protection for a person who IS IN CUSTODY such as when he is arrested while committing, or has committed, a criminal act. The rights there of the person is to be informed of two things: 1. His right to be reminded TO REMAIN SILENT; and 2. His right to be reminded TO RETAIN A LAWYER of his choice and if he cannot afford the government shall provide one for him.

If the person is a fugitive from justice, like when he is on flight in an executive jet in going to Singapore or Hong Kong to avoid arrest for committing an electoral dagdag/bawas offense, it would be impossible for an arresting officer, much less a grand jury, to advise him of his Article III, Section 12(1) rights.

Shall the authorities then have to call him by cell phone and say: "Hello, Garci, Hello, honey! Please remain silent, okay? You also have the right to hire your own attorney!".

What if he does not answer the phone so that his whereabouts cannot be determined with a GPS? Does this mean that the Supreme Court will issue an order to disallow the NBI, or the Grand Jury, to gather
evidence against this fugitive “Garci”, if he is not around?

In GJ investigation, this Body is not dealing with a person in custody. It does not even know in the beginning who that person is. Besides that, none of its member is required to go out of the field to arrest any one. What will the members of the GJ do? Just play mahjong.

Article III, Section 14(2) is only applicable in a court proceeding and not in a GJ proceeding because the GJ is not a court. Besides that, there is no ACCUSED to speak of in a GJ proceeding. The only time there can be an accused is when he is already indicted in court by the GJ. But once the suspected offender is already indicted, the GJ is already done with him and it has nothing to do with him any further.

**A Grand Jury is Not a Court. Has No Power To Compel Crime Suspect To Testify In Its Proceedings**

The GJ is not a court. It has no power to compel a crime suspect to appear before it to testify in his own behalf. It has no judicial power to detain or arrest a crime suspect. Because it is not a court, No one is allowed to cross-examine during the questioning of a witness inside the GJ investigation room except the grand jury members only. A person under GJ investigation cannot claim double jeopardy because it has no judicial powers whatsoever. Investigation and indictment is not a judicial power.

If a person claims that he is wrongly investigated and indicted by a GJ, he should examine himself about some acts he has performed in the first place that has placed him under suspicion of having committed a crime. If he suspects another person has reported him to the GJ for the alleged crime he has committed, he should report that person to the GJ likewise for counter-secret criminal investigation for obstruction of justice. Any person who does not want to be suspected of committing a crime, he should avoid doing something suspicious. In other words, if a person does not want to get burned, he should get close to a fire. It’s as easy as that.

If at least 14 of the 23 members of the GJ finds probable cause that the crime suspect has committed a serious crime, the GJ shall then have the authority to indict (or accuse) in court the serious crime suspect. The indictee (or accused suspected crime offender) shall then be required to stand trial before the other “brother/sister” jury known as the “Trial Jury” in a court of law.
Trial Jury Introduction

The Trial Jury, or “TJ”, is a group of 12 citizens chosen by lottery from a list of registered voters in a district who shall serve as a group judge under oath to decide a case fairly in court.

The TJ shall be presided by a judge. His main job is to enforce order and discipline in the courtroom, to determine the admissibility of the evidence introduced at the trial, to issue Jury Instruction to the trial jury and finally to or the reading of the jury verdict in open court and to impose the penalty upon the convicted accused pursuant to the verdict. He has no authority to decide the case himself, or to participate with the jury to discuss the case.

The fitness for jury duty of the citizens called to serve in the trial jury shall be jointly determined and impaneled by the opposing parties or their counsels in court under the supervision and presence of the presiding judge,

All the jurors are required to be present in the trial jury at all times. The jury trial cannot proceed in the absence of any juror and any juror who shall fail to comply with this requirement shall be liable for imprisonment by direct and summary contempt of court.

The function of the trial jury is to determine the facts of the case and at a proper time to discuss and to decide the same upon instruction of the presiding judge. The judge shall have no participation in the discussion or in deciding the case.

In the beginning of the jury proceeding, the presiding judge shall be required to issue and read a set of Statutory Basic Jury Instruction for the trial jury. He must do this without deviation or modification in reading the instruction. Should he violate this requirement to favor or disfavor a party, he can be liable for obstruction of justice upon complaint by any citizen or party to the case to the grand jury.

In addition to the penalty of obstruction of justice, he will be subject to disciplinary action for removal from the bench and forfeiture of his bar license to practice law.

Adherence to Facts, Continuous Proceeding Required In Jury Trials

This proposed jury system shall require the courts to adhere to the finding of facts by the trial jury. The main intent of adopting trial by jury is to avoid arbitrary decision by one man who may be laboring under the
influence of third parties such as friends, and relatives, or some interested characters in the outcome of the case.

It is also intended to speed up trials of cases as required by the constitution, to ease the backlog of cases that have afflicted the Philippine court systems for so many years now.

The trial date jointly agreed upon by the Presiding Judge, the Prosecution, and the Defense shall become a **firm trial** date (or FTD) and no postponement shall be allowed under any circumstances except for continuances of no more than 3 days from the date the trial jury begins to hear the case.

The FTD shall be determined by basing on the longest time period offered by either party for his preparation to go to trial but not longer than 3 months if the accused is in custody or not longer than 6 months if the accused is free on bail.

The proposed jury law shall provide a rule in which private practicing attorneys may apply to serve as a Community Deputy Prosecutor (CDP). The proposed law shall likewise provide a rule in which private practicing attorneys may apply to serve as a Presiding Pro-Temp Judge (PPTJ) for a trial jury. All CDPs and PPTJ shall promise without fail to attend to their respective commitments to participate in the trial proceedings within a certain notice period required in the proposed law notice in the event that each of them is called in for some reasons to speed up the administration of justice in their community.

At the pre-trial conference to set the FTD, it will be the responsibility of the prosecution to name his CDP to take over the case in the event of a life-threatening situation that may befall on him during the trial.

At the same pre-trial conference to set the FTD, it will be the responsibility of the defense counsel to name his substitute defense counsel in the event of a life-threatening situation that shall befall on him during the trial.

If a life-threatening situation shall befall upon the accused during the trial, the presiding judge of the trial jury shall order the appearance of an appropriate medical doctor who will testify under oath, subject to cross examination by the counsels of either party, to determine the merits of the claim of the accused that he is incapable of going forward with the trial. If the accused is incapable of going forward with the trial, the estimated date by the medical doctor, but no more than 15 days, Saturdays, Sundays, and Holidays, included, shall be the maximum continuance firm date of the jury trial.

The purpose of the strict adherence to continuous proceeding in a jury trial is to avoid disturbing the trend of thought and focus of the minds of the jurors on their case. A continuance of more than 15 days shall
cause a mistrial and a party misusing continuances of trials should be held responsible to pay the expenses of a mistrial including the jurors fee, the time of the court and its personnel, and the party not responsible for the mistrial.

Any person, the presiding judge, the prosecutor or defense counsel who shall attempt to intentionally delay the jury trial by misusing the above rule shall be liable for obstruction of justice upon complaint by any citizen before a grand jury.

Should any person is found guilty for maliciously obstructing the trial and such person is a licensed professional, he shall be subject to disciplinary action for removal of his license to practice his profession.

No continuance of a trial longer than 3 days shall be allowed unless based on a life threatening situation of the accused or either counsels. If a presiding judge of the trial jury is afflicted with a life threatening situation, he shall be substituted promptly with a Presiding Pro-Temp Judge.

The presentation of the evidence before the trial jury shall be the same as in presenting the evidence in a bench trial.

**Significance of Number of Votes In Jury Verdicts**

The members of the trial jury are required to cast their ballot secretly to reach a verdict so that none of the members shall know each others vote for or against the verdict. No juror, including its foreman, shall be allowed to force any juror to vote for or against in the verdict of the jury so that the verdict shall be purely free from coercion.

A tie vote of 6 guilty and 6 not guilty shall be an automatic verdict of acquittal. No appeal on the part of the prosecution shall be allowed.

A guilty vote of 7 to 8, 9 to 10, and 11 to 12 by a trial jury shall produce a guilty verdict that will influence the imposition of the penalty upon the convicted accused in the minimum range, the medium range, and the maximum range of penalty according to the range of imprisonment of the penalty as defined by law as follows: A guilty vote of 7 to 8 will draw a minimum penalty; 9 to 10 will draw a medium penalty; and 11 to 12 will draw a maximum penalty. If the guilty verdict is 12 with attending aggravating circumstance as found by the jury, the convicted accused shall suffer the full period of penalty without the benefit of presidential clemency.
An appeal from a guilty verdict shall be allowed only on the question of law. No appeal shall be allowed on the issue of facts. The finding of facts by the jury shall be final. The reason for this is that an appellate court cannot substitute the actual ocular assessment by the jurors over the demeanor of the witnesses or of the accused.

Another purpose of this rule is to prevent twisting of facts on appeal to accommodate the interest of some influential characters or powerful figures like the President and armed supported officials or rich people or to prevent abuses on appeal.

An issue of law may be in the form of wrong instruction of a rule or law given to the jury. The jury cannot be faulted for the error of law because they are merely passive recipient of the instruction on the law. The proponent of the error of law on appeal shall have the responsibility of showing to the appellate court on the issue of law on his appeal.

If the president shall abuse his or her parol powers, such president shall be liable for the charge of obstruction of justice.

The Expected Benefits of the Adoption of the Trial by Jury

Basically, jury trials will speed up the disposition of cases in court and thereby ease the court backlog. Lawyers will be forced to practice their profession with utmost care.

The people in the entire country will become oriented with their laws and they will become “teachers” for their family members, friends, and neighbors on their ethics of citizenship. The more the people are acquainted with their laws, the better they become law abiding citizens.

Instead of getting “instructions” from outlaws, the people will be getting instruction on their laws from presiding judges by serving in jury trials - an authoritative and free legal education of the citizens just like they do in the United States. The massacre last 2009 in Maguindanao probably could not have happened if its instigators would have been oriented with the laws of their community. Perhaps, they would have been more law abiding citizens and most of them would not have participated in that gruesome activity.

The people around the country will be dealing with each other on equal terms not as Muslims and Christians, or a datu and sakop, or a sultan and ordinary man, or a bai and a common slave, or as rich or poor, brown skin, or dark skin, or white skin, against each but simply as co-equal with each other under the
laws of our land.

Slavery of a common Muslim by their datu or sultan shall stop, or a common Christian by their powerful Christian master shall likewise stop for good.

No more officials or employees in the registrar of deeds can simply hide forever and forge or falsify land documents to make money in their public positions.

No more officials or employees in the LTO can simply manufacture a fake driver’s license and make money in their public positions or register a carnapped vehicle.

No more legislators can simply use their pork barrels to buy mansions and SUVs as toys for their children or queridas and queridos or else they will be secretly investigated by the grand jury.

There will be no more Christian land or Moroland but a common land called the Philippines regardless of one's religion or creed or social, political, and financial status.

Foreign government loans from the World Bank to finance the construction of homes, bridges, highways and by-ways, schools will no longer be easily subjected to tongpat commissions by first gentlemen or first, second, or third ladies of a president.

The Jury Systems will result in the unity of the people from Batanes Islands through the Tawi-Tawi Islands. The so-called on-going peace process between the GRP and MILF shall become irrelevant, or moot and academic. If there is true justice and peace in their region, what is the use for peace process negotiations?

Once justice is made to prevail by the jury systems, justice shall beget peace, and peace shall beget unity and prosperity. This is how we can make the Philippines the number one country in East Asia.

Why go for a number 2 when we can make this country number 1? I am no Martin Luther King, but Marlowe Camello has also a dream. A dream for the Philippines to make this country number 1 via the Jury Systems under the control of the common Filipino people like the common American people do in the U.S. do and not under the control by common filthy rich greedy politicians.

I think this is what the framers of the Philippine Constitution and Filipino People intended to be when they recommended for ratification of the current constitution which states in Article II, Section 1, that "Sovereignty resides in the People and all government authority.
PEOPLE EMPOWERMENT INITIATIVE
TO CREATE A JURY SYSTEM OF JUSTICE UNDER
JUDICIAL SUPERVISION AND FOR OTHER PURPOSES.
By Marlowe Camello, Esq.
Member: California and Philippine Bars

Before sponsoring this initiative, check its updated
version with the author at mcamello@verizon.net.

PREAMBLE

ONE : WHEREAS, Philippine justice has been set up as an exclusive government monopoly that has become the means to protect powerful corrupt government officials, for themselves and by themselves, from prosecution and to perpetuate their stay in office, this monopoly has been the basic cause of pervasive government corruption and obstruction of justice in derogation to the protection and enforcement of constitutional rights of the Filipino People in bringing abusive social elites before the bar of justice and whose number in office has now infested the entire spectrum and structure of the Republic of the Philippines beyond control;

TWO : WHEREAS, the government monopoly of justice has been taken advantage of, and by, powerful public officials and wealthy characters of society and has resulted to extra-judicial killings of the members of the media and other violation of human rights without due process of law;

THREE : WHEREAS, the common sovereign people are disallowed to bear arms for their self-defense or self-protection thereby exposing them highly vulnerable and defenceless when attacked by abusive government members of the armed and police services and body guards of government officials or influential or wealthy persons of Philippine Society;

FOUR : WHEREAS, the common and private citizens represent the absolute greatest majority of the Filipino people, the sovereign majority rule of Philippine democracy is vested in them and all democratic government authority emanates from them pursuant to Article II, Section 1, of the Philippine Constitution, the private sector of the Philippines, known as the “Public”, is, hereby, recognized as the Master of Philippine Society;

FIVE : WHEREAS, the jury system will speed up the administration of justice without discrimination, ensure the indictment and conviction of all guilty offenders of serious crimes as well as ease up the backlogs of court cases all around the country, and
SIX: WHEREAS, the jury system will become the cohesive rallying point of the Filipino People that will unite them as a nation;

SEVEN: WHEREAS, the common and ordinary citizens are the only elements of Philippine Society who are capable, and can independently physically, from day to day, actually see, watch, and catch, each and every crime offender and government grafters in their respective provinces, cities, municipalities, barangays, communities, and in every government instrumentality; and

EIGHT: WHEREAS, Adoption of the jury system is the most peaceful way and non-violent means of the peace-loving people to enforce decency and discipline among their public servants in the Republic of the Philippines,

NOW, THEREFORE,


ARTICLE I

ADOPTION OF THE JURY SYSTEMS

Section 1. This law shall establish the jury systems in the administration of justice to enable the people to fully exercise their sovereign power and authority which shall serve as the venue of the supreme conscience of the Filipino People by virtue of Article II, Section 1, of the Philippine Constitution.

It shall be known as the “Jury Systems Law” and may be briefly cited as the “JSL”. It may likewise be known as the “Hukuman Ng Mamamayan”. Its operation shall transcend upon the entire governance of the Republic of the Philippines from national down through all regional autonomous, provincial, city, municipal, and barrio governments or in all local government units including but not limited to all.
government owned or controlled corporations or quasi government corporations.

Section 2. Democratic master and servant relationship-

(a) This law shall recognize the common people as the masters in their democratic government and that any or all persons rendering service in the Republic of the Philippines or any public officer as defined in Republic Act 3019, Section 2(b), the Anti-Graft and Practices Act, including but not limited to the officers and members of the board of directors or trustees of government owned or controlled government corporations and quasi-government entities as well as members of the armed and police services shall be servants to the common people.

(b) All and any public official or officials shall pay respect to every private citizen and any of them shall address such citizen as “Mr.” or “Ms.”, followed by his or her last name, or as “Sir” or “Madam” in communicating verbally or in writing.

(c) Conversely, every citizen shall address any public official, regardless of his or her title, rank, or position or a lawyer as “Mr.” or “Madam” followed by his or her government title, rank or position or legal profession.

(d) Public officials below the presidential rank shall address the President as “His” or “Her” ‘Excellency’ while private citizens shall address the President as “Mr. President” or “Madam President” as the case may be.

(e) When speaking before a crowd or group of people or in making a press release, the president or any public official as a servant must stand when speaking before, or making an address or announcement to, the people for being his masters of the Philippine democratic society.

Section 3. The Jury System is hereby instituted to serve as an indispensable and inherent part in the administration of justice both in criminal and civil matters under the supervision of court judges. To allow free delivery of ideas to fairly enhance and speed up the administration of justice, the following policy is hereby adopted:

(a) No person shall be criminally held responsible or by civil action for expressing his thoughts in or outside of court with reference to any public official or any professional who performs his duties with questionable or doubtful conduct; and
(b) No member of the armed and police services, or of a civil office of the government, regardless of his inferior or junior rank or title shall be charged for insubordination, demotion or transferred of his position, deprived of promotion, terminated from office, be reduced of his compensation, or punished in any manner for reporting any anomaly or criminal acts or act of injustice, either as an anonymous tipster, whistle blower to the media or an open complaining witness against a member of his organization regardless of the rank and title of his fellow member or of any public official of the government. Violation of this mandate shall render the violator punishable for the crime of obstruction of justice upon investigation and indictment by a grand jury as created under Article III of this Act.

(c) No person shall have the right to demand or ask, or be demanded or be asked, that he should be described or labeled as a person with a powerful status, rank, title or position in the government or his profession, royalty or nobility in society, in criminal, civil, or disciplinary matters for or against him.

