

# Manual of Judicial Writing

## Foreword

Substance and form are the basic elements of all human creation. One without the other would be useless. The purpose of the *Manual* is to provide a standardized form for the substance of Supreme Court decisions and resolutions. The aim is to provide tools for clarity while leaving plenty of room for individual style and preference.

This *Manual* is the product of a year of toil that started at the first Technical Working Group (TWG) meeting on November 16, 2004. The TWG is composed of the following:

### *Project Consultants*

Professor Myrna S. Feliciano, *University of the Philippines College of Law*  
Professor Dante B. Gatmaytan, *University of the Philippines College of Law*

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Atty. Emily L. San Gaspar-Gito, *Office of Associate Justice Angelina Sandoval-Gutierrez*  
Atty. Eleonor F. Anunciacion, *Office of Associate Justice Antonio T. Carpio*  
Atty. Antonia T. Largoza-Cantero, *Office of Associate Justice Ma. Alicia Austria-Martinez*  
Atty. Gorgonio B. Elarrao, Jr., *Office of Associate Justice Renato C. Corona*  
Atty. Annelle R. Gonzales, *Office of Associate Justice Conchita Carpio Morales*  
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Atty. Alejandro G Lesaca, *Office of Associate Justice Adolfo S. Azcuna*  
Atty. Oliver Xavier A. Reyes, *Office of Associate Justice Dante O. Tinga*  
Atty. Norman R. Gabriel, *Office of Associate Justice Minita V. Chico-Nazario*  
Atty. Melchor G Magdamo, *Office of Associate Justice Cancio C. Garcia*

### *Support Staff*

Ms. Leoni R. Ramos, Project Stenographer, *Project Management Office*

From November 2004 to January 2005, the TWG undertook a series of revisions on the initial draft submitted by the project consultants. At its meeting in January 2005, the TWG formed a sub-committee to thoroughly revise and edit the working draft. The members of the sub-committee are Attorneys Edna E. Diflo, Maria Victoria Gleoresty Sp. Guerra, Edna B. Camba of the Office of the Reporter, Annaliza S. Ty-Capacite, Bernadette Ann A. Villa, Asra Pieda Conlu, and Alejandro G Lesaca. From March 2005 to July 2005, the subcommittee thoroughly and extensively went through the draft.

On August 3, 2005, the subcommittee presented the revised working draft to the TWG. After further corrections, the proposed *Manual* was presented to the Court on September 13, 2005. The Court granted its members time to submit their comments and suggestions. Senior Associate Justice Reynato S. Puno and Associate Justices Artemio V. Panganiban, Consuelo Ynares-Santiago, Angelina Sandoval-Gutierrez, and Antonio T. Carpio submitted their comments and suggestions, which they incorporated into the draft. The TWG submitted alternatives on the items it could not resolve. On November 15, 2005, the Court deliberated on the new draft, resolved the remaining issues, and finally approved the *Manual*.

Special thanks for funding assistance to the United States Agency for International Development (USAID) which approved a grant to the Court under the Legal Accountability and Dispute Resolution (LADR) program implemented by the Asia Foundation. I also thank Atty. Ismael G Khan, Jr., Chief of the Public Information Office, and Mr. Jed M. Eva III, also of the PIO, for doing the layout and styling of the *Manual*; and Ms. Milagros S. Ong, Chief, Library Services, and her office, for doing the index. And, of course, I

thank Ms. Evelyn Toledo-Dumdum, Program Director, Program Management Office, for her overall coordination and encouragement.

On behalf of the TWG, I am pleased to present the *Manual* with the prayer that it may truly be of use.

Manila, December 15, 2005

Adolfo S. Azcuna  
*Associate Justice*

## **Introduction**

Words are the lifeblood of judicial decisions or of any other form of writing. When the right words are used, they serve as gems that give luster to a message or idea. On the other hand, gobbledygook, legal jargon, or archaic language is likely to take away the vigor of a message. Thus, the use of plain, concrete words are encouraged, especially in judicial decisions — which are meant to settle, not to further cloud, grey areas in law or in contracts, as well as to end justiciable controversies instead of spawning new ones.

While the Constitution requires that decisions express clearly and distinctly the facts and the law on which they are based, it does not prescribe a specific form or style. Magistrates are free to adopt their own style as long as it catches the real nuances and essence of the principle or message sought to be conveyed to the readers, most especially to the parties concerned. They may use sculptured vibrant language if only to add drama or color to their decision and to make it appealing and convincing to the readers. They may utilize idioms because, as someone has said, "[a] language without idioms is like a man who cannot smile."

