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.

|  |  |
| --- | --- |
| (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* |

**MOTION FOR PRELIMINARY INVESTIGATION**

Accused       moves for the case to be referred to the Office of the Provincial City Prosecutor for the conduct of preliminary investigation and states:

1. The accused is charged with an offense punishable by imprisonment of at least four (4) years, two (2) months, and one (1) day.
2. The Information in this case was filed without a preliminary investigation.
3. This motion is filed within five (5) days from the date accused learned of the filing of the Information on      .

     

Accused Defense Counsel

PROOF OF SERVICE

A copy of this Motion was served upon parties and/or their counsel(s) on       via

Personal Service

Facsimile or other Electronic Means

and received by the parties and/or their counsel(s) on      .

Proof of such service is attached to this Motion as Annex      .

     

Date Party/Party’s Counsel’s Signature

NOTICE OF HEARING

Public Prosecutor

Address

Private Complainant

Address

GREETINGS: Please take notice that the foregoing Motion for Preliminary Investigation shall be submitted for the consideration and approval of the Honorable Court on       at      .

Counsel for Accused

ORDER

The Motion is

GRANTED. This case is referred to the Office of the Provincial City Prosecutor for the conduct of preliminary investigation which shall be completed within sixty (60) days from notice.

DENIED because

preliminary investigation is not required in this case.

the Motion was filed out of time.

preliminary investigation was already conducted.

SO ORDERED.

Judge Date

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 |  |  |

Proof of such service is attached to this Motion as Annex.

     

Date Party/Party’s Counsel’s name and signature

SPECIAL INSTRUCTIONS

*Preliminary investigation defined*;*when required*

Preliminary investigation is an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial.

Except as provided in section 7 of this Rule, a preliminary investigation is required to be conducted before the filing of a complaint or information for an offense where the penalty prescribed by law is at least four (4) years, two (2) months and one (1) day without regard to the fine. (Section 1, Rule 112 ROC)

*When warrant of arrest not necessary*

A warrant of arrest shall not issue if the accused is already under detention pursuant to a warrant issued by the municipal trial court in accordance with paragraph (b) of this section, or if the complaint or information was filed pursuant to section 7 of this Rule or is for an offense penalized by fine only. The court shall then proceed in the exercise of its original jurisdiction.

(Section 6(3), Rule 112 ROC)