

Republic of the Philippines
Judicial Region
Regional Trial Court
Branch _____

NAME(S) OF PLAINTIFF/S,
Plaintiff/s

-versus-

Case No. _____

NAME OF DEFENDANT/S

X-----X

PRE-TRIAL ORDER

I. Preliminary Matters

- *Statement that the possibility of a settlement was fully discussed but no agreement was reached by the parties.¹*

II. Summary of the Case

- a. **Version of the Plaintiff/s**
- b. **Version of the Defendant/s**
- c. **Version of Cross-claimant, Third Party Claimant or Intervenor, if applicable.**

III. Admitted Facts

- a. **Facts Admitted by the Plaintiff/s.**
- b. **Facts Admitted by the Defendant/s.**
- c. **Facts admitted by the Cross-plaintiff, Third Party plaintiff or Plaintiff-Intervenor, if applicable.**
- d. **Facts admitted by the Cross claim defendant, Third party defendant or defendant intervenor, if applicable.**

IV. Availment of Modes of Discovery

V. Issues to be Tried

- A. **Factual**
- B. **Legal**

¹ Italicized portions are merely suggestions to trial judges to state during the proceeding.

VI. Applicable Laws, Rules, and Jurisprudence

VII. Evidence Marked

A. Evidence of the Plaintiff

1. Documentary and other Object Evidence

a) Exhibit "A"

- 1) Title
- 2) Brief Description
- 3) Purpose

b) Exhibit "B"

- 1) Title
- 2) Brief Description
- 3) Purpose

2. Testimonial Evidence

a) Judicial Affidavit of _____

- 1) Purpose of the testimony
- 2) Estimated length of testimony

b) Judicial Affidavit of _____

- 1) Purpose of the testimony
- 2) Estimated length of testimony

3. Reserved Evidence [*only those stated and supported in the pleading/s*]

a) Exhibit "C"

- 1) Title
- 2) Brief Description
- 3) Purpose

B. Evidence of the Defendant

1. Documentary and other Object Evidence

a) Exhibit "1"

- 1) Title
- 2) Brief Description
- 3) Purpose

b) Exhibit "2"

- 1) Title
- 2) Brief Description
- 3) Purpose

2. Testimonial Evidence

a) Judicial Affidavit of _____

- 1) Purpose of the testimony

- 2) Estimated length of testimony
 - b) Judicial Affidavit of _____
 - 1) Purpose of the testimony
 - 2) Estimated length of testimony
 3. Reserved Evidence [*only those stated and supported in the pleading/s*]
 - a) Exhibit "3"
 - 1) Title
 - 2) Brief Description
 - 3) Purpose
- C. Evidence of the Cross-claimant and defendant, Third-party complainant and defendant or Plaintiff-Intervenor or Defendant-Intervenor, if applicable.
1. Documentary and other Object Evidence
 - a) Exhibit " _ "
 - 1) Title
 - 2) Brief Description
 - 3) Purpose
 - b) Exhibit " _ "
 - 1) Title
 - 2) Brief Description
 - 3) Purpose
 2. Testimonial Evidence
 - a) Judicial Affidavit of _____
 - 1) Purpose of the testimony
 - 2) Estimated length of testimony
 - b) Judicial Affidavit of _____
 - 1) Purpose of the testimony
 - 2) Estimated length of testimony
 3. Reserved Evidence
 - a) Exhibit " _ "
 - 1) Title
 - 2) Brief Description
 - 3) Purpose

No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that have been identified above and pre-marked during the pre-trial. Any other evidence not indicated or listed above shall be considered waived by the parties. However, the Court, in its discretion, may allow introduction of additional evidence in the following cases: (a) those to be used on cross-examination or re-cross-examination for

impeachment purposes; (b) those presented on re-direct examination to explain or supplement the answers of a witness during the cross-examination; and (c) those to be utilized for rebuttal or sur-rebuttal purposes. Evidence obtain as a result of the availment of discovery procedure may be allowed provided parties disclosed prior to pre-trial that they will avail of discovery measures.

