

Pre-trial conference



After the last pleading has been served and filed, the plaintiff must promptly move ex-parte to set the case for pre-trial. The notice of pre-trial shall be served on counsel or on the party who has no counsel. The counsel served with such notice must notify the party he represents. It shall be the duty of the parties and their counsel to appear at the pre-trial. A party may be represented by his or her counsel only if such counsel is authorized by a special power of attorney.



Amicable settlement, submission to alternative dispute resolution (arbitration, mediation, conciliation), simplification of issues, amendments, stipulation or admission of facts and documents, reference to a commissioner, judgment on the pleadings or a summary judgment, dismissal of the action, number of witnesses, suspension of the proceedings, etc.

Rule 18, 1997 Rules of Civil Procedure

1. If the defendant is absent without a valid cause or fails to submit a pre-trial brief, the court allows the plaintiff to present evidence ex-parte. (There is no declaration of default.) If the evidence is sufficient to prove the plaintiff's cause of action, the court renders judgment in his favor.

2. If the plaintiff is absent without valid cause or fails to submit a pre-trial brief, the court may dismiss the complaint. The

defendant may pursue his counterclaim in the same proceedings, or later on in a different action.

3. Mediation is now compulsory for all civil cases, settlement of estates, and cases under Summary Procedure, except those which by law cannot be compromised, civil aspect of BP 22 cases, etc. Upon payment of mediation fees, the parties, assisted by a mediator, try to settle the case.

4. If the parties fail to come to a settlement, the court issues an order on the results of pre-trial and schedules the trial. The order recites the actions taken at the conference like the amendments allowed to the pleadings, the agreements made by the parties, etc. The order limits the issues for trial to those not disposed of by admissions or stipulations made by the parties.



5. The trial proceeds.

