College of Office Administration and Business Teacher Education
DEPARTMENT OF OFFICE ADMINISTRATION

LEGAL TERMINOLOGY P-1
Course Title: Legal Terminology
Course Code: OA 382
Course Credit: 3 Units (3 hours/week)
The course introduces the students to legal vocabularies and terminologies applied in the different judicial system and in the Philippine law system—civil law, business law, labor laws, etc.
Objectives of the Program

1. Produce adequately prepared graduates with knowledge, skills and competence values, attitudes that will satisfy the demands of a constantly evolving global market in Office Administration.

2. Provide the students with an environment conducive to critical thinking through research extension and production.
3. Inculcate in the student’s consciousness a positive self-concept values and attitudes that will make him/her cope with work and life stress.

4. Instill in the student the desire to excel and provide leadership in the community and to use field of Office Administration.
Course Objectivity

General

Gain knowledge with the different vocabularies and terminologies applied in the judicial system and in the Philippine law system.
Specific

1. Know the flow of judicial in the Philippines.
2. Identity the different types of laws in the Philippines.
3. Describe the formulation of laws.
4. Maintain interest in the different legal vocabularies and terminologies.

Values Aims

Appreciate the value of understanding how the Philippine Judiciary system works.
Course Content

I. Orientation
   A. PUP Philosophy, Mission and Strategies
   B. COABTE Philosophy, Mission and Objectives
   C. BOA Mission and Objectives
   D. Motivational talk about the course.

1. Course Requirements
2. Job Opportunities
II. The Law

A. Brief background on the:
   1. Origin
   2. Development
   3. Source
   4. Classification

B. How law is enacted in the Philippines
III. The Philippine Law

A. Civil Law
   1. Classification
   2. Different crimes committed in Civil Law.

B. Criminal Law
   1. Classification
   2. Crimes committed in Criminal Law.
      a. Bailable Offenses
      b. Non-bailable Offenses
C. Business Law
  1. Partnership
  2. Corporation
  3. Bankruptcy
  4. Real State

D. Labor Law
  1. Classification
IV. The Judicial System

A. Flow of Judiciary

1. Barangay
2. City Courts
3. Municipal
4. Regional
5. Ombudsman
6. Sandiganbayan
7. Court of Appeals
8. Supreme Courts
Suggested Teaching and Learning Activities

A. Lectures
B. Interactive group discussion
C. Simulation
D. Interviews
E. Reports-Individual/Groups
F. Role Playing
Course Grading System

A. First Grading-----------------------------------------------1/2
   1. Class Standing   2/3
      a. Quizzes
      b. Group/ Individual reports
      c. Recitation
   2. Midterm Exam    1/3

B. Second Grading-----------------------------------------------1/2
   1. Final Exam         2/3
C. Final Grade
   First Grading        1/2

Second Grading        1/2
I. Orientation

A. PUP Philosophy, Mission and Strategies
The PUP Philosophy

A state university, the PUP believes that education is an instrument for the development of the citizenry and for the enhancement of nation-building. It believes that the meaningful growth and transformation of the country are best achieved in an atmosphere of brotherhood, peace, freedom, justice and a nationalist-oriented education imbued with the spirit of humanist internationalism.
Mission

The mission of PUP in the 21st century is to provide the highest quality of comprehensive and global education and community services accessible to all students, Filipinos and foreigners alike.

It shall offer high-quality undergraduate and graduate programs that are responsive to the changing needs of the students to enable them to lead productive and meaningful life.

PUP shall maintain its traditional mission based on its founding philosophy and at the sometime purpose additional changes that will greatly enhance the realization of its mission in the context of a global society.
Strategies

To fulfill the foregoing commitments, the University shall:

1. Broaden opportunities for the intellectually qualified or scientifically inclined through school fees within the reach of even the socio-economically disadvantaged students.
2. Strive to promote the welfare of its members through the improvement of salary levels, security of tenure and through scholarship, training and development programs, better working conditions, as well as the national use of time and resources.

3. Undertake vigorous efforts toward institutional linkages, particularly in the areas of common concern like training and retraining equipment and audio-visual use, etc.
4. Formulate and implement new and relevant curriculum and, at the same time, supplement curricular activities with carefully-planned co-curricular ones;

5. Place emphasis on the need to improve indigenous Philippine Science, technology and research and;

6. stress, and above all continued and regular improvement of the content and quality of PUP education together with orienting course offering toward Filipino manpower requirements and entrepreneurial needs.
B. COABTE
Vision, Mission, Goals and Objectives
Vision

The College of Office Administration and Business Teacher Education envisions producing high achieving office professionals and Business educations who are globally competitive, socially and politically sensitive and highly compassionate of their fellow beings.
Mission

The College aims to train Office Administration and Business Education graduates, who through scientific studies and community service, can meet the demands of a highly technical global work place.
Goals

1. To transmit knowledge and skills and competencies through relevant and quality education training.

2. to discover new knowledge and technology that will meet the needs of a developing society.

3. To continuously evaluate curricular offerings, programs, and activities, systems and processes to make them more relevant and responsive and to present conditions.

4. to design faculty development for professional a psycho-social enhancement of its members.
Objectives

1. Equip its graduates with knowledge, skills and competencies, values and attitudes that prepare them for the demands of a constantly evolving global market in Office Administration.

2. Provide the students with an environment conducive to critical thinking through research, extension and production.

3. Instill in the students a positive self-concept, values and attitudes that will make them cope with the demands of work.

