

## On Courtroom Questioning: A Forensic Linguistic Analysis

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### Abstract

*Courtroom proceedings are the best way to extract all the needed and relevant information to give the vivid picture of the case. It gives the judge the profound knowledge in giving the final verdict. This forensic linguistics study employing textual analysis aimed to identify the different types of questions, types of responses and violations involving multiple cases. There were 30 Transcript Stenographer's Notes utilized where relative data and information were extracted. Courtroom proceedings used appropriate closed yes-no questions, appropriate closed specific questions, probing questions, open questions, and yes-no questions which were identified as appropriate types of courtroom questions. Conversely, unproductive or poor questions included multiple questions, opinion/statement questions, leading questions, misleading questions which are discouraged and objected to ask. Maxims of Manner, Quantity and Relevance were the types of responses observed by the witnesses. However, these maxims were also violated.*

**Keywords:** Applied Linguistics, Forensic Linguistics, textual analysis, Griffiths Question Map, Cooperative Principle, Courtroom proceedings

Chapter 1

### Introduction

#### Rationale

The Philippines as one of the democratic nations in Asia, is facing a societal malady that the present administration is trying to quell to enhance the living conditions of every Filipino. Statistics shows that in 2015 alone there were 885,445 crimes reported from January to June, compared to 603,085 last 2014 a 46% increase (Suerte-Felipe, 2015). The alarming issue is that of all the cases in 2013, only 28.56% have been solved as compared to the 89.86% way back in 2004 (Ranada, 2016). Some of these cases were brought to courts for trials. The court as a judicial institution upholds its credibility to serve the people to bring fair justice to everyone in the community. The judges, lawyers and those who are involved during hearings and proceedings must have to have the readiness and profound knowledge and analysis on the cases presented. There are questions that will never be allowed to ask by lawyers of both sides so that the welfare of their clients will not be jeopardized (Rules of Court, 2005). Gibbons (2003) stated that answers must be in consonance to questions where lawyers asked to witnesses during the courtroom proceedings. And these questions are used to elicit imperative information. Lawyers have specific established and acceptable methods in asking questions during court hearings. It was found out that a deviation from this would lead to a negative impact on confidence-accuracy relationships, thus the mode of questioning sometimes could lessen the confidence of the witness, offender, and victims which may result to compromising accuracy (Oxburgh, Myklebust, and Grant, 2010). Questions raised in courts could either be cordial or hostile where the cross-examiner seeks to test the truthfulness of the facts presented (Coulter & Johnson, 2007; 2010).

Additionally, courtroom trials utilized the yes/no questions (Andrade & Lintao, 2016) and yes/no Wh-, and/yes for susceptible witnesses, conversely, tag, yes/no and Wh questions for non-susceptible (Villanueva & Ranosa-Madrurio, 2016). However, Oxburgh, et al. (2010) confirmed that there were limited studies pertaining to courtroom questioning.

Moreover, most of the forensic linguistics studies are on language and the law (Ainsworth, 2016), and discourses (Ang, 2016; Cadavid; 2016; Alarcon, 2016; Deuna & Lintao, 2016; Youping, 2016; Lintao, et al, 2016; and Walisandura, 2016). Thus, the present study could be an additional body of knowledge to the very limited studies on court questioning. Likewise, studies on court questioning were only limited to a single case such as rape (Papilot-Diaz, 2016) and drugs (Andrade & Lintao, 2016). Equally important, the analysis of texts using the framework of Grice was only limited to the analyses of literary texts (Short, 1996), on natural language processing (Young, 1999) and on social cognition (Strack, Schwarz, Wänke, 1991). There was no study conducted relative to the analysis of court questioning and identification of the different types of conversational maxims of Grice (1975) and identification of violations. This study was conducted to determine the types of questions asked during the courtroom hearings, the types of responses of the witness, whether these questions were answered or violated. The identification of the responses was determined using the Gricean Maxims. Hence, it is imperative to explore this endeavor.

### **Purpose of the Study**

The purpose of this qualitative study employing textual analysis was to identify the different types of questions asked during court trials involving five different cases such as murder, rape, theft, estafa, robbery, PD533 (Anti-Cattle rustling law of 1974) and drugs. This forensic linguistics study analysed the gathered questions and the responses of the suspects, witnesses and the victims using the Griffiths Question Map (GQM). Conversely, the responses of the suspects/accused, victims/complainants, and the witnesses were analyzed using the framework on Cooperative Principle of Grice (1975) whether questions raised during the trial were answered or violated. Cases were taken from the archives of the Provincial Prosecutors Office.

### **Research Questions**

1. What types of questions are asked in the courtroom by the lawyers to the victim/complainant, suspect/accused and witness of multiple cases during court trials?
2. What types of responses are found in the courtroom cases?
3. What maxims are violated on the responses of the victim/complainant, suspect/accused and witness of multiple cases during court trials?

### **Theoretical Lens**

Generally, this study is in consonance to the view of Olsson (2008) that Forensic linguistics is the infusion of the legal parlance to linguistic knowledge. As such, there is an interaction between language and juridical issues. Also, it involved linguistic theories which are very essential and utilized during the courtroom proceedings. It is also very necessary to solve conflicts among parties especially in different cases presented in the court. In the same manner, Olsson (2008) corroborated that Forensic linguistics started from the identification of the authors in the dubious documents. Hence, linguists will come in to analyze the stroke in the penmanship, the language use, the choice of words and the like. This will help them to solve the obscurity of the documents specially on identifying the authors for example on analysing suicide notes. Moreover, it also identified the phrases and sentences utilized by the police officers for example in arresting the accused. The reading of the Miranda Doctrine is a must where it includes words and phrases in the legal milieu. It is read to the accused about his rights as a person. Generally, Forensic Linguistics utilized the indispensable role of language in cases involving documents and the like.

The identification and analysis of the types of questions are anchored on the framework of Griffiths' (2006) Question map developed by Griffiths and Milne (Williamson, 2013). It divides the different types of questions into two categories. First the productive questions which are defined as the proper way of obtaining the important data relative to the case. This includes the following: Open questions which elicit total response from the witness. This type of questions bear up answers that are truthful and based on the accuracy of the events, hence the witness is obliged to be truthful in sharing and narrating the scenarios of the whole story. In the same vein, probing questions are the types of questions that give clarification on the details of the case. Usually it asked the witness to answer questions like who, what, why, where, when, and which or how. Hence, specifying the correctness of the responses. Meanwhile the Appropriate yes/no questions are used to draw conclusive remarks which establish the lawful context. On the contrary, the remaining question types are defined as unproductive and associated with poor questioning which include the Inappropriate closed yes/no questions allow the witness to give a very limited detail of the case.

Thus, information are not that substantial to support the case. On the Leading Questions, these are prohibited during the direct examination of the witness (Rules of Court, 2005) and only be allowed during the cross-examination. Moreover, it can also be a source of dirty tricks (Kassin, Williams and Saunders, 1990) among lawyers which jeopardized the witness in general. And are found to be disturbing for children who stand as witnesses in the courtroom (Zajac & Hayne, 2003; 2006). Furthermore, the Multiple Questions which include numerous sub-questions asked once. These caused difficulty on the part of the witness of which of the questions would be answered first. The Forced Choice questions which only give a limited number of answers coming from the witness, hence gives pressure on the amount of information shared in the courtroom (Gibbons, 2003).

Correspondingly, the analysis of the responses from the five identified cases will be anchored on the Cooperative Principle of Grice (1975). It proposed that participants in a conversation obey a general ‘Cooperative Principle’ (CP), which is expected to be in force whenever a conversation unfolds that they should make their answers or responses as these are required at the time of its occurrence, its intention and the exchange of the discourse. He presented four maxims: quantity, quality, relation, and manner. The maxim of quantity suggested that one must be informative as required based on the purpose and that contribution must never go beyond what has been required. Contribution must be truthful and should avoid telling false information without sufficient information to support one’s claims- the maxim of quality. Conversely, the maxim of relation sustained that contribution must be relevant to what is needed and asked. Lastly, the maxim of manner entails the vividness of the information to avoid perplexity and obscurity.

### **Significance of the Study**

Generally, this study is very timely and sine qua non in the modern parlance of instruction and the legal milieu. Hence, this could be benefited by the lawyers and those in the legal world that they may be informed about the importance of forensic linguistics in the analysis of texts and in solving cases. Since this discipline is not only new in the Philippines, but also new to judges and lawyers. Thus, they could have appreciate its value in helping them to provide fair judgment and they could analyse whether their questions were directly answered or the witness, victim/complainant and the suspect/accused are responding based on the context of questions. And eventually, they will be guided well on their responses by their defending lawyers during the courtroom hearing. Second, this study is the first of its kind in the institution. Students who take their Masters in English and Doctor of Philosophy in Applied Linguistics who wish to venture in this new discipline in the Philippines could have an access and have a profound background. Hence, they will have the guide in doing their own study.

Moreover, this study could be an additional reference to the limited number of studies on court questioning worldwide. And on the aspects of Conversational Maxims, one could have a vivid understanding on how questions in courts during trials are really answered. Lastly, the linguistic community will be provided with sufficient information on court questioning and how the victims/complainants, suspects/accused and the witnesses will answer questions to protect their integrity and security.

### **Definition of Terms**

The following terms are operationally defined to have a common and a vivid understanding of the key terms in this study:

**Courtroom Questioning** is the process in the courtroom proceeding whereby questions may be asked by appearing counsels to witnesses in the witness stand to testify on matters material to a particular case purposely to buttress a legal claim or to discredit one’ credibility. Moreover, the presiding judge in the exercise of his discretion, may ask questions addressed to witnesses and to the appearing counsels concerned. Gibbons and Turrel (2008) affirmed that the prosecution lawyer’s purpose is to destroy the accused’s presumption of innocence and be proven guilty, while the defence is trying to convince the court to provide substantial detail to help his/her client to be exonerated. As such, courts are using different forms of questioning to elicit information and to provide the court a substantial course of the case before it gives its final verdict. **Forensic Linguistics** analyses the legal texts in linguistics perspectives (Coulthard & Johnson, 2010). Olsson and Luchjenbroers (2013) defined forensic linguistics as the interface of both law and applied linguistics. Wherein, linguistic features are used in the legal parlance. This may be applied in Conversation Analysis, Discourse Analysis, theory of grammar, Cognitive Linguistics, Speech Act Theory and the like.

**Gricean Maxims** are focused on the cooperation between questions and its answers and on the aspect of the sentence and its meaning and how the speaker perceives and understands it. In the same vein, it also looks into how the language is carefully used and how to give reasons (Davies, 2007). Cooperative Principle entwines that the utterances in conversations support its purpose. Grice (1975) proposed conversational rules in which he called maxims. The purpose of this principle is to determine the relevance in the conversations. There are four identified maxims. The maxims of quality entails that compliance of this maxim must be observed or else it would turn the language into nonsense. Thus, these maxims should be apparent. In the same manner, the maxim of relevance implies the relevance of the responses to the question. Conversational inferences are also observed in this maxim. The third maxim explains that the giving of the information must be informative as it is required. Lastly, the maxim of manner justifies that responses must be strictly clear (Tserdanelis & Wong, 2004; Coulthard & Johnson, 2007).

**Witness** is a person either a witness, a victim or a suspect/ offender may testify on the veracity of the case. The Rules of Court (2005) defined a witness as someone who has the capacity to understand, be understood, and make their known understanding to others. The international law, also includes experts and professionals and interpreters to stand as witnesses during the courtroom proceedings (Mackarel, Raitt, and Moody, 2000). Moreover, the witness could also be placed under the witness protection program especially if his testimonies would substantiate the material points (Republic Act No. 6981 series of 1991).

**Victims/Accused** are persons or entities whose rights have been violated. They are affected physically and psychologically (Symonds, 1975; Carmen, Rieker and Mills, 1984; Janoff-Bulman, 1995). Usually they know their attackers (Bachman & Coker 1995).

**Lawyers** are persons who passed the necessary bar examination, took the lawyers' oath and signed the roll of attorneys. In the same vein, they are the officers of the court with authority to represent and argue for their client's cause. They technically define and interpret the law based from their acumen since the language of the law is full of ambiguity (Heineman, Lee and Wilkins, 2014).

**Multiple cases** pertain to five cases that cover this study. These include cases onmurder, rape, theft, estafa, robbery, PD533 (Anti-Cattle rustling law of 1974) and drugs. Rape is also known as a sexual violence against women and men whereby the perpetrators usually attacked the victim for self-gratification. There is a full or slight penetration of the penis either on a woman's genital or at a man's anus (Krug, Mercy, Dahlberg and Zwi, 2002).

Under Republic Act 7659 otherwise known as the Revised Penal Code reiterated that it involved a person who killed another person and found guilty of the acts of crime he/she committed will be punished by reclusion perpetua. This law also included circumstances that it covered where someone uses his strength with the aid of armed men to topple down a person, and those who asked someone to kill a person with reward or price, and by dehumanizing his/her victim and brings total torments up to the last breath of the victim's life.

