

# [ **PRESIDENTIAL DECREE NO. 911, March 23, 1976** ]

## **FURTHER AMENDING SECTION 1 OF REPUBLIC ACT NO. 5180 AS AMENDED BY PRESIDENTIAL DECREE NO. 77**

**WHEREAS**, Presidential Decree No. 77 was issued to provide a procedure for conducting preliminary investigations which is more conducive to the speedy administration of justice;

**WHEREAS**, while the said Decree has served its purpose, the requirement therein that complainants and respondents and their witnesses must have their statements subscribed and sworn to before the investigating fiscal is still causing undue delay in the disposition of cases and unnecessary expenses to the parties especially where they come from remote places or reside in cities or provinces different from the *situs* of the crime;

**WHEREAS**, there is likewise a need to provide for closer supervision and control by the Secretary of Justice over fiscals and state prosecutors in the performance of their functions to better assure fair dispensation of justice;

**NOW, THEREFORE, I, FERDINAND E. MARCOS**, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order:

1. Section 1 of Republic Act No. 5180, as amended by Presidential Decree No. 77, is hereby further amended to read as follows:

"Section 1. Notwithstanding any provision of law to the contrary and except when an investigation has been conducted by a judge of first instance, city or municipal judge or other officer in accordance with law and the Rules of Court of the Philippines, no information for an offense cognizable by the Court of First Instance shall be filed by the provincial or city fiscal or his assistants or by a state prosecutor, without first conducting a preliminary investigation in the following manner:

"a. All complaints shall be accompanied by statements of the complainant and his witnesses as well as other supporting documents. The statements, of the complainant and his witnesses shall be sworn to before any fiscal or state prosecutor or before any government official authorized to administer oath. The officer administering the oath must certify that he has personally examined the affiants and that he is satisfied that they voluntarily executed and understood their affidavits.

"b. If on the basis of the complainant's sworn statements and documents submitted, the investigating fiscal or state prosecutor finds no probable cause to conduct a preliminary investigation, he shall dismiss the case. If probable cause is established by complainant's evidence, he shall notify the Respondent by issuing a subpoena requiring him to submit his counter-affidavit and the affidavits of his witnesses, if any, and other supporting documents, within ten (10) days from receipt