(d) No person shall be described with the name of his religion or creed, or ethnicity, or lingual accent in a criminal or civil or administrative disciplinary action, for or against him and any reference thereto shall not be admissible in evidence at any investigation, indictment, or court or administrative proceeding or jury deliberation.

Section 4. Six (6) months after the adoption of the Jury Systems Law, no person accused of a crime punishable with a minimum imprisonment of one (1) year or more shall be compelled to stand trial unless conducted before a trial by jury.

Section 5. If any portion of this law is declared invalid, its remaining provisions shall continue to operate to achieve its basic purpose.

Section 6. It is hereby mandated that every person who serves in any instrumentality of the government shall act with transparency and faithfulness to his constituency.

Section 7. Every citizen who is qualified to serve as a juror under this law and who has received summons for jury duty shall have the mandatory obligation to appear in court. No prior education of any law, rule, instruction, or regulation of any kind or nature shall be required as a condition for issuance of a summons for jury duty to any citizen. Failure of such citizen to obey his summons to appear in court shall be held liable for contempt of court or for obstruction of justice.

Section 8. Any amendment to, modification of, or any act to abolish, or any comparative law is
introduced by Congress or executive order of the President or other means, to over ride this law, or any
other law or statute enacted by the people through the initiative or referendum process, shall remain
invalid unless submitted to the people for approval in accordance with the initiative or referendum rules
of Republic Act 6735.

Section 9. No person who has committed a serious crime punishable by one year or more of
imprisonment under the laws of the Philippines shall have the right to claim exemption from the operation
and jurisdiction of the jury systems law regardless of his citizenship, membership in any private or public
organization of Philippine society, royalty, nobility, or fraternity or sorority, or any government position,
membership or service in any national or local government instrumentality, department, branch or office,
civil or military, or organization or unit and regardless of whatever means such person has acquired his
position, membership or service, by election, appointment, or by usurpation of power, military coup, or any
legal or forceful means.

Section 10. No immunity from investigation and indictment, or from hearing and conviction in a
criminal or civil action, under this jury systems law shall be granted to any person regardless of his civil
status, nobility or royalty in the community, or any employee or official rendering service as a public
servant in any capacity, in the civil, military or police or armed services in any instrumentality of the
Republic of Philippines including but no limited to private or government owned or controlled or quasi-
government corporation, notwithstanding any law, presidential decree, or any rule to the contrary.

Section 11. Prescribed Forms -

Certain forms are hereby devised and prescribed as statutory forms, also known as “Durable
Forms”, which can only be amended by a promulgation of the Supreme Court, to facilitate the
implementation of the Jury Systems Law and shall be deemed part of each provision of this law where the
form is needed. Two table of forms are set up which will be known as the Table of Grand Jury Forms
and the other shall be known as the Table of Trial Jury Forms. These Table of Forms are appended at
the end of the last section of the Jury Systems Law.

(a) The forms under the Table of Grand Jury Forms shall bear the prefix “GJ” and followed by
the serial number of each form for identification and citation purposes. The form cited in each section or
 provision of this law shall be deemed part of the citing provision or section. The following are the forms
contained in the this table:

Form GJ-1, GJ Membership Invitation

Form GJ-2, GJ Membership Application

Form GJ-3, Active GJ Membership Record

Form GJ-4, Daily Jurors' Attendance Record

Form GJ-5, Jurors' Absence Record

Form GJ-6, Foreman's Record of Assignment of Case.

Form GJ-7, An Organization or Office Planned for Investigation.

Form GJ-8, Specific Person Planned for Investigation.

Form GJ-9, Form for Newspaper Advertisement to Invite Whistle Blowers to Secretly Report Name/s and Address/es of Crime Offender/s and Witness/es to the Grand Jury for secret investigation.

Form GJ-10, Extracted Information from whistle blowers report.

Form GJ-11, Form of the Subpoena of the Grand Jury.

Form GJ-12, Quorum Record and Case Summary.

Form GJ-13, Grand Jury Ballot.

Form GJ-14, Grand Jury Indictment - General Form.

Form GJ-15, Grand Jury Indictment - Perjury.
Form GJ-16, Grand Jury Indictment for Obstruction of Justice.

Form GJ-17, Memorandum of Non-Indictment.

Form GJ-18, Form for List of Exhibits submitted to Clerk of Court upon presentment and filing of indictment in court.

Form GJ-19, Physician's Certificate of Medical treatment of member of the grand jury.

Form GJ-20, Offer of immunity from prosecution to a giver in Bribery who is a private citizen to a public official.

Form GJ-21, Offer of Immunity from prosecution to a witness in Bribery between public officials.

Form GJ-22, Foreman's Recommendation to Terminate Member of Grand Jury.

Form GJ-23, Members' Recommendation to Expel Foreman of Grand Jury.

Form GJ-24, Oath of the Grand Juror.

Form GJ-25, Certificate of Truthfulness By the Suspected Offender.

Form GJ-26, Grand Juror's Service Pay Unconditional Redeemable Voucher.

Form GJ-27, Request By The Grand Jury For Special Police Protection.

Form GJ-28, Declaration by GJ Members For the Dissolution of the Grand Jury.

Form GJ-29, Order to Show Cause Why this Grand Jury Shall not Be Dissolved.

Form GJ-30, Foreman's Master Case Intake Record And Assigned Cases to Jurors.

Form GJ-31, Non-Member SIDN Master Designation Registry.

Form GJ-32, Agenda Form for Grand Jury Sessions.
Form GJ-33, Members' Recommendation to Expel Secretary of the Grand Jury.

Form GJ-34, Authenticated SIDNs of Grand Jury Members for Current Period.

Form GJ-35, Exceptional Notice to Crime Suspect of Investigation.

Form GJ-36, Accounting of the Voucher Forms received, issued, and balance in the Record of the Clerk of Court.

Form GJ-37, Individual Juror's SIDN Authentication Certificate by Executive Judge.

Form GJ-38, Instruction and Basic Interrogatory by the Grand Jury to the Witness.

Form GJ-39, Grand Jury Hold Departure Order Notice.

Form GJ-40, Summons to Clerk of Court to pick up the filing of a GJ Indictment in Court.

Form GJ-41, Confidential Info about the Witness.

Form GJ-42, Reward Claim Form by a Grand Jury Member.

Form GJ-43, Notice of Grand Jury Reorganization of Officers.

Form GJ-44, Invitation for Lawyers to apply in the CDP Pool.

Form GJ-45, Application to Participate in the CDP Pool.

Form GJ-46, Registry for Assigned Cases to the CDP Pool.

Form GJ-47, Certification of Professional Advice Received.

Form GJ-48, Letter Requesting Payment of CDP Services.

Form GJ-49, Declination of the GJ to meet a public official or a dignitary.
(b) The forms under the **Table of Trial Jury Forms** shall bear the prefix “TJ” and followed by the serial number of each form for identification and citation purposes. The form cited in each section or provision of this law shall be deemed part of the citing provision or section. The following are the forms contained in the this table:

Form TJ-101, Order for names of citizens for jury service.

Form TJ-102, Pattern List of Citizens for jury service.

Form TJ-103, Summons for Jury Duty.

Form TJ-104, Summons Registry Book

Form TJ-105, OSC for Disobedience to Jury Summons.

Form TJ-106, Jurors' Appearance Log Book.

Form TJ-107, Invitation for Pro Temp Jury Presiding Judge.

Form TJ-108, Application For Pro Temp Presiding Jury Trial Judge.

Form TJ-109, Preliminary Impaneling Questions.

Form TJ-110, Instruction for all participants in a criminal trial.

Form TJ-111, Instruction for submission of case to jury.

Form TJ-111A, Jury Sequence Deliberation Worksheet Guide.

Form TJ-112, Ballot Master Form (Part "C" of Form TC-110)

Form TJ-113, "Guilty" Verdict Form.
| Form TJ-114 | "Not Guilty" Verdict Form. |
| Form TJ-115 | Summons Disobedience Register. |
| Form TJ-116 | Petition & Order for Contempt. |
| Form TJ-117 | Petition & Order for Contempt. |
| Form TJ-118 | Application For Execution of Warrant of Arrest. |
| Form TJ-119 | Arrest Warrant for Court Contempt. |
| Form TJ-120 | Record of Assigned Arrest Warrant. |
| Form TJ-121 | Table for Criminal Jury Instruction. |
| Form TJ-122 | Instruction for Civil Jury Trial Proceedings. |
| Form TJ-123 | Submitting civil case for jury deliberation and decision. |
| Form TJ-124P | Plaintiff's Ballots. Plaintiff's duty to provide the jury. |
| Form TJ-124D | Defendant's Ballots. Defendant's duty to provide the jury. |
| Form TJ-125 | Civil Jury Verdict Form. Presiding Judge's duty to provide the Jury. |
| Form TJ-126 | Table for Civil Jury Instruction. |
| Form TJ-127 | Plaintiff's Bill of Particulars |
| Form TJ-128 | Defendant’s Counter-Bill of Particulars. |
| Form TJ-129 | Ticket for Noon-Time Meal of the Jurors. |
| Form TJ-130 | Registry Log Book of issued Noon Time Ticket of Jurors. |
| Form TJ-131 | Ticket for Transportation of the Jurors. |
| Form TJ-132 | Registry Log Book of Issued Transportation Ticket of Jurors. |
Section 12. Payment of expenses in the operation of the Jury Systems Law -

(a) A voucher system is hereby created as a medium of effecting the budget and payment of the expenses to operate the Jury System of the Philippines. The voucher shall be known as the “Unconditional Non-Transferrable Redeemable Judicial Voucher” and referred to as Form GJ-26 in the Table of Grand Jury Forms. The terms and conditions of payment and accounting of funds are contained and specified in said form.

(b) The voucher shall be paid by any government treasurer or paymaster or cashier of a bank to, and upon presentment and demand by, the identified payee therein. The said payor shall, in turn, forward the paid vouchers for reimbursement from, and on an unconditional request for payment with, the National Treasurer of the Philippines. Thereafter, the National Treasurer shall recommend the same to Congress for appropriate inclusion in the budget of the national government.

(c) Any government treasurer or paymaster or cashier of a bank who shall refuse to pay the named payee in the said voucher shall be liable for the crime of obstruction of justice with penalty of imprisonment from 3 to 5 years in jail, except on the basis of the failure of the named payee to present his proper identification.

ARTICLE II
TYPES AND PRINCIPLES OF THE PHILIPPINE JURY SYSTEM

TYPES OF THE JURY SYSTEM

Section 1. The Jury System shall consist of two separate types, with powers to decide independently from government control namely, the Grand Jury and the Trial Jury.

(a) The Grand Jury shall serve as the voice of the people in their community against lawlessness and shall secretly function as their independent direct investigating and indicting arm in court against crime offenders who commit serious crimes secretly or openly; and
(b) The Trial Jury shall serve as a “group judge” with supervision by a presiding judge or justice in criminal and civil matters in court trials to prevent potential arbitrary or whimsical judicial decisions.

**PRINCIPLES OF THE JURY SYSTEM**

Section 2. The Jury System shall serve as a judicial device to unify the Filipino people as well as to put an end to the pervasive graft and corruption in the Philippine government.

The functions of the jury system shall be accomplished according to an established set of Jury Instructions.

(a) To achieve the objective of the jury system to unite the people, there shall be only one set of jury instructions that shall be adopted and it shall be uniformly applied without deviation in all criminal investigations and judicial proceedings all throughout the country regardless of culture and ethnicity of the parties involved, or geographical location where the jury proceedings are conducted.

(b) To attain the goal of the jury system to eradicate government graft and corruption, membership in the juries shall be exclusively chosen randomly by lottery from the adult citizens in the private sector without requiring further approval from any government authorities. Individually, the people shall serve as informal sentinels over the conduct of their public servants and their neighbors without further need of an enabling law or executive order from any government authorities.

Section 3. No person, media member or media group, public official of any title, position, or rank, civil or military, judge, justice, prosecutor, ombudsman, royalty or nobility by reason of his religion or tradition or claim of supreme status in a community or government entity shall have the right to ask, demand, or request, for issuance of an order on the following matters:

(a) The publication or announcement of any name or identity of any citizen who shall serve as a member of the grand jury or a trial jury; and

(b) To prevent any jury as organized under this law from exercising its powers and independent prerogatives to bring a serious crime offender before the bar of justice.

Section 4. Membership in either Juries shall be chosen by lottery from among registered voters in their respective congressional districts.
Section 5. Prevention of Conflict of Interest of legal counsels.

(a) In all criminal trials, either by jury or bench trial, no defense counsel, or lawyers in the same law firm acting as defense counsels, shall be permitted to undertake the defense of two or more accused suspected offenders who are charged on the same alleged criminal act or acts to prevent potential conflict of interests towards any of his or their clients or between, and/or among, his or their clients.

(b) Any attorney who shall violate this provision shall be criminally liable of the crime of obstruction of justice, and for disciplinary action for disbarment regardless of whether such defense counsel or counsels shall have been convicted, or not, of the crime of obstruction of justice.

Section 6. Joint liability of Government Entity and Its Agent -

The government entity or public office including any government owned or controlled or quasi-government corporation shall be jointly and severally held liable with the civil liability of a public official or government employee by the use, abuse, or semblance, of his authority in representing any of said entities actually or impliedly, who has caused injury or death to a person through the negligence, recklessness, or intentional tortuous, act of such public official or government employee.

Section 7. The power and right of juries to operate in times of the declaration of martial law or man-made emergency-

(a) The sovereign right and power of the people in accordance with Article II, Section 1, of the constitution to conduct grand jury and trial jury proceedings shall not be abrogated or disturbed by the declaration of martial law or man-made emergency. Man-made emergency shall include, but not limited to, rebellion, insurrection, or sedition.

(b) All personnel of the the armed forces of the Philippines or the Philippine National Police shall have the joint duty and obligation to afford protection to the members of the grand jury and trial jury as well as the integrity of their jury proceedings.

(c) Any public official or member of such armed services referred to in the immediate preceding sub-paragraph (b) who shall disobey or disregard to comply with his duty and obligation in the said sub-paragraph (b) shall be liable for indictment of the crime of obstruction of justice by the grand jury and for punishment from five (5) to seven (7) years of imprisonment in jail upon conviction by a trial jury in addition to such other crimes and punishment by any of such official or member of said armed services shall have
committed.

Section 8. A juror in a grand jury or trial jury who, in the course of, or arising out of, jury duty, dies, or is injured so as to be unable to perform his normal daily living activity for 10 days or more, shall be entitled to monetary indemnity.

(a) If the juror dies in the course of, or arising out, of jury duty regardless of fault, such juror shall be entitled to a monetary indemnity in the amount of two hundred thousand (P200,000.00) pesos, free of income tax.

(b) Responsible entities -

(1) If the death of the juror is the result of the negligence, or intentional or reckless wanton act of any person, or public officer, acting as an agent in performing the function, of a private organization or corporate entity, or of a government instrumentality or entity, said person, or public officer, and the private organization or corporate entity, or government instrumentality such person or public officer is representing shall be jointly and severally liable to pay the next of kin of the deceased juror.

(2) The private organization, corporate entity, or government instrumentality shall have the right of reimbursement against such person, or public officer who has directly caused the death of the juror. Government instrumentality as used in this law is hereby meant to cover all levels of the government from national down to all local government units and government owned or quasi-government controlled corporations and their agents.

(c) If the juror is injured by reason of the act or acts by anyone described and referred to in the preceding sub-section (b)(1) and incapacitated to perform his activities for daily living as determined by a treating doctor of his choice, the indemnity shall not be more than two hundred (P200,000.00) thousand pesos, depending on the severity of his disability, but not, less than fifty (P50 thousand) pesos, free from income tax.

(d) The indemnity payment referred to in the preceding sub-paragraphs (a)or (c) shall be promptly paid to the heirs or next of kin of the deceased juror or the disabled juror by, and from, the jury funds of the Supreme Court referred to in Article IX, Sections 1 and 2 of this law without awaiting for reimbursement of funds from the party who is ultimately responsible for the death of, or injury to, the juror.
(e) For this purpose, Congress shall allot promptly upon the effectiveness of this law and, and annually thereafter an amount of funds equal to ten (10%) of the total pork barrel allotment, also known as the Priority Development Assistance Fund, for all the members of Congress and the allowances of the President which shall serve as a contingency fund to pay the claims of the next of kins of deceased jurors or injured jurors arising from jury service.

(f) For as long as there exists an unpaid claim referred to in this sub-paragraph (a) or (c) as certified by the general treasurer of the Judiciary Branch, the treasurer of the Philippines shall first release the money to the jury fund prior to the release of money to pay the pork barrels of the members of Congress and the allowances of the President under the same responsibility he is required to fulfill in Article IX, Section 2, Sub-Section (d) of the Jury Systems Law.

(g) The “course of jury duty” or “arising out of jury duty” shall include the period in which the subject matter of the jury proceedings is still in process regardless of whether the death or injury of the juror occurred in the premises of the court or grand jury investigation room or whether the juror was going home and back during the continuance of the jury proceedings.

