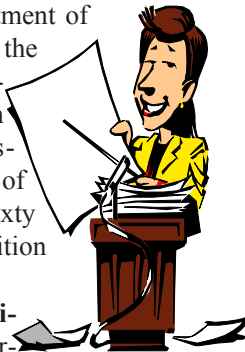


# Pleadings, motions before arraignment

**1. Petition for review** - filed with the Department of Justice, the Regional State Prosecutor's office, or the Office of the President, if the prosecutor has committed manifest error or grave abuse of discretion during the preliminary investigation. Period of suspension of arraignment shall not exceed sixty days from the filing of the petition for review.



**2. Motion for reinvestigation** - alleges defects or irregularities in the preliminary investigation, requests that the findings be invalidated and that another investigation be conducted to determine if there is probable cause.



**3. Motion for a bill of particulars** (Rule 116, Section 10) - the motion specifies alleged defects of the complaint or information and requests details that will enable the accused to plead properly to the charge against him and to adequately prepare for trial.

**4. Motion for suspension of arraignment** - this motion may be filed on the ground that the accused appears to be suffering from an unsound mental condition which effectively renders him unable to fully understand the charge against him and to plead intelligently thereto. In such a case, the court orders a mental examination of the accused and if necessary, his confinement for such purpose. Another ground is when the court finds the existence of a valid prejudicial question (for example, a void first marriage in bigamy cases).



[ Motion to question legality of arrest and/or suppress evidence]

**5. Motion to quash the information** (Rule 117) and/or suppress evidence]

(a) The accused has been previously convicted or in jeopardy of being convicted, or has been acquitted of the offense charged; (b) The criminal action or liability has already prescribed; (c) The facts charged do not constitute an offense; (d) The court trying the case has no jurisdiction over the case or over the person of the accused; (e) The officer who filed the information had no authority to do so; (f) The information contains statements which constitute a legal excuse or justification; (g) It does not conform substantially to the prescribed form; (h) More than one offense is charged (except in cases where the law prescribes a single punishment for various offenses).



**6. Production or inspection of material evidence** in possession of prosecution, police or other law investigating agencies in order to prevent surprise, suppression or alteration (Sec. 10, Rule 116).