



Republic of the Philippines
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Fertilizer and Pesticide Authority
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11 July 2023

MEMORANDUM

**TO : ALL REGIONAL AND PROVINCIAL OFFICERS
THIS OFFICE**

FROM : THE OFFICE OF THE EXECUTIVE DIRECTOR

SUBJECT : GUIDELINES AND PROCEDURES FOR FILING A CASE IN COURT

As a technical regulatory agency mandated to assure the public of safe and adequate supply of fertilizer, pesticide and other agricultural chemicals, the Fertilizer and Pesticide Authority (FPA), pursuant to Section 6, Article I, par. 6 of the Presidential Decree No. 1144 (PD 1144), is given the power to institute proceedings against any person violating any provisions of PD 1144 and/or such rules and regulations as may be promulgated to implement the provisions of PD 1144 after due notice and hearing.

In relation thereto, the following are the guidelines and procedures for filing a case in court, to wit:

1. Report any violation/s of PD 1144 to the proper authorities, typically to the barangay or the police authorities. The barangay or the police authorities shall generate a "blotter" report which shall serve as an important piece of evidence in the case to be filed.
2. Obtain and collate all the pieces of documentary evidence including the affidavits of all the persons who have personal knowledge of the violation/s committed.
3. Endorse all the pieces of evidence to the FPA's Legal Officer who shall prepare a Complaint-Affidavit which shall prove all the elements of the violation/s committed.
4. File the Complaint-affidavit with the Office of the City/Provincial Prosecutor where the crime was committed.
5. After filing of the Complaint-Affidavit, the Office of the City/Provincial Prosecutor shall issue a subpoena against the accused, requiring him to appear on a certain date and time to submit his Counter-Affidavit.
6. Thereafter, you may file a Reply-Affidavit to controvert the new issues which the accused raised. In the same vein, the accused may file a Rejoinder-Affidavit. This process is referred to as "Preliminary Investigation".
7. The prosecutor assigned to the case shall determine whether there is sufficient ground to file an Information in court against the accused.
8. If there are no sufficient grounds, the prosecutor shall dismiss the case. As such, the criminal complaint shall not be filed in court.



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Lingsheng Yao



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Table of Contents June 2014 Grade11 Agriculture Memorandum

1. Understanding the eBook June 2014 Grade11 Agriculture Memorandum
 - The Rise of Digital Reading June 2014 Grade11 Agriculture Memorandum
 - Advantages of eBooks Over Traditional Books
2. Identifying June 2014 Grade11 Agriculture Memorandum
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an June 2014 Grade11 Agriculture Memorandum
 - User-Friendly Interface
4. Exploring eBook Recommendations from June 2014 Grade11 Agriculture Memorandum
 - Personalized Recommendations
 - June 2014 Grade11 Agriculture Memorandum User Reviews and Ratings
 - June 2014 Grade11 Agriculture Memorandum and Bestseller Lists
5. Accessing June 2014 Grade11 Agriculture Memorandum Free and Paid eBooks
 - June 2014 Grade11 Agriculture Memorandum Public Domain eBooks
 - June 2014 Grade11 Agriculture Memorandum eBook Subscription Services
 - June 2014 Grade11 Agriculture Memorandum Budget-Friendly Options
6. Navigating June 2014 Grade11 Agriculture Memorandum eBook Formats

- ePub, PDF, MOBI, and More
- June 2014 Grade11 Agriculture Memorandum Compatibility with Devices
- June 2014 Grade11 Agriculture Memorandum Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of June 2014 Grade11 Agriculture Memorandum
 - Highlighting and Note-Taking June 2014 Grade11 Agriculture Memorandum
 - Interactive Elements June 2014 Grade11 Agriculture Memorandum
- 8. Staying Engaged with June 2014 Grade11 Agriculture Memorandum
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers June 2014 Grade11 Agriculture Memorandum
- 9. Balancing eBooks and Physical Books June 2014 Grade11 Agriculture Memorandum
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection June 2014 Grade11 Agriculture Memorandum
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine June 2014 Grade11 Agriculture Memorandum
 - Setting Reading Goals June 2014 Grade11 Agriculture Memorandum
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of June 2014 Grade11 Agriculture Memorandum
 - Fact-Checking eBook Content of June 2014 Grade11 Agriculture Memorandum
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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