

AN ACT PRESCRIBING A UNIFORM SYSTEM OF PRELIMINARY INVESTIGATION BY PROVINCIAL AND CITY FISCALS AND THEIR ASSISTANTS, AND BY STATE ATTORNEYS OR THEIR ASSISTANTS

REPUBLIC ACT NO. 5180, September 08, 1967

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Notwithstanding any provision of law to the contrary and except when an investigation has been conducted by a judge of first instance, city or municipal judge or other officer in accordance with jaw and the Rules of Court of the Philippines, no information for an offense cognizable by the Court of First Instance shall be filed by the provincial or city fiscal or any of his assistants, or by a state attorney or his assistants, without first giving the accused a chance to be heard in a preliminary investigation conducted by him by issuing a corresponding subpoena. If the accused appears, the investigation shall be conducted in his presence and he shall have the right to be heard, to cross-examine the complainant and his witnesses, and to adduce evidence in his favor. If he cannot be subpoenaed, or if subpoenaed he does not appear before the fiscal or state attorney, the investigation shall proceed without him. The investigating fiscal or state attorney or his assistants shall require the complainant and his witnesses to submit their testimonies in affidavit form duly sworn to before the said investigating fiscal or state attorney which shall constitute their testimony on direct examination in such an investigation, subject to the right of the accused or his counsel to cross-examine said complainant and his witnesses. Similarly, if the accused decides to adduce evidence in his favor, the accused, if he desires to testify on his behalf, and his witnesses shall be required to submit their testimonies in affidavit form duly sworn to which shall constitute their testimony on direct examination subject to the cross-examination by the complainant or his counsel.

The investigating fiscal or state attorney shall help both the complainant and the accused and their witnesses in the preparation and execution of their affidavits if so requested to do so.

The fiscal or state attorney or his assistants shall certify under oath in the information to be filed by him that the defendant was given a chance to appear in person or by counsel at said examination and investigation: Provided, That no assistant fiscal or state attorney may file an information except with the prior authority or approval of the city or provincial fiscal or state attorney and only in a case in which he himself conducted the preliminary investigation.

SEC. 2. The provisions of Section Fifteen, Rule 112, of the New Rules of Court of the Philippines, shall be observed in the investigations of persons in custody.

SEC.3. All laws or parts thereof, provisions of city charters, rules and regulations contrary to the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, September 8, 1967.

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