

Trial procedure

Direct examination; cross examination; re-direct examination; recross examination



Rule 119



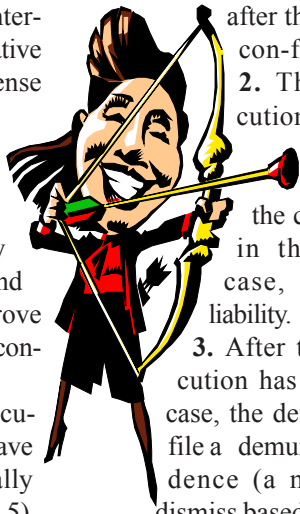
Under the Witness Protection program (RA 6981), a witness to a grave felony may be entitled to relocation, change of personal identity, a means of livelihood, financial assistance, protection from being removed or demoted in his work, etc. In case of death or permanent incapacity due to his being a witness, his heirs get burial benefits, and his dependent children get free education up to college.



If the accused pleads not guilty to the crime charged, he shall state during the pre-trial conference whether he interposes a negative or affirmative defense. A negative defense shall require the prosecution to prove the guilt of the accused beyond reasonable doubt, while an affirmative defense may modify the order of trial and require the accused to prove such defense by clear and convincing evidence.

The accused or prosecution may file a motion to have the witnesses conditionally examined (Section 4 and 5). Any party may file a motion for postponement of the trial (due to absence of counsel or a witness, etc). The judge either denies the motion, or the trial is postponed for a reasonable period of time, subject to the rules on speedy trial.

1. Parties are notified of date of initial trial (which must be held at least fifteen days after the pre-trial conference).
2. The prosecution presents evidence to prove the charge and in the proper case, the civil liability.
3. After the prosecution has rested its case, the defense may file a demurrer to evidence (a motion to dismiss based on the insufficiency of the evidence) with the prior leave or permission of the court.



4. If the demurrer to evidence is granted, the accused is deemed acquitted. But if the court denies the demurrer, the trial continues.

5. The accused presents evidence to prove his innocence or defense and damages if any arising from any provisional remedy obtained by the complainant).

6. The parties may then respectively present rebutting evidence, unless the court permits them to present additional evidence on the main issues.

7. Upon admission of the evidence, the case is submitted for decision, unless the court requires the parties to argue orally or to submit memoranda.

When it becomes manifest at any time before judgement that a mistake has been made in charging the proper offense, and the accused cannot be convicted of the offense charged, or of any other offense necessarily included therein, the accused shall not be discharged, if there is good cause to detain him. The court shall commit the accused to answer for the proper offense and dismiss the original case upon the filing of the proper information. (Rule 119, Section 11)