4. Instill in the students a desire to excel and to lead in the community and in the field of Office Administration.

5. Promote a deep sense of nationalism and pride in the students' own culture and national identity.
C. Bachelor in Office Administration
Mission

The Bachelor in Office Administration is committed to educate its students to excel in the field of office administration and to become exemplary citizens and future leaders of the country.
Objectives

Procedures adequately prepared graduates who can match their knowledge and competencies with the demand if business industries, and government and non-government institutions and become exemplary citizens and leaders in the field of Office Administration.
D. Motivational Talk about this course
SIX VALUES TO REMEMBER

- Honesty
- Integrity
- Responsibility
- Respect for Others
- Love of the Country
- Courage
1. Course Requirements
Bachelor in Office Administration

a. passed the PUP entrance examination (PUPCET)
b. High School average grade 82% above
c. passed the interview
d. get the BOA slots
2. Job Opportunities
A. Office Work
Executive Assistant

- The executive assistant will assist Executive Director in all areas of Executive operations, including relations, operational management and general administration. The Executive Assistant will also serve to assist in program support.
- Conserve Executive Director’s time by designing presentations, drafting letters and documents, making travel arrangements, handling receipts and expense reports, filing papers.
- Organize staff and Board meetings
- Process invoices, obtain approvals, code of payment, follow-up on discrepancies.
Department Clerk
- Encoding
- Forwarding and receiving of papers
- Making inventories of stock
- Keeping the stocks
- Ordering the office stocks
- Updating the staff locator bulletin
Disbursing Clerk

- Operate operational computers, word processors, duplicating machines, and audio recording and other office machines
- Maintain personnel, legal and administrative records
- Write official letters, reports and personal correspondence.
B. Legal
Legal Secretary
- Coordinates travel arrangements
- Provide fully diary management
- Organize meetings
- Process bills, time sheet and expenses
- Answering and filtering phone calls

Para-Legal
Investigators
II. THE LAW

BRIEF BACKGROUND
Origin of Law in the Philippines
The early Filipinos had both customary and written laws. The customary laws were the “kaugalian” or customs of the people that were handled down orally from generation to generation. These constituted majority of the laws of the barangay.
The “written laws” were those promulgated by the Datu with the help of the village elders. “Umalahokan” or barangay crier went around with a bell while making the necessary announcements. Those were put on wood, bamboo, bark of trees, cloths or leaves and therefore didn’t last. Many were destroyed by early Spanish missionaries saying they were the works of the evil. Many were destroyed by natural elements as time went by.
The laws whether customary or written, generally dealt with various subjects such as inheritance, crime and punishment, divorce, property rights, family relations, adoptions, loans and usury (Agoncillo and Guerero, 1997).
The major crimes were rape, murder, incest, witchcraft, insult larceny, sacrilegious acts, and trespassing. A person who has found guilty of any of these crimes was punished by death or asked to pay a heavy fine.
Minor crimes were those involving adultery, cheating, perjury, petty theft and the like. These misdemeanors were punished by exposure to the ants, flogging, small fines, cutting the fingers of one hand, or by swimming for a certain length of time.
Development of Law in the Philippines
Constitution

The Constitutions from the Malolos Convention to the present which includes a comparative presentation of the 1935, 1973, and the 1987 Constitutions. The section also includes Acts of Congress and laws passed during Martial Law.
The Constitution is the most important part in organizing a state. It contains not only the national territory, but more importantly, it states the set of rules and principles which serves as the fundamental law of the land.
Among the guidelines which are set by the constitution are the matters of form and duties of the government; the distribution of powers of the branches of the government, and the basic rights of the citizens of the state.
The Philippine Constitution has been rewritten seven times starting from the Biak-na-Bato Constitution to the 1987 Constitution. The political evolution and every significant event in the Philippine history changed the Constitution.
The first Filipino constitution is the Biak-na-Bato Constitution that was enacted in 1897. It outlined the revolutionary objectives in the independence from Spain.
Two years later, the president decreed the creation of the Malolos Constitution. A new central government was set up with executive, legislative and judiciary branches. It governed the First Philippine Republic proclaimed in the Barasoain Church in the same year.
Due to the turbulent times of the early government, the first two constitutions were not fully enforced. What is considered the first Philippine Constitution to be fully enforced was drafted by the virtue for the Tydings-McDuffie Law in 1934 during the Commonwealth period. It was enforced in 1935-1943.
During World War II, a short lived constitution (the 1943 Constitution) was sponsored by the Japanese invaders within their own program of Japanization.
When the political independence was granted by the United States in 1946, the constitution was revised and was enforced from the 1946 to 1973.
Eventually, considered inadequate against the changing needs of the Filipinos, the 1946 Constitution was replaced with a new one ratified in 1973. The 1973 Constitution was approved for ratification two months after the imposition of the martial law on September 21, 1987.
When Ferdinand E. Marcos was ousted in 1986, the new government led by Corazon Aquino promulgated what is now known as the Freedom Constitution. This 1987 Constitution restored the presidential form of government.
To date, 1987 Constitution still stands, although some sectors have started to lobby for change in certain provisions as well as the change of the whole constitution.
SOURCES OF LAW
There are two primary sources of the law:
Statutes or Statutory Law

- defined as the written enactment of the will of the legislative branch of the government rendered authentic by certain prescribed forms or solemnities are more also known as enactment of congress. Generally they consists of two types, the Constitution and the Legislative enactments.
- constitutions
- Treaties
- Statutes
- Municipal chapters
- Municipal legislation
- Court Rules
- Legislative rules
- Presidential Issuances
Jurisprudence or case law

- are cases decided or written opinion by courts and by persons performing judicial functions. Also included are all rulings in administrative and legislative tribunals such as decisions made by the Presidential or Senate or House Election Tribunals.
CLASSIFICATIONS OF LAW
Civil law

Addresses personal and contractual disputes between individuals and/or organizations. In most cases, civil disputes involve one person and/or organization seeking compliance to a written or verbal agreement between themselves and second party.
Criminal Law

The institution of a criminal action is one of the remedies available to a survivor of violence – may it be in the form of battery, rape, murder or sexual harassment.
Labor Law

Is the study of a tripartite industrial relationship between worker, employer and trade union. This involves collective bargaining regulation and the right to strike. Individual employment law refers to workplace rights, such as health and safety or a minimum wage.
BUSINESS LAW

It is the law of the most dominant kind of business enterprise in the modern world. It is the study of how shareholders, directors, employees, creditors, and other stakeholders such as consumers, the community and the environment interact with one another under the internal rules of the firm. Business law is a part of a broader company’s law (or law of business associations). Other types of business associations can include partnership or trust or companies limited by guarantee.
Commercial Law

The laws that govern business transactions, except those relating to the maritime transportation of goods. Commercial law developed as a district body of jurisprudence with the beginning of large-scale trade.
Tax Law