What this *Manual* seeks to achieve is uniformity or consistency of style but only with respect to matters of form and citations without necessarily encroaching the personal style of the Supreme Court Justices in drafting opinions or resolutions. Built on the *Report on Uniform Decision-Writing Style*, which was the fruition of the consultations with the lawyers of the Court, this *Manual* draws on a wealth of sources or style books, which are duly acknowledged in the footnotes as a matter of common courtesy and practice. It is designed in a practical and simple fashion so that readers do not have to spend an inordinate amount of time in absorbing its contents. It also provides examples to illustrate the rules.

Part 1 sets out a guide on how a decision or resolution will appear in print; it covers matters of form such as the type and size of font, margins, and spacing. It also includes some basic rules on punctuation, capitalization, italicization, abbreviation, quotations, numbers, and lists. It is not, however, comprehensive; it deals only with important areas of decision-writing. As a guide in the development of one's own style, this *Manual* likewise provides suggestions on the choice of words, length of sentences or paragraphs, and structure of sentences that conform with the tempo of the idea that is to be put across.

Part 2 deals with citations, which include references to records that are unique to the Court, such as *rollos*, transcripts of stenographic notes, and exhibits. It is based on the standards accepted by the Justices, taking into account good practices in citing foreign and local sources and at the same time creating some which are not yet embraced in citation books for being peculiar to court decisions.

I am proud that this *Manual* carries the distinction of being the first of its kind in the Philippines or even in Asia. Even as I will no longer be drafting decisions or opinions for the Court in view of my mandatory retirement at midnight of 19 December 2005, I do hope that the suggested rules in this *Manual* will be observed by those left behind and those who are to come. I shall leave with the expectation that the decisions of the Court will finally have a "style that is distinctively its own."

Hon. Hilario G. Davide, Jr.  
*Chief Justice*

## **1. Matters of Style**

### **1.1. FORMAT**

#### **1.1.1. FONT**

Use Times New Roman, which is the font used in this Manual. Times New Roman has been described in Microsoft Publisher '97 Companion as "the workhorse of serif fonts, compact, and reliable at all sizes" and as a "neutral, businesslike font that is readable for long stretches of body text."

To ensure uniformity, use the following sizes:

Type	Font Size
Header	12
Title	14
Text	14
Block Quote	12
Footnote	10

#### 1.1.2 SPACING

Type	Space
Text	1.5
Block Quotes	1
Between paragraphs	3

#### 1.1.3 MARGINS

Position	Size
Left	1.5"
Right	1"
Top	1"
Bottom	1"

### 1.2. TITLE PAGE

The essential parts of a standard title page of a Supreme Court decision or signed resolution are as follows:

#### 1.2.1. TITLE PAGE HEADER

The title page header shows the seal of the Supreme Court in the first line, the name *Republic of the Philippines* in the second line, the name *Supreme Court* in the third line, the place where the Court held session in the fourth line, and, after three spaces from the fourth line, the words *En Banc, First Division, Second Division, or Third Division*.

#### 1.2.2. CASE TITLE

The title of the case consists of the names of the parties and their appropriate designations, such as *complainant, appellant, appellee, petitioner, and respondent*.

*Examples:*

People of the Philippines,  
Appellee,

-versus-

Juan de la Cruz,  
Appellant.

Lauro C. Bautista,  
Complainant,

-versus-

Judge Juana de la Cruz,  
Municipal Circuit Trial  
Court, San Pablo-San Pedro, Isabela,  
Respondent.

x ----- x

Juanita V. Diaz,  
Complainant,

-versus-

Atty. Julio H. Dimakuha,  
Respondent.

x ----- x

### 1.2.3. DOCKET NUMBERS

1. Each case is assigned a docket number when filed. The docket number is placed opposite the name of the party first listed.

*Example:*

Lauro C. Bautista, GR. No. 123456  
Petitioner,

2. If the cases are consolidated, the cases are listed according to their docket numbers in ascending order.

*Example:*

Lauro C. Bautista, GR. No. 123456  
Petitioner,

-versus-

Juana de la Cruz,  
Respondent.

x ----- x

Jose C. Dimagiba, GR. No. 135642  
Petitioner,

-versus-

Juana de la Cruz,  
Respondent.

x ----- x

3. For administrative decisions involving court officials and - personnel and other administrative matters, the docket number should be written as "A.M. No. \_\_\_\_\_."

*Example:*

Marissa L. Reyes, A.M. No. \_\_\_\_\_  
Complainant,

-versus-

Judge Marco N. de Leon,  
Regional Trial Court, Branch 300,  
Quezon City,  
Respondent,

x ----- x

4. For administrative decisions involving lawyers, the docket number should be written as "A.C. No. \_\_\_\_\_"

*Example:*

Marissa L. Reyes, A.C. No. \_\_\_\_\_  
Complainant,

-versus-

Atty. Soledad M. Dolor,  
Respondent.

x ----- x

1.2.4. LIST OF JUSTICES

The names of all the Justices of the En Banc or Division, as the case maybe, are listed in capital letters below the docket number according to seniority.

*Example:*