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National Conference for the Revision of the Rules of Civil Procedure

Primer on the First Draft of the Revised Rules of Civil Procedure

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PRIMER ON THE FIRST DRAFT OF THE REVISED RULES OF CIVIL PROCEDURE

INTRODUCTION

With about 75 million of our people living in crowded cities, it is no wonder that courts in these cities are drowning in all sorts of cases. Many of them have 1,000 or more cases in their dockets. They hear 30 to 60 cases a day. Their courtrooms are full with many waiting outside to be called.

Just calling the attendance takes from 8:30 to 10:00 a.m. since each case requires some form of scrutiny and action. This leaves only two hours for trying cases and hearing testimonies. If cases are ready for trial, the judge is forced to give the parties in each case not more than ten minutes to present part of the testimony of just one witness. These result in piecemeal trials in civil actions that last from three to eight years or even more, inflicting a sense of hopelessness over our justice system.

Litigation delays have many causes: courts are few and disproportionately distributed, litigants come unprepared, and there is a critical shortage in public prosecutors and attorneys. But one of the major causes of court delays is our slow and cumbersome system for hearing and deciding cases.

MANDATORY ADR

To augment the efforts to decongest our court, the proposed rules of civil procedure provide that every case with few exceptions must undergo alternative dispute resolutions before it is filed in court. The plaintiff cannot file a case without a written demand upon the defendant, seeking a meeting to negotiate settlement. The defendant cannot make a counterclaim without a counter demand and agreeing to meet with the plaintiff or his representative.

If this direct negotiation fails, the parties must seek the intervention of a neutral mediator for another attempt at settlement

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from established mediation centers, legal aid clinics of law schools, legal aid facilities of IBP offices nationwide, the barangays, common friends, or business associates. Only when this fails can the plaintiff file his complaint in court and the defendant his counterclaims.

Ultimate and Evidentiary Facts

Cases are usually begun with plaintiff's complaint and defendant's answer. Under existing rules, they need only allege the ultimate facts that constitute their basic positions in the case. The old attitude is that the parties need to make full disclosure of the facts in their possession only at the trial. This has changed when the Judicial Affidavit Rule began to require the parties to submit the testimonies of their witnesses in the form of affidavits long before trial. Consistent with this change, the proposed new rules would direct the parties to allege in their basic pleadings both the ultimate and the evidentiary facts on which their cases stand. This would facilitate a clear understanding of the case and the issues between the parties from the very beginning and help direct its course.

Court-Annexed Mediation

The proposed rules provide that, after the issues have been joined by the parties' pleadings, the court shall refer the case to court-annexed mediation in places where this service is available. The plaintiff is required to pay only 50% of the filing fees based on the possibility that the case would be settled and not have to go to trial. Experience shows that court-trained mediators have high success rates. Only when mediation fails and the case is returned to the court for further proceedings will the plaintiff pay the balance of the filing fees.

PROBLEMS WITH THE ADVERSARIAL SYSTEM

The Philippines follows a dominantly adversarial system for hearing and deciding cases that the Americans gave to us over a hundred years ago. We were taught in law school that there is no way to hear and decide cases fairly except the American way. Under this system, pitted adversaries build and defend their positions while

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destroying that of the other party apart, with the judge sitting back to watch the contest below before announcing the winner. This system has given rise to the following problems:

1. The lawyers determine which witnesses the court will hear and what documents it will read. Any attempt it makes to limit the evidence to what is really relevant is often met by complaints of denial of the right to a hearing. This results in needless testimonies and redundancies in evidence.

2. Lawyers have a tendency under the adversarial system to withhold evidence and surprise their opponents at the last minute. They are reluctant to stipulate, fearful that it would weaken their positions. And they adduce evidence covering even admitted facts.

3. The system we borrowed had been designed for both jury and bench trials. Since the “invisible jury” must hear each case from scratch, our rules require witnesses to tell their stories from beginning to end. Pre-trial stipulations have not worked in our case to shorten hearings because the rules still require lawyers to ask lengthy preliminary questions to introduce evidence covering unstipulated matters.

4. The adversarial system also requires the judge to hear and see every piece of documentary evidence as it is identified, marked, and authenticated. This is tedious and painfully time consuming especially when voluminous documents, such as invoices and bouncing checks, are introduced into evidence.