The codified system of laws that describes government levies on economic transactions, commonly called taxes.
III.
THE PHILIPPINE LAW
THE PHILIPPINE LAW

- Civil Law
- Criminal Law
- Business Law
- Labor Law
CIVIL LAW
This kind of law involves protecting the rights of individual. It seeks to resolve non-criminal disputes as disagreements over the meaning of contracts property ownership, divorce, child custody and damages for personal and property.
Civil law addresses personal and contractual disputes between individuals and/or organizations. In most cases, civil disputes involve one person and/or organization seeking compliance to a written or verbal agreement themselves and second party.
Classifications of Civil Law:

a. **Substantive Law** defines our specific rights, responsibilities, duties and obligations as individuals and as a member of society.

b. **Procedural/Remedial Law** lays down the rules and procedures by which we can seek redress for the violation or infringement of such rights.
c. **Private Law** covers those laws dealing with the private relation of person such as:

* The law on person and family relations- which deals with person’s individual rights such as his citizenship, his legal capacity and juridical relationship with other persons and with his family.

* The law on property which defines the property rights of a person in general, distinguishes the kind of property which may be real or movable, consumable or non-consumable and the different modes of acquisition of property.

* The Law on Obligations and Contracts
d. **Public Law** - set of laws which govern the rights and duties arising from the relationship between the state and the people it embraces the following law:

*International Law
* Constitutional Law
* Administrative Law
The following are examples of common civil law violations or disputes:

- Familial issues such as divorce decree interpretation or child custody changes.
- Contractual disagreements between individuals and/or organizations.
- Disputes regarding property ownership in which both parties have claims.
- Disagreements regarding property ownership in which both parties have claims.
- Inquiries to people
- Disputes over hire-purchase agreement
Classifications:

- Common law crimes versus statutory crimes
- Crimes that are mala in se (evil in themselves) versus those that are mala prohibita (criminal only because the law says so)
*COMMON LAW FELONIES

Manslaughter

Murder

Mayhem

Rape

Robbery

Burglary
COMMON LAW MISDEMEANORS

- Assault
- Battery
- Forgery
- Bribery
- Conspiracy
- Statutory Crimes
Bail

It commonly means to release on one’s own bond, with or without sureties. Every accused is presumed to be innocent until proved guilty. The effect of granting bail is not to set the accused free, but to release him from custody and to entrust him to the custody of his sureties who are bound to produce him to appear at his trial as specified time and place.
Two Kinds of Offenses

BAILABLE OFFENSES

When any person accused for a bailable offense is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court; and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, shall be released on bail.

NON-BAILABLE OFFENSES

In case a person is accused of a non-bailable offense it is a matter of discretion of the court to grant or refuse bail and application has to be made in court to grant bail.
When a person accused of, or suspected of any non-bailable offense is arrested or detained without warrant by an arresting officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may not be released if there appear reasonable grounds for believing that he has been guilty of an offense punishable death or imprisonment for life.
BUSINESS LAW
It is the law of the most dominant kind of business enterprise in the modern world. It is the study of how shareholders, directors, employees, creditors, and other stakeholders such as consumers, the community and the environment interact with one another under the internal rules of the firm. Business law is a part of a broader company’s law (or law of business associations). Other types of business associations can include partnership or trust or companies limited by guarantee.
TAX LAW
Is the codified system of laws that describes the government levies on economic transactions, commonly called taxes.
Is the study of a tripartite industrial relationship between worker, employer and trade union. This involves collective bargaining regulation and the right to strike. Individual employment law refers to workplace rights, such as health and safety or a minimum wage.
IV.
THE JUDICIAL SYSTEM
BARANGAY
JURISDICTION:

The Lupon of each Barangay shall have the authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:
1. Where one party is the government, or any subdivision or any instrumentality thereof;
2. Where one party is a public officer or employee, and the disputes relates to the performance of his official functions;
3. Offenses punishable by imprisonment exceeding 30 days or a fine exceeding Php200.00
4. Offenses where there is no private offended party;

5. Such other classes of disputes which the Prime Minister may in the interest of justice determine upon recommendation of the Minister of justice and the Minister of Local government.
CITY / MUNICIPAL
The procedure to be observed in the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be the same as in the Regional Trial Courts, except:
a. Where a particular provision expressly or impliedly applies only to either of said courts; and

b. In criminal cases governed by the Rules on summary Procedure in Special Cases adopted on August 1, 1983, namely:
1. Violations of traffic laws, rules and regulations;
2. Violations of the rental law;
3. Violations of municipal or city ordinances; and
4. All other criminal cases where the penalty prescribed by law for the offense charged does not exceed six months imprisonment, or a fine of Php1,000.00 or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom; provided, however, that in offenses involving damage to property through criminal negligence, said Rule shall govern where the imposable fine does not exceed Php10,000.00.
JURISDICTION IN CRIMINAL CASES

A. Exclusive original jurisdiction over all violations of city or municipal ordinances committed within their respective territorial jurisdiction;
B. Exclusive original jurisdiction over all offenses punishable with imprisonment of not exceeding four years and two months, or a fine of not more than Php4,000.00, or both such fine and imprisonment, regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: provided, however that in offenses involving damage to property through criminal negligence they shall have exclusive original jurisdiction where the imposable fine does not exceed Php20,000.00
A. Exclusive original jurisdiction over civil actions and probate proceedings, testate and intestate, including the grant of provisional remedies in proper cases, where the value of the personal property, estate or amount of the demand does not exceed Php20,000.00 exclusive of interest and costs but inclusive of damages of whatever kind, the amount of which must be specifically alleges; provided, that where there are several claims or causes of actions between the same or different parties, embodied in the same complaint, the amount of demand shall be the totality of the claims in all the causes of action, irrespective of whether the causes of actions arose out of the same or different transactions; and
B. Exclusive original jurisdiction over cases of forcible entry and unlawful detainer; provided, that when in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.
REGIONAL
There are 720 Regional Trial Judges in the Thirteen regions of the country. It is the second level divided into thirteen judicial regions. The Supreme Court designate certain branches of regional trial courts as special courts to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases, urban land reform cases which do not fall under the jurisdiction of quasi-judicial bodies. The Supreme Court may likewise designate specific branches as special courts for heinous crimes, dangerous drugs cases, commercial courts and intellectual property rights violation.
JURISDICTION:
- All civil actions in which the subject of the litigation is incapable of pecuniary estimation
- All civil actions which involve the title to or possession of real property, or any interest therein, where the assessed value of the property involved exceeds Php20,000.00 (MM-Php50,000.00)
- All actions in admiralty and maritime jurisdiction where the demand or claim exceeds Php100,000.00 (MM-Php200,000.00)
- All actions involving the contract of marriage and marital relations;
- Issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus, and injunction which may be enforced in any part of their respective regions.
COURT OF APPEALS
The Court of Appeals was established under Batas Pambansa Bilang 129 known as “The Judiciary Reorganization Act of 1980”. The Court is composed of one Presiding Justice and sixty eight (68) Associate Justices. They are all appointed by the President. The Court sits by divisions, each division being composed of three members. The Court may sit *en banc* for the purpose of exercising administrative, ceremonial or other non-adjudicatory functions.
JURISDICTION

- Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs of processes, whether or not in aid of its appellate jurisdiction.

- Exclusive original jurisdiction over actions for annulment of judgments of Regional Trial Courts; and
The Supreme Court is the only court created by the Constitution. All other courts are established by law and are referred to as statutory courts. They are referred to as lower courts in the Constitution meaning courts below that of the Supreme Court.
JURISDICTION

- Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.
- review, revise, reverse, modify, or affirm on appeal or certiorari as the law on the Rules of Court may provide, final judgments and orders of lower courts in:

a. All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question
b. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

c. All cases in which the jurisdiction of any lower court is in issue.

d. All criminal cases in which the penalty imposed is reclusion perpetua or higher.

e. All cases in which only an error or question of law is involved.
OMBUDSMAN
THE OMBUDSMAN AND HIS DEPUTIES, as protectors of the people shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people (Section 13, R.A. No. 6770; see also Section 12 Article XI of the 1987 Constitution).
The Ombudsman shall give priority to complaints filed against high ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties (Sec. 15, R.A. No. 6770).
The Sandiganbayan is a special court which was established under the Presidential Decree No. 1606. Its rank is equivalent to the Court of Appeals.
JURISDICTION

- Jurisdiction over criminal and civil cases involving graft and corruption practices and such other offenses committed by public officers and employees, including in those in government-owned or controlled corporations, in relation to their office as maybe determined by law.
Under the RA 8249, to determine whether the Sandiganbayan has jurisdiction, lawyers must look into 2 criteria:

1. Nature of the offense.
2. The Salary of the public official
The Criminal Justice System
Concept:

The Criminal Justice System covers the processes and procedures concerning:
1. The reporting and investigation of crimes.
2. The arrest of persons suspected of having committed crimes.
3. The prosecution and trial of criminal cases; and
4. The punishment and rehabilitation of those found guilty
Five (5) Pillars of Criminal Justice System
LEGAL TERMINOLOGY P-1
1. LAW ENFORCEMENT SERVICE
Function:

It usually conducts Fact-Finding/Investigation preparatory to the filing of a formal complaint for Preliminary Investigation against Subjects.

- Leading enforcement agencies conducting Fact-Finding/Investigation are PNP & NBI

- Other law enforcement agencies: COA; BIR; BOC; DENR; OMB; etc also conduct FF/I.

- Committees in both houses of Congress (in aid of legislation)

- No evidence: terminate the Fact-Finding

- With sufficient evidence: File complaint with DOJ or OMB for PI

LEGAL TERMINOLOGY P-1
What is a COMPLAINT?

It is a sworn statement charging a person with an offense and subscribed by the offended party before any peace officer or public officer charged with the enforcement of the law violated (Sec. 3, Rule 110, Rules of Criminal Procedure)
PROSECUTION SERVICE

Function:

To conduct preliminary investigation on criminal complaint filed, and to prosecute criminal cases in court.

Leading Agencies are: DOJ and The Office of the Ombudsman
PRELIMINARY INVESTIGATION

- It is an adversarial inquiry or proceeding.

Purpose:

To determine the existence of probable cause to warrant the filing of an Information in court, or simply put, to determine if there is evidence to justify the filing of an Information in court.
PROBABLE CAUSE

The amount of evidence which engenders a well-founded belief that a crime has been committed and the person charged is probably guilty thereof and, therefore, should be brought to trial.
INFORMATION

Is an accusation in writing charging a person with an offense, subscribed by the prosecutor, and filed with the court.
3. COURT/JUDICIARY
Function:
- to try and decide cases

During Trial

- Prosecutor will present the case of the government

- Accused will present his defense and rebut the evidence against him.
Degree of Proof for conviction:

Proof beyond reasonable doubt or that degree of proof which produces in the mind of an unprejudiced person moral certainty that the Accused did commit the offense charged.
If found GUILTY

-Committed to prison to serve penalty

-Leading Agencies for the corrections of convicts: BJMP; NBP, and National Correctional Institution for Women
TWO FOLD FUNCTIONS:

-To exact punishment by depriving their liberty;

-Rehabilitation or give the offender or convict a chance to reform and become law-abiding citizens again.
5. COMMUNITY
The COMMUNITY is the center of, and interacts with the other pillars of justice.

Functions:
- Report crimes
- Files Complaint
- Execute Sworn Statement
- Act as a witness
- Assist the other pillars in attaining their objectives.
CONCLUSION:

Therefore, the success of the Criminal Justice System is ensured if all the pillars properly perform their functions or responsibilities, and there is healthy interaction and coordination between and among them.
Introduction to Criminal Law
I. CHARACTERISTICS OF CRIMINAL LAW

The institution of a criminal action is one of the remedies available to a survivor of violence – may it be in the form of battery, rape, murder or sexual harassment. Aside from a civil action, the survivor can file a criminal action in order to subject his/her offense to imprisonment and/or fine as penalties for the willful abuse of his/her right.
Generality

Criminal laws apply to all persons who live or sojourn in the Philippines, irrespective of age, gender, color, race, belief, or personal status.