Chapter 3 of the Criminal Law of the Philippines Article 308-311 vividly accentuated that theft is committed by anybody who unlawfully took someone's property without the former's knowledge. Likewise Article 309 presented the consequences that a person committing this crime faces. And those who took properties during the times of calamities will be liable under Article 310 (qualified theft). Likewise, robbery is punishable by law under Republic Act Number 12 (An Act Amending Articles One Hundred Forty-Six, Two Hundred Ninety Five, and Three Hundred Six of the Revised Penal Code). It is a form of attacking vehicles or by entering an enclosed place, and by taking a person belongings without his knowledge and in great surprise, a penalty will be in maximum level to the offender. Moreover, the leader of the band will be penalized with a higher degree.

Conversely, estafa is also known as deceit or swindling is also covered by the criminal law in the Philippines. Article 315 paragraph 2a of the Revised Penal Code. It presented that it is a form of fraudulence whose intention is to give false pretences which involved the elements of using invented names or actions, credit, faithlessly assuming to attribute influence, and the any similar forms of deceptions. The Philippine law also considers cattle as indispensable in the livelihood of a farmer, hence cattle rustling is prohibited under Presidential Decree 533. It is punishable by *prision mayor* (maximum of 6 years to one day of imprisonment). When the offender, in the circumstance killed the owner of the cattle, the offender will face a life sentence or *reclusion perpetua*. Henceforth, the country is in the midst of its fight against drug addiction. Section 1 of RA 7624 stated the inclusion of the teaching of the negative effect of drug addiction among the indigenous groups.

Republic Act 9165 or the Comprehensive Dangerous Act of 2002 vividly apprised the different terminologies pertaining to drug addiction, selling and manufacturing. The different types of prohibited drugs were also articulated.

**Courtroom Trials** entail the proceedings in court which allow the parties to present their evidence purposely to buttress a claim or defence. On said occasion, parties through counsel are given an opportunity to cross-examine the witness presented by the other party. However, this is not only limited to the presentation of the pieces of evidence. As such, it includes other stages of the trial such as but not limited to pre-trial and hearing on whatever motion filled by any party (Rules of Court, 2000).

### **Delimitations and Limitations**

This study is delimited only to cases such as murder, rape, theft, estafa, robbery, PD533 (Anti-Cattle rustling law of 1974) and drugs. These were the cases available in the archives of the court since cases like Violence Against Women (RA 9262) were rarely forwarded to the branch for hearing. All of these texts were taken from the office of the Provincial Prosecutor, where a copy of data from courtroom proceedings is stored. This office covers all the municipalities of the province of Cotabato. The forensic linguistics analysis was limited only on the extraction of the types of questions from the legal texts using the paradigm of Griffiths' (2006) Question Map. Equally important, the responses of the victim, suspect and the witness were analyzed using the maxims of Grice (1975) in which different types of violations were identified.

### **Organization of the Study**

This study is organized into five chapters. Chapter 1 focuses on introduction in which the rationale explains the background of the study, purpose of the study, research questions, theoretical lens, significance of the study, definition of terms, delimitation and limitations and organization of the study. Chapter 2 environs the review of related literature taken from national and international sources that have bearing on the present study. Chapter 3 encompasses the thick description of the research design, role of the researcher, research materials, data collection, data analysis, trustworthiness and credibility and ethical consideration. Chapter 4 presents the results of the study categorically arranged based on the research questions. Lastly, Chapter 5 is the discussion of the results of the study whereby the implication for practice, implication for further research and concluding remarks will be delineated.

## **Chapter 2**

### **Review of Related Literature**

In this chapter, I have presented different literatures and studies that have bearings on the present study.

### **Forensic Linguistic Analysis**

Olsson (2008) defined forensic linguistics as an interface between linguistics and the law including law enforcement. It also applies linguistics methods in the wider range of Conversation Analysis, Discourse Analysis, theory of grammar, Cognitive Linguistics, Speech Act and etc to the legal parlance. Additionally, McMenamin (2002) states that forensic linguistics appertains to deciphering the purport of the conversations both in written and oral, identification of the authors, analysis of the courtroom proceedings with the participation of the judges, lawyers and the witnesses; and the elucidation and language translation within the contexture of the law. On the other hand, it analyses the language of some area of human life which has relevance to the law, whether criminal or civil. Hence, Forensic linguists were consulted by lawyer whether prosecution or defense, police forces, private individuals, corporate clients, government departments and other organizations. Sometimes, rarely a judge will seek an opinion on a forensic linguistic matter and the linguist will be appointed by the court (Olsson & Luchjenbroers, 2013).

Linguists analyzed texts to draw a plethora of tools, methods and theories to interpret the contents. It needs consideration on the similarity and how it is different from the other settings. Coulthard and Johnson (2007) analyzed oral discourse which included the cooperation of their participants, politeness and the rules for turn-taking: turn design, allocation, distribution and function.

Though not always designed as questions with interrogative syntax, the lawyers' turn in witness examinations in the court functions to elicit information and confirmation. Moreover, Shuy (2005) presented three contexts in which linguistics analysis can be beneficial: on the collection of the necessary data significant to the case, the police ways of questioning and the courtroom proceeding itself. Suspects during the interrogations conducted by the police operatives may give in and admit the crimes in which they did not actually commit. This was called by Ofshe and Leo (1997), Ofshe and Leo (1998) as wrong way of professing the crime committed. The processes whereby questions are asked and answered divulge language strategies that will be utilized for analysis. Shuy (1998) also added that prosecutors may use their language strategies to undermine the witness and pushing them towards admitting the case in which they are innocent. Alarcon (2016) found out that code switching was utilized in the courtroom trial to test on the consistency of the witness's assertion. Judges apprised that decisions made were not affected by how lawyers asked questions to the defendants. Conversely, the data of the analysis enshrouded that leading questions could have played a vital role in the decision of the judge. Thus, the types of questions asked by lawyers to some extent have impact on the final verdict of the case.

It was stated by Russel (2002) that initial speech encounters are very important to set up the course towards legal procedures. Indeed, police interviews characterized as the upstream event that sets in motion the course of action that can lead eventually to a trial, often occurring many months and miles downstream. Additionally, Heydon (2005) affirmed that the core of police interviews can lead to the confession of the suspects on the crime committed.

Denials and admittance of sexual offenders and murderers varied on how the police officer dealt with them. Interviews marked by dominance resulted to higher eventuality of denials. However, when it is marked by humanity where they felt that they are respected, it resulted to admission of the crime (Holmberg & Christianson, 2002). There were series of tactics used by the police operatives during interview of the suspects. Soukara, Bull, Vrij, Turner, and Cherryman (2009) found that coercive tactics were used very infrequently but that tactics concerned with the seeking of information were common.

The findings of Granhag, Strömwall, and Jonsson (2003) made an assessment on lie deception that lying pairs (invented excuses) showed consistency towards their statements as compared to truth-tellers. Additionally, this findings were in contrast to the applied contexts that liars are usually giving multiple responses. On using the deception strategies, the prisoners were found to be experts (Vrij & Semin, 1996) and nonverbal cues were said to be the central focus of deception (Forrest & Feldman, 2000; Granhag, & Strömwall, 2002; De Paulo, et al., 2003).

Künzel (2001) made an investigation on the effect of telephone transmission on the format of frequencies and found out that all vowels became the positive predictor except vowel /a/. On the contrary, Foulkes and French (2012) undertook voice and speaker analysis profiling. However, the result suggested that analysis on the vocal features of the respondents were not significant in identifying the person's identity. But it gave the plethora of information about the person involved. Broeders (2001) focuses on the use speech and audio in helping solving cases.

De Vel, Anderson, Corney and Mohay (2001) used email contents pertaining to authorship attribution using the Support Vector Machine gave promising results in identifying different authors on groups of topics. The use of the machine was also indispensable on the findings of Zheng, Chen and Huang (2006) in which they were able to identify authors of online messages with an accuracy of 70 to 95%. Juola (2008) also made a study on this milieu on the purpose of retrieving significant information based on authorial style. It was also significant even on cases which use unfamiliar and difficult languages. Meanwhile, Stamatatos (2009) used the plethora of online sources in identifying authors such as blogs, email and online forum messages. The free online Machine Translation (MT) was utilized by Somers, Gaspari and Niño (2006) in detecting plagiarism and the reuse of texts. Using the forensic linguistic, Sousa Silva (2014) found that plagiarism was done based on the person's intention. This was detected by the use of computer software. Jurors on the other hand have the difficulty on relying on the testimonies of the witnesses because it was already influenced by the repetition of questioning prior to their appearance in the courtroom. Hence, courts allow experts on psychology to testify on giving factors that influence the witness' memory of the case, thus, jurors reliability on the witness is ameliorated (Penrod & Cutler, 1995).

## Courtroom Questioning

Court questioning is considered as a verbal interaction in the courtroom, whereby, both parties listen and ask questions, leading the jury to draw fair and final judgment of the case.

The cross-examination is not the best way to ask questions to persons with intellectual disabilities because of their inability to give accurate and factual reports. It was suggested that they will be questioned based on their ability to give precision on the evidence (Kebbell, Hatton, and Johnson, 2004). On the other hand Gudjonsson, and Gunn, (1982) assert with an aspect of the law relating to the use of a mentally handicapped victim as a prosecution witness in a criminal trial. Here the particular question was of the victim's competence to act as a witness, and the likely reliability, or otherwise of her evidence. The results of psychological testing were found to provide guidelines by which the court could distinguish between areas of the reliable and the unreliable in the evidence.

As such, Teply (2007) suggested that lawyers should have to understand the cognitive and moral development of the child before interaction would be done. The barrier in the use of communication must also be given an emphasis to help the child feel comfortable, and asking questions must be on their level of comprehension. The role of the lawyer will also be explained. The lawyer would also know the difficulties on dealing with the problems such as issues of confidentiality, dealing with parents, working with a child who has been severely injured or who has witnessed a death or serious injury, and counseling the child on how to make decisions.

Moreover, cross-examination was found to be an inappropriate style of questioning for children aged 5 to 6 who stood as witnesses because they changed their original testimony, hence the level of accuracy is affected (Zajac, and Hayne, 2003; 2006). This was further affirmed that cross-examination was not a fair way to ask children in the courtroom (Zajac, O'Neill, and Hayne, 2012) because of the complexity of the questions asked (Powell, Fisher and Hughes-Scholes, 2008). It casts doubt on forensic safety because of its heavy reliability of closed and leading questions (Hanna, Davies, Crothers, and Henderson, 2012). This is also true to adults courtroom witnesses (Valentine & Maras, 2011).

An eleven-hour video-recording of the Italian criminal trial against Sergio Cusani were fully transcribed, resulting in 3700 turns of talk (1850 question turns and 1850 answers), which were analyzed on the basis of the conversational and discursive approach. Results show how legal professionals and witnesses use different strategies to impose their own line of argument. In general, the more frequently the lawyers use a question the more it is coercive. Witnesses, on their side, prefer to provide elaborate answers (Gnisci & Pontecorvo, 2004).

Lawyers asked challenging questions to complainant's rape assault cases both adults and children (Zajac & Cannan, 2009) though there are considerations given to children. Adults' complainant showed no immunity to the negative impacts of cross-examination on their testimony in the courtroom. Findings also showed that the credibility of the testimony was challenged when leading questions were used because these might affect the ability of the witnesses' to give truthful and reliable details of the story.

Some proceedings also showed that there are differences of styles especially on how the judges and lawyers asked the witnesses, offenders and the victims. In the United States of America for example, it is always a lawyer-witness exchanges. They use question cascade techniques (Linell, Hofvendahl & Lindholm 2003). However, in the Romanian context, the judge serves as interrogator who directly asked the witnesses in the courtroom and never used the cascade technique so as not to undermine the credibility of the witnesses (Fărcașiu, 2012). In Canada, it is allowed during the courtroom proceeding that lawyers of both parties can ask leading questions (O'Fee & Opalinski, 2013). On the contrary it is prohibited in the Philippine context especially during the direct examination of the witnesses (Rules of Court, 2005). Moreover, in Australia, the role of court questioning is to organize, limit, and structure that witnesses can express their stories, thus courts allow the repetition of questions so that it will assess on the truthfulness of the witnesses' statements (Eades, 2008).

In verifying the veracity and authenticity of the evidences presented in the court, presupposition is used in court questioning because it can help to tell the real story of the case. Moreover, it also provides new details of information which are relative to helping witness credibility. Therefore, it is an effective, legitimate and perfect contribution to the juridical system of the land (Hickey, 1993). The courtroom trial in some instances, lawyers elicited information from the witness using the conjunction and followed by the question. Coulter and Johnson (2007) made an emphasis on their study that lawyers themselves are giving a point on the information given by the witness for the benefit of the jury and of the whole case.

It serves as a window where the whole picture of the case could be seen and analyzed. Perhaps this process answers questions that sometimes the witnesses cannot really give vividly the events of the circumstances.

There are processes on questioning during the cross-examination of the witness. It aims to destroy the assertion of the defendant's persona and to weaken their claim and oath in the court. Furthermore, it is the truthfulness that is being extracted during this process (Chesler, Kalmuss, Sanders, 1984) from the witness based on their knowledge and honesty to tell the whole truth and nothing but the truth (Wellman, 1997). Conversely, it is said that this process may result to the 'discourse of denial' (Brennan, 1995).

