

## Rues on Evidence Revisited

Eduardo D. de los Angeles

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*KEYWORD(S): RULES OF EVIDENCE, REAL EVIDENCE, DOCUMENTARY EVIDENCE, TESTIMONIAL EVIDENCE, BEST EVIDENCE RULE, PAROL EVIDENCE RULE, HEARSAY TESTIMONY,*

*SUBJECT(S): REMEDIAL, EVIDENCE*

In this Note, Dean de los Angeles discusses the various forms evidence may take as contained in the proposed 1987 Rules of Evidence. They are: real evidence, documentary evidence, and testimonial evidence. Under real evidence, the following topics are tackled: articles, documents, physical examination, ocular inspection, photographs, tape recording, and experiments. Anent the issue of self-incrimination in requiring the accused to submit himself to an inspection of his body for the purpose of ascertaining identity or for other relevant purpose, authorities have been cited to support the view that the same is allowable and not violative of the constitutional prohibition since said guaranty is limited to a prohibition against compulsory testimonial self-incrimination. Pertinent to documentary evidence, the Best Evidence Rule and Parole Evidence Rule are explained, the applicability of each given. As to testimonial evidence, the Author enumerates the persons disqualified from being a witness. He also lays down the various instances where hearsay testimony is admissible, that is: dying declaration, declaration against interest, declaration about pedigree, family reputation or tradition regarding pedigree, common reputation, *res getae*, entries in the court of business, entries in official record, commercial lists, learned treatises, and testimony at a former trial. The Note wraps up with a brief critique of the proposed Rules, whereby it is observed that while there has been a conscious effort to clarify ambiguous provisions and to incorporate decisional principles in the Rules, there remains a lacking consideration for flexibility in relaxing the Rules when circumstances warrant.