

### Title:

**\*\*Rolito Go v. Court of Appeals, et al.\*\***

### Facts:

The case revolves around the fatal shooting incident involving Rolito Go and Eldon Maguan on July 2, 1991. Following a traffic altercation in San Juan, Metro Manila, Go shot Maguan. The incident led to various legal proceedings culminating in the Supreme Court's review of Go's warrantless arrest and his right to preliminary investigation before arraignment in a murder case.

Key events:

- July 2, 1991: The shooting incident occurred.
- July 8, 1991: Go voluntarily appeared at the San Juan Police Station, was detained, and identified as the gunman by an eyewitness.
- July 9, 1991: Maguan died; the complaint was escalated to murder.
- July 11, 1991: Murder information was filed without preliminary investigation; Go filed an omnibus motion for immediate release and preliminary investigation.
- July 12, 1991: Go posted bail and was released.
- July 16, 1991: The Prosecutor filed a motion for leave to conduct preliminary investigation which was initially granted by the trial court.
- July 17, 1991: Trial court recalled its order granting bail and preliminary investigation, considering Go's application for bail as set for hearing.
- July 23, 1991: Go surrendered to the police and the Supreme Court remanded the case to the Court of Appeals.
- August 16-27, 1991: Various motions filed and arraignment occurred with a plea of not guilty entered for Go.
- September 19, 1991: Trial commenced; Go contended his warrantless arrest was unlawful and his right to preliminary investigation violated.

### Issues:

1. Whether Go's warrantless arrest was lawful.
2. Whether Go effectively waived his right to preliminary investigation.

### Court's Decision:

The Supreme Court declared Go's warrantless arrest invalid as it did not comply with the

constitutive requirements under Rule 113 of the Rules of Court. It held that Go did not waive his right to preliminary investigation by posting bail and participating in trial proceedings. The Supreme Court emphasized the substantive right to preliminary investigation as part of due process in criminal justice, ordering its conduct before the trial could proceed.

### Doctrine:

The case reaffirmed the principles governing lawful warrantless arrests and the non-waivable right of an accused to a preliminary investigation, highlighting these as integral components of due process.

### Class Notes:

- **Lawful Warrantless Arrest**: A lawful warrantless arrest requires compliance with Section 5, Rule 113 (presence, freshly committed offense, personal knowledge).
- **Preliminary Investigation Right**: Fundamental to discern probable cause, ensuring fairness and due process before trial.
- **Waiver of Rights**: Must be conscious, voluntary, and informed; mere participation in trial does not constitute waiver of the right to preliminary investigation.

### Historical Background:

This case offers insight into the judicial processes surrounding criminal prosecution in the Philippines, especially in cases involving warrantless arrests and the vital entitlement to a preliminary investigation. It underscores the significance of procedural due process rights, even amid public pressure and high-profile media coverage, safeguarding the balance between societal interests and individual liberties.