Henceforth, Gibbons (2003) also presented that there are questions that extract the amount of substantial information. These are polar yes-no questions which ask for all the necessary information relevant to the case but gives no pressure; the choice questions that no other alternative answers would be given except from the given choices; the Who, Where and When questions, which ask for names, places and the time of the occurrence of the case; the How and Why questions which ask the witness for the further elaboration of the events and the projection questions which ask the witness based on the perspectives of the lawyer on the events.

### **Gricean Maxims**

In order to explain the processes underlying implication, Grice (1975) developed the following maxims: The maxim of quality entails that the speaker tells the truth or provable by adequate evidence. This provides that whatever we said must be supported substantially before its truthfulness could be affirmed or confirmed. In like manner, this maxim asserted that one must tell the truth rather than to lie. Information that are not on the context of veracity are not considered information but a product of mendacity (Grice 1989: 371). Furthermore, the maxim of Quantity stated that the speaker must give the required information. The maxim of relation identified the relevance of the topic in relation to the discussion. Lastly, the maxim of Manner implied that the speaker should avoid ambiguity or obscurity and must be direct and straightforward.

Davies (2008) says that when the surface meaning of an utterance does not follow the Gricean maxims (but the circumstances show that the speaker is complying with the Cooperative Principle) one should go beyond the surface to find the implied meaning of the utterance. Grice points out examples of implicatures or three categories of cases in which a maxim is flouted, clashed or violated. In the first case, the speaker cannot accomplish the maxim due to certain effect. In a clash of maxims, the speaker is not able to complete the maxim in order to respect the listeners, and in the last case, there is hidden non-cooperation and the speaker can be misled (Grice, 1989). In all of these cases, Grice believes that the audience assumes the speaker is cooperating, following and respecting the maxims.

The maxims are principles of cooperative conversation, and a speaker may fail to adhere to the principles for a number of reasons. Grice pointed out that there could be a violation of the maxims (Tupan & Natalia, 2008) when the speaker is not able to articulate vividly what he/she wants to convey, hence, causes ambiguity (Britton, 1978; Rodd, Gaskell and Marslen-Wilson, 2002). The obscurity of his utterances may be misleading especially on the part of the listener.

In the same manner, the speaker may or may not speak. Thus he chose to be silent in the course of the trial. Thus, it affects the flow of the case. The speaker's silence is a manifestation of flouting to cooperate in the conversation. Anyone cannot extract even a single evidence from the person who opted out to speak especially in the courtroom. There is also an instance that collisions between the two maxims arose (Attardo, 1993; McCoy, Bedrosian, Hoag, & Johnson, 2007). This happens during which the speaker abruptly gives his answer where he needs to repeat his own utterances (McCoy, Bedrosian, Hoag, & Johnson, 2007). However, speakers are guided to choose which of the clashing maxims he would choose.

It was observed that questions were sometimes not being answered directly or violated by the conversant. Flouting was mostly committed by men as compared to women. Empirically, this can be explained because men talk indirectly than women (Rundquist, 1992). Eskritt, Whalen, and Lee (2008) found out that 3 to 5 year-old children were aware on the violations of the Relation, Quality, and Quantity maxims at least under some conditions.

Another study presented on the application of the Grecian maxims in family dinner conversations. Findings suggested that there was no evidence relationship in terms of age group among the children involved in the study on the non-observance of the maxims. On the contrary, fathers gave hints for social purposes while the violations of maxims for children were focused only on social purposes such as joking (Brumark, 2006).

Grice's Cooperative principle was also applied to evaluate online conversations among graduate-level English class. Results suggested that the maxim of quality predicted the direct responses to the posting made. Students on this level, got a higher final grade on their course than their contemporaries. In addition, students with high scores for Manner earned higher conference grades than did their counterparts (Ho and Swan, 2007). It was also proposed by Lumsden (2008) that the operation of the principle must be given distinction to have its continuing role in the theory of pragmatics in avoidance of the conflict of interest.

### Types of Questions

Paul (1993) presented a framework on the types of questions for critical thinking. This involves questions for clarification, questions that probe assumptions, questions that probe reasons and evidence, questions about viewpoints and perspectives, questions that probe implications and questions about the question. Similarly, Erickson (2007), Wiggins, and McTighe, (2005) developed the conceptual questions and essential generative questions. The former aims to dig deeper through cognitive processes and thinking abilities, while the latter motivates/initiates learning and frame content or these are questions that are used to classify or categorize subject matter content.

In a like manner, Moore (1995) categorizes types of questions used by teachers as follows: factual, empirical, productive and evaluative. Factual questions were the type of question frequently asked by teachers (Ambrosio, 2013; Faruji, 2011; Hussin, 2006). Similarly, Celce-Murcia and Larsen-Freeman (2008) that Wh-questions are indispensable for social interactions, getting information, seeking explanations and eliciting vocabulary. The yes-no questions are types of interrogatives which expect the answer "yes" or "no". Questions answerable by yes or no and open-ended questions were the usual types of questions asked during interrogations where the latter got the longest interviewee response (Snook, Luther, Quinlan, & Milne, 2012).

On the other hand, Wh-questions, yes-no questions, questions with lexical tags and alternative questions are some of the types of questions employed in the court hearings (Neubauer, 2006). Gibbons (2003) opined that courts asked declarative, tag questions, modal verb tag questions, agreement tag questions, full verb tag questions and yes or no questions. Opebi (2004) affirmed that communicative interactions were questioning strategies as discourse strategies to extract the needed information during court trials. Moreover, factual questions are permissible to be asked during court hearings. And questions must be reliable enough so that it would not be subjected for objection hence factuality is highly sine qua non on court trials (O'Fee an Opalinski, 2013). The study of Snook, Luther, Quinlan and Milne (2012) disclosed that closed yes-no and probing questions were highly utilized during interviewing of the witnesses. Subsequently, free narration and open-ended were asked in a smaller percentage only.

However, among the types of questioning, open-ended questions got the longest response (Lamb, Hershkowitz, Sternberg, Boat and Everson, 1996). This is followed by multiple and probing question types which included the 5WH. On the contrary, the use of open-ended questions in the free narrative has been found to be a problem especially in eliciting information from children who are considered to be vulnerable by the court (Powell & Snow, 2007; Bull, 2010; Powell, Wright & Clark, 2010). During the free narrative stage of interrogation, Powell and Snow (2007) provided four features that will help in the elicitation of substantial information from the child witness. These include plain language (a language that can easily be understood) (Fisher, Geiselman, Raymond, 1987; Fisher & Geiselman, 2010), friendly (Dick, 2005), the ability of the interviewee to what details will be shared, and a motivating factor which pushes the witness to explain vividly the details of the circumstance. Inappropriate closed and leading and appropriate open questions were identified in the study of Westera, Kebbell and Milne (2013). Closed questions were found to be ineffective since it only give short and obscure responses from the witnesses (Lipton, 1977; Hutcheson, Baxter, Telfer and Warden, 1995) and the flow of the case are affected. Readings relative to forensic linguistics and Cooperative Principle give the vivid and lucid picture of the present study.

Numerous studies articulated the significant findings on the types of questions, responses and the violations. This is a realization that courtroom proceedings played an indispensable role in solving cases by giving reliable and acceptable verdict.

## **Chapter 3**

### **Methodology**

This chapter presents the research design, role of the researcher, research materials, data collection, data analysis, trustworthiness and credibility and ethical consideration.

### **Research Design**

This qualitative research employing textual analysis, aimed to analyse the contents and significance of the present study. Creswell (2009; 2013) asserted that a qualitative research involved the thorough collection and detailed exploration of the documents (Berg, Lune and Lune, 2004; Polkinghorne, 2005; Bowen, 2009) which are indispensable for the profound and substantial data for the analysis which cannot be expressed in numbers like in the case of quantitative approach and involved more words (Trochim & Donnelly, 2001; Basit, 2003; Ryan, Coughlan and Cronin, 2007; Hancock, Ockleford and Windridge, 2009). In the same vein, Morrow (2005), Malterud (2001), Yin (2011), Baxter and Jack (2008) confirmed that this approach is using the different sources of information such as the documents and does not necessarily rely on a single data or source (Ary, Jacobs, Sorensen and Walker, 2013). The researcher must have a knowledge or background knowledge pertaining to the chosen topic. This ensures that the presentation of the findings and analysis will be presented well and in the context of the present study.

Similarly, this paper is qualitative in nature because it used data which include five cases coming from the office of the Provincial Prosecutor. These data were the copy of the Transcribed Stenographer's Note (TSN). It involved the verbatim discourses during the duration of the courtroom hearing. Its purpose was to produce a copy which will be reviewed whenever questions will be raised. Additionally, it is sine qua non for the review of the cases by the lower and the higher courts of the land for further investigations or motions for reconsiderations. It also ensured that the data involved the truthfulness (Hollway and Jefferson, 2000; Wengraf, 2001; Golafshani, 2003; Pillow, 2003; Creswell, 2013) because it serves as an evidence, thus it played a vital role in the fiscal's analysis on giving the verdict of the case (Rules of Court, 2005).

On the other hand, a textual analysis or content employed which conformed to the analysis of the data (Cavanagh, 1997; Rosengren, 1981) either in written or in visual and in oral transcribed data (Cole, 1988; Kondracki, Wellman and Amundson, 2002; Vanderstoep and Johnston, 2009). This process has been defined by Hsieh and Shannon (2005) as subjective interpretation of the content of the text through coding (Patton, 2005; Tong, Sainsbury & Craig, 2007; Glesne, 2015) controlled methodological approach (Mayring, 2000) and the identification of its core meaning (Patton, 2002). As such, this approach goes beyond by simply counting the words in the texts (Weber, 1990; Hsieh & Shannon, 2005) but though analysis which aims to classify according to the similarities of meanings including the patterns and themes based on the content of the analysed texts (Budd, Thorp and Donohew, 1967; Lindkvist, 1981; Mc Tavish and Pirro, 1990; Tesch, 1990). Eventually it undergoes the phases of preparation, organization and reporting of the analysed data (Elo & Kyngäs, 2008).

In the analysis of the contents of the documents/texts, I utilized the paradigm of Hsieh and Shannon (2005) in which they articulated that this type of analysis involves three distinct approaches: conventional, directive and or summative. These are useful during the course of textual analysis. The conventional approach involved me to codify my analysis coming from the corpora. This was done so that the anonymity of the persons involved in the cases will be held confidential (Esterberg, 2002; Gambling, 2003; Corden & Sainsbury, 2006; Creswell, 2013; Slavnic, 2013) since these involved criminal cases and on-going cases. Conversely, on the approach of directive, I was governed by the framework by Griffiths and Milne (2006) and the Gricean Maxims (1975) in analyzing the data extracted from the corpora. Lastly, the summative approach guided me on the analysis of the texts, especially the implication on the responses and violations involved during the courtroom trials by the witnesses.

### **Role of the Researcher**

My role in this study is indispensable in the collection of the data and analysis. This is confirmed by Hatch (2002), who accentuated that qualitative researchers immerse their sagacity to make rationality on the data.

I am the main instrument in the gathering of necessary data (Yin, 2011; Denzin & Lincoln, 2000, 2003; Creswell, 2013) through a thorough selection and examination of collected documents. The analyses and the interpretations (Vanderstoep & Johnston, 2009) of the data will be my sole responsibility. The corpora for the analyses will be taken from the Provincial Prosecutor's Office in Kidapawan City. There were five types of cases presented. These were selected based on the availability from the archives through the help of the Assistant Provincial Prosecutor. I worked hand in hand with a fiscal in the said office for the total understanding of legal terms and to interpret the results of cases coming from the courts. I also observed a court proceeding in one of the hearings of a criminal case. This enhanced the focus of my study on forensic linguistics. Moreover, I did some readings especially on the Rules of the Court which gave me a profound understanding of questioning inside the courtroom. In the same manner, I learned that lawyers of both parties utilized different forms of questioning to extract the needed information that answered and solved the case. Additionally, witnesses could either be the witness, suspect and the victim-all of them are called witnesses who would give their testimonies in the witness stand of the courtroom. Furthermore, as a research associate of the Notre Dame of Kidapawan College, I have been a member of the pool of examiners both in undergraduate and graduate levels. With this, I was confident that I play a vital role in establishing this endeavor.

## Research Materials

The corpora for analysis were taken from the archive of the Office of the Provincial Prosecutor in Kidapawan City. Clarke and Braun (2014) stated that a good number of corpora utilized in a textual analysis included 10-100. The present study qualified on this number since I utilized 30 corpora taken from cases which included murder, rape, theft, estafa, robbery, PD533 (Anti-Cattle rustling law of 1974) and drugs which were substantial in the identification of the types of questions and the responses. These types of cases were utilized since these cases were the common types of cases available in the archives. The total number of my corpora exceeded the minimum number. Excluded in this study were cases pertaining to Violence Against Women and Children (VAWC) since the court acted as a mediator to parties to solve their differences. On the case of Child Abuse, victims opted not to pursue because they are afraid for their lives. Hence, there were limited numbers of corpora relative to these cases.

