



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 335-2023**

**TO: ALL JUDGES OF FIRST AND SECOND LEVEL COURTS**

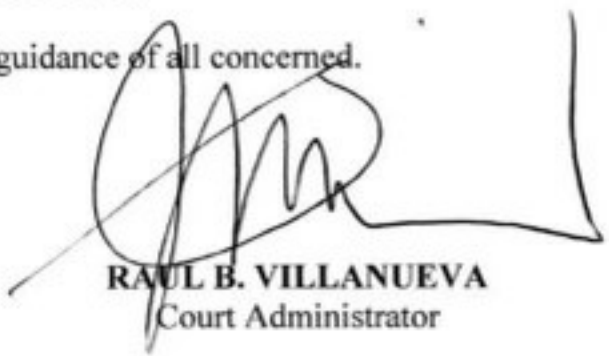
**SUBJECT: REMINDERS IN RESOLVING MOTIONS TO WITHDRAW INFORMATION, MOTIONS TO DISMISS FILED BY THE PROSECUTION IN CRIMINAL CASES**

In line with the results of inter-agency discussions relative to the Jail Decongestion Program, and in order to aid with the decongestion of detention facilities and de-clogging of court dockets, all Judges of First and Second Level Courts are hereby **INSTRUCTED** to not outrightly deny the Motions to Withdraw Information or Motions to Dismiss on the ground that the court has already made a determination of probable cause in criminal cases filed by the Prosecution, but to carefully assess and evaluate independently the evidence presented by the prosecution thus far in each case.

Once the prosecution raises the lack of prima facie evidence or reasonable certainty to sustain a conviction by filing a Motion to Withdraw Information or a Motion to Dismiss, all concerned are hereby **ENJOINED** to exercise their own judicial discretion, and make their own independent assessment of the merits of each case, including the evidence presented by the prosecution, as required in the case of *Crespo vs. Mogul*.<sup>1</sup> This is to prevent the further clogging of court dockets and to uphold the rights of the accused to be relieved from going through a trial, once the court ascertains that the evidence is insufficient to sustain a conviction.

For the strict compliance and guidance of all concerned.

22 September 2023



**RAUL B. VILLANUEVA**  
Court Administrator

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<sup>1</sup> G.R. No. L-53373, June 30, 1987.