

Title: Advincula v. Court of Appeals

Facts:

On 1 October 1993, an incident occurred leading to various criminal complaints between Noel Advincula and the Ocampos, Amando and Isagani. Advincula, while drinking with friends, got into an altercation with Isagani Ocampo, which escalated when Advincula chased Isagani with a bolo. Amando Ocampo, upon learning about the incident, confronted Advincula with a .22 caliber gun, firing a warning shot to thwart an attack. The situation was temporarily defused, but accusations of gunfire towards Advincula's house followed.

These events led to Advincula filing a complaint for Illegal Possession of Firearms against the Ocampos on 5 April 1994 with the Provincial Prosecutor of Cavite. The complaint was supported by various affidavits, photographs, and a certification from the Firearms and Explosives Unit indicating the Ocampos lacked licensing records. However, this complaint was dismissed for lack of evidence by the Provincial Prosecutor, which was appeals to the Secretary of Justice by Advincula, arguing the evidence presented was sufficient for a prima facie case. The Secretary of Justice reversed the dismissal and directed the filing of charges against the Ocampos, leading to their eventual indictment.

The Ocampos filed a Petition for Certiorari with the Court of Appeals, contesting the Secretary of Justice's resolution, which the court granted, setting aside the indictments due to insufficient evidence and the lack of firearm identification and recovery. Advincula then appealed this decision to the Supreme Court.

Issues:

1. Was the evidence presented sufficient to file charges for Illegal Possession of Firearms against the Ocampos?
2. Can the Court of Appeals set aside the decision of the Secretary of Justice after the charges have already been filed?

Court's Decision:

The Supreme Court granted Advincula's petition, reversing the Court of Appeals' decision and reinstating the Secretary of Justice's resolution to indict the Ocampos. The Court delineated that while a license for Amando Ocampo's possession of a firearm existed, there was no proof of a legal authority for him to carry it outside his residence. Regarding Isagani Ocampo, his denial was insufficient against positive identification and physical evidence, thereby constituting probable cause for indictment.

Doctrine:

This case reinforces the requirements under PD 1866 for Illegal Possession of Firearms — the existence of the firearm and lack of license or permit — and emphasizes the role and discretion of the Secretary of Justice in reviewing prosecutorial decisions.

Class Notes:

- **Illegal Possession of Firearms Elements:** Existence of the firearm and the fact that the accused who owned or possessed the firearm does not have the corresponding license or permit.
- **Probable Cause:** For the purpose of filing criminal information, probable cause is defined as facts sufficient to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof.
- **Role of Secretary of Justice and Prosecutors:** The Secretary of Justice has the discretion to review prosecutorial decisions on whether to file or dismiss complaints, based on the probable cause standard.

Historical Background:

This case highlights the intricate process of criminal prosecutions in the Philippines, especially on matters involving preliminary investigations and the determination of probable cause. It provides an insight into the procedural mechanisms and judicial review processes that ensure fairness and justice in the filing of criminal charges.