## Data Collection

Prior to the conduct of the study, I consulted a gatekeeper (Merriam and Tisdell, 2015; Creswell, 2013; Seidman, 2013; Hennink, Hutter, & Bailey, 2010; Hatch, 2002; Creswell & Miller, 2000) who works as a fiscal in the Provincial Prosecutors on the availability and accessibility of the materials (corpora). She affirmed and vouched for the easy access of the documents. I was even introduced to the Provincial Prosecutor and I was given an assurance that they could provide the needed data for my study. Creswell (2007) presented that one of the process of the collection of the data is through the documents. Data taken from the court were organized and categorized (Creswell, 2013) so that review will be made easy. These cases were categorized into murder, rape, theft, estafa, robbery, PD533 (Anti-Cattle Rustling law of 1974) and drugs. I wrote a letter address to the Provincial Prosecutor duly noted by my research adviser. After which, I asked the help of my gatekeeper who is the assistant provincial prosecutor for the selection of the cases which were used for my analysis. All cases were profoundly analysed based on the research questions of this study. An audit trail (Creswell & Miller, 2000; Morse, et al, 2002; Wolf, 2003; and Shenton, 2004) was done for the easy and vivid presentation of the corpora. These were an extract of courtroom discourse. Lastly, I used the framework of Grice (1975) on analyzing conversational maxims, types of violations and the Griffiths Question map by Griffiths and Milne (2005) for the types of questions asked in the courtroom.

## Data Analysis

The data were properly arranged (Creswell, 2009). Different types of cases corpora were taken from the Office of the Provincial Prosecutor. First, I extracted the important data from a case relative to murder, rape, theft, estafa, robbery, PD533 (Anti-Cattle Rustling law of 1974) and drugs. The analyses of the data were validated by the panel of experts. Types of questions from each case was taken following the Coulard and Johnson (2007) presentation of the results of their analyses. This was followed by the identification of the Maxims of Grice (1975) and the different types of violations mirrored during the courtroom questioning and proceeding.

Since these cases included names of the respondents and the accused, their names were changed into codes (Attride-Stirling, 2001; Kaplan & Maxwell, 2005; Creswell, Hanson, Clark Plano & Morales, 2007; Glaser & Strauss, 2009; Maxwell, 2012; Marshall & Rossman, 2014) to hide their identities.

### **Trustworthiness**

I utilized the concept of Lincoln and Guba's (1985) work on the assessment of truthfulness in a qualitative report study that includes credibility, dependability, transferability and confirmability. These are utilized to present the vivid picture towards the trustworthiness of the paper through a rigorous process of the conduct of the study (DeCrop, 2004; Shenton, 2004; Morrow, 2005; Rolfe, 2006; Creswell, 2013).

I addressed credibility of the study through an extraction of the different types of questions, responses and violations as prescribed by the underlying theories. These were analyzed accordingly to present the truthfulness and verisimilitude of the research findings (Holloway & Wheeler, 2002; Macnee & McCabe, 2008). Albeit, since this study focused on the forensic linguistics, my attendance in the International Association of Forensic Linguists held in Manila helped me to have a profound understanding of my study. My perspectives in this discipline has been widened with the help of the experts who spoke during the said conference. Also, it is the presentation of my track record (Patton, 2009) where I was able to present a paper in the international arena. In the same manner, the data that I used are authentic since it was provided to me by the Provincial Prosecutor's Office I believed that the office was a reliable source of the information since all cases were brought into their division for review of the fiscals to the final resolution and verdict to cases. Henceforth, to establish the credibility of my analyses and findings, I also asked the help of the fiscal especially on the interpretation of the legal terminologies in which beyond my knowledge and sagacity. Moreover, I did some readings especially on the Rules of the Court to have a background on the legal discourse embedded and formulated in my study.

In the same manner, the confirmability was addressed in consonance to previous studies and researches relative to my study. The findings of my study conformed to studies of other researchers in the same field (Baxter & Eyles, 1997). Data must be true and correct and never on the findings of one's imagination (Tobin & Begley, 2004; Creswell, 2013), thus an audit trail was done by experts in language and law. Their signature on the certification validated the confirmability of my study.

Correspondingly, in presenting the transferability, my study could be replicated by other researchers in the field of Forensic Linguistics. To realize this, I made it sure that a thick and vivid description of the presentation of the findings (Li, 2004) was done. Also, words relative to language and the law were carefully and explained for comprehension. Hence, transferability made a general conception (Bitsch, 2005; Tobin & Begley, 2004). In the component of dependability my study anchored on the view of Krefting, (1991), Graneheim & Lundman (2004), Chilisa & Preece (2005), Patton (2005), Schwandt, Lincoln & Guba(2007) that I coded (Denzin & Lincoln, 2000; Mays & Pope, 2000; Basit, 2003; Flick, 2009), underwent member check (Creswell & Miller, 2000; Mays and Pope, 2000; Shenton, 2004; Hill, et al. 2005; Cho & Trent, 2006) and peer debriefing (Spall, 1998; Creswell & Miller, 2000; Padgett, 2004; Lietz, Langer, Furman, 2006; Onwuegbuzie & Leech, 2007; Houghton, Casey, Shaw & Murphy, 2013). It was done to ensure that experts in the field could be able to give their insights, comments and suggestions. Also, I recognized the shortcomings of this study, that it has its weaknesses (Flick, 2009; Cassel & Symon, 2004; Morgan, 1996). Hence, the essence of dependability was substantiated.

### **Ethical Consideration**

I used the ethical principle of Halai (2006) on the confidentiality of information embedded on the Transcribed of the Stenographer's Note (TSN). In this study I was liable on the confidentiality of the information shared since all the data will be taken from a legal division. To conceal the identities of personalities involved in every criminal case, I changed their real names to aliases (Glesne & Peshkin, 1992; Lipson, 1994; De Laine, 2000; McLellan, McQueen, Neidig, 2003; Hammersley, 2012; Silverman, 2013) and codes (Basit, 2003; Tong, Sainsbury & Craig, 2007; Glesne, 2015) for the easy identification of the case during the extraction of the data for analyses. Moreover, this study underwent the evaluation of the Professional Schools ethics review committee of the University of Mindanao-Matina Campus, Davao City. Also, this paper underwent the plagiarism test using the Turnitin Software, hence I rephrased words and phrases from the original texts.

Lastly, I made sure that data were kept in accordance to ethical standards of the institution (Brantlinger, Jimenez, Klingner, Pugach, & Richardson, 2005; Polkinghorne, 2005). To ensure that names of the witnesses, accused and those who were involved in the courtroom proceedings, hence there was no replication of the documents (Daymon & Holloway, 2010) although these were considered as public documents, (Berg, et al., 2004; Seidman, 2013; Marshall & Rossman, 2014) of the court was asked for the documents. They were ensured that all that Transcribed of the Stenographer's Notes were utilized of this research only.

## **Chapter 4**

### **Results**

This chapter presents the different types of questions using the Griffiths Question Map (GQM) developed by Griffiths and Milne (2006). Also responses and violations of the Gricean Maxims during the courtroom proceedings of the different types of cases were identified.

#### **Types of Questions**

Questions utilized in the courtroom proceedings are divided into two categories. These are the productive questions and unproductive or poor questions. Productive questions are the types of questions that the court only allows to be asked by the lawyers of both sides. Conversely, unproductive questions are the types of questions that the court does not allow and or on a limited context, and the lawyers themselves knew that these are prohibited by the court. Its purpose is to protect the witness credibility and to give clarification on the vagueness of the occurrence of the crime.

#### **Productive Questions**

These types of questions were considered as the best and appropriate way of asking/interrogating the witness, accused and the victim during the courtroom hearing to cull out significant details and to make clarifications on the ambiguity of the cases presented. They were asked to swear their oath at the witness stand to tell the whole truth and nothing but the truth. Courtroom questioning were necessary and indispensable to extract the needed information which would eventually become the basis of the prosecutors and judges to draw their final verdict.

#### **Appropriate Closed Yes-No Question**

The appropriate closed yes-no questions belonging to the productive questions were asked to the victim/complainant, suspect/accused the victim during the courtroom proceedings. It can be shown that though the question was answerable by yes or no, it led the witness on the witness stand to respond and make a conclusive remark or make a clarification based on the context of the question. This is also identified as overanswering or extending response yes-no question. In an interrogation made by the opposing lawyer, he used an appropriate yes-no question to the mother of the victim who is the complainant in the said case:

*Q: Did you actually see the incident wherein your son was killed?*

*A: No, ma'am. Because during that time I was in Antipas.*

(TSN<sub>16</sub>)

Furthermore, in an excerpt in TSN<sub>23</sub>, the counsel of the suspect/accused presented a yes-no question:

*Q: So, you are trying to tell us that AAA was running after that elf van?*

*A: Yes Sir. In fact he overtook the elf.*

(TSN<sub>23</sub>)

Henceforth, during the cross examination, a closed yes-no question was asked by the opposing lawyer to the medical doctor pertaining to the laceration on the vagina of the rape victim he examined based on the medical certificate he gave to the mother of the rape victim which was used as evidence in the court:

*Q: Will this lacerated wound of the vagina be healed within a day time?*

*A: Yes. It is just 0.2 centimetre lacerated wound a slight laceration that could heal fast.*

(TSN<sub>6</sub>)

### **Appropriate Closed Specific Questions**

The closed specific questions which were categorized by Griffiths and Milne (2006) as an appropriate types of questions are presented below. These include the 5WH which only asked for specific and short answer and does not need further explanation unlike the probing questions. It can be gleaned that the victim/complainant, suspect/accused and the witness were interrogated using these types of questions. The -what question transpired from the following excerpts from the Transcribed of Stenographer's Note (TSN) in which the witness was asked to give a type of a sharp object used by the accused to kill the victim. On the other hand, the time of the event of the circumstance was determined from the witness who is also accused of murder:

*Q: What was he carrying?*

*A: A knife, ma'am.*

(TSN<sub>17</sub>)

*Q: What time was it when you were in the disco?*

*A: At 3:00 o'clock in the morning, sir.*

(TSN<sub>29</sub>)

Conversely, the -where question that asked for the place of the origin of the circumstance was also employed in the courtroom proceedings:

*Q: Where is your Provincial Police Office located?*

*A: Amas, Kidapawan City*

(TSN<sub>9</sub>)

*Q: Where did XXX introduce you to the person of XXX?*

*A: At Brgy. Camada, Sir.*

(TSN<sub>23</sub>)

Consequently, the interrogative -when was also asked during the examination of the witnesses in the witness stand where it determined specific year of the witness stay in the place and the year of ending a professional service:

*Q: Will you please tell us since when have you been residing in that place?*

*A: Since 1988, Sir.*

(TSN<sub>8</sub>)

*Q: When did you retire?*

*A: October 2002.*

(TSN<sub>23</sub>)

The length of time is determined in the extracts of the TSN<sub>20</sub> and <sub>30</sub> using the interrogative –how:

*Q: And how old are you when you gave birth to your son?*

*A: 17 years old.*

(TSN<sub>20</sub>)

*Q: How long did you stay in Manila?*

*A: Three (3) months, sir.*

(TSN<sub>30</sub>)

Lastly, the use of –who question was also evident during the courtroom proceedings:

*Q: Who is this XXX who signed in this Certification?*

*A: The Brgy. Captain, ma'am.*

(TSN<sub>22</sub>)

*Q: Who was with you when you were looking for XXX?*

*A: My daughter.*

(TSN<sub>10</sub>)

### **Probing Questions**

The next part examines the utilization of probing questions in the courtroom. Griffiths & Milne (2006) also identified it as appropriate type of questions because it asked the witnesses to explain. It investigates the veracity and the authenticity of the responses of the witnesses during the course of the hearing. The term itself is entwined to make validations through further explanations of the details presented in the court by the witnesses. These include interrogative such as how, why, what, when followed by specific explanation.

