Original – Court, 1st Copy – Prosecutor, 2nd Copy – Accused, Other copies as needed

Enter information in block letters in all parts of the Form except when reserved for Court use, which shall be completed by the Clerk.

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| (Judicial Region)  METC/MTCC/MTC/MCTC Case No.  RTC         (Municipality/City/Province)  BRANCH | For Court Use Only |
| People of the Philippines , v.  ,  *Accused.* |
| ATTORNEY OR PARTY WITHOUT ATTORNEY  *Name* ­­­  *Firm Name*  *Address*  *Email Address*  *Tel./Cel./Fax Nos.*  *PTR No.*       *Date/Place of Issuance*  *Roll No.*       *Date/Place of Issuance*  *IBP No.*       *Lifetime* *Date/Chapter*  *MCLE* *Compliance* *Exemption No.*  *Other Compliances* ­­­­­­­­­  *Attorney for*  *Prosecution:* *Public Prosecutor* *Private Prosecutor*  *Defense:* *Public Attorney* *Private Counsel*  *Other* |

**ORDER OF ARRAIGNMENT**

I.

**Appearances**

At today’s setting, accused       was in court

assisted by counsel *de parte*, Atty.      .

unassisted by counsel and after informing the accused of his/her right to counsel of choice, s/he agreed to be assisted by  the Public Attorney's Office  Atty.       as counsel *de officio*.  The Public Attorney's Office, subject to qualification requirements,  Atty.       is hereby appointed as counsel *de officio* for the accused in this case.

The private complainant       is likewise present.

The private complainant       is absent, despite notice.  S/he is directed to show cause and explain such absence within three (3) days from receipt hereof.

The private complainant is absent and the court cannot ascertain whether s/he is notified.

II.

**Amendment of Information/s**

The Information/s is/are ordered amended to reflect:

full and correct name of the accused private complainant as      . *(write full and correct name)*

others       *(please indicate)*

III.

**Arraignment**

After the Information/s was/were read to the accused, assisted by counsel, in      , a language/dialect known to and understood by him/her/them, accused entered a plea/pleas of “Not Guilty” to the offense/s charged.

After the accused waived the public reading of the Information/s, s/he/they entered a plea/pleas of “Not Guilty” to the offense/s charged.[[1]](#footnote-1)

IV.

**Stipulations**

         The public prosecutor and the defense counsel, with the understanding and consent of the accused, stipulated on:

the identity of the accused       as the same person charged in the Information/s who entered a plea of "Not Guilty" in this/these case/s and whenever his/her name is mentioned in this/these proceedings, it shall refer to him/her and no other.

the court’s jurisdiction over the offense.

the venue.

V.

**Plea Bargain Agreement and Sentence**

The prosecution and the defense, with the express understanding and consent of the accused, agreed on a plea bargain to the lesser offense of       under Article       of the Revised Penal Code, which is necessarily included in the offense originally charged.

Pursuant to the plea bargain agreement between the prosecution and the defense, the accused      , assisted by counsel, was re-arraigned on the lesser offense of       under  Article       of the Revised Penal Code        (cite applicable law), in      , a language/dialect known to and understood by him/her, and accused entered a plea of "Guilty".

  Accordingly, the Court hereby finds the accused       guilty beyond reasonable doubt, by reason of his/her own admission, of the lesser offense of       under Article       of the Revised Penal Code        (cite applicable law), and the Court hereby sentences him/her to suffer the indeterminate straight penalty of:

imprisonment of      .The accused shall be credited with the period of any preventive detention, pursuant to Article 29 of the Revised Penal Code.

fine of P      .

cost of suit.

no cost is adjudged.

VI.

**Referral to Mediation and JDR**

As the offense charged is a mediatable offense, this/these case/s is/are referred to the Philippine Mediation Center unit for mediation proceedings on       at      .  The assigned Mediator is directed to submit a report to this Court on the results of the mediation within thirty (30) days from receipt of the case/s.

       Should mediation fail, set the case for Judicial Dispute Resolution before the undersigned on       at      .

         Mediation and Judicial Dispute Resolution are mandatory parts of pre-trial and strictly confidential.  Non-appearance thereat shall merit the same sanctions as non-appearance at pre-trial.