5. In this system, lawyers are allowed to object to questions asked of the witness so the judge could prevent inadmissible answers from touching the ears of the “invisible jurors,” lest such answers irreversibly influence their thinking. But we have no jury, only a judge who, with his legal training and experience, is not irreversibly affected by inadmissible answers. Still, since trial under this

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> system is viewed as a fight to the finish, lawyers often believe that objections to questions come as a potent weapon for blocking the other party's evidence. Unfortunately, these objections slow the flow of trial.

JUDICIAL AFFIDAVIT IN PLACE OF DIRECT TESTIMONIES

Where is the bottleneck in our system for hearing and deciding cases? The bottleneck is at the witness stand. Why? Because courts can hear no more than one witness at a time. Assuming that there are just two witnesses per case, 2,000 witnesses would be waiting to be called in courts that have 1,000 cases in their dockets. If required to form a line outside the courtroom, those 2,000 witnesses would form a very long line indeed with only three witnesses getting in to testify on an ordinary hearing day.

To partly solve these problems, the 2012 Judicial Affidavit Rule directs the parties to use judicial affidavits of witnesses in place of their direct testimonies. This change has cut down the time needed for hearing cases by two-thirds, since the examination of witnesses normally consists of two-thirds direct and one-third cross. The proposed rules of civil procedure have adopted this change.

Some think that the use of judicial affidavits impairs the court's opportunity to observe the demeanor of the witness while he testifies on direct. But true demeanor usually will not show when the witness responds to closely controlled questions from a friendly lawyer who interviewed him before the trial. It is during cross examination, when the witness has to answer questions that he has not prepared for, that his true demeanor will show.

Early Submission of the Parties' Evidence

Consistent with what the Judicial Affidavit Rule requires, the proposed rules would also have the parties submit before preliminary conference all their evidence in the forms of judicial affidavits and attached documentary or object exhibits, already marked and authenticated. Because of this, courts would be able to know before

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going into trial where the factual issues between the parties lie. With such knowledge, the parties need not examine the witnesses on background facts that do not appear to be in dispute. The trial could cut through the preliminaries and directly focus on the disputed matters.

Trial of Issues, Not of the Contending Parties

An important central requirement of the proposed rules is the preparation of a court paper called the Terms of Reference, which would severely limit the scope of trial to those issues that the conflicting claims and evidence of the parties present. Consistent with the world-wide trend of delegating to counsel of the parties some of the writing work of the court so it could cope with case congestions, the proposed rules would require counsel from both sides to help the court, in lieu of submitting pretrial briefs, draft the Terms of Reference that will include:

1. A statement of the admitted facts.
2. A fair and concise summary of the facts that plaintiff's evidence proves, on the one hand, and the facts that the defendant's evidence proves, on the other;
3. A clear statement of the factual issue or issues that the evidence of the parties present, the resolution of which issue or issues will determine the outcome of the case on its merits;
4. A list of the witnesses from either sides who are competent to testify on such factual issue or issues; and
5. A statement of the actual or potential legal issues that the case presents.

At the preliminary conference the court, in consultation with the parties, shall issue an Order of Trial that will (a) fix the sequence in which the issues stated in the Terms of Reference are to be tried and (b) identify the witnesses who need to be present and testify on those issues.

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Judicial Dispute Resolution

Before moving on to trial, however, the court will refer the case to a pairing branch for judicial dispute resolution conference, where the judge, acting as mediator, shall exert every suitable effort to settle the case amicably, using his knowledge of the parties relative positions based on the Terms of Reference attached to the record forwarded to it. Statistics show high success rate in this type of mediation. The pairing judge's success in this regard shall be credited to his or her accomplishments for the particular year.

Judge as Active Facilitator of Needed Evidence

The 2012 Judicial Affidavit Rule granted for the first time authority to the court to actively take part in examining the witnesses to determine their credibility, ascertain the truth of their testimonies, and elicit the answers that the court needs for resolving the issues. The proposed rules have adopted this change. More, the revised rules would give the court priority over counsel in examining the witnesses, to set the scope and the tone of such examination.

The adversarial system is hounded by the problem of inequality of protagonists or mismatch between opposing lawyers. Quite often, a new passer in the bar exams has no chance against a veteran high-caliber lawyer. With the judge able to examine the witnesses and elicit answers that are essential to a fair judgment, the extent of the injury that poor lawyering can bring to his client is minimized.

