



Republic of the Philippines

Department of Agriculture

Fertilizer and Pesticide Authority

FPA Bldg, BAI Compound, Visayas Ave. Diliman, Quezon City P.O. Box 2582, Q.C.

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11 July 2023

MEMORANDUM

**TO : ALL REGIONAL AND PROVINCIAL OFFICERS
THIS OFFICE**

FROM : THE OFFICE OF THE EXECUTIVE DIRECTOR

SUBJECT : GUIDELINES AND PROCEDURES FOR FILING A CASE IN COURT

As a technical regulatory agency mandated to assure the public of safe and adequate supply of fertilizer, pesticide and other agricultural chemicals, the Fertilizer and Pesticide Authority (FPA), pursuant to Section 6, Article I, par. 6 of the Presidential Decree No. 1144 (PD 1144), is given the power to institute proceedings against any person violating any provisions of PD 1144 and/or such rules and regulations as may be promulgated to implement the provisions of PD 1144 after due notice and hearing.

In relation thereto, the following are the guidelines and procedures for filing a case in court, to wit:

1. Report any violation/s of PD 1144 to the proper authorities, typically to the barangay or the police authorities. The barangay or the police authorities shall generate a "blotter" report which shall serve as an important piece of evidence in the case to be filed.
2. Obtain and collate all the pieces of documentary evidence including the affidavits of all the persons who have personal knowledge of the violation/s committed.
3. Endorse all the pieces of evidence to the FPA's Legal Officer who shall prepare a Complaint-Affidavit which shall prove all the elements of the violation/s committed.
4. File the Complaint-affidavit with the Office of the City/Provincial Prosecutor where the crime was committed.
5. After filing of the Complaint-Affidavit, the Office of the City/Provincial Prosecutor shall issue a subpoena against the accused, requiring him to appear on a certain date and time to submit his Counter-Affidavit.
6. Thereafter, you may file a Reply-Affidavit to controvert the new issues which the accused raised. In the same vein, the accused may file a Rejoinder-Affidavit. This process is referred to as "Preliminary Investigation".
7. The prosecutor assigned to the case shall determine whether there is sufficient ground to file an Information in court against the accused.
8. If there are no sufficient grounds, the prosecutor shall dismiss the case. As such, the criminal complaint shall not be filed in court.



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9. If the prosecutor finds probable cause, he shall issue a Resolution spelling out the reasons for such finding. The prosecutor shall correspondingly file an Information in court.
10. If the judge in the pertinent court finds sufficient ground, he shall issue a warrant of arrest. The judge may allow bail, depending on the nature and gravity of the case, which would grant the accused temporary freedom while the trial is in progress.
11. Trial shall thereafter ensue.

It must be emphasized that violation of PD 1144 is an offense committed against the state. Thus, the prosecutor shall be the one prosecuting the case. However, the prosecutor may or may not be assisted by a private prosecutor.

For your information and guidance.

Julieta B. Lansangan

Officer-in-Charge



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