These have been used by lawyers in the courtroom to ask for clarification, specify the point to encourage the witness to give the vivid picture of the whole case by giving an explanation on the occurrence of the circumstance. In fact, the -how question is found on the following excerpts of the Transcribed Stenographer's Note (TSN):

*Q: How did you know that your husband slept outside your house?*

*A: When he arrived at around 8:30 in the evening Your Honor, I opened the door, he even gave me the fish that he bought to me because I quarrelled him, that is why he slept outside.*

(TSN<sub>5</sub>)

*Q: How do you know that this is the signature of Atty. XXX, Mr. Witness?*

*A: Because I was present when he affixed his signature, sir.*

(TSN<sub>13</sub>)

*Q: And how were you able to go home?*

*A: I just walked.*

(TSN<sub>27</sub>)

*Q: How come you know that it was XXX who stabbed to death XXX?*

*A: I knew it here in Court because there was somebody testified, sir.*

(TSN<sub>29</sub>)

In this set of example, the -what interrogative does not only need of the detailed occurrence because it also led the witness to explain to clarify the event that transpired during the course of the case:

*Q: What did you do upon hearing the knock?*

*A: Upon hearing the knocking of the door, I opened it because I thought it was my husband who was knocking on the door.*

(TSN<sub>5</sub>)

*Q: What did he do to your house?*

*A: Because there was an occasion during that time and I invited them to attend the occasion and I told him to come back but he did not.*

(TSN<sub>11</sub>)

*Q: What prompted you to leave Magpet, Cotabato for Davao?*

*A: Because GGG told me to leave the place because XXX might do something against the III and it might implicate me, Sir.*

(TSN<sub>18</sub>)

*Q: What happened at the barangay captain's office during the confrontation?*

*A: In the office of the barangay captain we were humiliated and he told us that the baby I was carrying is not his and he did not have any sexual encounters with me.*

(TSN<sub>20</sub>)

The -why questions whose main purpose is to ask for reasons from the witness in the witness stand was used in the following interrogations:

*Q: And you said that you search first his bedroom, why do you say that it is his bedroom?*

*A: Because his wife and his children were inside that bedroom and he also told us that it was their bedroom, sir.*

(TSN<sub>4</sub>)

*Q: Why were you at Brgy. Kamada on this day of January 24, 2003?*

*A: Because our land is located there, sir.*

(TSN<sub>23</sub>)

An excerpt in TSN<sub>27</sub> does not ask for the specific time but on the manner:

*Q: When did you know that you were one of the suspects in the robbery in the elf van?*

*A: When Police Officer XXX went to my house and informed me that I was one of the suspects.*

(TSN<sub>27</sub>)

### Open Questions

Another type of appropriate questions is identified in this study. Open questions are used to ask the witness in the witness stand to elaborate and make affirmation and confirmation of the details of the scenes. It is defined as “tell” and “describe” followed by five forms of interrogatives. Hence, lawyers of the opposing sides and even the judge of the court utilized this type of questioning to victims/complainants, suspects/accused and those who stand as the witness of both. The following extracts vividly show the open questions asking the witness to tell on the event of the circumstances:

*Q: Below is the signature of one Dr. XXX, tell us if this is your signature?*

*A: Yes, ma'am.*

(TSN<sub>6</sub>)

*Q: And while you were putting acid on the rubber, was there something unusual which happened?*

*A: Yes, Sir.*

*Q: Tell us?*

*A: XXX entered the house. They went upstairs and then later on there was a smoke and they went outside the house and I was surprised that the house was already on fire, Ma'am.*

(TSN<sub>26</sub>)

In the same manner, the suspect or the accused of the case was also asked by the lawyer to tell something on the event that transpired:

*Q: Tell the court what transpired why were you arrested by the elements of the Special Forces?*

*A: On that day I sold my corn to Mrs. XXX and she asked me the whereabouts of XXX and XXX and if I could tell her she will pay me, if not she will not pay me.*

(TSN<sub>19</sub>)

*Q: Tell the court where were you on June 8, 1999?*

*A: In the morning of June 8, 1999 I went to the house of my parents who are residents of Talaytay, Malbatuan, Arakan, Cotabato.*

(TSN<sub>19</sub>)

Furthermore, the complainants/victims are also interrogated by the court to elicit the details of the case using the open question “tell”:

*Q: Tell us about that something that happened between you and the accused?*

*A: On November 24, 2007 he went to our house and he fetched me and invited me to attend a benefit dance at Sitio Katipunan.*

(TSN<sub>20</sub>)

*Q: You filed this case for theft against the accused?*

*A: Yes.*

*Q: Tell us why?*

*A: Because the items I left in the Makilala Rubber Plantation Office were stolen, ma'am.*

(TSN<sub>25</sub>)

*Q: Tell us what items were those?*

*A: Single crumb drier, ma'am.*

(TSN<sub>25</sub>)

### Unproductive and Poor Questions

In some instances, during the courtroom proceedings, law experts sometimes ask types of questions that may put the witness standing in the witness stand in peril. In some circumstances, the witness would no longer respond. Hence, the court does not allow questions that would jeopardize the witness. Moreover, the witness shall have the free will to express his/her knowledge about the case without being intimidated based on the contexts of the questions asked. However, in some proceedings, it was found out that there were unproductive and poor questions asked.

### **Multiple Questions**

Multiple questions were asked in the courtroom. As the result transpires, the rape victim who is testifying in the court was asked by the lawyer in multiple questions as shown below:

*Q: When you see him entered the room, it is not good? It is bad? Did you not shout?*

*A: I was not able to shout that time because he covered my mouth and at the same time holding my hand.*

(TSN<sub>12</sub>)

In the same vein, in an interrogation on a father who is accused of raping his own daughter faced the same style of questioning by the court judge:

*Q: How about in Criminal Case no 000-000 for acts of lasciviousness which said crime happened on August 19, 2002? What can you say about this? What was the reason why your daughter XXX filled a case against you?*

*A: I do not know. Your Honor.*

(TSN<sub>2</sub>)

Moreover, TSN<sub>11</sub>, on the testimony of the witness on a murder case presented another set of multiple questions:

*Q: You also mentioned that he left you and told you to come back later; why is it that you said he left? During that time at 6:00 o'clock in the evening of May 5, 2008 in the evening, did you serve food?*

*A: Not yet.*

(TSN<sub>11</sub>)

### **Opinion/Statement Questions**

Equally important, the opinion/ statement questions are another type of poor questions. Eventually, lawyers of the witness call for objection. The judge normally sustained the objection and the interrogator has to rephrase the mode of his/her question. As shown below, the public prosecutor's question was objected by the lawyer of the accused of rape case:

*Q: You are convinced that XXX embraced these values that you taught?*

(TSN<sub>2</sub>)

In the same vein, the complainant was also asked by the government prosecutor in which the opposing lawyer objected for this conveyed opinion and found to be weak:

*Q: Was there somebody who came out to reveal about these things?*

(TSN<sub>23</sub>)

### **Leading Questions**

Leading questions or suggestive interrogations were found to be a weak/poor way of interrogating especially during the cross examination of the opposing lawyers. The Rules of Court (2005) denies anyone to ask this type of question to those who are testifying in the courtroom whether they are the victim/complainant, suspect/accused and the witness. The hostile witness will only be allowed to answer leading questions during the direct examination wherein the proponent's lawyer can coach and not to jeopardize his/her own witness. Hence, the following examples are taken from the TSNs where raised, however, these were objected and sustained by the judge of the court:

*Q: Why?*

*A: Because we were cooking.*

*Q: That is the reason why he left because you did not serve the food?*

(TSN<sub>11</sub>)

*Q: What time did you arrive at Sitio Anuling, Badiangon, Arakan, Cotabato together with your mother?*

*A: We arrived at Anuling at about 10:00 o'clock in the morning.*

*Q: So, your mother stayed in your home the whole day of June 8, 1999?*

(TSN<sub>19</sub>)

*Q: But he is young, he is a teenager?*

*A: Yes sir.*

*Q: He was the one who identified you as one of the assailants, is that correct?*

(TSN<sub>19</sub>)

### **Yes-No Questions asked in the Courtroom beyond Griffiths Framework**

Generally, courtroom proceedings utilized the yes-no questions. Witnesses in the courtroom were given two preferences on this type of questioning. This is also known to have the polarity of the question. The witnesses are only asked to answer yes or no depending on his/her knowledge of the crime. The Transcribed Stenographer's Note presented the following extracts on the utilization of yes-no questions:

*Q: Do you affirm all your statements in your affidavit?*

*A: Yes, sir.*

(TSN<sub>4</sub>)

*Q: If that bolo will be shown to you again, will you be able to identify it?*

*A: Yes, sir.*

(TSN<sub>8</sub>)

*Q: Mrs. Witness, you said you are married, do you have any children?*

*A: Yes, Ma'am.*

(TSN<sub>10</sub>)

*Q: Do you use to sell your farm products to the store of the XXX?*

*A: Yes, sir.*

(TSN<sub>19</sub>)

*Q: Does he have a job?*

*A: Yes, ma'am.*

(TSN<sub>20</sub>)

*Q: Were they occupying a table there inside the disco?*

*A: Yes, sir.*

(TSN<sub>29</sub>)

*Q: Do you have any paper that indeed you worked with the National Community of Indigenous People (NCIP)*

*A: Yes, sir.*

(TSN<sub>30</sub>)

### **Misleading Questions asked in the Courtroom beyond Griffiths Framework**

The courtroom presented evidence specifically on the examination of the witness. However, misleading questions are prohibited. As has been noted, the police officer who was testifying on the drug case faced the same type of question from the lawyer of the suspect/accused, hence this was objected by the prosecutor and sustained by the courtroom judge:

*Q: You were asked earlier Mr. Witness that you put your initial in the seized item, for the record, Mr Witness, what is your initial?*

(TSN<sub>11</sub>)

The question which was asked by the prosecutor to the witness was also objected by the defendant's lawyer as shown in TSN<sub>21</sub>.

*Q: When did you see, when you saw that slipper used by XXX before the incident happened-before the incident happened when you saw the slipper with a wire tied on the slipper?*

(TSN<sub>21</sub>)

### Types of Responses

In this paper, the responses of the witnesses who stood in the witness stand during the courtroom trial are determined. The Cooperative principle stated that the speakers need to make an observation on the facts or reasons embedded on the discursive exchange of relevant information. In the same vein, he categorized it into four which include the Maxim of Quantity, Quality, Relevance and Manner.

#### Maxim of Manner

In the midst of discourse, one must be unequivocal on his responses on the manner of conversations. The finding presents the observance of the Maxim of Manner during the courtroom proceedings. It revealed that the victims/complainants, suspects/accused and the witness observed to be briefed on their responses on the questions raised by the opposing and proponent lawyers as transpired in the Transcribed Stenographer's Note (TSN). They only give information that is relevant to the question and does not give any further elaboration of their answers. In short, they simply responded based on what is asked. In the following sets of questions and answers between the lawyers and the witness, the witnesses directly answered it with a yes or no because questions raised were only answerable by yes or no:

*Q: If that Medical Certificate will be shown to you, will you be able to identify it?*

*A: Yes, ma'am.*

(TSN<sub>6</sub>)

*Q: Do you know the accused in this case?*

*A: Yes, Ma'am*

(TSN<sub>14</sub>)

*Q: Do you know your co-accused; first in the person of XXX?*

*A: Yes, sir.*

(TSN<sub>18</sub>)

*Q: Where you able to fetch your mother and bring her to your residence at Sitio Anuling,*

*Badiangon, Arakan, Cotabato*

*A: Yes, Sir.*

(TSN<sub>19</sub>)

*Q: Did you stop XXX?*

*A: No, Sir*

(TSN<sub>27</sub>)

An excerpt in TSN<sub>17</sub> showed that the response of the witness was a direct answer to the question pertaining to the place:

*Q: Where did you proceed when you responded to that call?*

*A: At Barangay Bantac.*

(TSN<sub>17</sub>)

The witness also directly answered the question in relation to the age of her son whom the father did not recognize as his own:

*Q: How old is your son?*

*A: 11 months.*

(TSN<sub>20</sub>)

Moreover, the question -what which is only asking for the name of the son of the complainant and another on the year of the event of the circumstance was also directly responded:

*Q: What is the name of your son?*

A: XXX

(TSN<sub>16</sub>)

*Q: What year was that?*

A: 1999, sir.

(TSN<sub>19</sub>)

This is also well-articulated in TSN<sub>3</sub> when the witness was requested by the interrogator to give the name of the person:

*Q: Who owns this 500 peso bill Mr. Witness, if you know?*

A: OIC Police Insp. XXX.

(TSN<sub>3</sub>)

### Maxim of Quantity

It is fore grounded that one must be informative as required. It means that the response to the questions must be substantial and can give the clear explanation of the circumstance. The courtroom proceedings need responses that need to give a profound picture of the circumstance. Thus, witnesses are enjoined to give much information to protect and substantiate their credibility as shown in the following examples below:

*Q: Can you tell this Honorable Court what happened when you serve the search warrant to the accused in the residence?*

A: We, the searching team were able to confiscate several drug paraphernalia together with five (5) empty sachets with suspected shabu residue, sir.

(TSN<sub>4</sub>)

*Q: Why should the neighbours come and save you?*

A: Because my mother was not at home and I have an epilepsy, ma'am. And in case of seizure my neighbours are there. I just shout and they would respond.

(TSN<sub>12</sub>)

*Q: What happened on December 14?*

A: Again he fetched me in the house and we went to Katipunan in the house of our friends because it was a fiesta.

(TSN<sub>20</sub>)

*Q: How was XXX scolded by your manager?*

A: BBB shouted at XXX and he told XXX that he cannot go with us in the beach and he also told XXX to fix the weighing scale, sir.

(TSN<sub>18</sub>)

*Q: What were the contents of that pouch or that plastic container?*

A: The pouch contained money whereas the plastic container contain empty lotion contains necklace and sachet.

(TSN<sub>21</sub>)

*Q: When did you come to know that you were one of the suspects in the robbery of the elf van?*

A: When Police Officer XXX went to my house and informed me that I was one of the suspects.

