

VIII. EVIDENCE

A. General Provisions and Principles – Rule 128

1. Definition of Evidence

Sec. 1. Evidence Defined. — Evidence is the means, sanctioned by these Rules, of ascertaining in a judicial proceeding the truth respecting a matter of fact.

Sec. 2. Scope. — The rules of evidence shall be the same in all courts and in all trials and hearings, except as otherwise provided by law or these Rules.

Scope of Application

The Rules on Evidence are applicable only to judicial proceedings [Sec. 1, Rule 128].

Judicial proceedings are of three kinds only:

1. Civil action – which is of two kinds:
 - a. Ordinary civil action, and
 - b. Special civil action
2. Criminal action, and
3. Special Proceedings [Sec. 3, Rule 1].

2. Uniformity of Evidentiary Rules

General Rule: The rules of evidence shall be the same in all courts and in all trials and hearings (*Sec. 2, Rule 128*)

Exceptions: If otherwise provided by:

1. Law (e.g. 1987 Constitution, statutes)
2. Rules of Court (Sec. 2, Rule 128).
3. SC issuances (*e.g., Judicial Affidavit*

Rule, Rules on Procedure for Environmental Cases, Child Witness Rule, Rules on Electronic Evidence, Rules on DNA Evidence)

3. Proof v. Evidence

Proof

Result or effect of evidence

Evidence

Mode and manner of proving competent facts in judicial proceedings

4. *Factum Probans v. Factum Probandum*

Factum Probans	Factum Probandum
Intermediate or Evidentiary Facts	Ultimate Facts
The fact by which the factum probandum is to be established.	The fact or proposition to be established.
The fact to be proved; the fact which is in issue and to which the evidence is directed.	The probative or evidentiary fact tending to prove the fact in issue.
Existent	Hypothetical – what one party affirms and the other denies

B. Liberal Construction of the Rules on Evidence

The Rules of Court, including the Revised Rules on Evidence, shall be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and