

Title: Saturnino C. Ocampo, et al. vs. Hon. Ephrem S. Abando, et al.

Facts:

This case involves petitions filed by Saturnino Ocampo, Randall Echanis, Rafael Baylosis, and Vicente Ladlad for the annulment of the charges and arrest warrants issued against them for 15 counts of multiple murder. The police and military lodged complaints accusing 71 members of Communist Party of the Philippines/New People's Army/National Democratic Front of the Philippines (CPP/NPA/NDFP) of these murders. The complaints stemmed from the discovery of a mass grave in Inopacan, Leyte in 2006, which contained skeletal remains of individuals believed to be victims of "Operation Venereal Disease" (Operation VD), an alleged campaign by the CPP/NPA/NDFP to purge suspected military spies from their ranks.

After the police and military sent undated letters with 12 complaint-affidavits to the Leyte Provincial Prosecutor, prosecutors issued subpoenas to the accused. Ocampo submitted a counter-affidavit, while Echanis claimed not to have received a copy of the complaint. Baylosis and Ladlad did not file counter-affidavits, with Ladlad claiming not to have been served a subpoena. Preliminary investigations led Prosecutor Vivero to recommend the filing of an Information for 15 counts of multiple murder.

Subsequent procedural arrangements include the issuance of warrants of arrest by the RTC of Hilongos, Leyte, bail petitions, and motions for judicial reinvestigation or outright case dismissal lodged by the petitioners. The cases were eventually transferred to the RTC of Manila, with more motions filed, including by Ladlad, to quash the Informations against them, all denied. The proceedings were suspended pending the current petitions before the Supreme Court.

Issues:

1. Whether petitioners were denied due process during the preliminary investigation and the issuance of warrants of arrest.
2. Whether the murder charges should be dismissed under the political offense doctrine—asserting that common crimes absorbed by rebellion when committed as a necessary means, in connection or in furtherance of rebellion.

Court's Decision:

1. The Supreme Court ruled that petitioners were accorded due process during the preliminary investigation and the issuance of the warrants of arrest. The Court found that subpoenas were served at the last known addresses and that those who could not be

reached had the preliminary investigation carried out based on the evidence available. Furthermore, the Court held that the process for determining probable cause for arrest did not require Judge Abando to hold hearings, and his review of the case records was found to satisfy constitutional requirements for issuing warrants of arrest.

2. The Court declined to dismiss the multiple murder charges based on the political offense doctrine. It held that the determination of whether the murders were committed in furtherance of rebellion rests on facts that should be proven during the trial and not at the initial stage of the proceedings.

Doctrine:

The political offense doctrine posits that common crimes are absorbed by the crime of rebellion when committed in furtherance, in connection with, or in favor of such rebellion.

Class Notes:

- The right to due process includes the opportunity to be heard and submit evidence in defense during a preliminary investigation.
- The determination of probable cause for a warrant of arrest is addressed to the judge's sound discretion.
- Probable cause for issuing an arrest warrant exists when facts and circumstances would lead a reasonably discreet and prudent person to believe that an offense has been committed by the person sought to be arrested.

Historical Background:

The context of the case lies within the longstanding armed conflict in the Philippines involving the CPP/NPA/NDFP. This conflict has led to a complex legal landscape concerning charges of rebellion versus common crimes and the application of the political offense doctrine. The discovery of mass graves, purported to be evidence of purges carried out by these groups, has become a significant judicial matter, implicating high-profile members in severe crimes and testing the boundaries of criminal law vis-a-vis politicized offenses.