Exceptions:

a. Head of State, Ambassadors, attaches
b. Members of Congress (with respect to congressional speeches or debates)
Territoriality

Penal laws are enforceable within the Phil. Territory, including its atmosphere, interior waters and maritime zone.

However, criminal laws may be enforced outside Phil. Jurisdiction (extra-territorial application) in some exceptional cases.
Prospectivity

The law shall not apply to acts or commissions committed before its affectivity except when it is favorable to the accused (unless he is habitual delinquent) or when the law provides that it shall have retroactive effect.
II. CRIMES

A. FELONY

Felony is an act or omission punishable by law. It is committed by means of deceit or fault.

Deceit – the act is performed with deliberate intent (freedom, intelligence, and intent)

Fault – the wrongful act results from imprudence, negligence, lack of foresight or lack of skill.
II. CRIMES

B. DEGREES OF EXECUTION

1. Consummated – all elements necessary for the accomplishment of the crime are present.

Example: Juan stabbed his wife Juana. Juana died (consummated parricide)
II. CRIMES

2. Frustrated – all acts would result in the crime were performed but causes independent of the will of the perpetrator prevented the accomplishment of the crime.

Example: Juan stabbed his wife Juana but she survived because someone rushed her to the hospital for treatment. (frustrated parricide)
II. CRIMES

3. Attempted – the offender had started to commit the crime but not all elements were performed by reason of some cause or accident other than his own spontaneous desistance.

Example: Rolly wanted to kill his wife Maria. He was about to stab her with a knife when someone saw him and seized his weapon (attempted parricide)
II. CRIMES

C. Criminal Liability

A person who commits a crime may be held liable as principal, accomplice, or accessory.

1. Principal
   a. Principal by direct participation: takes a direct part in the execution of the act
   b. Principal by inducement: directly forces or induces others to commit the crime
   c. Principal by indispensable cooperation: cooperates in the commission of the offense by another act w/o which it would have not been accomplished.
II. CRIMES

2. Accomplice

An accomplice is a person who is not a principal but cooperates in the execution of the crime by previous or simultaneous acts.

Example: a taxi driver who willingly & knowingly allowed his vehicle to be used to kidnap someone.
II. CRIMES

3. Accessory

An accessory is a person who, having knowledge of the commission of the crime but w/o participating therein as a principal or accomplice, subsequently takes part in its commission by any of the following acts:

a. By profiting himself or assisting the offender to profit from the crime;
II. CRIMES

b. By concealing or destroying evidence or effects or instruments of the crime in order to prevent its discovery;

c. By harboring, concealing, or assisting in the escape of the principal where the accessory is a:
   - Public officer – who abused his public functions;
   - Private person – the offender is either guilty of treason, parricide, murder, or attempt on the life of the Chief Executive or is a habitual criminal
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

A. Justifying Circumstances

No crime was committed since the act was done in accordance with law under the following circumstances:

- Self defense
- Defense of relative
- Defense of stranger
- Avoidance of a greater evil
  - Fulfillment of duty or lawful exercise of right
  - Obedience to a lawful order by a superior
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

B. Exempting Circumstances

A crime was committed but there is no criminal liability because of the presence of extra-ordinary circumstances. This occurs when an element of deceit is absent: freedom, intelligence, or intent.

1. Insanity or imbecility unless the person acted during a lucid interval;
2. Under nine years of age;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

3. Over nine (9) years of age and under fifteen (15) unless the person acted with discernment;
4. Causing an injury by mere accident without fault or intent of causing it while performing lawful act with due care;
5. Acting under the compulsion of an irresistible force;
6. Acting under the impulse of uncontrollable fear; and
7. Failing to perform an act required by law when prevented by some lawful cause.
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

C. Mitigating Circumstances

A mitigating circumstance reduces the criminal liability of the accused. The following are the circumstances recognized by law.

1. Absence of an element of justifying or exempting circumstances;
2. Under eighteen (18) years of age or over seventy (70) years of age;
3. No intent to commit so grave a wrong;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

4. Sufficient provocation or threat on the part of the offended party immediately preceding this act;

5. Immediate vindication of a grave offense committed against the offender, a spouse, or relatives (descendants, ascendants, legitimate, natural, or adopted brothers or sisters);

6. Passion or obfuscation;

7. Voluntary surrender to the authorities or pleas of guilt before presentation of evidence for the prosecution;

8. Being deaf and dumb, blind or suffering from physical defect which restricts one’s means of action, defense, or communication with others;

9. Illness that diminishes willpower;

10. Other analogous circumstances.
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

D. Aggravating Circumstances

Aggravating Circumstances augment criminal liability. These are:

1. Taking advantage of one’s public position.
2. In contempt of or with insult to the public authorities;
3. With insult or in disregard of the respect due to the offended party on account of her rank/age/sex; or in the dwelling of the offended party, if the latter has not given provocation;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

4. With abuse of confidence or obvious ungratefulness;

5. In the place or presence of the Chief Executive, or where public authorities are engaged in the discharge of their duties, or in a place dedicated to religious worship;

6. Nighttime, or in an inhibited place, or by a band (more than three armed persons), whenever such circumstances facilitate the commission of the offense;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

7. On the occasion of a conflagration, shipwreck, earthquake, epidemic, or other calamity or misfortune;

8. With the aid of armed men or persons who insure or afford impunity;

9. Recidivism: a recidivist is one who, at the time of trial for a crime, was previously convicted by final judgment of another crime embraced within the same title of the Revised Penal Code;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

10. The offender was previously punished for an offense to which the law attaches an equal or greater penalty or for two or more crimes to which it attaches a lighter penalty;

11. In consideration of a price, reward, or promise;

12. By means of inundation, fire poison, explosion, stranding or intentional damage of a vessel, derailment of a locomotive, or by the use of any other artifice involving great waste and ruin;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

13. With evident premeditation;
14. craft, fraud, or disguise be employed;
15. Taking advantage of superior strength or employing means to weaken the defense;
16. With treachery: employing means, methods, or forms which tend directly and specially to insure the execution of the crime w/o risk to oneself;
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