All documentary and other object evidence were pre-marked and copies thereof, after comparison with the original, have been furnished the other party, or when generating copies proves impractical, parties have been given an opportunity to examine the same. Parties have stipulated on the authenticity and due execution of documentary and/or object evidence to avoid objections in the course of presentation at the trial, as follows:

- a.
- b.
- c.

VIII. Preliminary rulings on all objections to or comments on admissibility of any documentary or other evidence

This is without prejudice to the provisions of Section 38, Rule 132, Rules of Court as amended by A.M. No. 19-08-15-SC effective May 1, 2020.

IX. Statement that the court shall render judgment on the pleadings or summary judgment [when applicable]

[In case the court determines that judgment on the pleadings is warranted, the court shall so state in the pre-trial order that he will render judgment on the pleadings.]

[In case there are no more controverted facts or genuine issues to be tried, the court shall so declare in the pre-trial order and shall motu proprio consider the case submitted for summary judgment. In either of the above situations, if the judge does not issue an order, the parties may still move for judgment on the pleadings or summary judgment

However, if there are controverted facts or genuine issues to be resolved, the court shall first refer the case to the Philippine Mediation Center Unit for mediation purposes.]

X. Court-Annexed Mediation and Judicial Dispute Resolution [when settlement is possible]

(When parties failed to reach an amicable settlement at the pre-trial, the court shall issue an order.)

The parties are hereby ordered to immediately proceed and personally appear at the Philippine Mediation Center located at _____ (PMC Unit) today, (*date today*) with or without their counsel/s, for mediation proceedings. The assigned Mediator is ordered to submit a report to this court on the results of the mediation based on the factual and legal issues to be resolved within a non-extendible period of thirty (30) calendar days from the date of the court's referral of this case to the PMC Unit.

Should mediation fail after the lapse of the said 30-day period, the parties are ordered to appear before the court so that the trial shall proceed on the trial dates indicated above.

Only if the judge of the court to which the case was eventually assigned is convinced that settlement is possible may the case be referred to another court for judicial dispute resolution, which shall be conducted within a non-extendible period of fifteen (15) calendar days from notice of failure of the court-annexed mediation. If judicial dispute resolution fails, trial before the original court shall proceed on the dates agreed upon.

XI. Trial Dates/Flow Chart

Trial shall proceed as scheduled below, all at 8:30 A.M. and 2:00 P.M., for the plaintiff or claiming party and for the defendant or defending party, to present and terminate their evidence, respectively.

[This will depend on the number of witnesses listed. It is suggested that for every witness, at least two (2) trial dates should be allotted. The trial dates may likewise be one (1) day apart. The trial dates may be shortened depending on the number of witnesses to be presented, provided that the presentation of evidence of all parties shall be terminated within a period of ten (10) months or three hundred (300) calendar days. If there are no third (fourth, etc.)-party claim, counterclaim or cross-claim, the presentation shall be terminated within a period of six (6) months or one hundred eighty (180) days]

A. Schedule of Plaintiff's Presentation of Evidence

	Hearing Dates
1. Testimony of Plaintiff -	_____
2. Testimony of Witness/es -	_____

B. Schedule of Defendant's Presentation of Evidence

	Hearing Dates
1. Testimony of Defendant -	_____
2. Testimony of Witness/es -	_____

C. Schedule of Rebuttal Evidence [if necessary]

1. Testimony of Witness/es - Hearing Dates

D. Schedule of Sur-rebuttal Evidence [if necessary]

1. Testimony of Witness/es - _____

E. Schedule for cross-claim, third party complaint, plaintiff-intervenor and defendants

The trial dates are final and intransferrable, and no motions for postponement that are dilatory in character shall be entertained by the court. If such motions are granted in exceptional cases, the postponement/s by either party shall be deducted from such party's allotted time to present evidence.

It is understood that the testimony of the witness should be completed on the scheduled date of hearing allotted to said witness under the One-Day Examination of Witness Rule.²

The direct testimony of witnesses for the plaintiff shall be in the form of judicial affidavits attached to the complaint and responsive pleadings. After the authentication and identification of such affidavits, cross-examination shall proceed immediately.

