

## Discretionary Power of the Prosecution

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*SUBJECT(S): REMEDIAL LAW*

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The Note provides a survey on the present system of criminal procedure in the Philippines with regard to fact that under the accusatorial system, great discretion is given to the prosecuting officer.

It examines the different stages in a criminal prosecution and the discretion that the fiscal enjoys in each stage. Stages discussed are accusation, preliminary investigation, prosecution or trial and appeal. In examining the different stages, the Note cites the Rules of Court and related jurisprudence. The Revised Penal Code and the Revised Administrative Code are also cited in several stages.

After analyzing the discretionary power of the fiscal in each stage, the Author concludes that instead of further legislation, vigilant watch of the public in the administration of criminal law is more apt to ensure that the criminal prosecution in the country operates efficiently.