17. Employing means or bringing about circumstances which add ignominy to the natural effects of the act;
18. Unlawful entry: entrance was effected by a way not intended for that purpose;
19. Breaking a wall, roof, floor, door, or window;
20. With the aid of persons under fifteen years of age or by means of motor vehicles, motorized watercraft, airships or other similar means;
21. With cruelty or deliberate augmentation of the wrong done by causing other wrong not necessary for the commission of the crime.
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

E. Alternative Circumstances

Alternative circumstances may either mitigate or aggravate criminal liability. These circumstances are:

1. Relationship: spouse, ascendant, descendant, brother or sister (legitimate or adopted)

   a. Mitigating

      - in crimes against property;

      - in crimes against persons when the offended party is a descendant
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

b. Exempting: in crimes of theft, Estafa or malicious mischief

c. Aggravating:
   - in crimes against persons when the offended party is an ascendant;
   - in crimes against chastity irrespective of the degree/level of relationship between the offended party and the accused.
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

2. Intoxication

a. mitigation: if intoxication is not habitual or subsequent to the plan to commit the felony
b. aggravating: when drunkenness is habitual or intentional
III. FACTORS TO CONSIDER IN DETERMINING CRIMINAL LIABILITY

3. Degree of instruction and education
   a. mitigating: if the accused lacked formal instruction or intelligence but it shall not be mitigating in the following offenses:
      - murder
      - crimes against property
      - crimes against chastity
      - arson
   b. aggravating: in case the accused used his skills or education to commit the crime.
CRIMINAL PROCEDURE
Criminal Procedure

A victim of violence may file a case against his/her offender or aggressor. In order that a corresponding penalty be imposed against the offender, a complaint has to be filed first with the police or prosecutor. If the nature of the complaint falls under the jurisdiction of the Katarungang Pambarangay, the complaint needs to undergo the conciliation process required in the barangay before the complainant may file the action with the police or prosecutor. In either case, after the complaint has been filed, the case shall go through a long process before the judge hears the case and before the appropriate penalty is imposed on the offender.
I. Reporting the Crime

A. To the Police

The police may obtain information on the commission of a crime through their own observation or from a complaint by interested persons. A police investigation is then conducted upon receipt of the complaint. A police investigation is an inquiry conducted by a police investigator to determine whether probable cause exists for filing a complaint against the accused with the office of the Prosecutor for preliminary investigation.
I. Reporting the Crime

B. To the Prosecutor or Court

Any interested person may file a criminal complaint with the prosecutor who shall conduct an inquest or preliminary investigation. In places where there are no prosecutors, the complaint may be filed directly with the court (MTC) wherein the municipal judge will conduct the preliminary investigation. However, inquest and preliminary investigations in Metro Manila shall be conducted only by the prosecutor.
Inquest

An inquest is an informal and summary investigation conducted by a prosecutor in criminal cases where the person arrested or detained w/o a warrant of arrest is under investigation to determine whether sufficient evidence exists for their continued detention and prosecution in court.
Inquest

The inquest must be conducted within the following periods to be reckoned from the time of arrest.

a. Within 12hrs., for crimes punishable with imprisonment form 1 day to 30 days;

b. Within 18hrs., for crimes punishable with imprisonment from 1 month and 1 day to 6 months;
Inquest

C. Within 36hrs., for crimes punishable with imprisonment from 6 months and 1 day to death.

If there is no complaint filed within the above periods, the detaining officers, may be held liable for the crime of arbitrary detention.
Preliminary Investigation

A preliminary investigation is an inquiry or proceeding for the purpose of determining whether there is sufficient ground to believe that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial.
Preliminary Investigation

The persons who may conduct a preliminary investigation are the following:

a. Provincial or City Prosecutor
b. Judges of the municipal trial court;
c. State prosecutors; and
d. Other officers authorized by law (such as prosecutors of the office of the ombudsman)
II. Filing a criminal complaint

When the inquest or investigating officer determines that there is sufficient evidence to file a case against the respondent, an information shall be prepared and forwarded to the city or provincial prosecutor for appropriate action.

If the officer conducting the preliminary investigation believes that probable cause exists to hold the accused for trial, the proper information or complaint shall be filed in the court having jurisdiction over the case.
II. Filing a criminal complaint

Cases falling within the jurisdiction of the RTC:
- offenses punishable with imprisonment exceeding six years

Cases within the jurisdiction of the MTC:
- violations of city or municipal ordinances committed within their territorial jurisdiction
- offenses punishable with imprisonments not exceeding six years.
III. ARREST

A. Definition

Arrest is the taking of a person into custody in order that he may be bound to answer for the commission of an offense. An arrest may be made by:

1. An actual restraint of the person to be arrested; or

2. His voluntary submission to the custody of the person making the arrest.
III. ARREST

B. Modes of Arrest

1. Arrest with Warrant

   A warrant of arrest is an order issued by the court commanding a peace officer to arrest the person specified therein.
III. ARREST

Requisites of a valid warrant of arrest:

- Existence of probable cause in relation to a particular crime;
  
  **Probable cause**: such facts and circumstances that would lead a reasonable and prudent person to believe that a crime has been committed and that the accused is probably guilty thereof;

- personal determination by a judge as to the existence of probable cause;

- examination under oath or affirmation of the complainant and witnesses she may produce; and

- particular description of the person or persons to be arrested
III. ARREST

Execution of a warrant of arrest

Who may execute a warrant of arrest?
- An arrest may be made by a police officer or any person authorized by law.

When should the warrant be executed?
- After the warrant has been delivered to a peace officer for execution, the arrest must be made within ten days from its receipt. Within ten days after the expiration of the period, the officer shall then make a report to the judge who issued the warrant.

  - A warrant of arrest shall remain valid even after the lapse of ten days. The period prescribed for executing the arrest is solely for administrative purposes.
III. ARREST

Making an Arrest by Virtue of a Warrant

When may an arrest be made?
- An arrest may be made on any day and at any time of the day or night.

Must the warrant be presented when making the arrest?
- The officer need not have the warrant in his or her possession at the time of the arrest. But after the arrest, the warrant shall be shown to him as soon as practicable.
III. ARREST

May an officer seek assistance in effecting the arrest?

