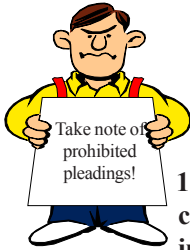


# Summary procedure in criminal cases



Take note of prohibited pleadings!

## 1. Filing of complaint or information -

the offended party files the complaint with the Municipal Trial Court. In Metro Manila and in chartered cities, it is filed with the fiscal's office (and the case is filed in court through an information, except those that cannot be prosecuted de of-  
ficio). The complaint or information must be accompanied by affidavits of the complainant and his witnesses. Failure to comply can lead to dismissal.

2. Once the case has been filed, the court issues an order, requiring the accused to submit within ten days from receipt of the order his counter-affidavits, including those of his witnesses, and any evidence he may present on his behalf (with copies to be served on the complainant or prosecutor.

It is the court, not the public prosecutor, which determines whether the case falls under summary procedure. Although bail is not required, if the accused is absent without

justifiable cause during a hearing, the court may issue a bench warrant, and then bail has to be posted. (The information states the bail recommended by the fiscal.)

3. Reply - within ten days after receipt of the counter-affidavits, the complainant may file his reply affidavits.

If there are two related cases, one under the regular procedure and another under SP, regular procedure will be followed.



4. Arraignment - the court sets the case for arraignment and trial.

If the accused is held in custody, he is immediately arraigned. If

he pleads guilty, he is sentenced forthwith. (Upon consideration of the complaint or information and the affidavits submitted, if there is no cause or ground to hold the accused for trial, the court may order the dismissal of the case.)

Before the trial, the offended party may file (or reserve the right to file) a separate action to pursue the civil liability of the accused.



5. Preliminary conference - before trial, the court calls the parties to a preliminary conference (stipulation of facts, plea bargaining, other matters to clarify the issues, additional affidavits, etc)

6. Trial - only the affidavits earlier executed by the witnesses shall constitute the direct testimonies, subject to cross-examination.

7. Judgment - within thirty days after termination of the trial, the court promulgates its judgment.

9. Appeal - in case of conviction, the accused can appeal to the higher courts (take note that a motion for reconsideration, new trial or reopening of trial is not allowed by the Revised Rule on Summary Procedure.