(h) The Supreme Court shall have the right to a reimbursement of its payment from the personal assets of such person, or the budget of the office of the public officer or government agent who has caused the injury or death of the juror. In turn, the public office of such public officer or agent shall have the right of reimbursement from the private funds or assets of such person, or such public officer or government agent, provided that the payment from the jury funds of the Supreme Court shall promptly make payment to the heirs or next of kin of the deceased juror without waiting for reimbursement from the funds of such person, or the public office of such public officer or government agent.

(i) The provisions in Article V, Section 8, sub-paragraph (d) of this law shall apply in seeking reimbursement from the funds of the public office of such public officer or government agent.

(j) Payment from the Jury Fund shall be paid no later than 30 days from the date the claim has been presented by the claimant. Such claim shall prescribe after two years from the date of death or injury of the juror claimant unless the claimant shall have filed by then his claim prior to the expiration of its statute of limitation.

(k) A “public officer” or “government agent” shall mean any person who is employed or hired by, or performing service for, the government by election or appointment, or by self-appointment, or by
assumption of office.

(1) Any public officer or government agent requiring the need to carry a firearm of any type in the performance of his duty is hereby required by this law to carry an umbrella insurance liability policy with at least two hundred (P200,000.00) thousand pesos to pay his financial responsibility under Article V, Section 8, sub-paragraph (d) of this law.

Section 9. The employment without pay and regular benefits of employment for employees of a person duly accredited or licensed by the government of his chosen profession or job under the pretext of providing him a job training or experience or apprenticeship by any other person, supervisor or manager of a private or public entity or quasi-public entity providing service to the general public for monetary gain or fee is hereby declared unlawful.

(a) Any such other person, supervisor or manager of a private or public entity or quasi-public entity who shall employ such government accredited person of his profession shall, under no condition, pay a compensation lesser in amount than the prevailing national minimum wage established by law.

(b) It shall be unlawful for any of such other person, supervisor or manager of a private or public entity or quasi-public entity to demand payment of a training or apprenticeship fee of any sum of money in hiring for employment of such government professionally accredited person of his chosen profession.

(c) Any violator of the foregoing sub-sections (a) and (b) shall be liable to pay the accrued services of the professional employee plus a fine of one hundred thousand (P100,000.00) pesos to the Department of Labor for every violation of the right of each employee in collecting his compensation upon investigation and indictment by a grand jury and conviction by a trial jury regardless of the number of the majority votes in the guilty verdict. In each repeat offense by the same violator, the penalty fine, if found guilty, shall be one million (P1,000,000.00) pesos plus payment of accrued compensation to the employee.

(d) Any such other person, supervisor or manager of a private or public entity or quasi-public entity described in the foregoing sub-sections (a) or (b) shall be required to carry an umbrella insurance liability policy with at least two million (P2,000,000.00) pesos to pay his, or its, financial responsibility under this Section under pain of losing his, or its, license, permit, or authority, or corporate charter, to operate his, or its, business.

(e) Filing an action for insolvency or bankruptcy shall not relieve the violator of his, or its,
monetary liability for the compensation to its employee or penalty fine to the Department of Labor under the foregoing sub-section (c) of this section.

Section 10. Any person found guilty either in a trial by jury or in a bench trial, or who has pleaded guilty, for committing the crime of obstruction of justice, or a criminal offense of any type, shall forfeit and lose for life all privileges and benefits from occupying any public office regardless of his being a recipient of a presidential clemency or pardon.
ARTICLE III

GRAND JURY

Section 1. The Grand Jury Law -

(a) Article III of this Jury Systems Law shall be referred to as the "Grand Jury Law". The basic power of the grand jury is hereby derived in Article II, Section 1, of the Constitution.

(b) The Grand Jury shall be vested with the sovereign power of the people to investigate all serious crimes without exception. It shall be composed of twenty-three (23) members chosen randomly from among the citizens in the private sector and they shall act and serve anonymously. Each member shall be possessed with any bachelor degree with a diploma from a reputable college or university or military academy and who has not been a member of a fraternity, sorority, or mista and at least 23 years of age of either gender.

(c) No person who is an official or employee of the government or any branch or instrumentality of the national government or local government unit including government owned or controlled or quasi-government corporation or members of the armed forces and police services of the government or any lawyer or any datu, bai, or a sultan or a member of a royal clan or ruling family, or any person who claims to be a datu, bai, or sultan or member of such royal clan or ruling family, or a priest, bishop, archbishop, cardinal, or pastor of any religious organization, shall qualify for membership in the grand jury.

(d) Except as provided in the foregoing subsections (b), (c) and (d) in this section, membership in the grand jury shall be chosen from among plain and ordinary citizens in the private sector of Philippine society.

Upon qualifying for membership in the Grand Jury, its members shall promptly take their oath of office. The following form shall comprise the oath of office and shall be administered to them by the Executive Regional Trial Judge as follows:

"I will support the Constitution of the Philippines and all laws made in pursuance thereof and in conformity therewith,
"I will diligently inquire into, and true presentment make, of all public offenses against the people of the Philippines, committed or triable within this municipality or city as well as within this province, or judicial district, or within any judicial district of the Philippines, of which the Grand Jury shall have or can obtain legal evidence.

"I will keep my own counsel, and that of my fellow grand jurors and of the government, and will not, except when required in the due course of judicial proceedings or authorized by statute, disclose the testimony of any witness examined before the Grand Jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the Grand Jury.

"I will present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor, or affection, or for any reward, or the promise or hope thereof;

"But in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God."

End of the Grand Juror's Oath

(e) The Grand Jury shall act and function in accordance with the Grand Jury Statutory Instruction provided below and briefly referred to as the GJSI. A Grand Jury Table of Forms, also referred to as “GJ Forms Table” and appended immediately after the last Section of this Grand Jury Law is hereby created and the prescribed and designed forms listed therein shall be deemed part of the herein GJSI and this law. The mandates and provisions contained in the GJSI shall be deemed an essential integral part of this Grand Jury Law regardless of whether written or not in the sections of the Grand Jury Law. In the event of a conflict of meaning between a provision of the Grand Jury Law and the provisions and mandates in the GJSI, the GJSI shall prevail.

The following form shall comprise the entire Grand Jury Statutory Instruction:
"Honorable Ladies & Gentlemen of the Grand Jury:

I welcome you for coming to this court session today. You are about to embark on an interesting and a very honorable mission. I am pleased to announce that this court has accepted your oath to fulfill your obligation to act collectively as a Grand Jury during the next six calendar months beginning today (mark "X" for the proper period) from ( )-January to June ( )-July to December, year ______ in the ________ Jury (Legislative) District of ____________________, ____________.

My first and most important instruction is to tell you that you are on a top secret mission and sacrificially dangerous or sometimes life threatening. Keep this secret by all means and you must not let anybody know who you are. Your safety and success and the protection of your family depends on your discipline in keeping this secrecy. You must remember that you are bound by your oath of secrecy.

My second important instruction is that you must not tell or disclose your true name to your fellow members in this grand jury and no one from among you shall have the right to demand to know each others real name. If it happens that some of you may already have known each others name, I still require you to call or address each other with your SIDN or Security Identification number which you already have when you were chosen earlier today.
As a juror, you may be investigating your own fellow juror for some reason, just as much as you will be investigating the conduct of any person or government official or crime offender regardless of his rank, power, title or position or nobility in the community. If you learn or know that any of your fellow members in this grand jury has committed a crime of any kind or of any act of corruption, I hereby instruct you to act as a tipster or as a witness to report such fellow member to the next succeeding grand jury for investigation and or indictment after your current term of service expires.

The only name you shall use and sign in all your official transactions as jurors is your SIDN.

You are hereby vested with power through your collective decision to enforce decency and discipline in the government service and all criminal laws within the said district. You may use English, Tagalog, or any dialect or a combination of said languages or dialects that you or any person or witness you deal with fully understand in the conduct of your official business.

Your power to investigate crimes is superior in all respects than any investigation by other persons or officials, group, or entity in the government and you must bear it with dignity befitting of the sovereign power of the people which has been entrusted to you and for you to exercise and practice. You must keep a superior attitude, without arrogance, in a tactful or reasonable manner and never show any subservience when conducting your official business with any person or public official you shall be dealing with regardless of his rank, title, or position in the government or title of nobility in the community.

You may bear arms secretly for self-defense purposes only and you shall under no circumstance display the same in your investigating room when propounding question to a witness. By the Provisions and Rules of the Jury System Law, I have been commissioned to inform, and to confer, as I am now informing and conferring, upon you of your powers, duties and privileges, as follows:

(1) Your Security Identity Name aka: SIDN -

(a) You must know each other only by your SIDN and I hereby forbid you from revealing your SIDN to any person who is not a member of this grand jury. Conversely, you are prohibited from impersonating yourself with the use of another’s SIDN. You must not exhibit your SIDN to the public except for your pass of entering the grand jury room and in signing your official acts on certain documents.

Whenever you enter the grand jury room, you must not converge in group at its door to prevent inviting attention and curiosity by outsiders or the media. If asked what you are doing, simply say politely:
“I am not in position to comment on, or to answer, your question”. Speak no further and walk away promptly. You must casually stay far from each other when you enter your room.

(b) Instruction to organize the grand jury. Your first order of business shall be the designation of your officers who shall be chosen by and from among your members and who shall likewise swear before this court in the coming few minutes their oath of office. Your officers shall have a great responsibility to perform and all of you are required to cooperate to assist in the discharge of that responsibility.

(c) Your officers shall consist of a Foreman who shall act as your presiding officer, your Assistant Foreman who shall act in the absence of the foreman, the Secretary and the Recording Secretary. You shall address each other as the case may be as "Mr. Foreman, Mr. or Ms. Secretary, or Mr. GJ #______ " and others as "Mr. or Ms. Witness Mr. or Ms. Stenographer, Mr. or Ms. Interpreter." In this service, you must learn and make yourself accustom to know and call each other by your SIDNs, your security identity names.

(d) If, in the course of your term of office, you find the need to reorganize your leadership upon your mutual agreement and approved by a majority of your members or upon motion by a member or officer, duly seconded by another member or officer, and approved by a majority of your members, you may do so, and proceed to elect your new officers. In such event you shall inform the executive judge through the clerk of this court for its record and information on Form GJ-43 and attach therewith a blank form of Form GJ-34 for completion by the executive judge.

(Note: To speed up the designation process of choosing the grand jury officers, the Executive Judge shall solicit volunteers to act as candidates for foreman, vice foreman, secretary and recording secretary. The Executive Judge may profound questions on any matter to determine the capabilities of the volunteering leaders and thereafter he shall ask other members to vote by raising their hands who among the volunteers will they elect as their grand jury officers. A vote of 12 or more in favor of the nomination shall be elected. Before proceeding, the Executive Judge shall take note of the chosen grand jury officers by their designated SIDN. Thereafter, the judge will administer the oath of the officers of the grand jury as shown below.)

"Do you solemnly swear individually and collectively that you will accept your obligation freely, without any mental reservation or purpose of evasion; and that
you will well and faithfully discharge the duties of your office in this Grand Jury in which you are about to enter. So God help you" and your response shall be: "I, and we, do."

(2) Nature and source of power of the members of the grand jury -

(a) Your membership in the grand jury is derived from your citizenship in our democratic society. It has been made evident by our constitution in Article 2, Section 1, which states that: "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."

(b) This court will take notice that you are now duly organized as a Grand Jury. Regardless of your position, each of you as a member of the Grand Jury shall have one vote for the purpose of determining your collective decision or resolution over a given matter. You must cast your vote by secret ballot. Your foreman or secretary shall have no individual power to decide for, or in behalf of, your group as a Grand Jury and any attempt by either grand jury officers to do so shall be invalid and inoperative. Each of you must memorize your powers and obligations as grand jury members.

(c) The function of the grand jury consists of two alternative parts to ensure that no person shall be indicted of an alleged crime by arbitrary decision of the accuser:

First, it has the power to prevent criminal indictment against any person in court if it is based on improper, illegal or capricious motive of the accuser.

Second, it has the power to ensure that a criminal indictment is filed in court against a crime offender where there is probable cause or reasonable ground to believe that the suspect is guilty of the crime. A finding that no probable cause exist, or a finding of probable cause, by the grand jury shall not be subject to review with preliminary investigation of a judge or a prosecutor. Your collective decision to indict, or not to indict, in court is final.

You will find the prescribed forms as referenced in this GJSI in the GJ Forms Table which is appended after the last page and last section of this Grand Jury Law.

(3). Grand Jury business hours and Security Matters -
(a) Your business hours shall be from 9:00 o'clock in the morning until 5:00 o'clock in the afternoon and your noon time break shall be from 12:00 noon up to 1:00 o'clock in the afternoon. It is mandatory that you wear a barong tagalog whenever you report to the grand jury investigating room as a symbol of your authority. Without it, your foreman is hereby authorized to refuse recognition of your presence in the investigating room and your compensation in such occasion will not be paid.

(b) For your protection and security of the vicinity of your place of operation, your foreman shall contact and request the National Police Director of the Philippine National Police for deployment of the needed police personnel nearby. Use the prescribed form for this purpose. The form is known as Form GJ-27 which you shall find in the GJ Forms Table.

(4) **Powers and duties of the foreman of the grand jury.** Your foreman shall lead and shall be responsible in the management, discipline and operation of the grand jury. He shall preside all grand jury sessions. He must keep a Permanent Grand Jury Membership Record on prescribed Form GJ-3. He shall have the power to demand prompt attendance of all grand jury members.

   Exactly at 9:00 o'clock in the morning of each business day, he shall promptly convene the grand jury session. Each member attending a grand jury session shall personally sign in the attendance sheet, the prescribed Form GJ-4, in the presence of the foreman with his SIDN and the foreman must write in the exact time such member reported at the grand jury room.

   In the afternoon at the end of the session, the foreman shall further write in the exact time such member leaves the grand jury session room. He shall keep a record of juror's absence on Form GJ-5. He shall have the power to approve and recommend payment of the per diem of each grand juror. (5) The foreman shall have the power to assign cases using Form GJ-6 to each grand juror or a group of 2 or more grand jurors for personal attention and investigation of a case.

   He shall keep a log record on Form GJ-30 of each and all cases this Grand Jury is pursuing. No another case number shall be assigned to a prior numbered case. He shall set up the plans to investigate government entities on Form GJ-7 or public officials on Form GJ-8. In the absence of the foreman, the vice-foreman shall perform the duties of the foreman.

   (6) The foreman shall have the power to recommend on Form GJ-22 to the Executive Judge the termination of service by a grand juror for inexcusable failures to attend two or more grand jury sessions or for insubordination or gross violation of grand jury confidential rules or instruction.
Conversely, any six (6) members of this grand jury shall have the power to recommend on Form GJ-23 to the Executive Judge of this court for the expulsion of its foreman for inexcusable failures to attend two or more grand jury sessions, frequent or habitual tardiness in reporting to the Grand Jury Investigation Room, drunkenness or substance abuse, or for bribery or close association with public officials suspected of corruption or potential subject of grand jury investigation for corrupt or graft practices or for the commission of a crime.

(7) The role of the Secretary and other Members of the Grand Jury -

(a) The Secretary - The Secretary shall: Prepare your daily agenda on Form GJ-32 in consultation with the foreman; Assist the foreman in preparing the needed daily attendance record of the grand jury members on Form GJ-4 which he or she shall keep secure in a receptacle and shall not be appended to the next day's daily attendance sheet and no further entry shall be made on daily attendance sheet once it is placed in the secured receptacle.

The secretary shall help, or coordinate with, the Clerk of Court to prepare the per diem vouchers each pay day for all the grand jurors for submission to the Executive Judge of this Regional Trial Court. The secretary shall be the principal custodian of the records and the required forms for use of the grand jury.

(b) The Members - The Members of the Grand Jury shall take an active role in recommending to the foreman the investigation and indictment of crime offenders that come to their knowledge. When a member is assigned by the foreman to take charge of a particular case, such member shall have the duty to find the names and addresses of witnesses.

It is the obligation of such member to recommended to the foreman to issue a subpoena or subpoena duces tecum to a witness by filling up the prescribed subpoena form on prescribed Form GJ-11.

(c) Any six (6) members of this grand jury shall have the power to recommend on Form GJ-33 to the Executive Judge of this court for the expulsion of its secretary for inexcusable failures to attend two or more grand jury sessions, frequent or habitual tardiness, among others, in reporting to the Grand Jury Investigation Room, drunkenness or substance abuse, or for bribery or close association with public officials suspected of corruption or potential subject of grand jury investigation for corrupt or graft practices or for the commission of a crime.
(8) **Powers and duties of the recording secretary of the grand jury.** Your recording secretary shall be responsible in recording the interrogation sessions with witnesses before the grand jury. He must prepare the electronic recording devices for the session. No interrogation session of the grand jury shall proceed unless its tape recorder is actually functioning.

The recording secretary shall have the power to recommend for the hiring of a stenographer. The foreman shall provide a security ID number to the stenographer which he shall record on Form GJ-31.

The stenographer may either record the grand jury proceedings actually during the session or the stenographer may transcribe the tape record of the proceedings whichever will be convenient for the grand jury.

The stenographer shall be bound by the confidential requirements of the grand jury.

