

[OP MEMORANDUM CIRCULAR NO. 58, June 30, 1993]

**REITERATING AND CLARIFYING THE GUIDELINES SET FORTH IN
MEMORANDUM CIRCULAR NO. 1266 (4 NOVEMBER 1983)
CONCERNING THE REVIEW BY THE OFFICE OF THE PRESIDENT
OF RESOLUTIONS ISSUED BY THE SECRETARY OF JUSTICE
CONCERNING PRELIMINARY INVESTIGATIONS OF CRIMINAL
CASES**

In the interest of the speedy administration of Justice, the guidelines enunciated in Memorandum Circular No. 1266 (4 November 1983) on the review by the Office of the President of resolutions/orders /decisions issued by the Secretary of Justice concerning preliminary investigations of criminal cases are reiterated and clarified.

No appeal from or petition for review of decisions/orders/resolutions of the Secretary of Justice on preliminary investigations of criminal cases shall be entertained by the Office of the President, except those involving offenses punishable by reclusion perpetua to death wherein new and material issues are raised which were not previously presented before the Department of Justice and were not ruled upon in the subject decision/order /resolution, in which case the President may order the Secretary of Justice to reopen/review the case, provided, that, the prescription of the offense is not due to lapse within six (6) months from notice of the questioned resolution/order/decision, and provided further, that, the appeal or petition for review is filed within thirty (30) days from such notice.

Henceforth, if an appeal or petition for review does not clearly fall within the jurisdiction of the Office of the President, as set forth in the immediately preceding paragraph, it shall be dismissed outright and no order shall be issued requiring the payment of the appeal fee, the submission of appeal brief/memorandum or the elevation of the records to the Office of the President from the Department of Justice.

If it is not readily apparent from the appeal or petition for review that the case is within the jurisdiction of the Office of the President, the appellant/petitioner shall be ordered to prove the necessary jurisdictional facts, under penalty of outright dismissal of the appeal or petition, and no order to pay the appeal fee or to submit appeal brief/memorandum or to elevate the records of the case to the Office of the President shall be issued unless and until the jurisdictional requirements shall have been satisfactorily established by the appellant/petitioner.

Subject to the provisions of Memorandum Order No. 73 (4 January 1993), as amended by Memorandum Order No. 128 (2 May 1993) and Memorandum Order No. 139 (24 June 1993), only the Executive Secretary, the Chief Presidential Legal Counsel or the Assistant Executive Secretary for Legal Affairs shall be authorized to sign any order for the payment of appeal fee or the submission of appeal brief/