

The Revised Rules of Criminal Procedure

(As amended, December 1, 2000)

RULE 110 Prosecution of Offenses

Section 1. *Institution of criminal actions.* — Criminal actions shall be instituted as follows:

(a) For offenses where a preliminary investigation is required pursuant to section 1 of Rule 112, by filing the complaint with the proper officer for the purpose of conducting the requisite preliminary investigation.

(b) For all other offenses, by filing the complaint or information directly with the Municipal Trial Courts and Municipal Circuit Trial Courts, or the complaint with the office of the prosecutor. In Manila and other chartered cities, the complaint shall be filed with the office of the prosecutor unless otherwise provided in their charters.

The institution of the criminal action shall interrupt the running period of prescription of the offense charged unless otherwise provided in special laws. (1a)

Section 2. *The Complaint or information.* — The complaint or information shall be in writing, in the name of the People of the Philippines and against all persons who appear to be responsible for the offense involved. (2a)

Section 3. *Complaint defined.* — A complaint is a sworn written statement charging a person with an offense, subscribed by the offended party, any peace officer, or other public officer charged with the enforcement of the law violated. (3)

Section 4. *Information defined.* — An information is an accusation in writing charging a person with an offense, subscribed by the prosecutor and filed with the court. (4a)

Section 5. *Who must prosecute criminal actions.* — All criminal actions either commenced by complaint or by information shall be prosecuted under the direction and control of a public prosecutor. In case of heavy work schedule of the public prosecutor, or in the event of lack of public prosecutors, the private prosecutor may be authorized in writing by the Chief of the Prosecution Office or the Regional State Prosecutor to prosecute the case subject to the approval of the court. Once so authorized to prosecute the criminal action, the private prosecutor shall continue to prosecute the case up to the end of the trial even in the absence of a public prosecutor, unless the authority is revoked or otherwise withdrawn. (A.M. No 02-2-07-SC)

Students Guide To The Rules Of Criminal Procedure

Lingjun Ying



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Table of Contents Students Guide To The Rules Of Criminal Procedure

1. Understanding the eBook Students Guide To The Rules Of Criminal Procedure
 - The Rise of Digital Reading Students Guide To The Rules Of Criminal Procedure
 - Advantages of eBooks Over Traditional Books
2. Identifying Students Guide To The Rules Of Criminal Procedure
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Students Guide To The Rules Of Criminal Procedure
 - User-Friendly Interface
4. Exploring eBook Recommendations from Students Guide To The Rules Of Criminal Procedure
 - Personalized Recommendations
 - Students Guide To The Rules Of Criminal Procedure User Reviews and Ratings
 - Students Guide To The Rules Of Criminal Procedure and Bestseller Lists
5. Accessing Students Guide To The Rules Of Criminal Procedure Free and Paid eBooks
 - Students Guide To The Rules Of Criminal Procedure Public Domain eBooks
 - Students Guide To The Rules Of Criminal Procedure eBook Subscription Services
 - Students Guide To The Rules Of Criminal Procedure Budget-Friendly Options
6. Navigating Students Guide To The Rules Of Criminal Procedure eBook Formats

- ePub, PDF, MOBI, and More
- Students Guide To The Rules Of Criminal Procedure Compatibility with Devices
- Students Guide To The Rules Of Criminal Procedure Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Students Guide To The Rules Of Criminal Procedure
 - Highlighting and Note-Taking Students Guide To The Rules Of Criminal Procedure
 - Interactive Elements Students Guide To The Rules Of Criminal Procedure
- 8. Staying Engaged with Students Guide To The Rules Of Criminal Procedure
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Students Guide To The Rules Of Criminal Procedure
- 9. Balancing eBooks and Physical Books Students Guide To The Rules Of Criminal Procedure
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Students Guide To The Rules Of Criminal Procedure
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Students Guide To The Rules Of Criminal Procedure
 - Setting Reading Goals Students Guide To The Rules Of Criminal Procedure
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Students Guide To The Rules Of Criminal Procedure
 - Fact-Checking eBook Content of Students Guide To The Rules Of Criminal Procedure
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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