(9) This is your greatest opportunity to serve your community. Take advantage of it with pride.

(a) You have been randomly chosen to serve as an organized group, known as the GRAND JURY.

(b) Your grand jury membership is your opportunity to enforce the rule of law in our justice system. By this Instruction, you are empowered to secretly investigate and indict in court any person regardless of his fame, nobility, royalty, wealth, rank position or title, if any, in our government or society in this jury district who has committed a serious crime such as, but not limited to, government corruption as defined in the Anti-Graft and Corrupt Practices Act or Republic Act 3019, murder, kidnapping, robbery, theft, rape or chastity crime, extortion, election fraud, terrorism, human rights abuse, money laundering, obstruction of justice, or falsification of documents as defined in the Revised Penal Code or in any Criminal Law of the Philippines.

(c) You will have the opportunity to secretly investigate crimes and to file criminal charges in court against crime offenders by means of an indictment without seeking approval of any government prosecutor.

(10) **Dissolution of the Grand Jury** -

I must caution you at this stage that your term of office is not absolute. You may be easily
dissolved before the end of your term for jury duty just as easily as you were chosen today and appointed as members of the grand jury.

(a) If, in the course of your service, it appears that this Grand Jury is unable to faithfully perform its powers and duties by reason of disloyalty, apparent corruption or lack of interest in discharging the duties imposed on it by these Grand Jury Statutory Instruction, this grand jury may be dissolved by a declaration to do so by your own members;

(b) Any 10 members of your group regardless of official position shall have the power to jointly present to the executive judge of this court a "Declaration For Dissolution" of this Grand Jury using Form GJ-28 stating therein the reason for their declaration. They must attach a blank form, Form GJ-29, to their Declaration for ready use by the Executive Judge.

(c) Thereupon, the executive judge shall order you to show cause within 2 days, excluding Saturdays, Sundays, and Holidays, from date of filing the declaration why the grand jury should not be dissolved. By the same date of the filing of the Declaration for Dissolution, the declarant members shall likewise lay a copy thereof on the desk of their foreman.

(d) Excluding the members who presented the Declaration of Dissolution, there shall be at least 13 of your members and officers present in court who must show up to resist the declaration of dissolution, and they must all jointly rebut the allegation in the declaration. Their rebuttal must be supported by the records of the grand jury to show the forms they have accomplished, the number of witnesses they have interrogated so far, the indictments or memorandum of non-indictments they had decided on.

(e) This court shall order dissolution of the grand jury automatically by either failure to appear with the desired attendance of 13 members or lack of accomplishments of the grand jury as born by its records in spite of your quorum and, in which case, this court will issue its appropriate order on Form GJ-29.

You will be paid of your per diems up to the day the court ordered your dissolution if shown in your Form GJ-4 that you have actually attended sessions of the grand jury. You will likewise be placed under investigation and indictment by the successor Grand Jury if it appears that you have falsified or forged your records in collecting your per diems.

(11) Role of Clerk of Court Upon Dissolution of a Grand Jury -
The executive judge shall thereupon order the Clerk of this Court to padlock the Grand Jury Investigation Room and forthwith he shall further issue an order to the Clerk of Court to make an announcement for a drawing at a certain date of names of Grand Jury applicants remaining in the "Grand Jury Membership Application Raffle Bin" following the date of the notification of your dissolution.

(12) The executive judge shall follow the same procedure in Instruction No. (1) of this Grand Jury Statutory Instruction to install the new set of grand jury members.

(13) GJ Member cannot be remove by order of anybody else -

(a) No person or public official of any rank, position, or power, or title of nobility has the right to remove you as a member of your group, except upon an accusation for falsification of a public document in a written complaint, if you commit such an act in connection with your investigation, or for the commission of a felony.

(b) When you are performing your jury duty, you must feel superior in authority, but politely, to any person who appears before your group regardless of his rank or position in the government.

(c) When performing your duties officially as a grand jury, you are representing the sovereign power of the people within your jurisdiction and you are entitled to a higher dignity by virtue of your authority than any high government official whom you may permit or subpoena to appear before this grand jury.

(14) GJ Power and Jurisdiction to Investigate Crimes and Crime Offenders -

(a) Primarily, you will investigate crimes that are punishable by a minimum imprisonment of at least 12 months or more in jail or by death. You will serve in our judicial district as a direct crime indicting entity and agent in behalf of, and your power to act officially comes directly from, the Sovereign People of your district, pursuant to Article II, Section 1, of the Philippine Constitution which states that "Sovereignty resides in the People and all government authority emanates from them. Your territorial jurisdiction is coextensive with the legislative district in which this court is located.

(b) Under certain circumstances you may also investigate crimes outside your regular district and file your indictment in any other court of the Philippines.
(15) **Grand Jury Rules and Powers**

(a) The Rules of the Jury System has been promulgated to implement the Grand Jury Law and to operate through you as the direct agents of the sovereign people in this district to exercise their sovereign power and authority over our government and government officials. By said Rules, you are instructed to function secretly and confidentially as the people’s secret counter-action against crimes committed in secret by crime offenders. You must use the official confidential grand jury telephone equipment provided to you by the Clerk of this Court.

(b) You must not use your personal telephone or cellphone in making calls relating to your grand jury investigation to prevent your identities from being traced to your telephone.

(c) You must conduct your interrogation only within the confines of your secret hearing room and you shall interrogate one witness at a time only. You shall not interrogate witnesses by group.

(16) **Instruction of Sovereignty to the Grand Jury**

(a) Your power to investigate pursuant to Article II, Section 1, of the Philippine Constitution is sovereign. Your power to act will not be restrained by the inter-departmental boundaries among the legislative, executive and judicial departments of the government as well as in such other public or quasi-public instrumentality, national, regional autonomous, provincial, city, municipal and barrio governments.

(b) You have the power to investigate and indict in court any public official regardless of rank or position in the government who may have committed a serious crime of any nature.

(17) **Crimes subject to GJ Investigation and Indictment**

You have the exclusive power, right and duty to secretly investigate and decide to file in court all criminal indictments as your findings may warrant in all forms of government anomalies, serious crimes or offenses of any kind including but not limited to murder, robbery, grand theft, tax evasion, money laundering, human rights abuses, acts of fraud or violence in the conduct of electing public officials.

(18) **Independence of the Grand Jury to Investigate**

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(a) You will act as direct collective agent of the master of society, the sovereign people in your district on matters that are within your authority to investigate. You are not agents of the government and you are not agents of any government official.

(b) Except by this Grand Jury Instruction that I am conferring upon you, no public official by any definition, civil or military, has the power to command or give orders to you to do or not to do your job in the Grand Jury.

(19) **Maintain dignity in your investigation -**

You must, therefore, independently carry out your official responsibilities with extreme care peacefully and with dignity befitting of your sovereign position that you have derived from the sovereign people in your district. You must address each of your fellow members as an honorable official in performing your duties.

(20) **Power of GJ Ceases Upon the end of term of its members:**

At the end of your 6-month term of service, you shall desist from handling new cases which shall then be taken over by the new set of grand jury members for reprocessing or deliberation and decision.

(21) **Turn over of records to new Grand Jury -**

Through your foreman and your secretary, you shall turn over all pending and unfinished cases, or matters you have not filed with actual indictment in court, to the new set of members of the grand jury.

(22) **Limitation of Grand Jury Powers** - Your investigative and indictment powers to act are limited. You have no power to perform any act beyond the powers stated in this Grand Jury Instruction.

(23) **Forms Required for Use During Grand Jury Questioning of a Witness -**

Each time you report for jury duty, you must have with you your Form GJ-37, your SIDN# validation document, issued to you by the Executive Judge. You will not be allowed by your police protectors to enter your Grand Jury Investigation Room without it. If any of you fails to report for jury duty for two or more consecutive business days without legal justification, you will be subject to dismissal by
this court from your grand jury membership upon the recommendation of your foreman on prescribed Form GJ-22.

(24) **Quorum -**

(a) To officially act as a Grand Jury, a quorum of at least 14 of your members must be present and you must have registered in your attendance record on prescribed Form GJ-4 as soon as you get inside your investigating room. If you fail to register, your attendance will not be recognized and there will be no basis to pay your per diems.

(b) If you have a quorum of 14 members present, you must be unanimous with your 14 votes to indict in court a crime suspect of your investigation.

(c) For this purpose, your foreman with the assistance by your secretary must take a roll call of all your members present and you should personally write down your SIDN in the Grand Jury Daily Attendance Form and certified to under penalty of perjury jointly by your foreman and your secretary with their respective SIDNs.

(25) **Termination of the Foreman -** If your foreman or acting vice foreman fails to report for jury duty for two or more consecutive business days without legal justification, any 3 of your regular members may recommend to this court for his termination on prescribed Form GJ-23.

(26) **Medical Certification of Illness -**

(a) If you claim serious injury or illness as the cause of your absence, you must provide this court a medical certification on prescribed Form GJ-19 from your treating physician stating truthfully under penalty of perjury the exact nature of your illness or injury that requires you a rest from grand jury duty.

(b) Without said certification, or if the certificate is a forgery, your request for an excuse for your absence from jury duty will be denied and this court shall forthwith remove you from your membership with the Grand Jury. You will be replaced by picking another grand jury membership application from the remaining applications in the grand jury membership application raffle bin. If your foreman or acting vice foreman is terminated from jury service, a selection of such officers will be conducted with supervision by the executive judge of this court.
(27) Voting Requirement for GJ Members -

(a) Each of you will have one vote to cast regardless of your position as a foreman or secretary to be counted in determining your collective decision and your decision must be arrived at after your deliberation or discussion. Your vote must be written on a piece of paper in a ballot form as prescribed on Form GJ-13 and signed with your SIDN and date of signing. In voting for an indictment, at least 14 affirmative votes shall support your indictment.

(b) You are prohibited to make a decision by flipping a coin. You must keep your deliberation privately and you must absolutely disallow any person who is not your fellow member to be present in your discussion or deliberation.

(28) Declination to Meet A Requesting an Official or Dignitary -

(a) If a high government official wishes to see you, you must politely decline to meet such person by stating that you have no obligation or power to meet or receive any advice or instruction regardless of the rank and power in the government of such person unless on your summons or subpoena in connection with your investigation of a crime.

(b) On the alternative, you may ask such official to send you his written information under oath for your consideration on any matter which may be the subject of your investigation. You should not be intimidated by the fact that he is a high official. If he is such a high official of any rank, title, or position, or nobility, he is indeed your public servant, nonetheless.

(c) If in the communication of such official he is asking for information about your investigation on any matter, you must politely decline to provide the requested information stating that you have no power or obligation under the grand jury law to disclose any information on any subject of your investigation. For this purpose, you shall write your response letter as prescribed in Grand Jury Form GJ-49.

(29) Initial Task Upon Receiving a Crime Information -

(a) Upon receipt for the first time of a report of a crime or complaint from a victim, or from a prosecutor or an anonymous informant, you must promptly inform your foreman about the case. Your foreman shall thereupon record and assigned a "Grand Jury Case Number" for the case on the prescribed
log record known as "Foreman's Case Intake Record And Assigned Cases to Jurors" on Form GJ-30.

(b) You are required to act in presenting a criminal accusation in court, called an Indictment on appropriate prescribed Form GJ-14, GJ-15, or GJ-16 (as the case may be) upon complaint by, and in behalf of, crime victims, witnesses, police or prosecutors against crime offenders based on your independent decision.

(c) You need not seek the approval by any other government authority whatsoever to make your decision and you shall not be bound by the recommendation of such, or any, other government official or authority. You must decide on the matter independently.

(30) Finding Probable Cause, A Condition Required In Writing Indictment - Your decision to indict or approval of your indictment, or return of an indictment, must be based on your finding of a probable cause that the suspected offender is guilty of a crime. Probable cause is a situation where a crime is committed and you have a reasonable belief that the suspected offender has committed, and is guilty of, the crime. It is not necessary that you gather a set of evidence that will prove beyond reasonable doubt to support your indictment.

(31) Required Number of Votes to Present Indictment in Court - To approve or return an indictment, there must be at least an affirmative secret vote of 14 members gathered out of all those present at your session to indict. If you are unable to reach 14 votes, you should obtain additional evidence or find and call or recall a witness for clarification of an issue that prevent you of finding a probable cause for your indictment, otherwise, you will simply pass and write a Memorandum of No Indictment on prescribed Form GJ-17. When you are confronted with a difficult decision to make, you must review and adhere to your oath of office, Form GJ-24 to arrive at your good faith decision one way or the other.

(32) Power to Hire Services of a Stenographer or Court Reporter - You have the power to hire the services of a stenographer who will record your proceedings and/or you may order for the purchase of an electronic recording device to record your proceedings all at government expense. You must submit your request for a stenographer or to purchase a recording device with the clerk of this court;

(33) Immunity from Civil Liability or Lawsuit - You are immune from civil liability for your collective acts as a grand jury but you may still be charged individually for committing any criminal act as defined by law. Your grand jury membership is a mere privilege and it is not a matter of right. You can be summarily removed upon recommendation on prescribed Form GJ-22 by your foreman to the executive
judge of this court.

(34) **GJ Limited Power to Make Rules** - You are not a lawmaking body. It is not within your powers to make laws, rules or regulation except only as to such matters for the internal and orderly conduct by and among yourselves.

(35) **Finding Leads For Investigating a Matter** -

(a) For matters you wish to investigate, you may take leads from newspapers or any media including online or Internet publications about serious crimes committed within your jurisdiction.

(b) Your jurisdiction is coextensive with the legislative district, designated by the Jury Rules as your jury district, in which this regional trial court is located;

(c) You may use the prescribed form known as "Extract Record from Anonymous Report, referred to as Form GJ-10 in recording the various information you have gathered about the crime. It is part of your job to determine the address or residence or job location of the subject of your investigation and the names of possible witnesses.

(36) **Requirement in Publishing Invitation of Anonymous Tipsters or Whistle Blowers** -

(a) You may publish your invitation for anonymous reporters or tipsters of crimes using the form "Invitation for Anonymous Crime Informants" prescribed as Form GJ-9 to submit their confidential crime information in the "Citizen's Secret Crime Reports Drop Box" located in the lobby of this courthouse about the name and address of the suspect, his job, if known, the crime he committed, and names and addresses of witnesses to the crime.

(b) You shall avoid mentioning the name of the suspected offender in your published invitation. You need not ask for the reports to be signed. Any time of the business day, your secretary shall pull out all contents of the "Drop Box" and write or stamp on each of them the date you received a report of any type.

(37) **Team Coordination To Investigate** - You may work as a team of 2 or more members on a case with the approval for coordination or instruction with your foreman. You may go out to the field occasionally for visual observation only with the consent of your foreman to verify or confirm, as a matter
of preliminary information provided by a secret reporter or tipster such as names, address, of persons, offices, and others in a casual manner but you shall not conduct any questioning with anyone outside your grand jury investigation room.

(38) Period to Finish an Investigation of a Matter - Once you have recorded a case in your Form GJ-30, you must finish its investigation within ninety (90) days, excluding Saturdays, Sundays and Holidays, from the date you have recorded the matter on Form GJ-30 or from the date of your receipt of a complaint. Your job on a case is deemed completed by filing your Indictment in court in accordance with the procedure in Section 5(o) in Rule 1, of the Rules of the Jury System or by issuance of your "Memorandum of No Indictment" with the use of the appropriate prescribed Form GJ-14, GJ-15, GJ-16, or Form GJ-17, as the case may be.

(39) Requirement in Filing an Indictment in Court -

(a) You shall file your indictment in court confidentially. You have the choice to file your indictment with the clerk of this court or in any other clerk of court with another trial court within this judicial district or in any other district. You may inquire from the clerk of this court the location of other trial courts of this judicial district.

(b) You need not go out in person from your investigation room for the filing of your court indictment. You simply summon the clerk of this court, or clerk of another court, where you wish to file your indictment. For this purpose, you shall use and fill in the prescribed “Summons Form”, Form GJ-49, by the Jury System Rules and present the same to the Clerk of Court in this Courthouse.

(40) Confidentiality of Investigation - You shall not issue or publicize any information regarding your investigation of any matter. You must absolutely keep your proceedings strictly confidential or secretly at all times.

(41) Power to Approve or Disapprove Government Initiated Accusations - You have the sovereign power to approve or disapprove felony accusations filed by government prosecutors. Should you approve any of such accusations, you must file a return of your indictment on the appropriate prescribed Form GJ-14, GJ-15, or GJ-16, as the case may be with the clerk of this court.

(42) Requirement Prior to Approval of Government Initiated Accusations -
(a) Before you approve complaints or accusations filed by government prosecutors, you must require the appearance before you of the government witnesses or seek other evidence by subpoena or by subpoena duces tecum by using prescribed Form GJ-11 in addition to the evidence presented to you by government prosecutors to support your approval.

(b) You shall submit to the clerk of this court your subpoena, forthwith, will assign the server of your subpoena to the witnesses.

(c) In the event that you find any inconsistency or conflict between the information provided to you by government prosecutors or investigators and testimony of a victim or witness to a crime, you may consider the testimony of the victim or direct witness more believable than the information of the prosecutor or investigator.

