

Title:

Santos-Concio et al. vs. Department of Justice et al.

Facts:

This case arose from the tragic stampede that occurred on February 4, 2006, at Philsports Arena (Ultra) in Pasig City during the first anniversary episode of the noontime show “Wowowee,” aired by ABS-CBN, which claimed 71 lives and left hundreds wounded. A fact-finding team by the DILG led to the DOJ’s creation of an Evaluating Panel to review the incident and determine if a preliminary investigation was warranted. Despite the Evaluating Panel’s conclusion that there was insufficient basis for a preliminary investigation due to the absence of formal complaints, the National Bureau of Investigation-National Capital Region (NBI-NCR) conducted its investigation. Based on the NBI-NCR’s report recommending charging certain individuals, including the petitioners, the DOJ Secretary constituted an Investigating Panel to conduct the preliminary investigation.

Petitioners then sought to annul the DOJ’s Department Orders and to inhibit the DOJ from conducting the preliminary investigation, citing bias and procedural issues. The Court of Appeals dismissed their petition, finding no grave abuse of discretion.

Issues:

1. Did the DOJ have the authority to conduct both a criminal investigation and a preliminary investigation in the “Ultra Stampede” case?
2. Were the complaint-affidavits filed against the petitioners deficient for not being under oath or for lacking sufficient allegations to initiate a preliminary investigation?
3. Did the DOJ Secretary and ultimately, the DOJ, exhibit bias and prejudgment in handling the preliminary investigation?

Court’s Decision:

1. **Investigatory Power of the DOJ:** The Supreme Court clarified that the creation of separate panels for evaluation and investigation did not constitute a violation of the doctrine established in *Cojuangco, Jr. v. PCGG*. The Evaluating Panel’s measures did not constitute a criminal investigation, and the overall process was not marred by prejudgment from previous involvement.

2. **Complaint Affidavits:** The Court found that the initiating documents, despite not being a singular sworn complaint-affidavit, were sufficient for the purposes of conducting a preliminary investigation. It was emphasized that a preliminary investigation can proceed

based on affidavits of any competent person which do not necessarily have to come from the complainant themselves.

3. **Bias and Prejudgment:** The Court dismissed the petitioners' claims of bias and prejudgment for lack of substantiated evidence. The assertions that the DOJ Secretary's public comments and the speedy conduct of the investigation indicated prejudgment were not sufficiently supported. Furthermore, the institutional impartiality of the DOJ was not compromised by these comments.

Doctrine:

The decision reiterates the principle that the Department of Justice may conduct both criminal investigations and preliminary investigations within its statutory authority. It also demonstrates that preliminary investigations can proceed on the basis of affidavits from competent witnesses, without requiring a singular sworn complaint-affidavit.

Class Notes:

- In criminal proceedings, a preliminary investigation can be initiated by "any competent person" through affidavits describing the offense, not necessarily by the directly aggrieved party.
- The speed of a preliminary investigation does not inherently indicate bias or prejudgment, and allegations of such bias must be substantiated with evidence beyond mere speculation.
- Public comments made by prosecuting authorities do not necessarily reflect bias that would disqualify them from conducting impartial investigations, especially when no direct influence on investigating panels is evidenced.

Historical Background:

This case highlights the challenges in the Philippine legal system when high-profile incidents involve public figures and authorities. It underscores the importance of maintaining the balance between freedom of expression and the imperative of judicial and quasi-judicial bodies to uphold impartiality in the face of public scrutiny and media coverage.