FACE-TO-FACE TRIAL

Finally, the proposed rules introduce face-to-face trial where the witnesses from either side appear together before the court and simultaneously swear to the truth of their testimonies. They are made to sit facing each other around the table in a non-adversarial environment and answer questions from the court and the parties' counsel respecting the factual issue at hand. The court initiates the examination covering one factual issue or closely related issues at a time. It shall make sure that the witnesses from the opposing sides are given equal time to reply to each other until the issue at hand has

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been fully exhausted. When the court is through, counsel would then conduct cross and redirect examinations.

While the proposed rules would still allow objections to questions asked of the witnesses, the court has to immediately rule only on objections as to substance, such as when the questions are perceived to elicit answers that are inadmissible on public policy grounds. It has only to take note of other objections and consider them when deciding the case. This will eliminate unnecessary delays in the proceedings.

a) Regular Trial

If the issues are complex and the witnesses are many, the court may schedule the hearings of the different issues on different dates where only the relevant witnesses need to come. The parties shall file their respective memorandum at the end of the staggered trial of the issues after which, the court shall hear the parties on oral argument on a date that it shall set and decide the case within 90 days.

b) Simple Trial

If the issues are simple and the witnesses are few, the court may, at its option, hold a one-time face-to-face adjudication hearing. After the close of examination of the witnesses, the court shall immediately hear the parties on oral argument then render a verbal judgment, subject to the issuance of a written judgment. The court may, at its option, require the winning party to prepare and submit a draft of the decision in the case, copy furnished the losing party.

As already stated, the bottleneck in our trial proceeding is at the witness stand where just one witness testifies for 3 hours on direct and cross. The Judicial Affidavit Rule dispensed with direct testimony enabling the court to hear 3 witnesses in 3 hours. The proposed rules will make it possible for 6 witnesses to testify before the court at the same time, further shortening the line of witnesses waiting to testify.

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Language Used at Trial

One of the reasons why it takes long for courts to hear the testimonies of witnesses is the rule that testimonies are to be recorded in English. Since most witnesses prefer to testify in the local dialects, interpreters need to translate their testimonies into English. The court has little time for hearing cases, yet it hears the testimony of every witness twice, in the local dialect and in English.

With its issuance of the 2012 Judicial Affidavit Rule, the Supreme Court now accepts testimonies given in the Tagalog-based Filipino that dominates the public media. Indeed, people all over the country who speak different dialects carry on conversations with each other in commonly used Pilipino. The Revised Rules makes Pilipino the preferred language for trial — with no need for interpretation. The words spoken from the witness' mouth shall be the officially binding testimony. It is to be recorded and preserved both by electronic device and by stenographic notes.

The following are the other significant changes under the proposed revised rules of civil procedure:

1. EFFICIENT USE OF COURT TIME.

Lawyers have a tendency to file excessively long position papers in court, embodying repetitive arguments and inordinately large case authorities in support of their respective positions, unmindful of the fact that with so many cases demanding the court's attention, it has to apportion its reading time to the papers of other parties as well. Thus, to promote fairness and efficient use of the court's time, the proposed rules would require every party filing a position paper or similar paper exceeding 20 pages, excluding the caption, the signature page, and the appendices, to accompany his main paper with a summary which is equivalent to 20% of the pages of such paper.

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2. Grounds for Dismissal of Complaint.

Motions to dismiss would no longer be allowed. In its place, the court will, before issuing summons, examine the complaint and dismiss it if, on its face,the court has no jurisdiction over the subject matter, the action has already prescribed, or the preconditions for filing have not been complied with. When filing his answer, the defendant may include as special affirmative defense any of the grounds for dismissing a complaint. In this case, the plaintiff may file a reply, commenting on those grounds, among other things. The court will act on the grounds for dismissal that plaintiff raised in his answer within 15 days from receipt of the reply.

The lack of jurisdiction over the person of the defendant due to improper service of summons and the non-payment of docket fees will no longer be treated as grounds for outright dismissal. The plaintiff may act to comply with what is required of him during a curing period of fifteen (15) days from notice.

Moreover, dismissal due to the fault of the plaintiff has been expressly incorporated in the proposed rules. Thus, if for no justifiable cause, the plaintiff fails to appear on the date of the presentation of his evidence in chief, to prosecute his action for an unreasonable length of time, or to comply with the proposed rules or any order of the court, the complaint may be dismissed *motu propio* or upon motion of the defendant. This dismissal shall have the effect of adjudication on the merits.

