

“POR LO QUE PUEDA VALER”

By Judge JUAN T. SANTOS *

It is not discovering a secret to say that one of the common experiences in court trials is to hear judges, in connection with admissions of evidence, that it is “admitted for what it is worth.” Lawyers who have witnessed actual trials in court rooms either as simple spectators or active actors therein corroborate this assertion. May I know what the trial judge means by evidence being “admitted for what it is worth”? Or must the judge admit that he means nothing thereby and that he simply wants to save the trouble of mind-process of discovering the proper grounds for the admission of evidence? Indeed, “admitted for what it is worth” cannot refer to any one of the three kinds of admissibility (Wigmore, on Evidence, 3rd Ed. pars. 13-15) Not to Multiple Admissibility, because the trial judge admits the evidence without reference to its being admissible for one purpose, although not for other purposes. The judge could not have in mind the Conditional Admissibility, because the admission is absolute and not conditioned upon assurance of the proponent that certain principal evidentiary facts will be brought in later on, during the progress of the

trial. Neither could the judge refer to Curative Admissibility, because the admission is predicated not on lack of objection. As a matter of fact, the opposing party interposes objection, but the judge, without any further thought or investigation, dismisses it with the sacramental phrase: Evidence is “admitted for what it is worth.”

What, therefore, is the nature and scope of the expression “admitted for what it is worth”? Are not all pieces of evidence admitted for what they are worth? Is it not a fact that once a piece of evidence is given entry into the record, it becomes a part of the mass of proof to be considered for its true probative value in the decision of the case? Can an evidence be given more weight than that which it deserves? I let the readers answer these questions.

To my mind, the benefit which the expression in question produces, if any, is outweighed by the harm which it may cause on the party against whom the evidence is admitted. A ruling couched in such terms is hermaphrodite in character. It is hastily made without analysis of facts and law. It does not meet squarely the issue tendered by the objection. It

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misleads. It lights candle both for God and the Devil. It tries to please both parties: the proponent, in that the evidence is after all admitted, and the objector, in that by the phrase "admitted for what it is worth," the judge seems to convey the impression that the evidence is so thin, of so little weight that it can in no way influence his mind in the decision

of the case. It may, however, turn out differently, because later on he may find it of decisive influence and use it as one of the foundations of his final decision. Then, it may be too late for the opposing party to remedy the situation.

This brief article, therefore, is submitted to whom it may concern, "por lo que pueda valer."