(43) Power to Designate Alternate Server of Subpoena/Subpoena Duces Tecum Other than the Regular Official Servers - You have the additional power to designate any competent citizen, or any public official, police, or military officer, to serve your subpoena or subpoena duces tecum other than through the Clerk of Court. Nonetheless, you must always ask the Clerk of Court of this Courthouse to serve your subpoena or subpoena duces tecum for your convenience.

(44) Sovereignty of Grand Jury to Issue Subpoena - Your power to issue subpoena or subpoena duces tecum is sovereign to compel attendance of any witness or production of documents regardless of his rank, title, or position in the government or any private citizen or person of nobility in the community in connection with your investigation. If such witness refuses to obey or ignores your subpoena, you may indict such witness for obstruction of justice using prescribed Form GJ-16 upon proof or evidence that you have validly served such witness with your subpoena.

(45) Dealing with a False Witness -

(a) Should you find that a witness has testified falsely before you as a grand jury, you may indict such witness for perjury, or for obstruction of justice using prescribed Form GJ-15 or Form GJ-16, as the case may be, if his testimony has been intended to delay, frustrate, prevent, or confuse the grand jury in its investigation of a case or to cover-up the criminal act of a crime suspect. At the start of his testimony, you must admonish the witness of his liability and penalty for obstruction of justice.

(b) You must present at least two (2) witnesses to prove your indictment for perjury or obstruction
of justice against the subject witness; or

(c) You must present at least three (3) of your members to serve as witness who will testify to prove that such witness had given you untruthful or evasive information. In such event any of your members who will testify to support your indictment shall be provided with another SIDN as a witness by registering such member in your Form GJ-31;

(46) Admission Restriction of any Outsider to Attend Grand Jury Proceeding -

You must allow no lawyer, member of the media, or anyone to appear with the witness in your investigating room. If such lawyer or anyone else will forcefully get inside or remain inside your grand jury investigation room, or advises a witness to refuse to testify before you, you have the power to file an indictment against such attorney or any such other person for obstruction of justice using prescribed Form GJ-16 for that purpose.

(47) Restriction of GJ Discussion in the Presence of a Witness or With Anybody -

(a) You must discuss and deliberate among yourselves alone secretly or confidentially as a group and only in your exclusive deliberating room. Violation of this rule will invalidate your decision to charge the object of your indictment.

(b) You must avoid discussing or debating with any person, witness, public official, police, investigator, prosecutor, or any lawyer. Simply inform any of such persons that the grand jury has no authority to discuss investigation matters in the presence of non-grand jury members.

(48) Role of Clerk of Court in Assisting the Grand Jury -

(a) The Clerk of this Court will assist you in finding your investigating room at which place, no one, except yourselves exclusively will be allowed to enter or occupy in performing your official business.

(b) You must see to it, and demand, that your room is not being tapped with illegal surveillance or bugging devices.

(c) Other than a witness you have summoned for questioning, you must absolutely disallow anyone else to enter your room without your prior summons or subpoena.
(49) Control by Any Public Official or Anybody over GJ Prohibited -

(a) No public official of any rank or position in the government has the right, and you must not allow anyone, to change or control your decision to indict or not to indict any person.

(b) You must not be intimidated by the fact that the person you are dealing with, or the subject of your investigation, is a lawyer or a law practitioner or any other professional practitioner, or any public official of any rank, title or position in the government or any person of nobility. Your official act within your authority is more supreme than the act of any one else.

(c) Acting as a group in your capacity as a Grand Jury, you carry the sovereign power and authority of the people in your grand jury district which comprises the same legislative district over which you have jurisdiction to act in accordance with Article 2, Section 1, of the Constitution.

(50) GJ Power to take the oath of a witness prior to taking of his testimony -

(a) You have the power to require a witness who will testify before you to take an oath or affirmation but you have no power to extract a statement from a witness with force or intimidation or with a display of any firearm or weapon anywhere in your investigation environment.

(b) Your foreman will preside over your interrogation session who may assign, or allow, anyone of you to profound questions to the witness. You must record your investigation proceedings electronically or by a stenographer or both.

(51) Conducting your first interrogation of a witness -

(a) Before calling your first actual questioning session with a witness, you must conduct a practice session among yourselves. You must make sure that you have a stenographer and an electronic recording device to record your practice proceeding. Rehear or review your recorded practice proceeding.

(b) You must show your proficiency to the witness to gain respect for the Grand Jury by any person who appears before you. You must be respectful but firm in dealing with such person or witness. You may use English, Tagalog, or local dialect most easily understood between you and the witness.

(52) Procedure in the interrogation of your witness -
(a) Prepare by filling in your Form GJ-12, interrogation form and witness appearance form, Section 17.

(b) Consult the prescribed interrogation form, Form GJ-38 and follow the instructions in that form to conduct your interrogation of your witness.

(c) All of you must memorize at heart the instructions in the said form. Familiarize yourselves of all the grand jury forms. Consult the Table of Criminal Jury Instruction, known as “CrimJI”, found in “Appendix A” at the end of the Rules of the Jury System.

(d) A Rule Book containing the entire Jury System Rules including Appendix “A” and “B” by the end of today's session will be furnished by the Clerk of this Court to your foreman.

(e) I instruct you to use the current entire week for holding classes in your grand jury room to learn the Jury Systems with your foreman acting as your lead instructor.

(f) Beginning on Monday, next week, with the help of the clerk of court, I instruct you to advertise, using Form GJ-9, to invite anonymous crime informants to submit secret crime reports of the particular crime you wish to investigate.

(g) When a member starts to speak, he must first address the foreman to ask his turn to speak with the witness and such member must raise to display his SIDN for all your co-members and the witness to see. Your SIDN should be printed in block type on a half-size regular short bond paper, exactly a dimension of 8-1/2 and 5-1/2 inches. The numbers shall be printed 3-1/2 inches in height and must centrally occupy 6 inches across the paper.

(h) Proceed to Form GJ-38 to prepare for your witness today.

(The following topics are NOT TO BE READ to the witness)(These topics are being read to you for your instruction)

**53) Clear and Convincing Evidence Requirement to Support Indictment** -

(a) You are required that no indictment is filed in court until you are convinced as a group that the case being filed is factually supported by direct, clear and convincing evidence according to your own
independent findings and judgment and not on the basis of rumors or political inducements from any source whatsoever.

(b) You must arrive at your independent decision only after a confidential and careful deliberation among yourselves absolutely without the presence of anybody whatsoever who is not a member of this Grand Jury.

(54) Dealing with Multiple Crimes of a Crime Suspect or Suspects -

A crime suspect may be charged with different crimes or type of crimes. Take note of the “Count Number” in the indictment instructions in the CrimJI of Appendix “A”.

(a) In the event where the crime suspect is criminally liable for different crimes. you must follow the indictment procedure in the next following Instruction No. (55.)

(b) In a crime where the suspected offender may have enriched himself, you must consider further investigation and indictment for tax evasion crimes.

(c) You may refer to taxation laws among which, but not limited to, Republic Acts 7642 and 8424. You may issue a subpoena to a tax accountant to seek professional advice, at government expense, prior to your filing of your criminal indictment for tax evasion.

(d) You must admonish the tax expert to keep your consultation with strict secrecy and avoid disclosing the name of the suspected offender and the names of witnesses.

(55) To arrive at your official decision to indict or to accuse the crime suspect with two or more criminal offenses, you must perform separate voting session for every indictment of each crime. Your decision to indict must be based on a "Probable Cause."

(56) Elements of Probable Cause -

(a) A probable cause of the crime exists when you have found a basis or ground which lead you to reasonably believe that the suspected offender is guilty of the crime.

(b) Your belief shall be derived from the fact that the witness, among others, personally saw the
act of commission of the crime by the offender or that the witness personally heard the offender saying that he committed the criminal act.

(d) You may likewise consider how far or near the witness was at the scene of the crime or when the witness heard the crime offender stated of the commission of his crime.

(e) You may also consider how much access or control the witness had with the records, things or object in the possession of, or belonging to, the suspected offender at the time of the commission of the crime.

(57) Voting Procedure to Indict -

Before writing your secret vote, you must follow the procedures below and certified under oath by your foreman with no one else present in the grand jury room but exclusively among you that compose your quorum:

(a) Review the transcript or rehear the tape recorded testimony of the witness;

(b) Reexamine all pieces of evidence or documents in your possession relating to the case and how the witness has obtained them;

(c) Carefully examine the elements and definition of the law that you think the suspected offender has violated. You must have a basic understanding of Articles 1 to 113 of Book One of the Revised Penal Code of the Philippines. They all generally apply in concept to any type of crimes that you will be dealing with.

(d) When you write your indictment or accusation, the specific words that you basically use to associate with the offender are: "willfully," "unlawfully," "feloniously," "knowingly." You must attempt to "read" the mind of the offender whether his thoughts during the commission of his crime were associated with such words.

(e) Crimes, except for strict liability crimes, have two basic elements, things the prosecutor has to prove to convict the accused: "a guilty mind" and "a guilty act."

(f) IMPORTANT: Consult Form TJ-121, for the Table for Criminal Jury Instruction, beginning with
Instruction No. 500, for guidance in determining the correct elements and definitions of the crime you intend to charge the accused with.

(g) The prosecutors and judges are required to show those elements to the trial jury to prove your accusation against the accused crime offender.

(h) After you have done the foregoing routines, your foreman shall randomly create two opposing groups called "Anti-Indictment Group" and "Pro-Indictment Group" with equal number of memberships. Your foreman shall exclude himself from any group and preside your proceedings. He must stay neutral and avoid arguing with any member of either group. He must strictly follow this rule. (1) Firstly, the foreman shall call for volunteers for membership in the "Anti" group. (2) If there are not enough volunteers for that group, he shall appoint any member from the remaining group into the "Anti" group regardless of the personal opinion of such member to favor indictment. Those who serve in the "Anti" group shall, nonetheless, secretly vote as they wish either for or against the indictment.

(i) Your foreman should solicit arguments from the members of each opposing groups by asking specific questions in the following manner:

(j) He should ask the members of the "Anti" group with a questions such as:

(1) "Why do you think that the suspected offender may not be guilty in this case?

(2) Are you aware of a law that may excuse him from criminal liability?

(3) What possible defense or defenses you think the suspected offender has in this case?

(4) From the testimony of the witnesses, did any of them said that his knowledge of the crime is based only from the information he heard from some one else and not on his own observation?

(5) Testimony on someone else's knowledge is a hearsay evidence and will not be admissible at the trial of this case.

(6) Does the documentary evidence in our hands directly show the guilt of the suspect? If not, we need to know?
(7) Would you want, before we vote to indict the suspected offender, to do more research? (8) Please speak up and let us all listen to what you say." The foreman should allow the "Anti" speaker to talk without interruption from anyone. He must allow as many "Anti" speakers who wish to talk against the indictment or in defense of the suspected offender.

(k) After addressing the “Anti” group, your foreman should now direct his attention to the "Pro" group. His question to the "Pro" shall be:

(1) "Do you find in the evidence or in the testimony of the witness(es) a probable cause or reasonable ground for us to believe that the suspect is guilty of the crime?

(2) Did the witness say that he actually saw the commission of the crime by the offender?

(3) Does the documentary evidence directly show the guilt of the suspect? If yes, please let us know."

(4) Have you searched the laws that may excuse him from criminal liability?

(5) Would you want to do more research, before we vote to indict the suspected offender? If, so, call for an informal voting by raising hands.

(6) Please speak up and let us all listen to what you say." The foreman should allow everyone who wish to speak for the indictment of the suspected offender to talk without interruption from anyone.

(l) If you doubt about the guilt of the suspected offender, it is your obligation to do more legal research or consult a competent criminal law lawyer before you vote in your decision. You must use hypothetical situations and avoid mentioning real names of persons who are involved in the case you are investigating. Should you intend to retain such attorney to prosecute the matter and he accepts the case as private prosecutor, then you need to let him know the real names of the real people who are involved in your case. (CAUTION: He might be a DECOY or spy for the crime suspect.)

(m) If the issue is to do more research and it is preventing you to decide one way or the other, you shall come to a secret vote in the research issue. If the research issue is in the negative, then you come to a secret ballot to determine whether to indict or not to indict and write the proper form, either Form GJ-14 or Form GJ-17.
(n) Even if there is no anti-indictment speaker, your foreman must still ask the required questions to the Pro-Indictment Group. It is important that each grand juror understands that he must personally find probable cause or reasonable ground for a belief that the suspect is guilty of the crime for indictment.

(o) It is not necessary that you convince your opposing members to vote in the side of your argument. Think of yourself as a solo judge with the obligation to find the probable cause, or lack of it, and let your total collective votes determine the decision of the grand jury and not the individual opinion of its members. It must be a decision arrived at collectively without force or tyranny from any of your members.

(p) After the speakers have talked, your foreman should announce to proceed, if you are convinced that you had investigated and examined enough the evidence and witness/es to make your final decision by secretly casting the vote of each and all members and officers including the foreman of the grand jury.

(q) You must use prescribed Form GJ-13 to cast your ballot. Upon completing your ballot, fold and submit it to your secretary. The secretary shall not open or count your votes until everyone has submitted his/her ballot and only then shall the secretary shall read the number of the “Yes” votes and of the “No” votes. Thereupon, the foreman shall announce to the Grand Jury members the decision to indict or not to the suspected offender.

(r) It is required that you arrive at with at least 14 "yes" decision votes of your members to return an indictment in court. In such event, you shall write your indictment on Form GJ-14, GJ-15, or GJ-16 (as the case may be);

(s) If, instead, you arrive at with at least 14 "no" votes, then you shall prepare your Grand Jury Memorandum of "No Indictment" on Form GJ-17. In such event, you shall simply archive the matter without further comment as if the matter was not investigated to allow another set of a new grand jury to reopen and further investigate the matter.

(t) If any of your members feels that there is an urgent need to reopen the matter for further investigation, such as calling or finding more witnesses, or gathering more evidence, he shall make an oral motion to do so during any session of the grand jury. If the motion is seconded and approved by a simple majority in which a quorum is present, then the case will remain open for further investigation. Your foreman shall then assign the matter to a member or group of 2 or members to pursue the matter.
(58) Forms required to fill up prior to inviting Clerk of Court to Pick Up Indictment for filing in court.

You must summon the clerk of court to come to your grand jury room to receive for filing the indictment which the clerk shall stamp to confirm its filing. The court filing stamp with the proper date must be stamped both on the original copy of the indictment submitted to the court and on a photocopy or carbon copy as file copy of the Grand Jury. You must use the appropriate prescribed indictment Form GJ-14, GJ-15, GJ-16, as the case may be.

(59) Exhibits for Submission to Clerk of Court -

After presenting your indictment in court, you must submit any pertinent exhibits on a case to the Clerk of this Court and listed on the exhibit list form prescribed on Form GJ-18, who will turn over such exhibits to the proper prosecutor for the case. After you have filed your indictment in court and have submitted your exhibits to a government prosecutor, through the clerk of court, your grand jury job on the case is completed. The stamp date of the filing with the Clerk of Court of your indictment must be within the period of your term of service to make the indictment valid.

(60) Reminder of Purpose of Secrecy of GJ Instruction for secrecy of investigation versus exceptional notification to the crime suspect:

(a) The purpose of this secrecy rule is (a) To prevent the crime suspect from becoming a fugitive from justice;

(b) To protect the constitutional innocence of the crime suspect from trial by publicity;

(c) To prevent the suspect or victim or their respective sympathizers from tampering any evidence or of threatening, harassing or harming potential witnesses;

(d) To protect both the victim and crime suspect from harming each other or by their followers.

(e) To protect you, the members of the grand jury, from threats or harassments or harm by heavily armed or highly influential or publicly powerful suspects of crimes and by their crime sympathizers and accomplices or their private armies;
(f) To prevent potential trial jurors from prejudging the guilt or innocence of the crime suspect once they are called in to serve as jurors;

(g) To protect judges and government prosecutors and private investigators from illegal or unethical interference, threats, harassment, or physical harm from highly armed or powerful or wealthy elements of society; and

(h) To encourage potential crime informers and whistle blowers to secretly report to the grand jury any criminal wrong doings in their workplace, neighborhood, organizations, and grafters among circle of friends.

(i) Exceptional notification to suspect prior to filing of indictment - If in your opinion, nothing in the above confidential precautionary policy measures will be used or taken advantaged of by the suspect, in any way, to interfere in your investigation of a crime such as wherein the suspect may have been positively known for being a peaceful or pacific person in the community and with no known ties with abusive highly armed elements in the community or he is not associated or friendly with highly suspected corrupt powerful or high official or officials of the government, you may, but not necessarily, notify the crime suspect, or subject of your crime investigation, using Form GJ-35.

(j) You may likewise notify the suspect using Form GJ-35 if, after you have interrogated the witness or witnesses presented by the complaining party, in your opinion, it appears that the contemplated accusation is clearly whimsical, capricious, or illegal and merely used to harass or embarrass the suspect by the accuser.

(61) Absolute restriction against compelling a grand jury member to a 3rd party to attend to the questioning or examination of a witness -

You cannot be compelled individually or as a group to allow a criminal suspect under investigation or his attorney or any person or public official to be present with you in the grand jury investigation room to cross-examine a witness.

