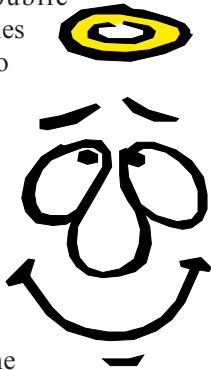


Arraignment and pre-trial conference

Rules 116 and 118

If the accused appears without a lawyer during arraignment, the court appoints a counsel to assist him. The information is read to the accused in a language understood by him. The reading may also be waived. An improvident plea of guilt may later on be withdrawn. If the accused cannot post bail, he should invoke his Constitutional right to a speedy trial.

1. The accused must be present when arraigned and personally enter a plea. (If the private complainant executes an affidavit of desistance before the arraignment, the public prosecutor files a motion to withdraw the information. The court then issues an order either to recall the warrant of arrest, or to release the accused if he is detained.



2. If the accused pleads not guilty, the pre-trial conference is conducted (or scheduled).

3. If the accused refuses to plead, the court orders a plea of "not guilty" entered for him.

4. The accused may plead guilty to a non-capital offense. The court may then receive evidence to determine the proper penalty to be imposed.

5. The accused may plead guilty to a lesser offense which

may not necessarily be included in the original charge and may be cognizable by a court of a lesser jurisdiction.

6. If the accused pleads guilty to a capital offense punishable by death, the court must conduct a searching inquiry into the voluntariness and full comprehension of his plea. The prosecution must prove his guilt and the precise degree of culpability.



The arraignment may be suspended (a) if the accused suffers from an unsound mental condition which renders him unable to fully understand the charges against him and to plead intelligently. In such a case, the court shall order his mental examination and if necessary, his confinement; (b) the court finds the existence of a valid prejudicial question; (c) petition for review with the DOJ.



The mandatory pre-trial conference shall consider the following: (a) plea bargaining; (b) stipulation of facts; (c) marking for identification of the evidence of the parties; (d) waiver of objections to the admissibility of evidence; (e) such other matters as will promote a fair and expeditious trial.

Pre-trial agreement - all admissions made or entered into during the pre-trial conference shall be reduced to writing and signed by the accused and counsel, otherwise the same shall not be used in evidence against the accused.

Pre-trial order - the court shall then issue an order reciting the actions, the facts stipulated, and evidence marked. Such order shall bind the parties, limit the trial to matters not disposed of and control the course of the trial, unless modified to prevent manifest injustice.