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TO : All Provincial and City Prosecutors and Their Assistants and State Prosecutors

SUBJECT : "JOHN DOE" INFORMATION

The attention of this Department has been invited to the practice of some prosecutors of filing informations against persons who/ apart from being merely identified as "John Does"/ are not otherwise particularly described to distinguish them or set them apart from other persons. This practice has resulted in instances where the names of persons who are subsequently arrested are substituted in place of the "John Does" in the information even though the evidence extant in the records of the case does not show any substantial identity between the former and the latter.

Warrants of arrest against "John Does" / the witnesses against whom could not or would not identify them/ is of the nature of general warrants and one of a class of writs long proscribed and anathematized as "totally subversive of the liberty of the subject." It is violative of the constitutional injunction that warrants of arrest should particularly describe the person or persons to be seized. (Pangandaman vs. Casar/ 159 SCRA 599).

Henceforth as a matter of policy of this Department/ whenever a complaint implicating a "John Doe" is filed you are hereby directed to:

1. elicit from the witnesses other appropriate descriptions to particularly describe a "John Doe" to distinguish him or set him apart from the others and
2. to place a new name in the information in lieu of a "John Doe" only when the description of this "John Doe" as appearing in the sworn statement of a witness substantially tallies with the description of the person placed in "John Doe's" stead.

For your strict compliance.

(SGD.) FRANKLIN M. DRILON
Secretary

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