(a) Preventing a criminal suspect from being present at your investigation proceedings to cross examine a witness before you does not deprive him of his "day in court" because this grand jury is not a court.

(b) If the crime suspect presents a written statement, such statement shall be filed with the Clerk
of this court and you must require that the statement be accompanied with a "Certificate of Truthfulness" prescribed in Form GJ-25 and any attachment therewith shall be serially numbered at the bottom right hand margin of the page attached and the clerk of court shall deposit the same in the "Citizen's Secret Crime Reports Drop Box".

(62) Absolute Restriction against inspection of Grand Jury Records -

You shall not allow under any circumstance any person or public official, magistrate, judge, commissioner, officer, or employee of any government branch, tribunal, court, commission, instrumentality, any police or military organization to interfere with your functions or to inspect any record in your custody.

(a) A grand jury is a direct repository guardian of the sovereign power of the people and its records shall not be retrieved by subpoena duces tecum. You may either dispose of any matter for investigation by the filing of your indictment or by issuing a memorandum of no indictment and no one shall compel you to do either way.

(b) You have the power to file an indictment for obstruction of justice on prescribed Form GJ-16 against any person or public official, regardless of his rank or position, or any of his agents, delegates or deputies, officially or unofficially, who may communicate with any of you, directly or indirectly, to interfere in any manner, intercede for the suspected offender, or to impede or in anyway frustrate the conduct of your official business or investigation.

(c) You have the discretion to ignore the intermeddler or file outright an indictment for obstruction of justice or with any other appropriate indictment against him if the interference is accompanied with violent act, threat of force, threat of physical harm or death against any of your members or member of your families.

(63) Compensation of the Members of the Grand Jury -

You are entitled to a compensation equal to twice the prevailing minimum wage in the district where you are serving as a member of this Grand Jury. Your compensation will be paid in the form of a voucher prescribed in Form GJ-26 which you may cash in with a cashier at any government treasury or cashier or any bank. The voucher will be prepared in the middle and end of each month and delivered to you by the Clerk of this Court and approved by the Executive Judge of this Regional Trial Court.
Additionally, if you are seriously injured, or in case of death your next of kin, are further entitled to an indemnity regardless of fault of injury or death.

(64) Reserve - Blank.

(65) Restrictio

You are not allowed to accept or receive any form of compensation, money or anything of value or pleasure, from any person, company, corporation, public official, government entity or any other entity whatsoever under any term or condition, except the benefits you are entitled to by this Jury Rule or injury or death indemnity or pension benefits by virtue of your retirement.

(66) Indictment against your fellow member in this Grand Jury -

You have the obligation and the power to investigate and file an indictment in court for any crime committed by your fellow members in the grand jury including acts of bribery against any member of your group or falsification of his application for grand jury membership, if warranted by evidence. If you are unable to investigate or indict such erring fellow member during your term of office, any one of you must secretly report the matter to the next succeeding Grand Jury upon, or after the expiration of your term of office.

(67) Filing of Indictment in Bribery when giver is a private citizen -

In crimes of bribery, you must indict or file criminal indictment for bribery against the recipient of the bribe if the giver or offeror is a private citizen. If the giver of a bribe is a private citizen, you may offer in writing using prescribed Form GJ-20 to exempt or immunize such giver or offeror of the bribe from prosecution for bribery under the condition that he shall testify against the recipient of his bribe. Should the giver or offeror of the bribe refuse to testify, you shall file an indictment for obstruction of justice against such giver or offeror using prescribed Form GJ-16 even if you may be unable to file an indictment for bribery against the recipient.

(68) Filing of Indictment in Bribery when giver is a public official or employee -
If the bribe giver or offeror is a public official and the recipient of the bribe is likewise a public official, you may offer in writing using prescribed Form GJ-21 to exempt the recipient from prosecution for bribery under the condition that such bribe recipient shall testify against the giver or offeror of the bribe. Should such bribe recipient refuse to testify, you shall charge the bribe recipient for the crime of obstruction of justice using Form GJ-16.

(69) Respect for majority rule in GJ Proceeding -

Should any of you disagree over the majority decision of your fellow members in an official session wherein a quorum is present, whether you were present or not at said official session, you must not in any manner individually or unilaterally override, suppress, prevent, or in any manner, frustrate by use of force, or threat of force, or by the use of disrespectful language, the implementation of such majority decision. Should you, as a member of such body, violate this instruction, you will be held personally liable for the crime of obstruction of justice using Form GJ-16.

(70) Dealing with personalities who claim to be in possession of power or nobility or royalty in the community, society or in the government -

In making your decision, you must disregard the position, nobility, royalty, or rank in the government, or wealth, profession, religious faith, or social standing in the community, of the person under your investigation. You must consider solely his acts in committing an offense or crime on the basis of the evidence and the law that you find as the sole and only factor in arriving at your decision. You must avoid giving special treatment to such person more than you would give to another with the same or equal dignity upon an ordinary person.

(71) Prior Unfinished GJ Investigation not barred for further investigation by a new GJ -

Upon motion by any of your members in reference to, or upon complaint by a victim or witness of, a serious crime that has been investigated and dismissed by a prior Grand Jury, you shall have the power to investigate anew the same and to present an indictment in court against the suspected offender if warranted by your finding of probable cause.

(72) Official References in preparing indictment -
In preparing your indictment, you may refer, but not limited, to the following laws:

(a) Presidential Decree Number 1829 as Amended;

(b) Republic Act 386, Article 3, of the Civil Code;

(c) The Revised Penal Code of the Philippines, Act 3815;

(d) The Anti-Graft and Corrupt Practices Act, Republic Act 3019;

(e) The Crime of Plunder, Republic Act 7080 as amended.

(f) The Anti-Money Laundering Law, Republic Act 9160; and

(g) Government Procurement reform Act, Republic Act 9184;

(h) Such other laws defining an act as a criminal offense and punishable by imprisonment in jail for one year or more, including but not limited to child abuse laws, illegal gambling laws and other criminal laws.

(i) To write your indictments, go to Appendix “A” at the end of this Jury System Rules, and locate the “Table for Criminal Jury Instructions,” referred to in short as the “CrimJI” which you will find as Appendix “A” to these Jury Systems Rules.

(j) You may visit the e-library of the Supreme Court web site by clicking this link in the Internet: Supreme Court Library.

(73) Consultation with Professionals or Experts; Confidentiality -

You may, in preparing your indictment, consult a lawyer, CPA, or other professionals for advice during your en banc session with no other person or witness present but only with your members exclusively. You shall present hypothetical scenarios or questions to such consultants but you shall not disclose any name of the object of your investigation or indictment, or of the name of the witness or witnesses you may call, or may have called. You shall ask the consultant to keep your consultation and the subject of your consultation strictly confidential. Whether advised or not, consultants shall have the
ethical duty to keep any grand jury consultation with strict confidentiality under pain of disciplinary action for disbarment or license forfeiture including criminal liability for obstruction of justice.

(74) **Grand Jury may investigate crimes in another district and file indictment also in another court outside its own district** -

(a) You may investigate a crime in another jury, or congressional, district of any province or city in any other part of the country upon receiving a complaint from a resident of such district regardless of whether he is a crime victim or not if, in your opinion, the said crime may affect or jeopardize, or has affected or has jeopardized, in any manner the peace, security, economy, commerce, of the people and finances of the government in your own district or the district where such crime has occurred.

(b) If two or more grand juries of different congressional districts are investigating the same crime involving the same offender or offenders, the first grand jury which has taken prior action to investigate said crime shall have the right to pursue the matter until it has filed its indictment in court over the said matter.

(c) You may file your criminal indictment against the offender of a crime committed in a different district in a trial court within your own district or in another district if, in your opinion, no fair trial of the case may be obtained in the district where the alleged crime was committed.

(75) **Subpoena involving a banking institution** -

You have the power to issue a subpoena or subpoena duces tecum to any officer of a bank regarding an account to determine any ill-gotten wealth of the subject of your investigation notwithstanding any bank secrecy law, rule or policy, to the contrary regardless of whether said bank is located in another grand jury district.

(76) **Payment for services of professional or expert consultants** -

You shall execute a written note on Form GJ-47 addressed to the Executive Judge stating that you have spent time for consultation with a professional consultant and indicate the length of time of your consultation to allow him to obtain compensation for his legal or professional services to the grand jury.

(77) **Forgiving and Purgatory**
**Grand Jury Instruction** -

(a) Forgiving Instruction: You may forgive a bribery offender from indictment if certain conditions are met, as follows:

1. The offender has not committed any act of bribery after the enactment of the jury Systems Law according to Section 29 of the Grand Jury Law; and

2. He shall voluntarily execute and sign his Statement of Assets and Liability as called for in Form GJ-50.

(b) Crime offenders of electoral fraud or terrorism, murder, robbery, arson, chastity crimes, and other crimes that violate human rights.

(c) Purgatory Instruction: If such public official continues to commit such offense after the Law of the Jury System took effect, you have the purgatory power to indict such official for offenses committed both prior to, and after, the Jury Systems Law has taken effect.

(d) Offenders of government graft and corruption crimes who continue to keep the fruits of their crimes such as real or personal property including money bank accounts locally or in foreign countries after the jury systems law has taken effect shall remain liable for grand jury secret investigation and indictment.

**CERTIFICATION BY THE INSTRUCTING JUDGE**

I certify under my official oath that I have personally read to the Grand Jury the foregoing instructions this ______ day of ____________, 20__ without any deviation to the said instruction. I further certify that each member of said Body has been furnished an authenticated and signed copy by my hand of said instructions and a translation thereof in the local dialect of my district. I finally certify that I have provided each member of said Body in booklet form the entire copy of the Rules of the Jury System.

Signature: ____________________________
Printed Name: ________________________
Official Title: Executive Regional Trial Judge"
(f) Vested Powers of the Grand Jury-

The grand jury is hereby vested with the following powers:

(1) To issue subpoena or subpoena duces tecum and any disobedience thereto by the witness upon whom said subpoena or subpoena duces tecum has been directed and served shall render such witness criminally liable for obstruction of justice and shall be liable for punishment by imprisonment from three to five years in jail. The subpoena issued by a grand jury shall be enforceable anywhere in the Philippines.

(2) To secretly investigate any and all crimes punishable by law with imprisonment for at least one year, or more, in jail, or by death, and to file an indictment in court upon its finding of probable cause that the alleged crime may have been committed by a person or group of persons or leader or leaders of a juridical entity whether legally created or not and suspected of having committed such crime or crimes.

(3) To file administrative disciplinary complaint with the Supreme Court against any lawyer, judge, justice or prosecutor, or any professional with any Board that has the power to issue the license to practice his profession who has violated the ethics of his profession or against any elected or appointed public official or officer, in any government instrumentality including, but not limited to, any quasi or government owned or controlled corporation who has violated an administrative rule or function whether or not amounting to a criminal act with the board or commission who has control or supervision in, or over, his office or organization. Such disciplinary action shall be pursued by the Ombudsman or his deputy.

(4) To commence its investigation without requiring prior execution of an affidavit of a witness it may call for questioning regarding the subject matter of its investigation. No affidavit shall be given probative value until its signer shall have been cross-examined orally in a grand jury investigation.

(5) To administer the oath of any witness for interrogation before the Grand Jury either en banc or individually by its members;

(e) Absolute confidentiality of the
grand jury records and proceedings -

(1) A grand jury secret investigation room shall be provided in each grand jury district. A grand jury district shall be coterminous with a congressional district. Such room shall be located as close as possible where the court of the executive trial judge is located in said district. It shall be large enough to accommodate seats with small desk for 23 members, an executive table and chair for its foreman, a desk with a high speed computer with monitor, printer, and chair for its secretary, a small desk and chair for one witness. It shall further be provided with a large black board, a records vault and a secret complaint drop opening-receptacle enough to receive a one-fourth (1/4) inch-thick envelope 9" X 13" on a wall near the entrance door to the grand jury room. Furthermore, the grand jury investigation building and room shall be provided with air conditioning and shall be closed from public view and secured against eavesdropping gadgets.

(2) The Secretary of Justice shall be principally responsible in organizing the grand jury of each district with the assistance of the clerk of court of the executive regional trial judge and in providing the needs of the grand jury as described above. If no government office building is yet available for the grand jury operation upon the effectivity of this jury systems law, he shall have the authority to promptly enter into a contract of lease, or to purchase, with an owner of a building in the private sector sufficient for the needs of the grand jury. Furthermore, he shall endeavor to build a permanent grand jury office. It shall be his duty to secure funding from Congress and the President for this purpose, and no funds shall be released by the Treasurer of the Philippines for pork barrels of lawmakers and allowance to the president unless funds are actually released for funding the grand jury office facilities in the entire country.

(3) Mandatory Compliance of the setting up of the Grand Jury in each Congressional District -

(a) The compliance of organizing and the setting up of the Grand Jury system in each congressional district shall be the principal responsibility of the Secretary of Justice upon the effectivity of this law. He shall be criminally responsible under Article 207 of the Revised Penal Code of the Philippines for his intentional neglect in implementing the directives in this law.

(b) Upon completion of the set up of the grand jury facilities as described in (1) and (2) above, the Secretary of Justice shall turn over said facilities to the Clerk of Court of the Executive Trial Judge of the Jury District for operation and upkeep.

(4) All proceedings by and before the grand jury shall be kept strictly confidential exclusively among
its members, regardless of the declaration of martial law or state of emergency by the president;

(5) **Absolute Immunity of Grand Jury**  
**Records from Discovery or Subpoena**  
by any person, public official or public entity -

No person or public official or court or any government agency, entity, or instrumentality shall have the power to order by subpoena or subpoena duces tecum, by any other writ, or presidential order, to publish or scrutinize the records of the grand jury or to investigate or arrest any of its members for any alleged wrongful or criminal act before the end of his term of office.

(6) No member of the grand jury shall be compelled to disclose the identity of another grand juror.

(7) Any person or public official by use of forceful or violent means or threats or intimidation who shall violate any of the provision of this Subsection (e) shall be liable for the crime of obstruction of justice and shall be punishable by imprisonment for a period from five (5) to seven (7) years in jail upon the indictment of the grand jury and upon conviction of the trial jury.

(f) **No immunity of bank records**  
from Grand Jury Investigation-

Notwithstanding any banking secrecy law, presidential decree, banking rule or policy to the contrary, no bank record of any form or kind shall be immune from a grand jury subpoena, examination or investigation.

(g) **Power of Grand Jury to Consult Experts or Professionals** -

(1) The grand jury may invite by subpoena or summons any licensed professional or expert, including but not limited to any lawyer, certified public accountant, medical doctor or engineer who is an expert on the matter that is the subject of its investigation to appear in its secret investigation room to obtain legal or technical assistance in pursuing its investigation or in formulating its indictment.

(2) If the consultant has any reason to believe that the object of investigation by the grand jury is his client or relative by blood or affinity, he must decline such invitation to appear or provide any professional assistance to the grand jury by stating the reason of his declination. If such lawyer or professional ignores his obligation to decline the invitation, he shall be subject to disbarment or revocation
of his license to practice his profession. The bill for the professional fee of such professional or expert shall be paid from the jury systems fund. Said expert shall be bound by the same strict secrecy rules of the grand jury system.

**Section 2. Grand Jury Districts -**

(a) At least one grand jury shall be organized in each congressional district whose territorial jurisdiction shall be coterminous with its adjacent congressional district. The term of duty of the members of the grand jury shall be six (6) months starting the first working day of January until the last working day of June and thereafter another set of members of the grand jury shall be seated starting the first working day of July to serve until the last working day of December.

(b) Principal location of the Grand Jury - A grand jury shall file its indictment in its own district over crimes committed within its district. No overlap of jurisdiction shall necessarily void an investigation or indictment of a grand jury over a crime investigated in another grand jury district.

(c) The Grand Jury People Unity Clause -

The grand jury shall serve as a unifying body of the people around the country to prevent lawlessness in any form. A grand jury may investigate a crime in another congressional district of any province or city if, in its opinion, the said crime may affect or jeopardize, or has affected or has jeopardized, in any manner the peace, security, economy, commerce, of the people or the finances of the government in its own district and the district where such crime occurred. If two or more grand juries of different congressional districts are investigating the same crime involving the same offender or offenders, the first grand jury which has taken prior action to investigate said crime shall have the right to pursue the matter until it has filed its indictment in court over the said matter.

(d) Investigation and indictment in crimes committed in a different jury district -

Notwithstanding any provisions elsewhere of this law, a grand jury may initiate to investigate a crime in another district and file its criminal indictment in a different district in a trial court within its own district, or in a trial court in another district different from the location of the crime committed, if, in its opinion, no fair trial of the case may be obtained in the district where the alleged crime was committed.

(e) Crime Victim may file his complaint with a grand
jury in a district different from his district.

A resident of one grand jury district may send his complaint anonymously relating to a felony regardless of whether he is a victim or not committed in his district to a grand jury in another district in any province or city for secret investigation and indictment if it appears that the grand jury in his district is taking no action to investigate the said crime.