Further, the provisions on Bill of Particulars have been deleted. Instead, the failure of the complaint or the initiatory pleading to state with sufficient definiteness and particularity the cause of action that will enable the defending party to properly prepare a responsive pleading shall now be regarded as ground for dismissal of the action.

3. Motions No Longer Set for Hearing.

The present rules require the parties to set all their motions for hearing with prior notice to the adverse party. This has resulted in unduly enlarging the daily agenda of cases that the court has to call and hear. It also raises the costs of litigation. The proposed rules

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dispenses with the need to set all motions for hearing. It is up to the court to set a motion for hearing to enable it to examine those who executed judicial affidavits in support of or against the motion. The adverse party would just have to file his comment on the motion within 15 days of receipt. No reply or rejoinder shall be allowed except with prior leave of court. The court will resolve the motion within a given time.

Finally, no further motion shall be allowed to impede trial once it has begun.

4. Prescribed Forms and Samples of Pleadings.

Modern practice already demands the use of prescribed forms and templates for facility and technical compliance with the requirements for pleadings, motions, and other papers that are filed with the courts. To help law practitioners, the proposed rules will include an appendix of those prescribed forms and samples.

5. Modes of Discovery.

The proposed rules on discovery have been designed to: a) upgrade the manner of use of the modes of discovery, by incorporating current and future developments in electronic evidence; b) encourage the use of such modes as an effective tool for trial while recognizing the constitutional rights against self-incrimination or privileged communication; c) define the scope of discovery as well as the grounds, limitations, and manner of their use during trial; d) enumerate but not limit the possible grounds for abuse; and e) provide remedies or sanctions that the court could *motu propio* impose on a party for refusing discovery without a valid reason.

6. Dismissal of Action by the Plaintiff.

Under the current rules, the plaintiff may give notice of dismissal as a matter of right before an answer is served and by motion afterwards. In both instances, the dismissal is presumed to be without prejudice. Under the proposed rules, a dismissal through

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notice is presumed to be without prejudice but a dismissal through motion is presumed to be with prejudice. This dismissal is also made to apply to counterclaims, cross-claims, and third party complaints.

7. Demurrer to Evidence.

Because the proposed rules already require the parties to simultaneously submit their respective evidence shortly before the pretrial conference in the case, the old concept of a demurrer to evidence would have no further application. A motion for summary judgment based on the evidence in place may be the appropriate remedy.

8. PROVISIONAL REMEDIES.

Under the proposed rules, a party may apply for the issuance of a provisional remedy or a temporary provisional order, either upon filing of a complaint or initiatory pleading, at the commencement of the action or at any time before the entry of judgment. Such application must be accompanied by supporting judicial affidavits.

Like the current rules, an application for preliminary attachment or replevin may be granted *ex-parte* but prior or contemporaneous service of summons is necessary before a writ of attachment or replevin may become effective or enforceable. With respect to other applications for provisional remedies (*i.e.,* injunction, receivership and support *pendente lite*) included in the complaint or initiatory pleading, prior or contemporaneous service of summons along with a notice of raffle to the adverse party shall be made before the case is raffled to a court.

The proposed rules set strict periods for the presentation of evidence in support of applications for temporary orders prior to the grant of provisional remedies. The temporary orders shall be good for only 20 days from its service upon the adverse party. The court should resolve the applications for such orders within 48 hours from receipt of the records of the case. If a temporary order is granted, the court shall immediately set the reception of the evidence of the parties in respect of the provisional remedy applied for. The court

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shall resolve the application within the same 20-day period. If no provisional remedy is granted within the 20-day period, the temporary provisional order shall be deemed vacated. If no temporary order has been issued, however, the court must resolve the application for a provisional remedy within 22 days from the court's receipt of the records of the case.

The proposed rules likewise explicitly provide that if a provisional remedy is issued, the court shall decide the main case within 6 months from such issuance.

The proposed rules dispense with the 72-hour temporary restraining order (TRO). But in matters of extreme urgency where the applicant is bound to suffer grave injustice or irreparable injury, the executive judge may issue *ex* parte a 20-day TRO. Under the circumstances, the summons and other notices must be served upon the other party within 24 hours of the issuance of such TRO. Furthermore, the branch of the court to which the case is eventually assigned must act on the application for a provisional remedy within the same 20-day period.

The proposed rules provide for an additional ground for the issuance of writ of replevin, *i.e.,* where a property, which is the subject of a pending case for reckless imprudence or other cases, may be released upon submission of a picture of such property and an affidavit of undertaking to produce the subject property when required.

