



Debate and Oral Arguments

There will be two (2) debate activities for this semester. The 1st Debate Activity will constitute your Pre-mid Exam (will form part of your Class Standing), and the 2nd Debate Activity will constitute your Prefinal Exam (20% of the final grade). There will also be a final oral arguments activity before the end of the semester (20% of the final grade).

1st Debate Activity – Feb. 23 (Thu)

2nd Debate Activity – TBA

Final Oral Arguments Activity - TBA

The class should be divided into two (2) groups



Office of the Prosecutor

- Affirmative Side.
- Will argue for the <u>conviction</u> of the accused.
- Should have four (4) prosecutors (debaters).
- Other members of the group will act as legal researchers.

Public Attorneys Office

- Negative Side.
- Will argue for the <u>acquittal</u> of the accused.
- Should have four (4) public attorneys (debaters).
- Other members of the group will act as legal researchers.



Proposition

Both teams will be given a case study from which a proposition or controversy will be derived.

Each team will then have to prepare and argue the merits of their side on the basis of the proposition.



Issues



Necessity

- Discusses the presence or absence of an inherent flaw of the proposition.
- Answers the question "why should the proposition be sustained or rejected?"
- There shall be 1 Necessity Speaker for each team.

Beneficiality

- Discusses the advantages or disadvantages of adopting or rejecting the resolution.
- Answers the question "what are the advantages or pitfalls in adopting the proposition?"
- There shall be 1 Beneficiality Speaker for each team.

Practicality

- Discusses the feasibility of the proposition.
- Answers the question "how attainable or impractical is the proposition?"
- There shall be 1 Practicality Speaker for each team.

Closing Argument

- Gives a brief statement on the main points/arguments of the team.
- Final opportunity to appeal to the wisdom and discernment of the Judge.



Duration of the Speech

Speech of the Speaker – 3 minutes

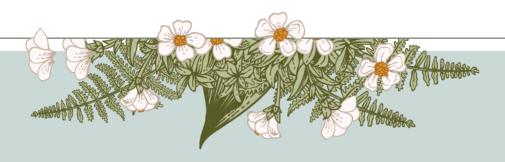
Interpellation by the opposing Speaker — 2 minutes

Closing Arguments – 3 minutes

*The Judge can interrupt the speaker and interject questions within the speaker's time limit. When the Judge is interrogating the speaker, the latter's time will still continue to run.

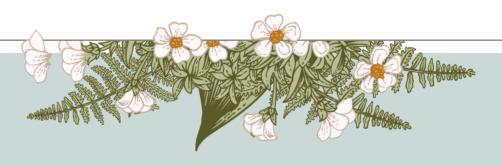


Position Paper



- On or before 11:59PM of February 21, 2023 (Tue), each team should submit via Canvas a position paper clearly, thoroughly and comprehensively elucidating their legal, moral, and/or philosophical bases in support of their arguments.
- The position paper should observe the requirements set forth under Sections 3(a) and 4 of the Efficient Use of Paper Rule (A.M. No. 11-9-4-SC).
- Proper citations should be included (use the APA format).
- The position paper should not exceed forty (40) pages.
- The position paper will be graded separately (Possible Grade: 1.0 3.0 or 5.0)

Possible Bases for the Arguments



- Philippine laws
- Philippine Jurisprudence (Cases decided by the Philippine Supreme Court)
- US Jurisprudence (Cases decided by the US Supreme Court)
- Principles of Public International Law
- Books, Papers, and Articles by reliable local and international authors
- Principles of Philosophy and Morality
- Other reliable sources

Flow of the Arguments



1. Necessity Speaker (OP) -

Speech

2. Necessity Speaker (PAO) –

Cross-examination

3. Necessity Speaker (PAO) –

Speech

4. Necessity Speaker (OP) –

Cross-examination

5. Beneficiality Speaker (OP) –

Speech

6. Beneficiality Speaker (PAO) –

Cross-examination

7. Beneficiality Speaker (PAO) –

Speech

8. Beneficiality Speaker (OP) –

Cross-examination

9. Practicality Speaker (OP) –

Speech

10. Practicality Speaker (PAO) –

Cross-examination

11. Practicality Speaker (PAO) –

Speech

12. Practicality Speaker (OP) -

Cross-examination

13. Closing Arguments (OP)

14. Closing Arguments (PAO)

-End-

Grading System



• If the debate activity is **successful** and **productive** (i.e. position papers are well-written; the debaters are prepared and taking their roles seriously; spectators are well-behaved)

• If the debate activity is a **failure** (i.e. position papers are poorly drafted; the debaters are underperforming; the spectators are disorderly)

Winning Team – 1.0

Losing Team – 1.5

Winning Team – 3.0

Losing Team – 3.5

Attire



JudgeJudicial Robe



DebatersBusiness Formal



Researchers/Spectators

Business Casual



Reminders:

- The Class Representative shall act as the timer, rule enforcer, and court interpreter. The grade of the Class Rep shall be equivalent to the grade of the winning team.
- Each team is allowed at most two (2) laptops to be used only by the researchers, which may have internet connectivity via pocket wifi or mobile hotspot.
- No other devices aside from the 2 laptops and pocket wifi or device used as mobile hotspot shall be allowed.
- The researchers may silently hand over notes to the debaters, provided that the recipient debater/s is/are not giving his/her/their speech or closing arguments or conducting his/her/their cross-examination.
- The actors (i.e. debaters and reasearchers/spectators) should wear the appropriate attire.
- The actors are prohibited from shouting, laughing, booing, disrupting, performing a standing ovation, or exhibiting any behavior which may interrupt or impede the orderly conduct of the debate activity. However, the actors may clap their hands at appropriate times during the course of the proceedings to manifest their support for their debaters.
- Any violation of the foregoing or any conduct on the part of the actors which disturbs or, to the mind of the judge, may tend to disturb the debate proceedings shall warrant a deduction of .1 from the overall grade of the team to which the violator belongs.
- The overall grade of the groups will be the average of their Debate Grade and Position Paper Grade, less the deductions, if any.



Case Study: The Case of the Speluncean Explorers

Synopsis:

A group of five (5) cave explorers are trapped in a cave due to a landslide. Approaching starvation, they make radio contact with the rescue team. The rescue team estimate that rescue will arrive only after at least ten (10) days. However, the explorers are told that it is unlikely that they will survive another 10 days without food. The explorers ask whether they would survive if they killed and ate one of their own, and they were told that they would. When asked if they should hold a lottery to determine whom to kill and eat, no one on the rescue team had the courage to respond. The explorers then turned off the radio, and a lottery is later held. The loser was killed and eaten. When they are rescued, the four remaining cave explorers were prosecuted for the crime of murder under Article 248 of the Revised Penal Code.





Proposition:

The four cave explorers should be convicted of the crime of murder under Article 248 of the Revised Penal Code.



Preliminary Proceedings - Script



Interpreter: All rise. (Judge enters the room)

Judge: (Judge bangs the gavel. Everybody sits down) This Court is now in session. Please call the case, Mr. Interpreter.

Interpreter: Good morning, your honor. Today's case is Criminal Case No. 1-CS3206-2023 entitled People of the

"Philippines vs. The Four Speluncean Explorers".

Judge: Representations?

Debaters: Good morning, your honor, and may it please the court. My name is Prosecutor/Public Attorney. [name of

debater], and I'll be speaking for our argument's [N/B/P], <after all debaters> and we are from the [OP/PAO]

representing the [People of the PH/Accused Speluncean Explorers], your honor,.

Judge: Are you ready, counsels?

Debaters: Yes, your honor.

-Start of Debate Proper-