(TSN<sub>27</sub>)

### Maxim of Relevance

This type of maxim was originally called as the Maxim of Relation. It apprised that the contribution must be appropriate on the event of the conversations. It is stipulated that the speaker's discourse must focus on the goal of his question and that the hearer embraced the focus of the goal when replying to the question raised. The courtroom also presented some of the responses of the witness in relation to the question of the defendant's and opposing lawyers and or by the court. The following extracts accord that the witnesses gave a relevant answer to the question and they did not make any explanation to the matter:

*Q: What happened on that following day of May 6?*

A: He was already dead

(TSN<sub>11</sub>)

*Q: Can you please tell the court what were you drinking?*

*A: Hard drinks- “emeperador”, sir.*

(TSN<sub>13</sub>)

*Q: When did you give her the money?*

*A: In December 2000, ma'am.*

(TSN<sub>14</sub>)

*Q: How much is the penalty if you will not attend the meeting per month?*

*A: Ten pesos per share, Your Honor.*

(TSN<sub>15</sub>)

*Q: When did you take the photograph, if you can still remember?*

*A: When I went to the place, ma'am.*

(TSN<sub>16</sub>)

*Q: From the Special Forces where were you brought?*

*A: To the Police Station of Arakan.*

(TSN<sub>19</sub>)

*Q: What time did you arrive home?*

*A: 4:00 o'clock in the afternoon, ma'am.*

(TSN<sub>26</sub>)

*Q: Can you tell the Court of any incident that happened that day?*

*A: There was a rumble that happened in the disco, sir.*

(TSN<sub>29</sub>)

### **Violations of the Maxims**

Responses of the witnesses during the courtroom interrogations when lawyers conduct their direct examination, cross-examination, re-direct examination and re-cross examination violated the philosophical assumption, whereby one must be brief, informative, and truthful and give the vivid picture of the events of the case. During the courtroom hearings, it was found out that some of the responses of the victims, suspects and witnesses who were presented in the cases did not conform to the context of the questions. In this part of the study, different violations of the Maxims are articulated.

#### **Violation of the Maxim of Manner**

For example the Maxim of Manner articulated that one must be brief, hence the answer to the question should be direct to the point and does not need any further explanation or elaboration. Thus, the following extracts showed the violations of the witness while giving their answer to the interrogators during the courtroom proceedings:

*Q: From that billiard hall going to the house of XXX, how many minutes or hours would take you if you just walk Mrs XXX?*

*A: That is not really that far. You will pass through the basketball court and you turn right and that is the house of the accused.*

(TSN<sub>10</sub>)

*Q: And what kind of piece of wood?*

*A: Germelina which was also used in striking the victim.*

(TSN<sub>11</sub>)

*Q: And, how much money did you entrust to her for administration?*

*A: In December 2000, I gave her Eight Thousand Pesos, ma'am.*

(TSN<sub>14</sub>)

*Q: What year?*

*A: October 6, 2007.*

(TSN<sub>20</sub>)

*Q: How about the other accused the last one, XXX, do you know this person?*

A: I came to know him last January 24, 2003, sir.

(TSN<sub>23</sub>)

Q: When did you graduate?

A: I graduated in 1986 and passed the board exam. After which, I started my training in Surgery from 1995 up to 2000.

(TSN<sub>24</sub>)

Q: At whose house?

A: In the house of my brother in Dayao, Kidapawan City at 1:00 o'clock dawn.

(TSN<sub>27</sub>)

Q: What year you worked with the National Community for Indigenous People or NCIP?

A: October 23, 2000... October 22, 2001

(TSN<sub>30</sub>)

### **Violation of the Maxim of Relevance**

Furthermore, it is reiterated that the Maxim of Relevance is violated when the response of the speaker deviated to the norm and context of the question. He stipulated that the answer does not have the bearing or relationship to what has been asked. It clearly manifested that answers do not conform to question raised by the lawyers and that the witness gave a nonsensical answer. Indeed, in the courtroom, this circumstance also transpired to the following extracts:

Q: Can you still remember who were those present during the briefing aside from you and XXX?

A: Yes, Ma'am, the members of the intelligence and Anti-vice Section because it is not only the house of XXX that we served the search warrant, ma'am. There were two (2) operations, ma'am.

(TSN<sub>4</sub>)

Q: How many days were you sick?

A: For one (1) week I have no appetite and I was trembling, ma'am.

(TSN<sub>5</sub>)

Q: Do you want to tell us that after PO2 XXX made coordination with BBB and CCC they immediately went to that place?

A: About 20 minutes.

(TSN<sub>9</sub>)

Q: Do you know where is this XXX residing?

A: Formerly, he was a member of organization of...

(TSN<sub>10</sub>)

Q: Is that Kabang-bangan far from your place?

A: He resides near the river bank.

(TSN<sub>10</sub>)

Q: Now being informed by XXX about the plan of XXX against your manager, what action did you take?

A: I was afraid sir.

(TSN<sub>18</sub>)

Q: How many sacks of corn did you deliver to Mrs. XXX?

A: It was 61 kilos, sir.

(TSN<sub>19</sub>)

Q: How far was he from his wife when you first saw him?

A: When Police Inspector XXX handed the search warrant he was just sitting in front.

(TSN<sub>21</sub>)

Q: So, you can determine your carabao by looking at your credential and verifying from the carabao itself the number and place where the cowlicks are located?

A: Because my carabao was lost at night, sir.

(TSN<sub>22</sub>)

## Violation of the Maxim of Quantity

This study also presents the violation of the maxim of quantity as shown in table 4.3 that violation in this maxim occurs when the response of the person is not substantial or lacks the detail. This is evident on the following excerpts:

*Q: Tell us what items were those?*

*A: Single crumb drier, ma 'am.*

(TSN<sub>25</sub>)

*Q: When you say "they were no longer there," who are these persons that you are referring too?*

*A: XXX, sir.*

(TSN<sub>29</sub>)

*Q: And where is this XXX residing?*

*A: Mrs. XXX, sir.*

(TSN<sub>31</sub>)

## Chapter 5

### Discussion

In this part of my paper, I presented the discussions of the significant findings on the analyses of the corpora, implications for practice and concluding remarks.

#### Types of Questions

##### Productive Questions

*Appropriate Closed Yes-No Questions.* Extracts from TSN 6, 16, 23 presented that the court used the closed yes-no questions in interrogating the witnesses. It manifested that, though the form and tenor of questioning was only answerable by yes or no, but it led the witnesses in the witness stand to further give and explain the details of the circumstance. For example, as what transpired in TSN<sub>6</sub>, when the medical doctor was asked pertaining to the type of laceration on the hymen of the victim, he responded it with -yes followed by further explanation that only he could help deciphering the purport for the welfare of the court since it is on his lexicon and level of understanding. This process was considered to be appropriate because the fact that it extracted more information which will be utilized and presented to give the clear picture and eventually will solve the case. Hence, Griffiths and Milne (2006) considered this type of questioning as productive because the responses of the witness make confirmations and followed by their justifications (Solan & Tiersma, 2010).

It implies that the appropriate closed yes-no questions which were used to inquire relative information that does not only need to be answered in yes or no. And that the witness is obliged to express and give a profound explanation of what has transpired in the when crime was committed by the accused or the suspect. In this manner, the prosecutor and the lawyer of the defendant give a real picture of the case. Hence, it serves as a good avenue to give clarity on every detail presented by both parties. This will help in solving the case because important information are divulged.

The findings conformed to the study conducted by Snook et al. (2012) that closed yes-no questions were highly utilized in the courtroom proceedings because it gave the interviewee the bird's eye-view of the events of cases. Furthermore, Griffiths and Milne (2006) affirmed that contrary to appropriate closed yes-no questions, in an occasion, courtroom lawyers asked inappropriate closed yes-no questions, in which they considered it as a poor way of questioning.

*Appropriate Closed Specific Questions.* Conversely, the what interrogative in nature asked for the exact information for example the names of persons, places or things. In TSN<sub>17</sub>, the witness' name the type of a sharp blade which was used by the accused/suspect in murdering his cousin. This information was elicited from the Police Officer who personally knew the accused and the victim.

The context of questioning using the what interrogative was also substantiated in TSN<sub>29</sub>, wherein the accused who stood in the witness stand was testifying by giving the exact time of his presence in a disco where the alleged killing of the victim transpired.

This study also elaborated the usage of the interrogative –where during the courtroom questioning. In TSN<sub>9</sub>, the Police officer who stood as a witness in a drug case gave the exact name of the location of their provincial headquarters. It is also true in TSN<sub>23</sub>, whereby another police officer who was interrogated by the prosecutor during the courtroom hearing on the place where the drug suspect was introduced to him by their asset. On the other hand, in the case of interrogative –when. It specifies the time and date of the occurrence of the circumstance. In TSN<sub>8</sub> and <sub>23</sub>, the replies of the witnesses involved the year and month which supports the information needed by this type of question.

In particular, the interrogative –how in this form of questioning does not allow the informants to explain to substantiate one's responses in the courtroom proceeding. This is evident in TSN<sub>20</sub> whereby, the age of the person was determined by the time that she got pregnant by her boyfriend who refused to claim her child as his. Likewise, information was carried from a circumstance on the length of the stay of the accused in Manila before he was charged with rape by his step-daughter. In particular, the interrogative –who entails to determine the name of the person involved in the case or those who could help in the solution of the crime. Specific names of persons were transpired during the courtroom hearing as manifested in TSN<sub>10</sub>, and <sub>22</sub>.

The above findings suggested that the 5WH interrogatives played an indispensable role in eliciting and extracting relative information from the witnesses of both parties. These types of questions were widely used during the examination of the witness to attest his/her credibility and to provide substantial information. Thus, lawyers of parties, even the judge and the people who are witnessing the proceedings will be informed. Relative information would come out during the proceedings and this would link to the occurrence of the event of the circumstance.

The findings of the study is in consonance to the cognizance of Celce-Murcia and Larsen-Freeman (2008) that the 5WH interrogatives are indispensable for social interactions, to acquire relative information, finding explanation to the occurrence of circumstances that happened, and of course to enrich the use of words and should be closed specific (Loftus, 1982). Neubaer (2006) also confirmed that these types of questions are utilized during the courtroom proceedings and the court permitted its usage because these give factual information (O'Fee & Opalinski, 2013).

*Probing questions* are types of questions that present the 5WH. These are the types of questioning not only being utilized in the courtroom but also in daily discourses (Celce-Murcia and Larsen-Freeman, 2008). Also emerged from the Transcribed Stenographer's Note (TSN), the court employed the utilization of the –how interrogative. As shown in TSN<sub>5</sub>, the victim who was testifying on the prior event before a group of armed men dragged her and raped her in the middle of the rubber plantation was asked by the prosecutor of her knowledge to explain of how does she know that her husband slept outside their house.

Moreover, the –how interrogative was not only used to explain but also to give the manner of completing the task or action, an extract in TSN<sub>27</sub> implies that the witness who was accused of robbery replied on the manner of how he was able to go home after hiding from the authorities. This is also in consonance to the context of the question in TSN<sub>29</sub> on the manner of knowing the person involved in the killing of a person in the disco. Witnesses responses in TSN<sub>5, 11, 18</sub> and <sub>20</sub> were on the context of the –what interrogative. However, in these extracts they did not normally give a short answer or a specific data to the question of the lawyers. But they were able to make an elaboration of the event of the circumstance. For example in TSN<sub>18</sub>, the opposing lawyer is extracting significant information from the witness on a reason of living their place going to Davao City.

Another way of interrogating the witness is through the use of –why question. From the sets of examples from the Transcribed of Stenographer's Note (TSN), the use of this type of interrogative led them to reason out and explain, not just only to make justification but to make clarifications and to substantiate the data whereby lawyers will know what to ask next to the witnesses to weaken and to destroy their contention. Also, proper and informative answer is enjoined in this type of question as manifested in TSN<sub>4</sub> and TSN<sub>23</sub>. Furthermore, the –when interrogative is identified as a probing type of a question. As what transpired in TSN<sub>27</sub>, the mode of questioning does not refer to the date of the circumstance but informing the interrogator on the manner of knowing of his involvement in the crime when he was personally informed by the Police Officer.

Indeed, lawyers of parties, prosecutors and judges in the courtroom keenly utilized these types of interrogations. Because of this mode of questioning, the witnesses are obliged to give further justification to clarify the event of the state of affairs that transpired during the crime was committed. Among the types of interrogatives, the court does not allow the witnesses not to give a profound and vivid explanation because they will be cited for contempt and perjury of not telling the truth.

Oxburgh, Mykleburst & Grant (2010) corroborated that the use of probing question make the hearers to believe its verisimilitude and for the avoidance of suspiciousness on the knowledge of the witness. Another finding suggested that the use of probing question to children who stood as witness enable them not to easily recall the events of the circumstance (Peterson, Dowden & Tobin, 1999). Furthermore, Griffiths & Milne (2006); Shepherd (2008) categorized this type of questioning as productive and appropriate (Phillips, Oxburgh, Gavin & Myklebust, 2012) hence should be utilized in the courtroom proceedings.

*Open Questions.* Another proper and mannered way of interrogating the witness is by utilizing the open questions as entwined in table 1.3. Lawyers used the word “tell” followed by the interrogative form such as the 5WH (Griffiths & Milne, 2006) to request the witnesses to make some validations on the presented evidence. This is in congruence to the manifestation of the response of the witness in TSN<sub>6</sub> who used to be a medical doctor making affirmation on the signature affixed in the medical certificate that she gave to the mother of the rape victim. The witness on TSN<sub>26</sub> was also told to say on the occurrence of the burning of the house which caused her family to file arson against the perpetrators.

