



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 119-2011

TO : COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT : GUIDELINES ON WHEN A PERSON IS CONSIDERED FORMALLY CHARGED

Pursuant to the Decision of the Supreme Court in Crisostomo M. Plopinio v. Atty. Liza Zabala-Cariño, A.M. No. P-08-2458 (Formerly OCA IPI No. 08-2755-P), promulgated on 22 March 2010, directing the Office of the Court Administrator to cause the dissemination of the guidelines as to when a person shall be considered formally charged, please be informed that a person shall be considered charged:

- "(1) ***In administrative proceedings*** – (a) upon the filing of a complaint at the instance of the disciplining authority; or (b) upon the finding of the existence of a *prima facie* case by the disciplining authority, in case of a complaint filed by a private person.
- (2) ***In criminal proceedings*** – (a) upon the finding of the existence of probable cause by the investigating prosecutor and the consequent filing of an information in court with the required prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy; (b) upon the finding of the existence of probable cause by the public prosecutor or by the judge in cases not requiring a preliminary investigation nor covered by the Rule on Summary Procedure; or (c) upon the finding of cause or ground to hold the accused for trial pursuant to Section 13 of the Revised Rule on Summary Procedure." ***(Italics emphasized)***

For proper guidance.

August 24, 2011.


NIMFA C. VILCHES

Deputy Court Administrator
and Officer-In-Charge

Office of the Court Administrator