The court, however, has the discretion on whether or not to extend the examination of witnesses for good cause shown, as long as the trial period required under the Rules is maintained.

Postponement of presentation of the parties' witnesses at a scheduled date is prohibited, except if it is based on acts of God, force majeure or the duly substantiated physical inability of the witness to appear and testify. The party who caused the postponement is warned that the presentation of its evidence must still be terminated within the remaining dates previously agreed upon.

Should the opposing party fail to appear without valid cause stated in the next preceding paragraph, the presentation of the scheduled witness will proceed with the absent party being deemed to have waived the right to interpose objections and conduct cross-examination.

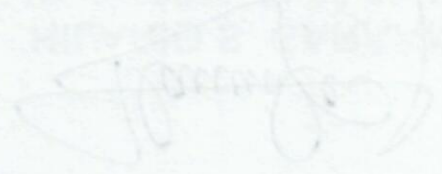
The contents of this pre-trial order shall control the subsequent proceedings, unless modified before trial to prevent manifest injustice.

The parties and their counsel are hereby notified hereof, and the court shall no longer issue a *subpoena* to the parties present today. It shall be the

² A.M. No. 03-1-09-SC, Re: Proposed Rule on Guidelines to be observed by trial court judges and Clerks of court in the conduct of Pre-trial and use of Deposition-Discovery Measures.

responsibility of parties and lawyers to notify their respective witnesses of the scheduled appearance dates for the trial.

JUDGE



BY THE COURT

IN WITNESS WHEREOF

I have signed this order and the judge has signed it.

THE COURT HAS REVIEWED THE MATTER AND IS OF THE OPINION THAT THE COURT SHOULD GRANT THE MOTION FOR A WRIT OF HABEAS CORPUS. THE COURT HAS REVIEWED THE MATTER AND IS OF THE OPINION THAT THE COURT SHOULD GRANT THE MOTION FOR A WRIT OF HABEAS CORPUS. THE COURT HAS REVIEWED THE MATTER AND IS OF THE OPINION THAT THE COURT SHOULD GRANT THE MOTION FOR A WRIT OF HABEAS CORPUS.

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Republic of the Philippines

Judicial Region
Regional Trial Court
Branch _____

NAME(S) OF PLAINTIFF/S,
Plaintiff/s

-versus-

Case No. _____

NAME OF DEFENDANT/S
X-----X

MINUTES OF THE PRE-TRIAL

I. Plaintiff's/s' Evidence

A. Documentary and other Object Evidence:

- Exhibit "A" – Description;
- Exhibit "B" – Description;
- Exhibit "C" – Description;

B. Testimonial Evidence:

- Judicial Affidavit of _____;
- Judicial Affidavit of _____;
- Judicial Affidavit of _____;

C. Reserved Evidence:

- Documentary and other object evidence – Description;
- Testimonial evidence – Name or position and nature of testimony

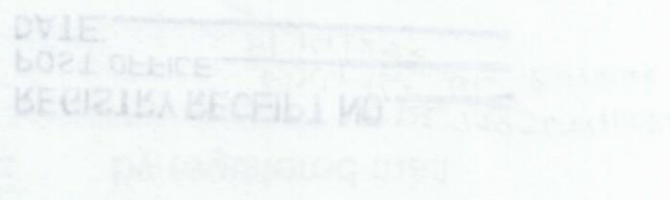
II. Defendant's/s' Evidence

A. Documentary and other Object Evidence:

- Exhibit "1" – Description;
- Exhibit "2" – Description;
- Exhibit "3" – Description;

B. Testimonial Evidence

- Judicial Affidavit of _____;



Judicial Affidavit of _____ ;
Judicial Affidavit of _____ ;

C. Reserved Evidence

Documentary and other object evidence – Description;

Testimonial evidence – Name or position and nature of testimony

Evidence not listed herein and pre-marked (except in the case of reserved evidence) shall not be allowed during trial. Reserved Evidence must be described with specificity and must be included as one of the pieces of evidence in the initiatory pleadings.