Again, this is also evident in TSN<sub>20</sub>. The complainant of the case was asked to tell by the opposing lawyer during the cross-examination on the circumstance that transpired on the specific date where she and her boyfriend had another sexual activity after the benefit dance in one of the cottages beside the road and that made her pregnant. Similarly, in TSN<sub>19</sub> the event of circumstance of the date of the killing of victim, the witness who was accused as one of the suspects of the crime gave an accurate detail of his whereabouts on that very day, and he claimed no participation. Besides, he was also asked about the occurrence of the state of affair the time that he was arrested by the elements of the Special Forces because he was pointed to by Mrs. XXX whom he sold a sack of corn, who refused to pay him unless he could give indispensable information on the location of the suspect.

Meanwhile, in TSN<sub>25</sub>, the complainant of the theft case confirmed and validated through his response the very reasons he filed the case against the accused. He also added the particulars or descriptions of the said item in which he said was stolen at the Makilala Rubber Plantation Office. In addition, the complainant was really eager to push through the case until such that the accused will return the items to him.

The above findings signalled that the court does not only use interrogatives to elicit and extract vital information from the witnesses but they used the open questions so that the witness will be given the freedom to express himself/herself the event of the circumstance. Also, witnesses will be able to divulge relevant information based from the context of the questions of the interviewer using the open questions. Assertion of truthfulness of the response is very high in this type of questioning.

Westera et al. (2013) accentuated that the witness is able to tell the court information that are relevant to solve the case, and they have the freedom of free narrative, free from interruptions that hindered them to disclose the needed data to the court since they are under oath (Rules of Court, 2005) and therefore not allowed to lie or else the witness will be liable. Lastly, Milne, Clare and Bull (1999) validated that open questions used the “:tell” and “describe” followed by the 5WH (Köhnen, Milne, Memon, & Bull, 1999; Shepherd, 2008). Tell is also categorized as an indirect question (Baker, 1970).

### **Unproductive and Poor Questions**

*Multiple Questions.* Different multiple questions deduced from the Transcribed Stenographer’s Note (TSN) were identified. In TSN<sub>2</sub>, there are three questions raised by the judge to the father who was accused of raping his own daughter pertaining to case 000-000 on the acts of lasciviousness that happened in August 19, 2002, about his views on the case filed against him, and on the reasons on the filing of case by his own daughter against him. His answer did not conform to any of the questions asked and none of it was actually answered. Clearly, on TSN<sub>11</sub>, the eye witness of the killing somewhere in Del Carmen, President Roxas, Cotabato was also asked in multiple questions.

The first question raised by the defendant's lawyer was about the statement of the victim and a question asking the witness to explain the leaving of the victim in the vicinity. A question, answerable by yes-no was the third question stipulated. In fact, only the last question was answered. In the same vein, victim of a rape case was also questioned in poorly manner. Two successive questions are supposed to be answerable by yes or no, and again only the last question was responded well.

The analysis inferred that multiple questions are indeed poor and a wrong way of asking/interrogating the witness. Findings suggested that, only one question was answered and on the other case, none of the questions were actually answered. The witness himself has difficulty what to answer first among it. As such, it warns lawyers and legal practitioners not to engage in this type of questioning because information that can be elicited is not substantial, and no longer are able help solve the case whereby responses are irrelevant to the present case. In agreement, Shepherd (2008) categorized this type of question as risky and perilous on the part of the witness. Lawyers who asked multiple questions cannot be understood by the witness especially on where among the questions will really be answered (Moeketsi, 1998). People with intellectual disabilities who have been victims of this unnecessary forms of questioning in the courtroom were found inefficient in providing sufficient data in the case (Kebbell et al., 2004).

*Opinion/Statement Questions.* A question is considered to be opinion or a statement when lawyers or prosecutors embedded their personal views on the context of the question instead of making their questions clear and specific and can assure that the witness has the capacity to respond (Griffiths & Milne, 2006). As TSN<sub>2</sub> extricated that the lawyer asked for an opinion pertaining on the values that the rape victim should have to embrace since he is the father. Indeed. This question faced objection from the defendant's lawyer and sustained by the judge. Another key point which confirmed the weakness of this questioning is transpired in TSN<sub>23</sub>. In this case, the witness faced an opinion question from the defendant's lawyer asking for her personal knowledge about somebody who told him about the event of the circumstances.

All of these questions were objected to by the defendant's lawyers or by the prosecution and eventually sustained by the courtroom judge. The court needs facts and never from the products of opinion questions. These cannot help the case and do not really have bearings on the course proceedings of the case. In line with this, the judge asked the lawyer to rephrase or ask another set of questions.

It supports the rule that the court does not allow it since courts only allowed facts (Lawson, 1969; Conley, O'Barr & Lind, 1979; Horowitz, Kerr, Park & Gockel, 2006). And under Rule 132 of the Rules of Court (2005) the court's objectives to ask questions are: to make clarifications on certain issues; call the attention of the proponent lawyers on the issues that are not clear and not given an attention, and to instruct the defendant's lawyers to elicit facts and to elucidate matters that are vague and obscure.

*Leading Questions.* During the course of the analyses, there were only two leading questions that transpired. All of which were opposed by the defendant's lawyer or the prosecutor. The court does not allow suggestive questions as shown in TSN<sub>11</sub> whereby the mode of questioning by the defence lawyer to the witness of the murder is leading the witness to confirm that the victim left their house because he was not able to serve the food. Also in TSN<sub>19</sub>, the question raised by the prosecutor to the accused was objected by his lawyer and eventually sustained by the courtroom judge because prior to the course of the case, matters pertaining to his mother was never mentioned and this happened during the cross-examination. Another leading question was asked in TSN<sub>19</sub>, the mode of interrogation eventually will put the accused in great danger. Because it directly pointed him to have the participation in the crime.

It implies that leading questions in the courtroom proceedings are a poor way of interrogation because it undermines the person. The court even stated that the accused remains innocent until found by the court guilty after due process was done. Therefore, during the course of the analysis, I only found three leading questions because lawyers themselves knew that the court prohibits them to utilize this form of questioning. This will only be allowed during the preliminaries or during the cross examination of the defendant's lawyer and never by the opposing lawyer. The Rules of Court Revealed (2005) that leading questions are only allowed during cross-examination and are prohibited during direct examination. Conversely, the Rules of Court (2005) also articulated that this type of questioning is allowed for hostile witnesses such as children (King & Yuille, 1987; Poole, & Lindsay, 1995; Saywitz and Campano, 1998; Young Powell & Dudgeon, 2003; Zajac, Gross & Hayne, 2003;

Zajac & Hayne, 2006). But using the cognitive interview, it was found out to lessen the probability of asking leading questions to the witnesses (Geiselman, Fisher, Cohen & Holland, 1986).

### **Yes/No Questions asked in the Courtroom beyond Griffiths Framework**

Conversely, the courtroom also utilized the *yes-no question*. In TSN<sub>4</sub>, the witness was asked by the prosecutor to affirm the contents of his affidavits. Also, the father of the victim of murder in TSN<sub>10</sub>, responded – yes about the identity of the bladed object which was used to kill his son. A –yes answer was also given by the complainant in TSN<sub>20</sub> the occupation of the accused. In the same vein, the accused in TSN<sub>19</sub>, confirmed in the court that he used to sell his farm products to the store of the complainants. The accused in TSN<sub>20</sub> also reciprocated –yes that the victim of murder inside the disco was also occupying a table. A –yes answer was also given by the suspect in TSN<sub>30</sub> who was accused of raping his stepdaughter whether he has the paper to present in the court that indeed he was once connected with the National Community of Indigenous People (NCIP).

The findings confirmed that the utilization of yes-no question in the courtroom is for the purpose of confirmation of the previous answers given by the witnesses. They also validated on the materials presented in the courtroom especially on its veracity. And, it lead the lawyers in the formulation of the next question to connect the events that transpired in relation to the occurrence of the circumstance. In this manner, the flow of question and answer vis-a-vis the interrogator and the witness will run smoothly. Thus, the relative information will be culled out and be presented in the court.

Yes-No question was identified as appropriate way of interrogating (Myklebust & Bjørklund, 2006; Griffiths & Milne, 2006) the witness. Loftus & Zanni (1975) also presented that the use of definite and indefinite article after the modals -do, -does and -did showed a significant effect on the ability of the witness to remember the circumstance. Hence, they concluded that it has the implication in the courtroom proceedings the way the lawyers utilized this strategic questioning.

### **Misleading Questions asked in the Courtroom beyond Griffiths Framework**

*Misleading questions* are another type of an unproductive type of courtroom questioning. TSN<sub>11</sub> transpires that there is the assumption from the witness to claim the initials in the seized items from the drug suspect. In fact in TSN<sub>21</sub>, the question was misleading because prior to that question the prosecutor was confirming from the witness that he saw the victim wearing orange slippers. In the succeeding question, the defendant's lawyer raised for objection in the sense that the question was misleading. The question is trying to mislead the witness into the characteristics of the slippers. The wire on the slippers was never mentioned by the witness in the previous question. He only articulated that the victim was wearing slippers and never on the accessories found on the slippers.

Generally, the court prohibits the utilization of misleading questions. It would make the witness incompetent because the question deviated into the norm of the details of the topic. Questions are interconnected with each other, hence, items included that do not have bearings on the previous data misled the witness. Therefore, the lawyers objected and eventually sustained by the courtroom judge.

The results of the analysis were in consonance to the views of Smith and Elsworth (1987); Scorobia, Mazzoni, Kirsch and Milling (2002) that misleading questions affected the accuracy of the witness testimonies in the courtroom and are found to cause stress among vulnerable witnesses (Nathanson & Saywitz, 2003). Furthermore, it was confirmed by Dunstan (1980); Wrightsman and Kassin (1983) as a coercive form of questioning. Eventually, these types of questions undermines witness credibility.

### **Types of Responses**

*Maxim of Manner.* In the Cooperative Principle which was proposed by Grice (1975), he articulated that one must give the briefest information and in an orderly manner. The response to the question must only be based on what is being asked.

TSN<sub>6</sub> validated this maxim when the medical doctor was asked to confirm about the Medical Certificate he issued to the mother of the rape victim. The question was only answerable by yes or no and no further explanation needed. This is also true in TSN<sub>14</sub>, TSN<sub>18</sub>, TSN<sub>19</sub> and TSN<sub>27</sub> respectively.

Conversely, in TSN<sub>17</sub>, the Police Officer gave the exact name of the place where they responded on the conflict that happened between cousins that resulted to stabbing and eventually the death of the victim. In TSN<sub>20</sub>, the exact age of her baby which is 11 months. On the other hand, the complainant of the murder case gave the full name of her son who was killed by their neighbour as transpired in TSN<sub>16</sub>. The year of the event of the circumstance was also determined in one of the questions that unfolded during the courtroom proceedings. The responses of the witnesses in the courtroom hearing were in consonance to the Cooperative Principle of Grice especially on the Maxim of Manner. They only gave the information that was asked to them. They did not give any further explanation and elaboration on their answers. Their answers were brief, concise and only based on the context of the question. Additionally, the witnesses were asked in this manner to give direct and clear answer.

This if further confirmed by Kim (1994) that Maxim of Manner gives us a set of instruction to give a vivid message in our utterances. In a study conducted by Miller, Lane, Dearick, Young and Potts (2007), Maxim of Manner was utilized especially on the reaction of the participants on controlled language, and on the restoration of freedom on their utterances. However, controlled language was found to have a negative response from the participants.

*Maxim of Quantity.* In contradiction to the maxim of Manner, Grice (1975) fore grounded in the Cooperative Principle on the Maxim of Quantity, the amount of information that is helpful to the conversation must be expressed. And that substantial information must be apprised. The witness in TSN<sub>4</sub> was asked by the Honorable Court to tell about that circumstance that transpired on serving the search warrant. The Police Officer articulated that they were able to confiscate drug paraphernalia and empty sachets with the residues of suspected methamphetamine.

Meanwhile, the date of the event of the circumstance was also questioned to the witness in TSN<sub>20</sub>. Her response gives the clear picture of the scene that happened on the specific date. Moreover, in TSN<sub>18</sub>, the interrogative –how geared the witness to articulate the manner of the scolding of the manager to the co-accused of the witness. There were two details were presented in his response to the query. One, of which is that the accused cannot go with them to the beach. Second, that the accused needed to fixed the weighing scale of the company.

In TSN<sub>21</sub>, the witness was asked by the government prosecutor to enumerate the contents of the plastic container found in the house of the drug suspect. His response gave the things that were found in that pouch which included the money, while the container contained the necklace and a sachet of methamphetamine also known as “shabu.” Furthermore, in TSN<sub>27</sub>, the interrogative –when was utilized to extract information on the knowledge of the accused that he was one of the suspects in the robbery of the vehicle. Immediately, he responded that it was when the Police Officer went into their house and personally informed him.

The findings verbalized that indeed the mode of the questioning used by the prosecutors and lawyers during the courtroom proceedings helped them gained profound and substantial information. They were able to let the witnesses explain and enumerate the details of the matter leading to clarifying the events of the circumstances. Without reservation, data presented in these forms of questioning proposed that they did not violate the Maxim of Quantity. As such, they were able to quantify their answer and these are within the rule of conversation as proposed by Grice (1975).