- An officer making a lawful arrest may orally summon as many persons as s/he deems necessary to aid him or her in making the arrest. A person so summoned must aid him/her when s/he can render assistance without detriment to himself/herself.
III. ARREST

What can an officer do in case the person arrested is inside a building?

- An officer making the arrest may break into any building of enclosure in which the person to be arrested is or is reasonably believed to be. But this could only be done if s/he is refused admittance after announcing his/her authority and purpose. After entering the building or enclosure s/he may break out to liberate himself/herself.
III. ARREST

2. Warrantless arrests

As a general rule, arrests must be made by virtue of a warrant of arrest. Thus, warrantless arrests are considered as mere exceptions to the general rule. Pursuant to this, there should only be few instances when arrests may be validly made w/o a warrant.
III. ARREST

When may a person be arrested w/o a warrant?

- When in the presence of the person making the arrest, the person to be arrested has committed, is actually committing, or is attempting to commit an offense;
- When an offense has in fact just been committed and the person making the arrest has personal knowledge of facts indicating that the person to be arrested had committed it;
- When the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or temporary confined while his case is pending.
III. ARREST

Who may make a warrantless arrest?

- Peace officer; and
- Private person.
III. ARREST

Making a warrantless arrest
When may an arrest be made?
- An arrest may be made on any day and at any time of the day or night

May an officer seek assistance in effecting the arrest?
- If an officer effects the arrest, s/he may orally summon as many person as s/he deems necessary to aid him/her in making the arrest.
- A person so summoned must aid him/her when s/he can render assistance w/o detriment to himself/herself.
III. ARREST

What can an officer do in case the person arrested is inside a building?

- An officer making the arrest may break into any building of enclosure in which the person to be arrested is or is reasonably believed to be. But this could only be done if s/he is refused admittance after announcing his/her authority and purpose. After entering the building or enclosure s/he may break out to liberate himself/herself.
III. ARREST

Right of a person under arrest

A detained person has the right to be visited by a lawyer and to confer privately with counsel at any hour of the day or, in urgent cases, of the night. Any relative may also visit the person arrested subject to reasonable regulation.

LEGAL TERMINOLOGY P-1
IV. SEARCH AND SEIZURE

A. Definition

A search is any physical entry by a peace officer or any authorized person into a protected or private place for the purpose of making an examination.
B. Kinds of search and seizures

1. Search and seizure by virtue of a search warrant

A search warrant is an order signed by a judge and directed to a peace officer, commanding him or her to search for personal property described therein and to bring it before the court.
IV. SEARCH AND SEIZURE

Requisites of a valid search warrant

- Existence of probable cause in connection with a specific offense;

probable cause – such facts and circumstances which would lead a reasonable and prudent person to believe that a crime has been committed and that the things to be seized are in the place to be searched.
IV. SEARCH AND SEIZURE

- Personal determination by the judge as to the existence of probable cause;
- Examination under oath or affirmation of the complainant and the witnesses that she may produce;
- Particular description of the place to be searched and things to be seized.
IV. SEARCH AND SEIZURE

Personal property that may be seized

- Subject of the offense;
- Stolen or embezzled and other proceeds or fruits of the offense;
- Used or intended to be used as the means of committing an offense.
IV. SEARCH AND SEIZURE

Serving the search warrant

When should the search warrant be served?
- The search warrant must be served within ten days from its date of its issuance. After such period, it shall be void.
Conducting the search and seizure

Who may conduct the search and seizure by virtue of a search warrant?

- A peace officer

When should the search be made?

- The warrant must be directed that it served in the day time. If there is an affidavit asserting that the property is on the person or in the place ordered to be searched, a direction may be inserted that it may be served at any time of the day or night.
IV. SEARCH AND SEIZURE

How will a house, room or premise be searched?

- The search must be made in the presence of the lawful occupant or any member of his family. In their absence, it may be made in the presence of two witnesses of sufficient age and discretion residing in the same locality.
IV. SEARCH AND SEIZURE

What can a peace officer do if s/he is not allowed to enter or search despite giving notice of his/her authority and purpose?

- The officer has the right to break open any outer or inner door or window of a house to execute the warrant or liberate himself/herself when unlawfully detained therein.
IV. SEARCH AND SEIZURE

What must the officer do after conducting the search and seizure?

- The officer must give the lawful occupant of the premises a detailed receipt of the property seized. In the latter’s absence, the receipt must be left in the place where the seized property was found in the presence of at least two witnesses of sufficient age and discretion residing in the same locality.
IV. SEARCH AND SEIZURE

2. Warrantless search

As a general rule, any search and seizure must be made by virtue of a search warrant. Therefore, warrantless search and seizures are mere exception to the general rule. Pursuant to this, there should be only few instances when searches and seizures may be made w/o a warrant.
IV. SEARCH AND SEIZURE

Valid warrantless searches and seizures:
- Incidental to a lawful arrest;
- Made on motor vehicles;
- With the consent of the owner
- Involves prohibited articles in plain view (ex. Shabu, durgs);
- Involved smuggled articles.

Although the search and seizure may be validly made w/o a warrant under any of the circumstances, it must still comply with the basic requisite that probable cause exists.
IV. SEARCH AND SEIZURE

Effects of invalid searches and seizures

- Any evidence obtained shall be inadmissible in any court proceeding;
- The officer who conducted the search may be held liable for the crime of illegal search;
- Damages may be claimed under Art. 32 of the Civil Code for the violation of a right included in the Bill of Rights guaranteed under the Constitution.
V. BAIL

Bail is a security given for the temporary release of a detained person. This is conditioned upon his appearance before any court whenever so required.

An accused is entitled to bail as a matter of right except when charged for a capital offense or an offense punishable by reclusion perpetua when evidence of guilt is strong.
V. BAIL

Kinds of Bail

- **Cash bond**: furnished by the accused
- **Property bond**: furnished by the accused. Ex. Real property that shall be given as security for the amount of the bail.
- **Corporate surety**: posted by the surety company.