VII.

**Preliminary Conference and Pre-Trial Proper**

As the offense is not mediatable, the parties are directed to appear before the Branch Clerk of Court for preliminary conference on       at      .   Parties are required to bring all their evidence and be ready to mark and/or compare the originals or certified true copies thereof with photocopies.

Pre-trial proper shall be conducted by the undersigned on        at      .

SO ORDERED.

     

Judge Date

**Conformity to Stipulations/Plea Bargaining:**

     

Public Prosecutor Accused

Defense Counsel

COPY FURNISHED

|  |  |  |  |
| --- | --- | --- | --- |
| Person’s Name | Method | Place Served | Date Served |
| Trial Prosecutor | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Counsel for Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Private Complainant | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |

SPECIAL INSTRUCTIONS

*Amended Information*

A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused shall not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial. (Section 14, Rule 110, ROC)

*Arraignment and Plea, how made*

The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made in open court by the judge or clerk by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.

The accused must be present at the arraignment and must personally enter his plea. Both arraignment and plea shall be made of record, but failure to do so shall not affect the validity of the proceedings.

The private offended party shall be required to appear at the arraignment for purposes of plea bargaining, determination of civil liability, and other matters requiring his presence. In case of failure of the offended party to appear despite due notice, the court may allow the accused to enter a plea of guilty to a lesser offense which is necessarily included in the offense charged with the conformity of the trial prosecutor alone. (Section 1(a), (b), (f), Rule 116, ROC)

*Plea to a lesser offense*

At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary. (Section 2, Rule 116, ROC)

*Pre-Trial mandatory in Criminal Cases*

In all criminal cases cognizable by the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, the court shall after arraignment and within thirty (30) days from the date the court acquires jurisdiction over the person of the accused, unless a shorter period is provided for in special laws or circulars of the Supreme Court, order a pre-trial conference to consider the following:

1. plea bargaining;
2. stipulation of facts;
3. marking for identification of evidence of the parties;
4. waiver of objections to admissibility of evidence;
5. modification of the order of trial if the accused admits the charge but interposes a lawful defense; and
6. such other matters as will promote a fair and expeditious trial of the criminal and civil aspects of the case. (Section 1, Rule 118, ROC)

*Preliminary Conference before BCC*

A.M. 03-01-09-SC

*CAM and JDR*

The following cases shall be referred to Court-Annexed Mediation (CAM) and be the subject of Judicial Dispute Resolution (JDR) proceedings:

1. All civil cases and the civil liability of criminal cases covered by the Rule on Summary Procedure, including the civil liability for violation of B.P. 22, except those which by law may not be compromised;
2. Special proceedings for the settlement of estates;
3. All civil and criminal cases filed with a certificate to file action issued by the*Punong Barangay*or the *Pangkat ng Tagapagkasundo*under the Revised*Katarungang Pambarangay Law*
4. The civil aspect of Quasi-Offenses under Title 14 of the Revised Penal Code;
5. The civil aspect of less grave felonies punishable by correctional penalties not exceeding 6 years imprisonment, where the offended party is a private person;
6. The civil aspect of estafa, theft and libel;
7. All civil cases and probate proceedings, testate and intestate, brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par. (1) of the Judiciary Reorganization Act of 1980;
8. All cases of forcible entry and unlawful detainer brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par. (2) of the Judiciary Reorganization Act of 1980;
9. All civil cases involving title to or possession of real property or an interest therein brought on appeal from the exclusive and original jurisdiction granted to the first level courts under Section 33, par.(3) of the Judiciary Reorganization Act of 1980; 13 and
10. All habeas corpus cases decided by the first level courts in the absence of the Regional Trial Court judge, that are brought up on appeal from the special jurisdiction granted to the first level courts under Section 35 of the Judiciary Reorganization Act of 1980.

[Consolidated and Revised Guidelines to Implement the Expanded Coverage of Courtannexed Mediation (CAM) and Judicial Dispute Resolution (JDR), A.M. No. 11-1-6-SC-PHILJA]

1. Under the Guidelines for Litigation in Quezon City Courts [↑](#footnote-ref-1)