The proponent (Grice, 1975) made an emphasis that on Maxim of Quantity one must make his/her contribution informative as required. This means that the information shared must have the substance to clarify the details being conveyed. Innocent participants in conversational experiment were found to have a moderate level of attachment to the utilization of this maxim (Engelhardt, Bailey & Ferreira, 2006). In this manner, it manifests that a conversant needs to be more substantive on their responses to conversations.

*Maxim of Relevance.* This study presented the Transcript of Stenographer’s Note excerpts were it observed the maxim of relevance. As shown in TSN<sub>11</sub>, the answer of the witness the event of the date asked by the prosecutor in the courtroom was relevant and within the context of the interrogative –what. Relevant to this, the date of the giving of money to the accused by the complainant was also presented in the court. The brand of a liquor was also verbalized in TSN<sub>14</sub> by the witness when the lawyer asked him to tell the court about what they were drinking prior to the event of when killing of the victim was committed.

Also, in TSN<sub>15</sub>, the complainant answered based on the context of interrogative –how pertaining to the amount of the penalty each member will be liable if they cannot attend their monthly meeting. Again, in TSN<sub>19</sub>, the complainant answered the interrogative –when if he remembered the circumstance of the taking of the photograph of the office where his equipment were stolen. To illustrate further, the Maxim of Relevance, the accused of a murder case in TSN<sub>19</sub> noted that he was brought to the Arakan Police Station by the Special Forces in Barangay Doruloman. In another case, the witness in TSN<sub>26</sub> disclosed that it was 4:00 o'clock in the afternoon, upon arriving home that she saw the accused burning the house of her uncle. Lastly, the incident that happened in the disco was opined by the witness during the courtroom proceeding.

Results asserted that the witness who stood in the witness stand during the trial gave relevant information. These are sets of information that have bearings to the present case being heard in the court. It does not only identify the dates of the occurrence of the circumstance, naming of persons, but it also asked the witnesses to further explain the details which are on the contexts of the questions raised during the courtroom proceedings. Indeed, these give the judge substantial information that are indispensable to the giving of the verdict and the information given by the witnesses are the keys in solving the case.

Emphatically, the findings supported the views of Grice (1975) that one must be relevant and should not give information that do not have significance on the topic. This type of maxim was also upheld in patient-centred activities (Gertner, Webber, & Clarke, 1994). Accordingly, Sperber and Wilson (1986; 2004) talked on the significance of relevance that it is focused on the ability to surmise the context and that our ability to decipher its meaning is indeed a great challenge (Fodor, 1983).

### **Violations of the Maxims**

*Violation of the Maxim of Manner.* Grice (1975) made an assertion that in the rule of conversation in Maxim of Manner that one must be brief, ordered, and must avoid obscurity and ambiguity on his/her responses. Hence, in TSN<sub>10</sub>, the mother of the rape victim made further elaboration of her responses by giving the direction of the way going to the house of the accused though the question was only asking her the amount of time. Another characteristic of the violation of the Maxim of Manner is found in TSN<sub>14</sub>. The question was only focused on the amount of money that the complainant gave to the accused to administer. Conversely, she included the month and year, when in fact these were never included in the question of the lawyer.

In the same way, the context of –what interrogative is only on the kind of piece of wood which was used to strike the victim as transpired in TSN<sub>11</sub>. The witness on the killing of the victim was informative in his response. Pursuing this further, only the year and never the complete date was asked to the witness in TSN<sub>20</sub>. Meanwhile, in TSN<sub>23</sub>, the witness became informative by giving the month, date and year that he came to know his co-accused, although the question is only answerable by yes or no.

The medical doctor who stood as an expert witness in the rape case in TSN<sub>24</sub> was only obliged to give the date of his graduation in the medical school. He was never asked to give information on the event he started his training in surgery from 1995 to 2000. This is also evident in TSN<sub>30</sub> on the information pertaining to the year of his service in the National Commission for Indigenous People (NCIP). But the witness responded with multiple answers. Another evidence to cite is in TSN<sub>27</sub> where in fact the answer to the question must only be the name of the owner of the person. However, the accused included the location and the time he went to the house of his brother. These were not included in the question of the prosecutor.

As has been noted, there was really the violation of the Maxim of Manner as their responses are concerned. They gave information that was never asked or required by the interrogator and was not included in the lines of the questions. Furthermore, it implies that witnesses in the courtroom proceedings were sometimes unaware of the responses that they gave. Whereby, it gave the opponent side the hint to quash and destroy their contentions. Therefore, Grice (1975) pointed out that there could be a violation of the maxims (Tupan & Natalia, 2008) when the speaker is not able to articulate vividly what he/she wants to convey. Hence, it causes obscurity of the information (Britton, 1978; Rodd, Gaskell & Marslen-Wilson, 2002) and thus not helpful in solving the case. Ambiguities of the responses may mislead the hearer especially the use of high sounding words (Hancher, 1978) that are beyond their knowledge and ability to comprehend.

*Violation of the Maxim of Relevance.* The Maxim of Relevance was highlighted by Grice (1975) that the speaker must give relevant information. Giving the irrelevant information or details means a violation of the said maxim. Underscored in TSN<sub>4</sub> that the Police Officer gave unnecessary information because the question only pointed to those individuals around when they were briefed about the planned buy bust operation against the suspected *shabu* (methamphetamine) pusher. However, he reasoned out about the number of operations that they did during that day. This is not in the context of the question. Another inconsequential response was given by the witness in TSN<sub>5</sub>. The question only emphasized on the number of days that the raping incident that happened to her made her sick. Conversely, her answer was far from the question.

As another illustration on the violation of the Maxim of Relevance, TSN<sub>9</sub>, transpired that the Police Officer, who was supposed to answer the question in yes or no, responded the time of the arrival of his colleagues in the place where transaction between them and the alleged drug pusher happened. This is further strengthened in two questions in TSN<sub>10</sub>, the rape victim's answer when asked on the place of residence of the accused answered in a nonsensical manner. Again, another question was reiterated that is only answerable by yes or no, however her reply affirmed on the place where the accused lived. To illustrate this violation, TSN<sub>18</sub> featured that the accused upon being informed about the plan against their manager, replied that he was afraid. His answer should be threaded whether he left the place or reported the plan to the Police Operatives.

Insignificant answers are categorically presented in TSN<sub>19</sub>, <sub>21</sub> and <sub>22</sub>. The prosecutor was asking the accused in the murder case pertaining to the number of sacks of rice he delivered to Mrs XXX, consequently he answered on a kilo. Clearly, this is equivalent to 1 sack of corn. Pursuing this further, the Police Officer was interrogated to answer the distance of the accused in the drug case to his wife. He was never asked to include the scene of handing the search warrant by the Police Inspector. Lastly, the complainant of cattle rustling was only asked to answer yes or no. His response can be [inferred that it has no relationship at all to the context of the question and sounded very irrelevant.

The responses of the witnesses during the courtroom proceedings vividly violated the Maxim of Relevance. They gave unnecessary information that was not included in the condition of the question being asked. This might be one of the reasons why some of the cases brought in the court were never sustained and only resulted in settlement of both parties. Indeed, the witnesses who committed the violation were not able to catch the message that the question tried to convey. Hence, they gave answers that do not have bearings on the case.

The witnesses who are mostly adults and on the right age, were incomparable to the ability of the pre-school to identify the violation of the Maxim of Relevance (Eskritt, Whalen & Lee, 2008), because they are not easily threatened and has the mental ability to think before they respond to the questions raised. However, Solan & Tiersma (2010) affirmed that lawyers who deliver questions during the courtroom proceedings must be liable on their way of questioning to ensure that the responses of the witnesses must comply on its context.

*Violation of the Maxim of Quantity.* Correspondingly, Grice (1975) stressed that the violation of the Maxim of Quantity entails that the contribution of the witnesses during the courtroom proceedings were not substantial based on what is being required by the context of the question. This is validated by the response of the complainant in TSN<sub>25</sub>. His response lacked the information that was needed by the defendant's lawyer. The word *–items* implied that the single crumb drier was not the only answer that the interrogator wanted to extract from the complainant himself. Meanwhile, in TSN<sub>29</sub> one of the accused of the murder case only gave the name of a single person where in fact he was asked to name names of persons who were involved in the rumble that transpired in the disco. Lastly, the inability of the accused of naming his wife's nephew gave only the name of the person where the victim was residing. The response should be “*at the house of Mrs. XXX*.”

The results inferred that the violation of the Maxim of Quantity can be attributed to the inability of the witnesses to make further elaborations of their answers. And sometimes, they were not able to give substantial information. It further implies that their answers were very short and do not follow the information being required to be given in the course of the case hearing. Furthermore, witnesses are afraid to commit errors or may utter words that may be used against him/her. Hence, readiness in courtroom interrogation is highly emphasized. On this manner, Milne, Clare & Bull (1999) divulged that extracting adequate information from the witness was an arduous task for the interrogators. The memory of the witness is also considered since they need to tell to the court under oath the details of the occurrence of the event of the circumstance (Graham, 1975; Kebbel & Wagstaff, 1999) because they will be charged with perjury if found by the court that they are not telling the truth

(Freedman, 1965, 1980, 1988, 2008; Slipakoff & Thayaparan, 2001). Indeed, a witness must be competent enough and has the ability based on his memory to give light in solving the case (Valenti-Hein & Schwartz, 1993; Goodman, 1994; Lyon, 1999; Gudjonsson, Murphy & Clare, 2000). Lastly, the words of the witness must be convincing and based on the fact and are truthful (Berk-Seligson, 1988, 1999; Myers, Latter, Abdollahi-Arena, 2006).

### **Implication for Practice**

The important implication of courtroom questioning in teaching especially in language and law is the ability to develop questions based from the contexts. I realized that questions are not easily raised especially when asking for substantial and relevant information. This may also lead the students to think profoundly before giving their responses especially during the teaching-learning process. The art of questioning utilized in the classroom is a manifestation of the intellectual ability of the teacher vis-à-vis the students. Conversely, the students and teachers are informed on the best ways to respond to questions. The teacher will also be given ample information on the proper ways of asking students wherein he/she could cull out substantial information. Understanding courtroom questioning is a manifestation that lawyers of both parties give the clear picture on the event of the crime how the circumstance happened. And, these were the bases of the court judge to come up with his decision based on what transpired and on the thorough reviews made of the courtroom proceedings. Lawyers of both parties played a vital role in winning the case. They make it sure that their manner of questioning surely defended their own witnesses and not to jeopardize them. In the same manner, they manipulated the forms of questioning to strengthen the credibility of their own witnesses.

There were different types of questions utilized during the courtroom proceedings. Each played a gargantuan role in culling out relevant information. The Framework of Griffith's and Milne manifested that lawyers played with questions and do not directly asked leading questions. Because it could affect the case in general whereby the witness could deny all the allegations thus ending the case into nothing. Moreover, it is also necessary to note that during the proceedings each one is careful on the types of questions they raised. Its purpose is to protect the welfare of their client. Productive questions were considered as appropriate types of questions since it give clarity on the events that transpired. On the contrary, the court does not allow unproductive types of questions such as opinion/statement questions and leading questions considering that these are weak and cannot give an ample information to give answers leading to solving the case.

In the same manner, it was also shown in the courtroom proceedings the ability of the witnesses to respond to questions raised either by the opposing lawyers or by the fiscal who stood as the interrogator especially on the case of the accused. They were very careful on every answer they give or sometimes their responses are very particular and they do not go beyond the context of the questions. Conversely, it was observed through thorough analyses of the texts that the witnesses sometimes violated the Maxims of Grice. Some of them were informative where in fact the question was only answerable by yes or no. In the same vein, lawyers sometimes lack the time to prepare their own witnesses.

### **Implication for Future Research**

This study only utilized the Transcribed Stenographers Notes (TSN). Thus, I was not able to identify the Maxim of Quantity. It articulated that the responses must be truthful and relative to the context of the question. Researchers who wish to explore courtroom questioning and the Cooperative Principle of Grice (1975) may have observed proceedings and have the audio recordings of the proceedings of the case to really make an assumption based on his/her observations and through the analysis of the accused, victim, and witness responses. In the same vein, other forms of Questioning will also be explored as proposed by Gibbons (2003) and Shepherd (2008). Lastly, the same study will look into the types of questions, responses and violations in the classroom setting.

### **Concluding Remarks**

Courtroom questioning discredits and sometimes undermines the witnesses in the courtroom. In the same vein, the witnesses were unable to remember the events of the circumstances, thus violating the maxims. The observance of the Maxim by Grice (1975) will eventually help lawyers and judges to be careful the way they interrogate their subject. Henceforth, it is also very necessary that they have to inform their clients before they will share their knowledge on the witness stand.

I also learned that the witness should have to internalize first the context of the question before responding to avoid violations and not to give information that is never needed or asked by the prosecutors. We have the prerogatives on what to say, but we should have to be very careful of every word that we share especially during the courtroom proceedings because these may be used by the opponent's lawyer to destroy our credibility.

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