

Republic of the Philippines
SUPREME COURT
Manila

EN BANC

A.M. No. 10-4-29-SC

THE 2010 RULES OF THE PRESIDENTIAL ELECTORAL TRIBUNAL

TITLE AND CONSTRUCTION

Rule 1. Title. - These Rules shall be known and cited as *The 2010 Rules of the Presidential Electoral Tribunal.* (R1a)

x x x

Rule 57. Procedure of hearings. - At the hearings, the affidavits of the witnesses submitted by the parties shall constitute their direct testimonies. Witnesses who testify may be subject to cross - examination, redirect or re-cross examination. Should the affiant fail to testify, his affidavit shall not be considered as competent evidence for the party presenting the affidavit, but the adverse party may utilize the same for any admissible purpose.

Except on rebuttal or surrebuttal, no witness shall be allowed to testify unless his affidavit was previously submitted to the Tribunal

However, should a party desire to present additional affidavits or counter-affidavits as part of his direct evidence, he shall manifest during the preliminary conference, stating their purpose. If allowed by the Tribunal, the additional affidavits of the protestee shall be submitted to the Tribunal and serve on the adverse party not later than five days after the termination of the preliminary conference. If the additional affidavits are presented by the protestant, the protestee may file his counter-affidavits and serve the same on the protestant within five days of such service. (R55a)

x x x

Rule 61. *Time limit for presentation of evidence.* - Each part is given a period of thirty working days to complete the presentation of his evidence, including its format offer. This period shall begin from the first date set for the presentation of the party's evidence. Either before the Tribunal or a Hearing Commissioner.

The hearing for any particular day or days may be postponed or canceled upon the request of either party. The delay caused by such postponement shall be charged to the period for presenting evidence of the movant.

The following shall not be charged against the period allotted to either party:

(a) The period when presentation of the party's evidence is suspended by order of the Tribunal or the Hearing Commissioner by reason of the pendency of an issue in the nature of a prejudicial question which must first be resolved before the hearing can continue: and

(b) The time taken up in the cross-examination of his witnesses by the other party.

A party may present rebuttal or surrebuttal evidence during the remainder of the thirty-day period that he has not utilized for the presentation of his evidence-in-chief (R59)

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