

Philippine Supreme Court issues Revised Guidelines for Continuous Trial of Criminal Cases to take effect on 1 September 2017.

The Supreme Court recently approved A.M. No. 15-06-10-SC, or the Revised Guidelines for Continuous Trial of Criminal Cases ("Revised Guidelines"), which is set to take effect on 1 September 2017. The Revised Guidelines follows a series of pilot testing of continuous trial procedure for criminal cases in several trial courts in Metro Manila beginning in 2014. **The Revised Guidelines are designed to cut trial duration in criminal cases from the usual three years to just around three months.**

Applicability

The Revised Guidelines will apply to newly-filed criminal cases (i.e. filed after 1 September 2017), and those already pending as of the effectivity date, with respect to the remainder of the proceedings. Criminal cases before the Trial Courts, the Sandiganbayan, and the Court of Tax Appeals will be affected.

New Rule on Presentation of Evidence

The Revised Guidelines seek to streamline the criminal litigation process by introducing several changes to existing trial procedures. To achieve this objective, the Revised Guidelines has, among others, set out revised rules on the form and timing of presentation of witnesses, which are expected to impact trial preparation. In summary, the Revised Guidelines provide:

- (a) In criminal cases before First Level Courts (i.e. Municipal and Metropolitan Trial Courts, etc.), witness testimonies shall consist of (i) duly subscribed written statements given to law enforcement officers; or (ii) affidavits or counter-affidavits submitted during preliminary investigation; or (iii) if (i) and (ii) are not available, judicial affidavits.
- (b) In criminal cases before Regional Trial Courts, the Sandiganbayan, and the Court of Tax Appeals, the form of witness testimonies depends on the nature of the crime involved.
 - In criminal cases where (i) the demeanor of the witness is not essential in determining the credibility of the said witness, such as expert witnesses who will testify on the authenticity, due execution, and contents of public documents or reports; and (ii) in criminal cases that are transactional in character such as falsification, malversation, or estafa, or other crimes where the culpability or innocence of the accused can be established through documents, the testimonies of the witnesses shall be the, duly subscribed written statements given to law enforcement officers, or the affidavits or counter-affidavits submitted during preliminary investigation, or (iii) if (i) and (ii) are not available, judicial affidavits.
 - In all other cases where the culpability or innocence of the accused is based on the testimonies of eyewitnesses, the testimonies of these witnesses shall in be oral form.
- (c) Trial dates shall be scheduled one (1) day apart.
- (d) The Revised Guidelines provide that courts should strictly enforce the rule that each witness shall be fully examined in one (1) day, although it remains to be seen how this will be implemented.

Why it affects you?

Clients involved in existing criminal litigations may need to adjust schedule of availability of their witnesses, following a possible adjusted trial schedule which may be imposed by the court. Additional arrangements may need to be made for the preparation of judicial affidavits and/or preparation for oral testimonies, depending on the nature of the crime involved. Meanwhile, those planning to institute criminal cases will need to secure the availability of possible witnesses early on in the proceedings, and where possible, prepare the necessary affidavits ahead of time.

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