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 FOR RECONSIDERATION**

The Public Prosecutor moves for a reconsideration of the Order dated      , a copy of which was received on      , based on the following grounds:

1. The court failed to consider the evidence or misapplied the law when it found that there is no probable cause to hold the accused for trial.

2. The elements of the crime charged are:

3. The elements are established by       *(discuss how evidence establishes each element of the offense).*

4. Probable cause to issue a warrant of arrest pertains to facts and circumstances which would lead a reasonably discreet and prudent person to believe that an offense has been committed by the person sought to be arrested. In determining probable cause, the average man weighs facts and circumstances without resorting to the calibrations of our technical rules of evidence of which his knowledge is nil. Rather, he relies on the calculus of common sense of which all reasonable men have an abundance. (*Webb v. De Leon, 247 SCRA 652 [1995])*

5. The strict validity and merits of a party's accusation or defense, as well as admissibility of testimonies and pieces of evidence, are better ventilated during the trial proper of the case*. (Galvez v. Court of Appeals, G.R. Nos. 187919, 187979 and 188030, April 25, 2012, 671 SCRA 222; and United Coconut Planters Bank v. Looyuko, G.R. No. 156337, September 28, 2007, 534 SCRA 322)*

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

Atty.

Counsel for the Accused

Address

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

     Public Prosecutor

**ORDER**

The Motion for Reconsideration is

GRANTED.

Issue a Warrant of Arrest against the accused      .\*

The Arraignment is set on      .\*\*

DENIED.

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

\* For cases governed by regular procedure

\*\* For cases governed by Summary Procedure

*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 in the case, to be used by the Court in sending out its court order contained in the same Form.