The proposed rules dispense with the submission of a comment by the adverse party on the application for support pendent elite and the conduct of proceedings to hear the evidence of the parties. Instead, the parties are just required to submit judicial affidavits and other documents to support or oppose the verified application. When an application for support *pendent elite* is denied, the court is required to resolve the main case within 6 months from the filing of the action.

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9. Draft Decisions or Orders.

Case congestion is a universal problem. To cope with it, most jurisdictions permit counsel of parties to help the court prepare some of the written papers required of it, like decisions and orders, to speed up the disposition of cases. Current rules require the judge to personally and directly write the court's decisions and orders. This requirement is no longer practicable considering the case loads of most courts. Consequently, the proposed rule would give judges the option to require the parties to submit draft decisions that may partly or wholly adopt.

10. Execution.

In order to secure the victory of the prevailing party, the proposed rules give him or her option to secure the services of either a regular sheriff or a special sheriff. The court shall appoint a lawyer as special sheriff who, like a regular sheriff, must post a bond fixed by the court to answer for such damages as any party may suffer because of his action.

Under existing rules, the notice of sale of real property must be posted for 20 days in three public places. The proposed rules require a further posting of the notice on the property subject of the proposed sale to protect the interest of the judgment obligor.

Under the proposed rules, the purchaser who fails to acquire what he purchased in an execution sale has two options: a) recover from the judgment oblige, either by motion in the same action or by a separate suit, that portion of the purchase price that is equal to the judgment as well as the excess that the latter has not yet turned over to the judgment obligor or b) recover from the judgment obligor, by reviving the judgment in his name. The first option facilitates recovery by allowing the purchaser to "intervene" in the original action by mere motion; but it limits recovery only as against the obligee and only to the extent of the purchase price that the latter has not yet turned over to the obligor. On the other hand, the second option – which Rule 39 in fact merely provides as an alternative – allows recovery against the obligor only through a revival of the judgment in the name of the purchaser (i.e., only in respect of the amount by which the purchase

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price exceeded the judgment) but not against the obligee (i.e., not the amount of the purchase price itself).

Under the existing rules, the availability of a separate action, as an option to participation in the original action via motion, whether against the obligee or the obligor, gives the purchaser flexibility in terms of choice of venue, which right he ought to be entitled to, in order to preserve public confidence in execution sales, considering that the failure of sale is not attributable to the purchaser. The alternative option of revival of judgment as against the obligor in favor of the purchaser is deleted, because this remedy is already established as a cumulative, as opposed to an alternative, remedy. In the proposed rules, the purchaser of real property who fails to recover the possession of the same is allowed to avail of the remedies cumulatively and not alternatively.

11. Enforcement of Foreign Judgments.

The existing rules do not provide a procedure for enforcing foreign judgments. The proposed rules now provide for a framework on how to commence an action for enforcement of foreign judgments. The rules also provide a framework for the recognition and confirmation of arbitral awards, which is absent in the existing rules.

12. One-Step Appeals Process.

The proposed rules would limit the appeals process. An action originally filed with a first level court shall be appealed to the appropriate Regional Trial Court (RTC). An action originally filed with the RTC shall be appealed to the Court of Appeals (CA). If the case is originally filed with a quasi-judicial agency, the appeal shall be by petition for review with the CA. No further appeal from or petition for review of the judgment rendered by the appellate court shall be allowed. To protect litigants from serious lapses on the part of the appellate courts, the proposed rules retain the provisions on petition for relief, annulment of judgment, and petition for certiorari.

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13. Simpler Record on Appeal.

The proposed rules would now make clear that a record on appeal is required only in cases of multiple or separate appeals from just one case. Further, such rules would now only the submittal of certified copies of the pertinent pages of the original record to serve as the record on appeal, dispensing with the need for approval of the record on appeal.

14. Briefs submitted to the trial court.

The proposed rule will now require the parties to submit their briefs to the trial court. When all the briefs have been submitted, the clerk of court shall forward the same together with the record of the case to the appellate court for resolution.

In the present rules, only the appellate court may dismiss an appeal. However, since the proposed rules direct the parties to submit the briefs to the trial court, the proposed rules empower the trial court to dismiss the appeal under specified grounds.