[Include appropriate spaces if there are cross-claimant, third-party complainant or intervenor]

III. Genuineness and Due Execution Admitted:

For the Plaintiff/s:

For the Defendant/s:

IV. Stipulation of Facts

V. Issues to be Tried

VI. Possibility of Settlement

VII. Schedule of Continuous Trial

A. Presentation of Plaintiff's/s' Evidence

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B. Presentation of Defendant's/s' Evidence

C. Presentation of Rebuttal Witness/es (if necessary)

D. Presentation of Sur-rebuttal Witness/es (if necessary)

E. Other Matters

CONFORMITY:

Plaintiff/s

Defendant/s

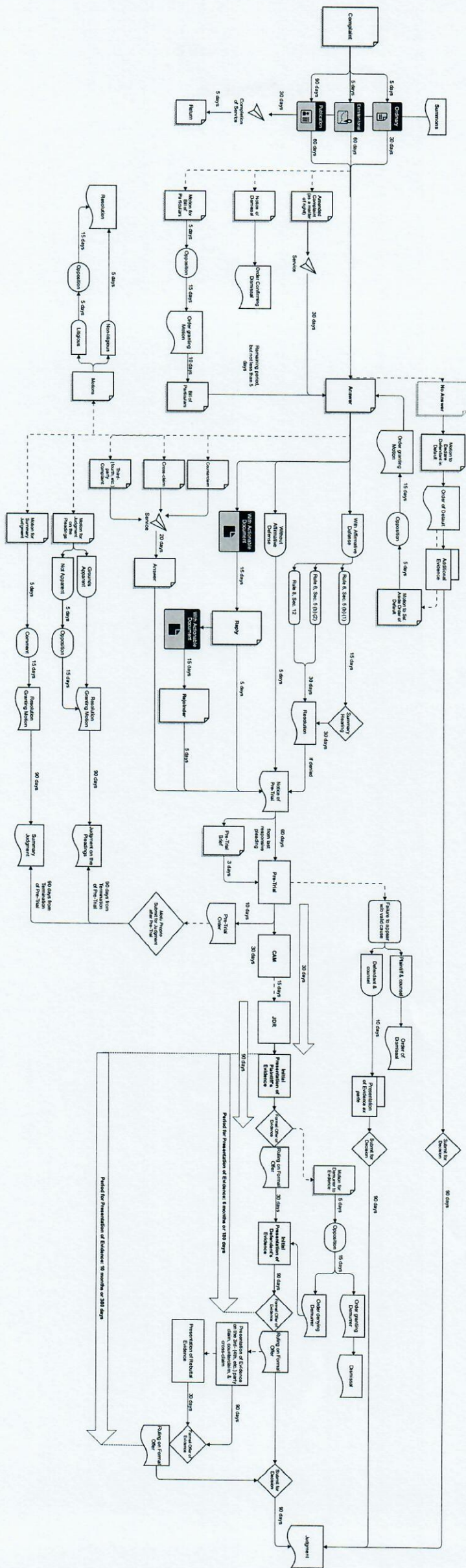
Counsel for Plaintiff/s

Counsel for Defendant/s

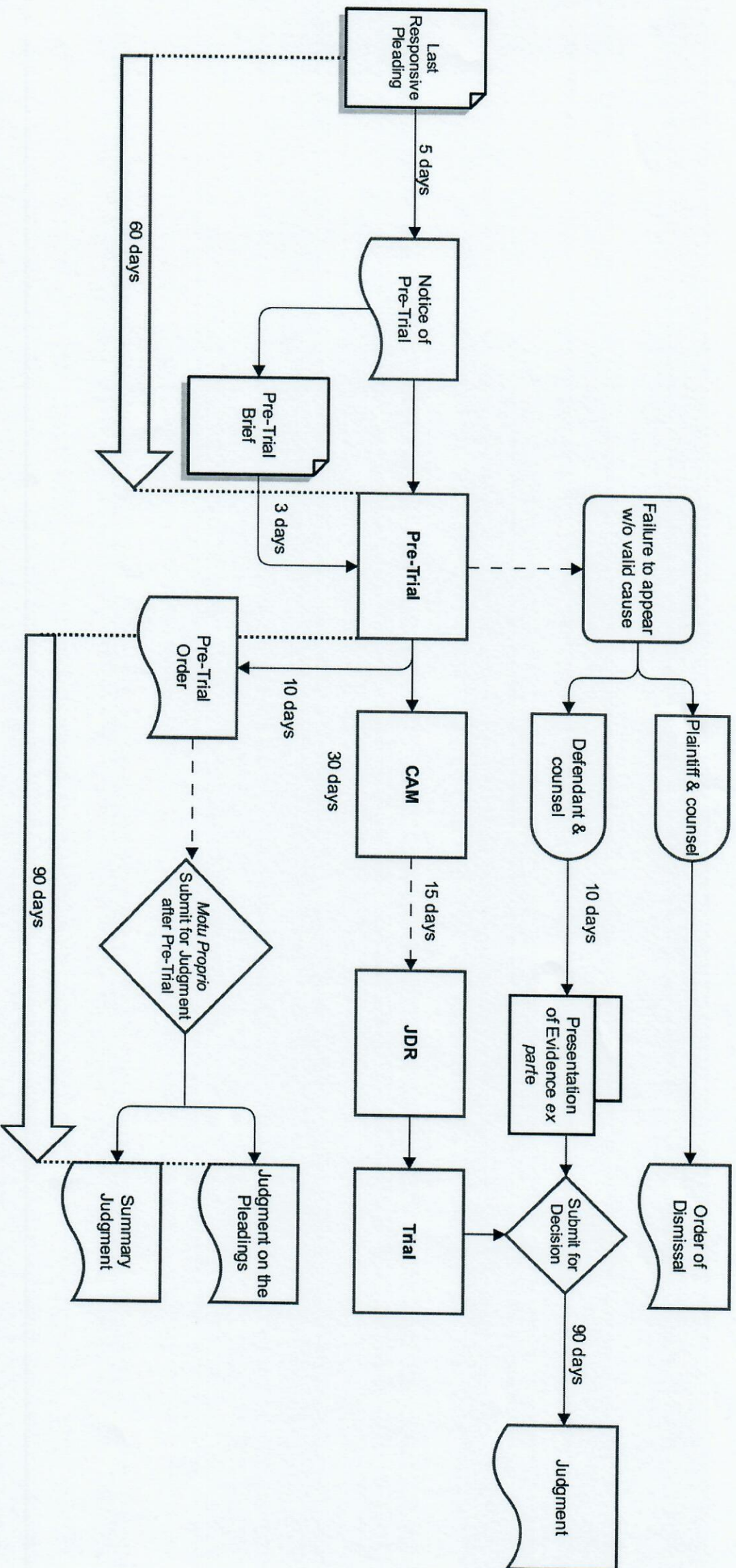
ATTESTED BY:

