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* |

**MOTION TO REVIVE CASE**

      moves to revive the case upon the following grounds:

On      , the case was archived. The accused       has been arrested surrendered to the court.

On      , the case was provisionally dismissed with the express consent of the accused      . This Motion is being filed within 1 year 2 years from such dismissal.

On      , the case was archived in view of the settlement of the civil aspect. This Motion is being filed due to the failure of the accused to comply with the terms of the settlement.

Public Prosecutor Date

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

Counsel for the Accused

Address

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

Public Prosecutor

**ORDER**

After a review of the Motion, the same is

GRANTED. The case is revived. Set the case for      .

DENIED.

SO ORDERED.

Judge Date

COPY FURNISHED

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| --- | --- | --- | --- |
| 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

*Copies to be filed with the court*

An original of this Form must be filed with the Court together with such additional copies equivalent to the number of parties there are in the case, which shall be used by the Court in sending out the Form anew with its Court Order.

*Archiving of Criminal Cases*

A criminal case may be archived only if after the issuance of the warrant of arrest, the accused remains at large for six (6) months from the delivery of the warrant to the proper peace officer. An order archiving the case shall require the peace officer to explain why the accused was not apprehended. The court shall issue an alias if the original warrant of arrest is returned by the peace officer together with the report.

The court, *motu proprio* or upon motion of any party, may likewise archive a criminal case when proceedings therein are ordered suspended for an indefinite period because:

1. the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently, or to undergo trial, and he has to be committed to a mental hospital;
2. a valid prejudicial question in a civil action is invoked during the pendency of the criminal case unless the civil and the criminal cases are consolidated;
3. an interlocutory order or incident in the criminal case is elevated to, and is pending resolution/decision for an indefinite period before a higher court which has issued a temporary restraining order or writ of preliminary injunction; and
4. when the accused has jumped bail before arraignment and cannot be arrested by his bondsmen.

(A.M. No. 7-A-92-SC, Guidelines in the Archiving of Cases)

*Provisional Dismissal to become Permanent*

The provisional dismissal of offenses punishable by imprisonment not exceeding six (6) years or a fine of any amount, or both, shall become permanent one (1) year after issuance of the order without the case having been revived. With respect to offenses punishable by imprisonment of more than six (6) years, their provisional dismissal shall become permanent two (2) years after issuance of the order without the case having been revived. (Section 8, Rule 117, ROC)