

### Title:

\*\*Gamboa vs. Judge Cruz: A Case on the Right to Counsel and Due Process in Police Lineups\*\*

### Facts:

Cristopher Gamboa was arrested for vagrancy without a warrant on July 19, 1979, by Patrolman Arturo Palencia and subsequently detained. The following day, during a lineup, Erlinda B. Bernal identified Gamboa as a companion in an unspecified incident. Based on this identification, an information for robbery was filed against Gamboa on July 23, 1979. Gamboa was arraigned on August 22, 1979, and the prosecution presented its evidence by April 2, 1980.

On July 14, 1980, Gamboa's counsel announced intentions to file a Motion to Acquit or Demurrer to Evidence, filed on August 13, 1980, contending violations of rights to counsel and due process during the lineup, without counsel's notice or presence. On October 23, 1980, the Court of First Instance of Manila denied the motion, leading to Gamboa filing for certiorari and prohibition with the Supreme Court on March 3, 1981, which issued a temporary restraining order on court proceedings pending resolution.

### Issues:

1. Whether the conduct of the police lineup without counsel presence violated Gamboa's constitutional rights to counsel and due process.
2. Whether the petition for certiorari and prohibition is the appropriate remedy against the trial court's interlocutory order denying a motion to acquit.

### Court's Decision:

The Supreme Court dismissed Gamboa's petition, holding that:

- The police lineup was not part of the custodial inquest; thus, Gamboa was not yet entitled to counsel at this stage. This aligns with the principle that the right to counsel attaches at the commencement of an investigation.
- The court's denial of the motion to acquit was an interlocutory order, not appealable by certiorari or prohibition. Such orders can only be challenged on appeal, after trial, and final judgment.

The SC emphasized that while the Constitution guarantees the right to counsel from the start of an investigation, it did not find the need to extend this right to police lineups not aimed at eliciting confessions or admissions.

### Doctrine:

This case reiterates the constitutional right to counsel during custodial investigations but clarifies that this right does not necessarily extend to police lineups not part of the custodial inquiry. Also, it highlights the procedural pathway for contesting a trial court's denial of a motion to acquit, underscoring the interlocutory nature of such orders and the appropriate appeal mechanisms.

### Class Notes:

- **Right to Counsel and Due Process:** These are fundamental rights guaranteed from the moment an individual is subject to custodial investigation. Any statement gathered in violation of this right is inadmissible in court.
- **Police Line-ups and Constitutional Rights:** The presence or absence of counsel during a police lineup is constitutionally significant if the lineup is part of the custodial investigation.
- **Interlocutory Orders:** Orders denying motions to acquit are interlocutory, not final. They cannot be directly appealed through certiorari but can be contested on appeal from a final judgment.
- **Procedural Pathways for Contested Motions:** This case outlines the procedural steps a defendant must follow upon a trial court's denial of a motion to quash or acquit.

### Historical Background:

In Philippine jurisprudence, the transition from the 1973 to the 1987 Constitution heightened the emphasis on individual rights, especially in the context of legal representation and due process in criminal investigations. This case, situated amidst evolving legal standards, provides insight into the application and limits of constitutional rights during pre-trial procedures, reflecting the judiciary's balancing act between individual liberties and procedural necessities.