

[DOJ DEPARTMENT ORDER NO. 26, August 05, 1991]

**GUIDELINES ON THE INVESTIGATION AND PROSECUTION OF
OFFENSES DEFINED AND PENALIZED UNDER ARTICLE 201 OF
THE REVISED PENAL CODE, AS AMENDED BY P.D. NO. 969
(IMMORAL DOCTRINES, OBSCENE PUBLICATIONS AND
EXHIBITIONS, AND INDECENT SHOWS)**

Supplementary to the provisions of Department Circular No. 5 s. 1989 (Prescribing a Uniform Procedure for the Disposition of Inquest Cases) and Rule 112 of the *1985 Rules on Criminal Procedure*, as amended; and, in response to the need and desirability to provide a uniform criteria upon which to base the quantum of evidence required by prosecutors in the determination of probable cause involving offenses defined and penalized under Art. 201 of the Revised Penal Code, as amended, the following guidelines are hereby prescribed:

1. In cases where the Movie and Television Review and Classification Board (MTRCB, for brevity) files a criminal complaint pursuant to Sec. 3 (i) of P.D. No. 1986, MTRCB shall immediately furnish the investigating prosecutor with copies of the pertinent records/documents/evidence in its possession together with the sworn-complaint of the official responsible therefor, stating the cause of action; and,
2. In cases of obscene exhibition/(s) and indecent show/(s) the investigating or inquest prosecutor shall determine the existence or absence of probable cause based on the sworn complaints of witnesses who may be members of the law-enforcement authorities, including photographs or reproductions of the alleged obscene shows or exhibitions. However, the presentation of photographs/reproductions is not indispensable for the filing of the appropriate information in Court if other evidence adduced can establish probable cause.

For strict compliance.

Adopted: 5 Aug. 1991

(Sgd.) SILVESTRE H. BELLO III
Acting Secretary



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