(f) A grand juror committing a serious crime may be investigated and indicted in another district different from the district where he committed his crime -

A member of a grand jury who may have committed a crime punishable by one year or more of imprisonment in jail during or after his term of membership can be secretly investigated and indicted by a grand jury of another district in any trial court of the Philippines.

Section 3. Inauguration of the grand jury membership; Strictly Confidential -

(a) The inaugural formation of a grand jury and administration of oath of office of its members shall be held strictly confidential where no person or public official or government employee shall be permitted to attend or observe, except that the inauguration of said Body shall be officiated by an Executive Judge in his court room with the assistance of his clerk of court and at which time he shall issue the grand jury instruction that shall govern the official conduct of its members and power of the grand jury. Such judge shall have no power to approve or disapprove the decision of a grand jury to investigate or to indict a crime suspect.

(b) Any person or public official or government employee who shall surreptitiously intrude in the foregoing proceeding or any clerk of court or presiding executive judge who shall permit such person or public official or government employee to observe or intrude in the said proceeding shall be liable for investigation and indictment for obstruction of justice by a grand jury.

Section 4. Security Identity Name, SIDN of Grand Jury Members-

Upon taking their oath of office, each member of the grand jury shall be provided with Security Identity Name, also known as SIDN, by their inaugural judge for use in their official acts instead of their real names that shall be strictly kept confidential under the custody of such presiding executive
judge and deposited within 24 hours from the time they are sworn in a secured vault with a publicly accredited bank. Said judge shall be liable for disciplinary action in the form of removal from the bench and disbarment, and tort damages in the event of injury or death suffered by a juror as the result of the violation by such judge of this secrecy rule.

Section 5. Grand Jury Indictment Not Subject to approval by any government official-

No grand jury investigation and indictment shall be subject to approval by the government or any public official and no such indictment shall be subject to review or pre-trial hearing by any prosecutor, ombudsman, justice or judge. Any member or officer of the grand jury who shall falsify the collective decision of its members to indict or not to indict a subject of its investigation shall be liable for the crime of obstruction of justice and shall be punishable by imprisonment from five (5) to seven (7) years in jail upon the indictment by any succeeding grand jury.

Section 6. Criminal Accusation by government agencies subject to approval by the Grand Jury-

If an accusation against a crime suspect before a criminal trial court of any jurisdiction is initiated or filed by the government or ombudsman or government prosecutor, or by any arm forces and police service of the government notwithstanding any law to the contrary, said crime suspect shall not be compelled to stand trial unless the accusation against him shall have been reviewed, and approved, by a grand jury in the form of a grand jury indictment, if his alleged crime is punishable by at least one year, or more, of imprisonment.

Section 7. Prosecutor required to secure grand jury indictment on criminal accusations by the government -

Within three (3) days from the date of the filing of such accusation in court referred to in the preceding Section 6 in this Article, the government prosecutor charged of pursuing the case shall have the mandatory duty to commence the act of securing the grand jury indictment by submitting to the grand jury through the clerk of court who has customary official contact with the nearest grand jury to his office, all documentary proof of court filing, names of witnesses, and every piece of evidence of the crime in his custody with the information whether the accused is in custody of the government or not.
Section 8. Grand Jury required to complete its investigation and indictment within 90 days from receipt of complaint -

If the accused is in the custody of the government, the grand jury shall promptly commence the investigation of the case by calling any or all witnesses by subpoena, subpoena duces tecum, or summons, to secure sufficient evidence or probable cause to support a grand jury indictment. The grand jury shall have the obligation to complete its investigation and indictment within ninety (90) days from the date of its receipt of the government accusation from the clerk of court otherwise it must issue an order to dismiss the accusation.

Section 9. Liability of government prosecutor for failure to submit within 3 days government initiated criminal accusation -

If the accused is in custody and the complaining prosecutor fails to comply with the requirement within the period prescribed in the preceding Section 7, the accused shall be entitled to an immediate release from custody and the complaining prosecutor shall be liable for indictment for obstruction of justice upon complaint before the grand jury by the victim of a crime or the next of kin of such victim if the victim dies as the direct result of the crime.

Section 10. Demand for publication of grand jury investigation absolutely barred.

No government or private agency, public official, court or judge, or any person, shall have the power to demand the publication of any grand jury proceedings. Any such proceedings shall exclusively be attended in by no other than the members of the grand jury, sitting en banc, and one witness at a time for questioning. Such witness shall have no right to invite the attendance of an attorney for his assistance and no government prosecutor shall have the right to accompany him to procure his statements in the grand jury investigation room. All information elicited from the witness shall come out from the questions of the grand jury or its members.

Section 11. Witness giving false testimony liable for criminal indictment of obstruction of justice -

Any person or witness who testifies before a grand jury shall have the mandatory legal obligation to tell the truth in his testimony. Any violation of this rule shall subject such witness to a criminal indictment by the grand jury for obstruction of justice.
Section 12. Subpoena powers of the Grand Jury; Witness barred to appear before GJ unless pursuant to a Grand Jury Subpoena -

The grand jury shall have the power to issue a subpoena or subpoena duces tecum on any person or public official it may deem a possible witness to a crime or a custodian of any record or thing for its investigation of a crime. No person shall have the right to appear before a grand jury unless invited by the grand jury on a subpoena, subpoena duces tecum, or summons.

Section 13. Invitee/Witness; Legal Obligation
When testifying before Grand Jury -

Any person or public official, hereinafter referred to in this section and in the next following section as the “invitee”, when required to appear before the grand jury as a witness by means of a subpoena, subpoena duces tecum, or summons shall have the legal obligation and the right to keep the matter strictly confidential from, and against, any other person or public official regardless of whether such other person is a superior or subordinate officer or associate or immediate family member of the invitee. Violation of this rule, directly or indirectly, by the invitee shall subject such invitee liable for indictment of obstruction of justice by the grand jury.

Section 14. Criminal liability of any person or entity who discriminates a witness for having testified before the grand jury -

Any person, employer, or public official, or member of a board of directors or board of trustees of a corporate entity, quasi-government entity, or government owned or controlled corporation who shall initiate the termination, demotion in rank or position or relocation of employment or position, of the invitee from his employment or public position for having received a subpoena, subpoena duces tecum, or summons, or for appearing or giving his testimony before a grand jury shall be liable for indictment by the grand jury for obstruction of justice.

Section 15. Criminal liability of a person who disobeys a GJ Subpoena -

Any person or public official who shall disobey or refuse to testify before the grand jury upon receipt of a subpoena or subpoena duces tecum or summons shall be liable for indictment by the grand jury for obstruction of justice.
Section 16. Criminal liability of a person who prevents a subpoenaed witness from testifying before a GJ -

Any person or public official who shall prevent a witness from testifying before a grand jury who has received a summons, subpoena or subpoena duces tecum from the grand jury by any means including aiding such witness to leave the country or by detaining such witness for any purpose shall be liable for indictment by the grand jury for obstruction of justice.

Section 17. Entities or persons covered by the power of the grand jury to investigate and to indict for commission of a serious crime are as follows -

(a) No law, executive or legislative or judicial order, classified or unclassified confidential record or memorandum, or court rule, shall prevent, bar, or prohibit, a grand jury to exercise the sovereign power and authority of the people vested in it to secretly investigate alleged crimes or anomalies committed for the purpose of finding a crime suspect or offender for indictment over said crimes or anomalies, in the executive, legislative, and judicial government branches, the ombudsman, including but not limited to all levels and instrumentality, office, bureau, or commission of the government from the national down to the regional autonomous, provincial, city, municipal, and barangay governments, as well as in any or all government owned or controlled corporations, quasi-government corporations, and in the arm forces and police services of the government.

(b) No claim of public position, title or rank in the government, profession, royalty, nobility, religious affiliation or creed, custom, tradition, or political party affiliation, shall exempt any person who has committed a serious crime or offense as defined by law of such crime from a grand jury investigation and indictment or disciplinary action.

Section 18. Immunity from prosecution of giver or offeror or recipient in bribery-

(a) The grand jury, through its subpoena, subpoena duces tecum, or summons, shall have the power to offer a grant of immunity from prosecution for bribery to any person or witness who is a giver or an offeror in the crime of bribery pursuant to Presidential Decree No. 749 if such giver is not a public official.

(b) If the bribe giver is a public official with the expectation that he shall gain undue favor directly or indirectly from the recipient of the bribe who is likewise a public official, the grand jury may offer in
writing to exempt the recipient from prosecution for bribery under the condition that such bribe recipient shall testify against the giver of the bribe.

(c) If after receiving the subpoena, subpoena duces tecum or summons by such person or witness referred to in the herein immediate preceding Subsections (a) or (b) refuses to testify before the grand jury in spite of grant of immunity from prosecution, the grand jury shall indict such person or witness for the crime of obstruction of justice.

(d) Any agreement shall be void, written or unwritten, made by the grantee of immunity from prosecution who is a private citizen promising to refrain from testifying against the recipient of his bribe who is a public official or officer.

(e) Any agreement shall be void, written or unwritten, made by the grantee of immunity from prosecution who is a public official or officer promising to refrain from testifying against the giver or offeror of a bribe who is likewise a public official or officer.

Section 19. Grand Jury has power to investigate and charge for obstruction of justice over a witness who disobeys the subpoena issued by Congressional Bodies -

The grand jury shall have the power to indict for obstruction of justice of any person or public official who refuses to testify before any Congressional Body or Committee in an investigation of crime or for any act of corruption or anomaly in the government in aid of its legislation upon submission of a complaint to the grand jury of such Body or Committee.

Section 20. Violators of Writs issued by courts subject to investigation and indictment for obstruction of justice by Grand Jury -

The grand jury shall have the power to indict for obstruction of justice any person or public official who shall disobey a writ of amparo, writ of habeas corpus, or writ of habeas data issued by the Supreme Court, Court of Appeals, Sandiganbayan, Regional, Metropolitan, City, or Municipal, or Municipal Circuit Courts, Shari’a District or Circuit Courts upon complaint by the victim or by the victim’s relative within the third civil degree of blood or marriage relationship.

Section 21. Disobedient person or public official to subpoena or subpoena duces tecum issued by other different government entities, commissions,
 liable for obstruction of justice upon GJ Investigation and Indictment-

The grand jury shall have the power to indict for obstruction of justice any person or public official who shall disobey a subpoena, subpoena duces tecum, or summons issued by the Ombudsman, Commission on Audit, Commission on Elections, Civil Service Commission, Commission on Human Rights, through their deputies, in matters within their respective jurisdictions to investigate upon complaint by any of such entities.

Section 22.  GJ no power to compel crime suspect by subpoena to appear for GJ questioning -

No crime suspect shall be compelled to testify before a grand jury nor shall any witness or person be compelled to incriminate or testify against himself. A grand jury shall have no power to order the detention of a crime suspect. A grand jury has no power to act as a trier of fact. It shall have no duty to inform a crime suspect of a grand jury investigation or proceedings against a crime suspect. Conversely, a crime suspect shall neither have the right to send his attorney to appear in his behalf to cross-examine a witness in grand jury investigations.

Section 23.  Strict exclusivity of secret grand jury room required for all grand jury proceedings -

The location for grand jury investigations and proceedings shall be held in a secluded room and assigned exclusively as a meeting place of the members of the grand jury which must be free from public view and eavesdropping. All proceedings by the grand jury shall be held strictly confidential.

Section 24.  Matter dismissed by prior grand jury may still pursued for further investigation and indictment by new grand jury -

A matter that has been dropped from investigation by a grand jury shall not necessarily prevent a future grand jury with a new set of members from reopening the same matter for further investigation and eventual indictment of the suspected offender when warranted by the discovery of additional evidence or witness. A new set of the members of the grand jury shall have the power to continue to investigate and to indict the suspected offender on a criminal matter commenced by, and remains pending at the end of the term of, the out-going members of the grand jury.

Section 25.  Grand Jury has sovereign and concurrent power to investigate matters being investigated by
other constitutional bodies of government -

A grand jury shall have concurrent jurisdiction to investigate and indict offenders of crimes falling under the jurisdiction of the Ombudsman and the Commission on Human Rights and other investigatory government agencies under the Constitution of the Philippines consonant to the sovereign power of the people in Article II, Section 1 of the Constitution as represented by their grand jury.

(a) A grand jury may publish in any newspaper of general circulation in its district to invite anonymous informants of crimes and government corrupt practices including names and addresses of witnesses or crime victims to send secret reports to the grand jury without necessarily disclosing their identities.

(b) **Grand Jury Investigations not subject to strict observance of hearsay rules** -

Gathering of evidence by the grand jury shall not be limited by the hearsay rule, but it has no liberty to employ deceptive, forceful or intimidatory tactics.

(c) A grand jury may command or summon any clerk of court or any public official or employee, or any citizen, in or outside its district to provide assistance or help in its effort to gather information regarding any crime which is the subject of its investigation and indictment.

(d) **No more than one witness allowed to enter grand jury investigation room for questioning** -

The clerk of court, to the exclusion of anyone else, shall have the power and primary duty to receive and guide any witness summoned or subpoenaed by the Grand Jury in entering a grand jury investigation room. He shall, under no circumstance whatsoever, allow more than one witness or person or public official for any purpose to enter a grand jury investigation room regardless of the power or authority or nobility of such public official or person.

(e) **Power of Clerk of Court to disarm any witness called to testify before GJ; Entitled to support by police or armed services when exercising this authority regardless of the government rank and power of the witness** -

The Clerk of Court shall have the power to disarm any witness or any person, or public
official, or person of nobility who may appear to enter a grand jury proceeding as a witness. By exercising his power within the scope of his authority in complying with this rule of the jury systems law, his rank shall be paramount and superior to any public official of the Republic of the Philippines or any person of nobility while performing his duties as such. He shall be entitled to an official support of any member or officer of the Philippine National Police or of the Armed Forces of the Philippines upon issuance of his order in procuring the support of any official or officer or member of such organizations.

(f) Any Clerk of Court, or any public official, or any person claiming possession of a title of nobility, or any person, who shall violate the foregoing sub-paragraphs (d) and (e) shall be liable of the crime of obstruction of justice and shall be subject to secret investigation and indictment by the grand jury and shall be punishable from 5 to 7 years of imprisonment in jail.

Section 27. Filing of Grand Jury Indictment; Issuance of Arrest Warrant; Execution of Arrest Warrant -

(a) The indictment of a grand jury shall be sealed and filed in a criminal trial court that has jurisdiction within the legislative district at which the crime was committed. Upon completion of the preparation of the indictment, the grand jury shall thereupon summon in writing, on a form prescribed in the Rules of the Jury System, the clerk of such court to appear before the grand jury to accept and receive the filing of its indictment. Any grand jury indictment filed in court shall be deemed executed and sworn under the oath of office of the Grand Jury Foreman or any other member of the grand jury who signed the indictment with his security identification number or “SIDN” instead, and in place, of the oath of the victim of the crime or complaining party.

(b) Within two working days from the filing date of the indictment, the Presiding Judge of the court where said indictment was filed, shall thereupon personally unseal and examine the indictment for issuance of the warrant of arrest against the accused. No judge shall have the power to refuse issuance of a warrant of arrest on a grand jury indictment unless upon his personal knowledge of a clear and convincing proof that said indictment was fraudulently procured. The said judge shall have no authority to disclose the indictment until the accused has been taken into custody by government authorities.

(c) Within five working days by the receipt of the warrant of arrest of the officer in charge of executing the arrest of the accused from the court of the presiding judge who issued the warrant, such executing officer shall thereupon take the accused into custody. Said executing officer shall
neither have the authority to disclose to any person or member of the media his possession of the warrant of arrest nor to seek permission or approval from any public official or any person in taking of the accused into custody notwithstanding any law, decree, or executive order to the contrary.

(d) Any court employee, clerk of court, the presiding judge of the court, or the officer in charge of the execution of the arrest warrant or his deputy to take the accused into custody who shall violate the policy of secrecy in the filing of a grand jury indictment, the issuance of the arrest warrant and the taking of the accused into custody shall be liable for the crime of obstruction of justice upon investigation and indictment by the grand jury on the complaint of the accused.

(e) Any court employee, clerk of court, the presiding judge of the court, or the officer in charge of the execution of the arrest warrant to take the accused into custody who shall unduly delay or refuse the timely issuance of the warrant of arrest or the execution of the warrant of arrest to take the accused into custody shall be liable for the crime of obstruction of justice upon indictment by the grand jury on the complaint of the victim of the crime.

(f) Should the presiding judge of the court before whom the grand jury indictment was filed shall refuse to issue a warrant of arrest on the indictment, he must return the said indictment to the grand jury in writing stating thereon the legal reason or reasons behind his refusal in issuing the arrest warrant for further consideration or investigation of the matter by the grand jury. He shall not, under any condition, disclose the indictment in any manner or the reason to any third party of his refusal to issue the warrant of arrest on the indictment against the accused.

(g) Any person or public official who shall interfere, or attempt to interfere, in any manner or for any purpose, in the issuance or execution of a warrant of arrest shall be criminally liable of the crime of obstruction of justice upon investigation and indictment by a grand jury.

