

FILING OF INFORMATIONS IN THE REGIONAL TRIAL COURTS

DOJ DEPARTMENT CIRCULAR NO. 16, April 19, 1991

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The Supreme Court, in its decision in *Vicente Lim, Sr., et al. vs. Hon. Nemesio S. Felix, et al.*, G.R. Nos. 94054-57 and *Jolly T. Fernandez, et al., vs. Hon. Nemesio S. Felix, et al.*, G.R. Nos. 94266-69, promulgated on February 19, 1991, reiterated its ruling in *Soliven vs. Makasiar*, 167 SCRA 393, as follows:

"What the Constitution underscores is the exclusive and personal responsibility of the issuing judge to satisfy himself of the existence of probable cause. In satisfying himself of the existence of Probable cause for the issuance of a warrant of arrest, the judge is not required to personally examine the complainant and his witnesses. Following established doctrine and procedures, he shall: 1) personally evaluate the report and supporting documents submitted by the fiscal regarding the existence of probable cause and, on the basis thereof, issue a warrant of arrest; or 2) if on the basis thereof he finds no probable cause, he may disregard the fiscal's report and require the submission of supporting affidavits of witnesses to aid him in arriving at a conclusion as to the existence of probable cause."

In accordance therewith, an information to be filed in the Regional Trial Court shall be supported by copies of the evidence submitted by the parties, the affidavits of the complainant/s and his/their witnesses and the counter-affidavits of the respondent/s and his/their witnesses and other evidence, and your resolution on the case.

Strict compliance herewith is enjoined.

Adopted: 19 Apr. 1991

(Sgd.) FRANKLIN M. DRILON
Secretary

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