

AN ACT TO AMEND SEVERAL SECTIONS OF GENERAL ORDERS, NUMBERED FIFTY-EIGHT, PROVIDING THAT PROSECUTIONS FOR CRIMINAL OFFENSES SHALL BE IN THE NAME OF THE PEOPLE OF THE PHILIPPINE ...

Act No. 2886, February 24, 1920

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two of General Orders, Numbered Fifty-eight, series of nineteen hundred, is hereby amended to read as follows:

"SEC. 2. All prosecutions for public offenses shall be in the name of the people of the Philippine Islands against the person charged with the offense."

SEC. 2. Section eight of said General Orders, Numbered Fifty-eight, is hereby amended to read as follows:

"SEC. 8. A complaint or information may be substantially in the following form:

" 'The People of the Philippine Islands against A. B.

" 'In the Court of, for, Province of....., the day of, 19.....

" 'A. B. is accused by the undersigned of the crime of (giving its legal appellation, such as murder, arson, robbery, or the like, or designating it as a felony or misdemeanor), committed as follows:

" 'That said A. B., on the.....day of....., 19....., at the of, Province of, (here set forth the acts or omissions charged as an offense), contrary to the statute in such case made and provided.

(Signed) '.....' "

SEC. 3. Section thirty-one of said General Orders, Numbered Fifty-eight, is likewise amended, to read as follows:

"SEC. 31. The plea of not guilty having been entered, the trial must proceed in the following order:

"1. The Fiscal, on behalf of the people of the Philippine Islands, must offer evidence in support of the charges.

"2. The defendant or his counsel may, offer evidence in support of the defense.

"3. The parties may then respectively offer rebutting testimony, but rebutting testimony only, unless the court, in furtherance of justice, permit them to offer new and additional evidence bearing upon the main issue in question.

"4. When the introduction of testimony shall have been concluded, unless the case is submitted to the court without argument, the Fiscal must open the argument, the counsel for the defense must follow, and the Fiscal

may conclude the same. The arguments by either counsel may be oral or written, or partly oral and partly written, but only the written arguments, or such portions of the same as may be in writing, shall be preserved in the records of the case."

SEC. 4. Section forty-four of General Orders, Numbered Fifty-eight, is hereby amended to read as follows:

"SEC. 44. Either party may appeal from a final judgment or from an order made after judgment affecting the substantial rights of the appellant. The people of the Philippine Islands may also appeal from a judgment for the defendant rendered on a demurrer to an information or complaint and from an order dismissing a complaint or information."

SEC. 5. Section sixty-seven of said General Orders, Numbered Fifty-eight, is hereby amended to read as follows:

"SEC. 67. All personal bail bonds must be executed by a written undertaking executed by at least two sufficient sureties (with or without the defendant, as the court in its discretion may demand) and duly acknowledged, in substantially the following form:

" 'A complaint (or information) having been filed on the.....day of....., 19....., in the court of, Province of, charging (name of defendant) with the offense of (designating it generally), and he having been admitted to bail in the sum of.....pesos.

" 'Now, therefore, we,.....and, of....., jointly and severally, hereby undertake that the above (naming the defendant) will appear and answer the charge above-mentioned in whatever court it may be tried, and will at all times hold himself amenable to the orders and process of the court, and if convicted will appear for judgment, and render himself to the execution thereof; or if he fails to perform any of these conditions, that he will pay to the people of the Philippine Islands, the sum of.....pesos (inserting the sum to which the defendant shall be admitted to bail).

(Signed) '.....
'.....
'.....

SEC. 6. Section ninety-five of said General Orders, Numbered Fifty-eight, is likewise amended, to read as follows:

"SEC. 95. A search warrant is an order in writing, issued in the name of the people of the Philippine Islands, signed by a judge or a justice of the peace, and directed to a peace officer, commanding him to search for personal property and bring it before the court."

SEC. 7. Finally, section ninety-nine of said General Orders, Numbered Fifty-eight, is amended to read as follows:

"SEC. 99. If the judge or justice is thereupon satisfied of the existence of facts upon which the application is based, or that there is probable cause to believe that they exist, he must issue the warrant, which must be substantially in the following form:

" 'Province of.....

" 'The people of the Philippine Islands to any..... or policeman in the Province of.....:

" 'Proof, by affidavit, having this day been made before me by (naming the persons whose affidavits have been taken), that (stating the grounds of the application or, if the affidavit is not positive, that there is probable cause for believing), that (stating the ground of the application in the same manner), you are, therefore, commanded, in the daytime (or at any time in the day or night as the case may be), to make immediate search on the person

of..... or in the house situated (describing it or any other place to be searched with reasonable particularity, as the case may be), for the following property: (describe it with reasonable certainty) ; and if you find the same or any part thereof, to bring it forthwith before me at

" 'Witness my hand this day of.....,

(Signed) '.....' "

SEC. 8. All Acts or parts of Acts referring to criminal prosecutions, inconsistent with the provisions hereof and not specifically amended herein, shall be understood to be amended in the sense that the prosecution or proceedings shall be in the name of the people of the Philippine Islands.

SEC. 9. This Act shall take effect on its approval.

Approved, February 24, 1920.

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