(h) Upon completion of the execution of the warrant of arrest by the warrant officer upon the crime suspect, said warrant officer shall promptly write in his log book or record of arrest the following information: (1) Full name and physical description of the person taken into custody physically or constructively provided that no remark as to the ethnicity or religion of the arrested person shall be recorded; (2) The date, time, and location of arrest; (3) The leader and name of the members of the group in executing the warrant of arrest; and (4) Other miscellaneous information relating to the event in taking the crime suspect into custody.
(i)) After the filing of the grand jury indictment in court, the government prosecutor in charge to pursue the matter to trial, or his successor, shall have the further duty to discover and investigate for the purpose of gathering more evidence against the accused, and provided that he must keep the matter strictly confidential and shall not publish or disclose in any manner to any person, or member of the media, his newly discovered evidence including names of witnesses relating to the same grand jury indictment.

Section 28. Indictment of the President and other public officials by the Grand Jury-

(a) (1) Indictment of the President -

Any Grand Jury may, for obstruction of justice, bribery, plunder, money laundering, human right abuse or for ordering extra-judicial killing of a person or persons, or for electoral fraud or terrorism, or for violation of the Anti-Graft and Practices Act in Republic Act 3019, Government Procurement reform Act in Republic Act 9184, or for violation of Republic Act No. 1379, the “Act Declaring Forfeiture of Ill-Gotten Wealth of Public Officers and Employees”, including disobedience to, or prevention of the implementation of, Writ of Habeas Corpus, Writ of Amparo, or Writ of Habeas Data, issued by any criminal trial court, may indict the president regardless of any law, presidential decree, declaration of martial law, executive order or rule, or high court decision to the contrary or of existing prior impeachment.

(2) Indictment of other public officials-

This subsection of the jury law shall apply likewise to any public official who is removable from office by impeachment including any public official, not subject to impeachment, in all levels and any instrumentality of the government from national down to all regional autonomous government, provincial, city, municipal and barangay governments. It also applies to all public officials, senators and congresspersons, justices, judges of the other branches of the government as well as officials and employees of quasi-governments entities and of the government owned or controlled corporations of the Republic of the Philippines.

(b) If, without justification the accused, after arraigned in person before a court, fails or refuses to attend the trial in spite of due notice served on him or on his counsel, the trial shall proceed in his absence in accordance with Article III, Section 14(2) of the Constitution. Said trial shall take precedence over any other judicial, executive, legislative or social matter requiring
personal or official attention of the president or such any other indicted public official. Should his lawyer or lawyers fail to attend, or boycott, the scheduled trial for any reason, his lead attorney or counsel shall be liable for obstruction of justice upon indictment by the grand jury on complaint by any citizen or any member of the media.

(c) If the accused found guilty or convicted by a trial jury is the president, he may continue to serve his term of office and shall begin to serve time in jail immediately following the expiration of his term of office unless in the mean time, he shall voluntarily resign from office within 30 days, Saturdays, Sundays and Holidays included, from the finality date of his conviction provided that he shall divest himself in favor of the national government all assets and money bank deposits in the Philippines and in all other countries that he must declare in a sworn written declaration which he has acquired and accumulated during his term of office beyond the value of the total amount of his regular salary. Upon full compliance of the foregoing conditions, the convicted president shall be excused from serving his jail term.

(d) Should the convicted president attempt to conceal any of his assets and money bank deposits by omitting the same from his sworn written declaration, he shall be held liable for the crime and punishment of obstruction of justice upon indictment by the grand jury and forthwith tried before a trial jury.

(e) The said 30-day period to resign and divestment process shall not be extended for any reason. Any transfer of ownership of assets and money bank deposits referred to in the said 30-day period and thereafter, if any, shall be void. He shall neither be allowed to obtain a discharge of his insolvency or bankruptcy nor shall he be permitted to occupy any public office.

(f) The president indicted with any of the crimes referred to in the preceding Subsection (a)(1) of this Section shall lose his power to declare martial law for the obvious purpose of protecting himself from prosecution upon the filing in court of the grand jury indictment of any of said crimes. If for any reason said president succeeds in declaring martial law, he shall be held personally accountable and criminally liable for every person who became missing, or have been subjected to physical or psychological harm, tortured or have been killed, during the state of martial law resulting from the hardships inflicted by the members of the Armed Forces and National Police upon the people, or upon any person, on the basis of command responsibility.

(g) Execution of the warrant of arrest against the President-
(1) Upon the execution of the warrant of arrest against the indicted president, all his presidential powers shall be automatically suspended to prevent him from using the powers of the presidency for his advantage, and to give him full opportunity to depend himself of all accusations against him.

(2) Upon the execution of the warrant of arrest against the indicted president, the arresting officer shall at the same time confidentially inform the vice-president and anyone within the immediate reach or contact of the vice-president of any of the justices of the Supreme Court or of the Court of Appeals or of any judge of the regional, metropolitan, or municipal court or Shari'a Court.

(3) Thereupon the vice-president shall take an oath of office as acting president before any of such justice of the Supreme Court or of the Court of Appeals or of any judge of the regional, metropolitan, or municipal court or Shari'a Court and he shall act as such until and up to the completion of the criminal trial of the indicted president.

(h) Transfer of presidential powers to the vice president as Acting President -

(1) Immediately following the oath taking of the vice president as acting president, the power of the presidency shall automatically devolve upon him,

(2) The vice president as acting president shall promptly inform the people through the media including radio and television facilities of his assumption of office as acting president and that the president has been arrested for certain serious crimes and naming the crimes he has been charged with.

(3) The Acting President shall order the arrested president to physically vacate the office of the President;

(4) Thereupon, the allegiance of the Armed Forces of the Philippines, the Philippine National Police, the presidential staff and cabinet secretaries shall automatically thereby be channeled to the acting president and to the people.

(i) The execution of the warrant of arrest upon the indicted president or any other public official of the government from national down to all regional autonomous governments, provincial,
city, municipal and barangay governments as well as all public officials, senators and congressperson, justices, judges or any of member of their office staffs in the other branches of the government and officials and employees of quasi-government entities and of the government owned or controlled corporations of the Republic of the Philippines shall be deemed complete upon the announcement of the arresting officer to the person of the subject indictee that such indictee is being placed under arrest by the arresting officer regardless of whether the person subject of arrest has been restrained or not.

(j) The rule suspending the president from exercising the powers of his office upon execution of the warrant of arrest against him shall likewise apply to all public officials, except public officials and employees covered by the Civil Service Law.

(k) Should the arrested president, or any arrested public official referred to in the preceding sub-paragraph (i) refuses to be placed into government custody, said subject shall be deemed a fugitive of justice and further made criminally liable of the crime of obstruction of justice. Said public official shall automatically be barred from exercising the official functions of his office and his attempt or attempts to act or do so shall automatically be deemed null and void or without validity.

(l) Disauthorization of the payment for public expenditure ordered by an indicted public official -

(1) Any payment of any public expenditure including payment of salaries of government officials and employees requiring approval by the arrested official shall not be approved for payment unless and until the corresponding voucher or payroll of such expenditure shall have been approved by the acting official who has taken over the authority, powers and function of the arrested officer.

(2) Any government treasurer or paymaster who shall pay any public expenditure including payment of salaries and other benefits of officials and employees relating to the exercise of the claimed official act or acts of the arrested and indicted president, or a public official, shall be personally liable and accountable for the public funds so disbursed for such purpose for lack of authority to make such payment or payments unless their corresponding vouchers or payrolls shall have been approved by the lawful acting public official in place of the arrested public official.

(m) If the president is convicted and shall resign from office in accordance with the terms and conditions of the preceding Subsection (c) of this Section, the vice-president shall become president to serve the remainder of the term of the convicted president.
(n) Any person who shall maliciously file a preemptive impeachment complaint in Congress against the convicted president, or any public official who is removable from public office by impeachment, with the view of protecting such president, or public official, from being impeached as a result of his conviction in accordance with the Jury Systems Law shall be held liable for obstruction of justice upon investigation and indictment by the grand jury.

Section 29. Forgiving Clause -

(a) No public official or employee shall be held guilty for bribery offense or offenses committed prior to the enactment of this law provided that such public official has not committed such offense or offenses after this law shall have taken effect, otherwise he shall be indicted by the grand jury for the said crime committed both prior to and after the effectivity of this law.

(b) If a public official is indicted for his alleged commission of such bribery offense or offenses after the approval of this law, his acquittal therefrom shall not necessarily prejudice further prosecution against him for any act of bribery he has committed prior to the effectivity of this law which he had been indicted for together with the case he has been acquitted from.

Section 30. Pending Cases and Purgatory Clause -

(a) Cases of bribery that are now pending or undergoing investigation before the Ombudsman or government investigator, or trial before any division of the Sandiganbayan, shall not be prejudiced by the forgiving provision in the preceding Section.

(b) The above forgiving clause shall not apply to cases of obstruction of justice, electoral terrorism or fraud, brigandage, extortion, murder, chastity crimes and crimes in any form that violates human rights, property rights, and voting rights.

(c) A public official who has committed the crime of bribery whether indicted or not prior to the enactment of this law and has continued to commit the same crime regardless of whether the giver prior to the enactment of this law is the same person or entity or not after the passage of this law shall be denied of the forgiving benefit offered in the preceding Section 29 of this law.

(d) The continued possession and concealment of an ill-gotten wealth which a public official or former public official had derived while in office shall be deemed a continuance of his crime of
government corruption after the enactment of this jury systems law and such public official, or former public official, shall be denied of the benefit offered in the preceding Section 29 of this law. If he claims that his increase in assets is derived from his private enterprise, he must prove that said private enterprise has been properly organized under the rules of the Security Exchange Commission and free from conflict of interest with his position in the government. He shall further show that the money value representing increase of his assets has been reported in his income tax returns in the year it was earned.

(e) An accused who has already been arraigned on an accusation of a serious crime before the effective date of this law, the Jury Systems Law, but whose bench trial has not yet commenced with the presentation of a witness, shall be required to stand trial before a trial jury.

Section 31. Filing of indictment against judge or staff member of the court before whom grand jury members were sworn in -

If a grand jury is investigating a staff member of the court or a judge of the court over a serious crime where its members were sworn in at their inaugural formation, such grand jury shall file its indictment in a different court that has jurisdiction of the crime. If such grand jury is unable to investigate the criminal matter in issue, a grand jury of another district may undertake to investigate and file the corresponding indictment in another court upon finding of probable cause.

Section 32. Grand Jury Investigation of Fraudulently Elected or Proclaimed Public Officials -

Any provisions of the Omnibus Election Code of the Philippines contrary to the following provision of the Jury System Law is hereby superseded, amended, or repealed, as the case may be, as follows:

(a) Notwithstanding the proclamation and swearing into office of an alleged elected public official in any elective public office and suspected of having won his position by any fraudulent means, as defined by law, in the national government, autonomous regional, provincial, city, municipal, barangay governments and/or any local government units, no court or commission shall have the power to order the grand jury to abstain, forbid, prevent or stop from investigating the result in the election of said official and in the indictment of such proclaimed elected official including any person or public official who conspired in the fraudulent manipulation in the registration of voters and all other electoral processes and procedures established by law leading to the proclamation of
the alleged elected public official.

(b) Any public official authorized to administer oath of office or any justice, judge, or notary public, knowing the invalidity, or who entertains any doubt of the validity, of the election of a candidate to a public office, and who shall administer the oath of office or proclaims the election of such candidate to a public office shall be subject to secret investigation and indictment upon the finding of a probable cause for obstruction of justice by the grand jury.

(c) Any person, public official, justice, judge, or notary public referred to in the preceding sub-paragraphs (a) and (b) including members and officials of the Commission on Elections, government prosecutors and members of the National Bureau of Investigation and staff officials of the Ombudsman involved in the violation of the electoral process as described in the said foregoing sub-paragraphs in this section upon indictment by the grand jury shall stand and face trial before a trial jury. If found guilty, the convicted party shall suffer the maximum penalty of seven years for obstruction of justice with no possibility of parole or clemency within a period of four years counted from the date the guilty jury verdict is read in open court.

Section 33. Community Complaints Gatherer for the Grand Jury -

A group of private citizens named as “Community Complaints Gatherer for the Grand Jury” briefly known as the “CCGG” is hereby created in every municipality or city in the entire country. The formation of this group shall be initiated and supervised by the clerk of the city or municipal court of each municipality or city by advertising its services in a newspaper of general circulation in such localities. Thereupon, its members shall designate their chairman, vice chairman, and secretary and other officers they may see fit to designate after which the clerk of court shall have no further role in the functioning of the CCGG.

(a) Role and Purpose of the CCGG -

The CCGG shall serve as an assisting entity for complaining victims of crimes in preparing and gathering their complaints for presentation to the Grand Jury in their respective grand jury (legislative) district. For this purpose, the form for use by anonymous informants in Article III, Section 26, of the Jury System Law may likewise be used to record the information of complaints presented by victims before the CCGG. Nonetheless, this group shall have no power to stop, refrain, forbid, or interfere, any person, victim, or witness who prefers to personally transmit or
submit his complaint to the grand jury. Any member of the CCGG shall have the obligation, if requested by a complaining party or witness, to provide guidance or information on how the requesting party shall present, transmit or submit, his complaint to the grand jury.

(b) Membership in the CCGG -

The CCGG members shall be chosen randomly by lottery from among volunteer applicants and shall serve anonymously for one year starting the first working day of the third week of January of each year and ending at the last working day of the second week of January in the following year. Each member shall be provided by the clerk of court with a security identity code number for use as his official name during his term of service and their true names shall be held confidentially in the records of such clerk of court.

(c) Composition of the CCGG -

The CCGG shall be composed of twenty-five volunteer members which shall operate independently by divisions consisting of five members each. At the time of their selection and induction with the supervision of the clerk of court, they shall determine their areas of operation and to designate the respective chair and members of each division.

(d) Meeting and per diem -

Each division may hold meetings of its members no more than once a month at a time and place it may designate and it must keep a record of the minutes of the meeting of its members. The form of the record shall be prescribed by the clerk of court that supervised the formation of the CCGG. Each member shall be entitled to collect a per diem equal to no more than the minimum wage for a day in the locality of the CCGG division on a prepared Unconditional Redeemable Voucher with the assistance of the said clerk of court provided that the event of the meeting of its members is evidenced by the records of the minutes of their meeting and further referenced in said voucher.

(e) Qualification of Members of the CCGG -

The CCGG membership shall be limited to Filipino citizens in the private sector, at least 18 years old or above, none of whom shall be an immediate family member of a public official or
employee regardless of the manner such public official or employee has acquired his government position by election, appointment or otherwise.

(f) Submission of Complaints by CCGG to the Grand Jury -

(1) Should the CCGG receives a sealed envelope that may contain a complaint from an anonymous tipster, the CCGG or any member thereof shall have no authority to open or unseal the same and its role is limited only in depositing said sealed envelope in, along with complaints gathered by the CCGG for deposit at, the "Citizen's Secret Crime Reports Drop Box" for the grand jury of its district or to the Clerk of Court with office close to the secret grand jury investigation room.

(2) The anonymous tipster nonetheless may personally drop his report in said Crime Report Drop if he chooses to without seeking permission from the CCGG.

(g) No member of the CCGG shall have authority to make any contact, or shall interfere, directly or indirectly, with any member, or during a proceeding, of the Grand Jury at any time whatsoever.

Section 34. Safeguarding the Identity of witnesses who testified before the grand jury and who may be the same witness in the jury trial

(a) A witness to a crime punishable by one year or more by imprisonment who has been summoned by subpoena by the grand jury in the investigation of such crime shall enjoy absolute anonymity until such time that he has been actually sworn and required to testify in a criminal court trial.

(b) No such witness shall be called to testify in a civil trial until a verdict is handed down in the criminal trial.

(c) Any member of a grand jury, or any government prosecutor, or a juror in a trial jury, or any person, public official or not, who shall disclose privately or publicly the identity of a witness who has testified before a grand jury shall be liable for the crime of obstruction of justice and shall suffer the penalty of five years to seven years of imprisonment in jail.
(d) Delay or non-formation of the CCGGs shall not necessarily hold in abeyance the implementation and operation of the Grand Jury and Trial Jury Systems upon.

Section 35. The Supreme Court shall have the primary authority in the promulgation of the rules grand jury rules.

The Supreme Court shall promulgate rules for the Grand Jury Instructions including disciplinary rules for the members of the grand jury which shall further include ministerial instruction by the grand jury to the witness whom the grand jury may send summons for inquisition in its proceedings for the protection against self-incrimination of a witness.

Section 36. Responsibility of the Secretary of Justice under the Grand Jury Law

The Secretary of Justice, with assistance by and from the Clerk of Court of the Executive Regional Trial Judge in whose court the members of the grand jury has been sworn in shall have the primary responsibility of procuring the required investigating room, tables, chairs, computers, recording machines, printers, telephone service and other equipment or facilities required to sufficiently allow the grand jury to perform its functions. The funds needed for these purposes shall be charged from the budget of the Department of Justice.

TABLE OF GRAND JURY FORMS
(http://www.the-filipino-people.com/GJ-Table-Of-Forms.html)
ARE APPENDED AFTER THE LAST PAGE OF ARTICLE XIII

AND THEN FOLLOWED BY THE

TABLE OF TRIAL JURY FORMS
(http://www.the-filipino-people.com/TJ-Table-Of-Forms.html)