In the proposed rules, if the case is governed by the rules on summary procedure and the case did not reach the preliminary conference, the case shall be remanded to the trial court for further proceedings if the appellate court reverses the dismissal. If the case already reached the preliminary conference, the appellate court will render judgment.

15. SPECIAL CIVIL ACTIONS

The proposed rules governing special civil actions lay down the common requirements for pleadings, motions, and submissions in such actions. The requirement of verification for all pleadings, motions, and submissions is intended to compel the parties and their lawyers to be at all times truthful in their statements to the court especially since quick court action on the petitions is expected.

The proposed provision no longer requires the parties to attach original or certified true copies of documents. Legible copies and a sworn attestation that they are authentic or true will suffice. This is

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intended to cut expenses and time and obviate difficulties in securing certified true copies. Since the pleadings are verified, the parties warrant their authenticity and truth.

Further, the proposed rules impose stiff penalties for false representations that parties make in their pleadings and list down prohibited pleadings and other papers that impede the court action on the merit of the case. In actions for interpleader, the proceedings from commencement to termination shall not exceed 6 months. This restriction is imposed to avoid delay.

The proposed rules provide for a new mode of appeal from special civil actions to ensure expeditious proceedings on appeal.

The proposed rules on declaratory relief requires the court must initially determine whether to a.) decide the petition based on the pleadings and documents thus filed, should the same be sufficient for such action; or b.) conduct a summary hearing such be required. In any event, the court may refuse to act on the case where a decision would not terminate the uncertainty or controversy which gave rise to the action or where the declaration or construction is not necessary and proper under the circumstances.

In connection with the review of the judgments and final orders of the Commission on Elections and the Commission on Audit, the proposed rules direct the parties not to replead anymore in their petitions the contents of the pleadings and papers filed below that they attached to their petitions anyway. It was on the basis of those pleadings and papers that the commissions rendered their decision and rulings. The Commissions' actions should be judged based on the matters that the parties brought up before them. This restriction will save on paper and the time needed to study the case.

The proposed rules impose a 5-day period for the court to resolve a prayer for temporary restraining order. This will address the uncertainty or doubt brought about by the court's inaction on one's prayer for injunctive relief. The movant should no longer be left in the dark regarding the action to be taken by the court whenever he seeks an injunctive relief.

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In actions for quo warranto, the proposed rules require private parties, called “relators,” to request the Solicitor General to file such an action where the evidence warrants. This is a wise practice, patterned after the US Federal Rules of Civil Procedure, to prevent undue harassment of public officers.

In expropriation cases, the proposed rules require the government to attach to its complaint a Certificate of Availability of Funds issued by the expropriating agency to preclude the filing of complaints without adequate funds to the detriment of property owners affected by the exercise of the power of eminent domain. In case of non-compliance, the court has the power to dismiss the petition within 5 days from raffle. Further, for the purpose of taking possession, the government must deposit in bank the cash equivalent of the full value of the property. Timelines are also provided to rationalize the initial stages in the order of expropriation for a more expedient resolution of the initial issues of expropriation.

Foreclosures of real estate mortgage are of two (2) kinds: judicial and extra-judicial. While judicial foreclosure is governed by Rule 68 in the current Rules of Civil Procedure, extra-judicial foreclosure is governed by Act 3135. There is a growing clamor among judges and litigants to incorporate the concept of writ of possession in extra-judicial foreclosure proceedings to highlight its distinct character from judicial foreclosure. The proposed rules include several ramifications in judicial and extra-judicial foreclosures that will enhance such remedies.

The rules on partition and forcible entry and unlawful detainer are largely untouched. The proposed rules merely provide for means of speedily resolving these kinds of actions.

The following acts have been incorporated in the enumeration of acts which constitute direct contempt: a) unjustified insults, threatening language, or derogatory remarks against the court in the pleadings, motions, and submissions filed before it; and b) making false verification, attestation, or certification against forum shopping. This is in accordance with jurisprudence and common provisions which impose fines for making false verification, etc. Further, the amount of fines and length of imprisonment under Section 1 of the

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existing rules were increased. The fine for indirect contempt was also increased to serve as a deterrent.

The proposed rules provides that when the court orders the respondents to be taken in custody, the respondents may be released upon posting a bond in an amount not exceeding ₱ 20, 000.00. The amount is fixed in order to prevent abuse of discretion in setting the amounts of bail. To ensure expeditious proceedings, the rules also provide for periods for the court to make an initial determination of the case and for the conduct of summary hearing.