

Title: Teresita Tanghal Okabe vs. Hon. Pedro de Leon Gutierrez, et al.

Facts:

On December 29, 1999, Cecilia Maruyama filed an affidavit-complaint in Pasay City, Philippines, charging Teresita Tanghal Okabe and Lorna Tanghal with estafa. Maruyama claimed that on December 11, 1998, she entrusted ¥11,410,000 (P3,993,500) to Okabe for “door-to-door delivery” from Japan to the Philippines, which Okabe failed to deliver.

A preliminary investigation included witness affidavits and documentary evidence. On March 30, 2000, Prosecutor Joselito J. Vibandor found probable cause for estafa against Okabe. An Information was then filed with the Regional Trial Court (RTC) of Pasay City.

Okabe posted bail in Quezon City and returned to Japan without the trial court’s permission. Upon returning, she was furnished with the Information and related documents. She then contested the probable cause and the court’s jurisdiction over her case.

The trial court issued a hold departure order against Okabe, preventing her from leaving the Philippines. Okabe filed motions to recall the hold departure order, assert judicial determination of probable cause, and to travel to Japan, which were denied by the court. Even after refusing to plead at her arraignment, the court entered a not guilty plea on her behalf and proceeded with scheduling the trial.

Okabe filed a petition for certiorari under Rule 65 with the Court of Appeals (CA), which partially granted her petition and set aside the hold departure order but affirmed the RTC’s decision on the arrest warrant. Okabe motioned for partial reconsideration, invoking Section 26, Rule 114 of the Revised Rules on Criminal Procedure, but was denied by the CA.

Issues:

1. Whether the CA erred in not applying Section 26, Rule 114 of the Revised Rules on Criminal Procedure retroactively.
2. Whether the finding of probable cause and issuance of the warrant of arrest by the RTC were proper.
3. Whether the right to challenge the validity of her arrest was waived by Okabe through posting bail.
4. Whether the CA properly applied the ruling of Cojuangco, Jr. vs. Sandiganbayan in affirming the RTC’s finding of probable cause.

Court’s Decision:

The Supreme Court (SC) granted the petition, reversed the CA's decision, and set aside the RTC's Orders and the Warrant of Arrest. The SC held that Section 26, Rule 114 of the Revised Rules on Criminal Procedure should be applied retroactively and does not bar an accused from challenging the validity of their arrest after posting bail. The SC found the RTC judge had committed a grave abuse of discretion by relying solely on the prosecutor's certification to establish probable cause for arrest. The SC remanded the records of the case back to the RTC to determine the existence of probable cause for Okabe's arrest based on the complete records required under Section 8(a), Rule 112 of the Revised Rules on Criminal Procedure.

Doctrine:

Section 26, Rule 114 of the Revised Rules on Criminal Procedure asserts that an accused's application for or admission to bail does not prevent them from challenging the validity of their arrest or the legality of the arrest warrant issued against them, provided they raise such concerns before entering their plea.

Class Notes:

- The case reaffirms the principle that the determination of probable cause for the issuance of an arrest warrant is a personal and judicial function that cannot be delegated and requires examination beyond the prosecutor's certification.
- Revised Rules on Criminal Procedure, Section 26, Rule 114, is curative and can be applied retroactively.
- The validity of an arrest can be challenged at any time before the accused enters a plea.

Historical Background:

The case highlights a period when procedural law in the Philippines was evolving, particularly regarding the determination of probable cause for arrest and the ability of the accused to challenge the legality of their arrest after posting bail. In 2000, the Revised Rules on Criminal Procedure were implemented, introducing Section 26, Rule 114, which modified previous jurisprudence and emphasized the court's duty to ensure the rights of the accused are not compromised from the outset of the criminal process.