EN BANC

[G.R. No. 280455. November 11, 2025]

ATTY. HAZEL L. MEKING, PETITIONER, VS. JESUS CRISPIN C. REMULLA, IN HIS CAPACITY AS THE SECRETARY OF THE DEPARTMENT OF JUSTICE, RESPONDENT.

D E C I S I O N

DIMAAMPAO, J.:

In this Petition for *Certiorari*,[1] petitioner Atty. Hazel L. Meking (Atty. Meking) seeks to nullify Department Circular No. 015 issued by respondent Secretary Jesus Crispin S. Remulla (Secretary Remulla) of the Department of Justice (DOJ).

Antecedents

On July 16, 2024, the DOJ promulgated Department Circular No. 015, which contains the 2024 Department of Justice – National Prosecution Service (2024 DOJ-NPS) Rules on Preliminary Investigations and Inquest Proceedings Rule II, Section 5 states:

> **Section 5. Quantum of Evidence.** The quantum of evidence for preliminary investigations and inquest proceedings is *prima facie* evidence with reasonable certainty of conviction. This quantum exists when a *prima facie* case is established by the evidence-at-hand, including but not limited to testimonial evidence, documentary evidence, and real evidence; and such evidence, on its own and if left uncontradicted, shall be sufficient to establish all the elements of a crime or offense charged, and consequently warrant a conviction beyond reasonable doubt.
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> The quantum of evidence is met when the prosecutor is convinced that the entirety of evidence presented by the parties is (a) admissible, (b) credible, and (c) capable of being preserved and presented to establish all the elements of the crime or offense, as well as the identity of the person or persons responsible therefor. Reasonable certainty of conviction also includes a summary evaluation of the evidence presented by the respondents through their counter-affidavit.

According to Atty. Meking, by promulgating Department Circular No. 015 and effectively changing the quantum of evidence in preliminary investigation, the DOJ overstepped and violated the rule-making power of the Supreme Court as enshrined in Article VIII, Section 5(5) of the 1987 Constitution, viz.:

> SECTION 5. The Supreme Court shall have the following powers:
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> . . . .
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> (5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

Atty. Meking laments that the original text of Rule 112, Section 3(a)[2] of the Rules on Criminal Procedure established probable cause as the quantum of evidence in preliminary investigations.[3]

Issue

In promulgating Department Circular No. 015 or the 2024 DOJ-NPS Rules, did the respondent undermine the Court's rule-making power?

The Court's Ruling

The Petition is meritless.

It bears emphasis that the Court, in its Resolution in *Re: Draft Department of Justice-National Prosecution Service's Rules on Preliminary Investigations and Inquest Proceedings*,[4] has already resolved the matter, which petitioner raises now. There, the Court expressly recognized the authority of the respondent to promulgate its own rules on preliminary investigation and inquest proceedings. Moreover, the Court took time to trace the historical underpinnings of probable cause as quantum of evidence in preliminary investigations. Preliminary investigation was differentiated as an executive function and not judicial in character.

As early as *Salta v. CA*,[5] the Court held that the preliminary investigation proper "is not a judicial function" but part of the prosecution's job within the Executive.[6] *Salta* underscored the twin aims of shielding the accused from needless trials and conserving judicial resources while applying the now-familiar well-founded belief standard.

The Court likewise reiterated, in *People v. Navarro*,[7] that "preliminary investigation is an executive, not a judicial function."[8] It stressed the prosecutor's duty to ascertain whether sufficient ground exists to engender a well-founded belief of an offense and the accused's probable guilt.[9]

On this account, the Court has adopted a policy of non-interference in the public prosecutor's conduct of preliminary investigation.[10]

Furthermore, the Court recognized that, pursuant to the 2005 revisions to the Rules of Criminal Procedure, the authority to conduct preliminary investigation has been vested in the exclusive domain of the public prosecutors.[11]

The Court also reaffirmed, citing *Estipona v. Judge Lobrigo*,[12] that the power to promulgate rules of pleading, practice, and procedure is within the Court's exclusive domain.[13] Yet, to remove any impediment to the 2024 DOJ-NPS Rules and in recognition of the DOJ's authority over prosecutorial processes, the Court itself decreed the repeal of inconsistent portions of Rule 112.[14] This harmonizes the DOJ's rule-making authority within the executive sphere and the Court's constitutional rule-making power within the judicial sphere, and forecloses Atty. Meking's encroachment claim.

Against this jurisprudential and historical backdrop, the controlling effect of A.M. No. 24-02-09-SC, therefore, is this Court's recognition of the DOJ's authority to promulgate Department Circular No. 015 and the declaration that, upon its promulgation, the pertinent inconsistent provisions of Rule 112 of the Rules of Criminal Procedure are deemed repealed but without prejudice to the Court's issuance of its own rules on preliminary investigation to account for other investigative bodies.[15]

Thus, Department Circular No. 015 or the 2024 DOJ-NPS Rules regulates only the conduct of preliminary investigations and inquests by prosecutors, which are executive in nature. It does not dictate practice or procedure in court. This Court's constitutional rule-making authority remains supreme over judicial proceedings, and its power to correct, on grave abuse of discretion, any prosecutorial rule or action that impairs constitutional rights, is retained.

FOR THESE REASONS, the Petition for *Certiorari* is **DISMISSED**. Department Circular No. 015, series of 2024, containing the 2024 Department of Justice – National Prosecution Service Rules on Preliminary Investigations and Inquest Proceedings, is **UPHELD** as a valid exercise of the Department of Justice's authority, consistent with A.M. No. 24-02-09-SC.

SO ORDERED.

Gesmundo, C.J., Caguioa, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Marquez, Kho, Jr., Singh, and *Villanueva, JJ.,* concur.
L*eonen, SAJ.,* see separate concurring opinion.
Hernando[*] and *Lazaro-Javier,*[*] *JJ.,* on official business.

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[*] On official business.

[1] *Rollo*, pp. 3-10.

[2] **SEC. 3.** *Procedure*. — The preliminary investigation shall be conducted in the following manner:

> (a) The complaint shall state the address of the respondent and shall be accompanied by the affidavits of the complainant and his witnesses, as well as other supporting documents to establish probable cause[.]

[3] *Id*. at 4-5.

[4] 955 Phil. 15 (2024) [Per J. Zalameda, *En Banc*].

[5] 227 Phil. 213 (1986) [Per J. Gutierrez, Jr., Second Division].

[6] *Id*. at 219.

[7] 337 Phil. 122 (1997) [Per J. Panganiban, Third Division].

[8] *Id*. at 130.

[9] *Id*.

[10] *See* **Re: Draft Department of Justice-National Prosecution Service's [DOJ-NPS] Rules on Preliminary Investigations and Inquest Proceedings (2024)**, 955 Phil. 15, 21 (2024) [Per J. Zalameda, *En Banc*].

[11] *Id*. at 20-21.

[12] 816 Phil. 789 (2017) [Per J. Peralta, *En Banc*].

[13] *Id*. at 800, 806.

[14] *See* **Re: Draft Department of Justice-National Prosecution Service's [DOJ-NPS] Rules on Preliminary Investigations and Inquest Proceedings (2024)**, 955 Phil. 15, 22-23 (2024) [Per J. Zalameda, *En Banc*].

[15] *Id*. at 23.

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