Instead of posting bail, the accused may ask the court to release him in recognizance in case the crime charged carries an imposable penalty of not more than one month and/or a fine of Php1,000.00. in recognizance, a responsible member of the community guarantees the appearance of the accused whenever required by the court.
V. BAIL

Bail may filed in:
- The court where the case is pending; or
- The RTC of the province of city where the accused is detained.

Grounds for cancellation of the bail bond
- Surrender of the accused;
- death of the accused
- Acquittal or dismissal of the case;
- Execution of sentence.
After the information has been filed, the accused shall appear before the court for arraignment. Arraignment shall be made in open court by reading the complaint or information and asking the accused whether he pleads guilty or not guilty.

During or before arraignment, the accused may file a:

1. Motion for bill of particulars – a motion asking for a clearer and more definite information to enable the accused to properly plead and prepare for trial;
2. Motion to quash the information or complaint.
VII. PRE-TRIAL

A. Definition

Pre-trial is a mandatory conference between the parties, with their counsel, held in the presence of the judge. The court orders this before commencing trial in order to expedite the proceedings or to simplify the issues w/o dispensing w/ justice.
VII. PRE-TRIAL

B. Subjects considered during pre-trial
   - plea bargaining;
   - stipulation of facts;
   - waiver of objections to admissibility of evidence;
   - such other matters as may aid the court in the prompt disposition of the case.
VII. PRE-TRIAL

C. Order of trial:
- The prosecution shall present evidence to prove the charge;
- The accused may present evidence to prove his defense;
- The parties may respectively present rebutting evidence only to refute/counter the evidence of the adverse party;
- The parties may submit their respective memorandum. The memorandum contains a summary of all the evidence and arguments presented by the parties in the course of trial.
The order of trial may be modified if the accused admits the act or omission charged but raises a lawful defense. There will be a reverse trial whereby the accused will commence the presentation of evidence.

- Steps in examining a witness:
  a. direct examination
  b. cross-examination
  c. re-direct examination
  d. re-cross examination
IX. JUDGMENT

A judgment is the final adjudication of the court on the guilt or innocence of the accused.
X. APPEAL

Appeal is the act of elevating a lower court’s judgment or decision for review by a higher court. An appeal is taken by filing a written notice of appeal which contains the judgment or decision of the lower court, the error committed by said lower court, the appellant’s supporting arguments, and the relief prayed for.
X. APPEAL

Any party may appeal from a final judgment or order of the court except if it would place the accused in double jeopardy. Double jeopardy is exposing the accused to the risk of punishment for the same offense. For this reason the prosecution may not appeal a judgment of acquittal.
X. APPEAL

If the lower court renders judgment imposing the death penalty, the case shall be automatically reviewed by the Supreme Court.
Evidence in its broadest sense includes anything that is used to determine or demonstrate the truth of an assertion. Philosophically, evidence can include propositions which are presented to be true used in support of other propositions that are presumed to be falsifiable. The term has specialized meanings when used with respect to specific fields, such as policy, scientific method, criminal procedures, and legal discourse.

It is the means sanctioned in the Rules of ascertaining in judicial proceedings the truth respecting a matter of fact.
Kinds of Evidence

1. Documentary evidence – such as documents, papers or any written letter or communications.
2. Testimonial evidence – oral or written testimony or statement of a witness.
3. Real evidence – that which may be exhibited to or viewed by the court such as the knife or gun used to kill.
4. Circumstantial evidence – it proves a fact from circumstances surrounding a particular incident or situation.
Kinds of Evidence

5. Corroborative evidence – additional evidence of the same kind tending to prove the same fact.

6. Cumulative evidence – additional evidence of a different kind tending to prove a fact.

7. Prima facie evidence – sufficient to prove an issue unless rebutted by other evidence.

8. Expert evidence – that given by a person who has a specialized knowledge of a particular field in connection with which his testimony is requested.
What is the Best Evidence rule?

Under the best evidence rule, the contents of the document being offered in evidence cannot be proved unless the original is produced or its absence accounted for. The reason for the rule is to prevent uncertainty, ambiguity and fraud.
Sec. 2 Original writing must be produced, exceptions – there can be no evidence of writing the contents of which is the subject of inquiry, other than the original writing itself, except the following cases:

a. When the original has been lost, destroyed or cannot be produced in court.

b. When the original is in the possession of the party against whom the evidence is offered, and the later fails to produce it after reasonable notice;
c. When the original is record or other document in the custody of a public officer;
d. When the original has been recorded in an existing record a certified copy of which is made evidence by law;
e. When the original consists of numerous accounts or other documents which cannot be examined in court w/o great loss of time and the fact sought to be established from them is only the general of the whole.
Copies of the Original are regarded as Originals

When an entry is repeated in the regular course of business, one being copied from another at or near the time of the transaction, all the entries are equally regarded as originals.
What is the Parole Evidence Rule?
Rule 130, Sec.7 of the New Rules of Court defines the Parole Evidence as follows:

Sec.7 Evidence of written agreements – when the terms of an agreement have been reduced to writing. It is to be considered as containing all such terms, and therefore, there can be; between the parties and their successors-in-interest, no evidence of the terms of the agreement other than the contents of the writing, except in the following cases:
a. Where a mistake or imperfection of the writing, or its express the true intent and agreement of the parties, or the validity of the agreement is put in issue by the pleadings.

b. Where there is an intrinsic ambiguity in the writing. The term agreement includes will.
What is Hearsay Evidence?

Hearsay evidence is that which a witness says he merely heard from another. It is an evidence that the witness heard something from another but it is not an evidence that what was heard was true. As a rule, hearsay evidence is not admissible as evidence.
Exceptions to the Hearsay Rule

1. Dying declaration
2. Statement of a deceased person against his pecuniary or moral interest
3. Statement about pedigree, family reputation or tradition about pedigree
4. Statement about matters of public or general interest, or common reputation;
5. Statement as part of res gestae
6. Entries in the course of business, or in the performance of duty;
7. Official written statements;
8. Commercial lists and similar lists;
9. Learned treaties; and
10. Testimony at former trial.

(Sec.31 to 41, Rule 140)
Anti-Violence Against Women and Children
(RA 9262)

VAWC
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