Branch Clerk of Court

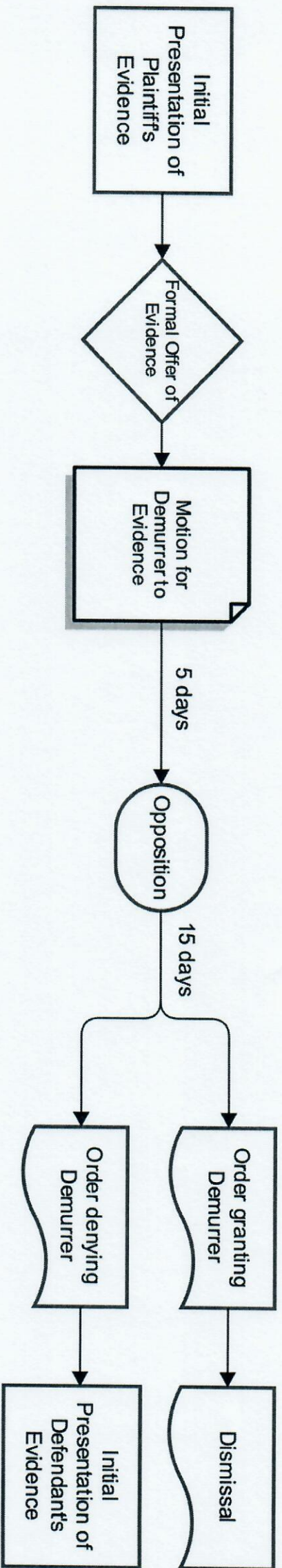
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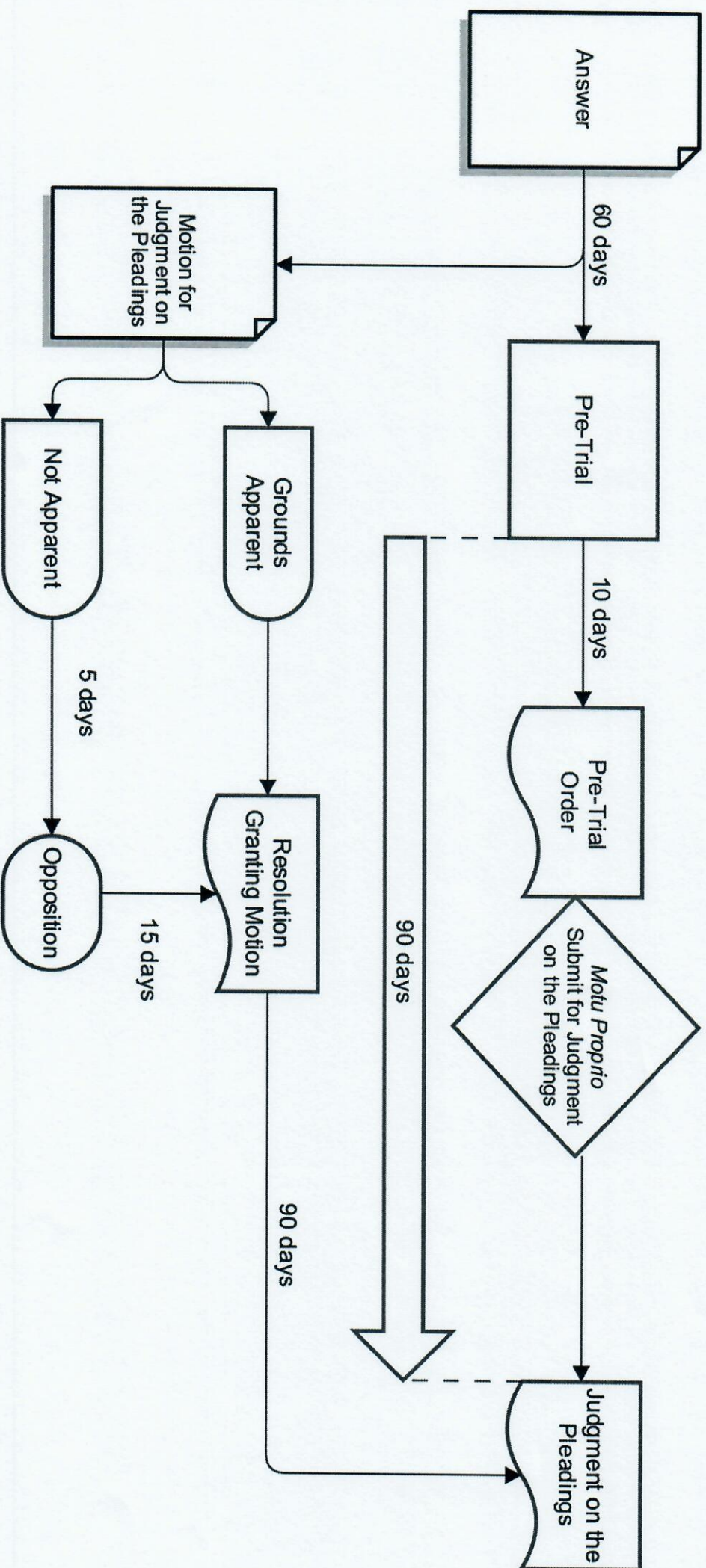
PRE-TRIAL PROCESS FLOW



DEMURRER TO EVIDENCE PROCESS FLOW



JUDGMENT ON THE PLEADINGS PROCESS FLOW



SUMMARY JUDGMENT PROCESS FLOW

