

****Title:**** Ma. Rosario Santos-Concio, et al. vs. Department of Justice, et al.

****Facts:****

In early 2006, anticipation for the first-anniversary episode of “Wowowee,” a popular noontime show produced by ABS-CBN, led hundreds to queue outside the Philsports Arena in Pasig City, days in advance. On February 4, 2006, a tragic stampede occurred, resulting in 71 deaths and numerous injuries as the crowd surged upon the opening of gates. Following an immediate investigation by the Department of Interior and Local Government (DILG) led by Secretary Angelo Reyes, a report was submitted to the Department of Justice (DOJ).

Subsequently, DOJ Secretary Raul M. Gonzalez issued Department Orders No. 90 and 165, creating the Evaluating Panel and the Investigating Panel, respectively, to conduct a further inquiry into the incident. Despite the Evaluating Panel’s initial finding of insufficient basis for a preliminary investigation due to lack of formal complaints and concrete evidence, the National Bureau of Investigation-National Capital Region (NBI-NCR) later recommended proceeding against specific ABS-CBN personnel for Reckless Imprudence resulting in Multiple Homicide and Physical Injuries. Controversy arose over the perceived prejudgment and bias in the DOJ’s handling, spurring the involved ABS-CBN personnel to file a petition with the Court of Appeals, which was ultimately dismissed, leading to the present challenge before the Supreme Court.

****Issues:****

1. Whether the DOJ has the authority to conduct both a criminal investigation and a preliminary investigation.
2. Whether the complaint-affidavits against the petitioners were valid despite not being under oath by the nominally complaining agency.
3. Whether the accusations of prejudgment and bias, particularly by DOJ Secretary Gonzalez, invalidated the preliminary investigation.

****Court’s Decision:****

The Supreme Court denied the petition, reaffirming the authority of the DOJ to conduct both investigations and reject the accusation of inherent bias due to procedural actions or public statements made by DOJ officials. The Court clarified that the DOJ’s conducting of an evaluation based on existing reports and subsequently delegating the preliminary investigation to its panels was within its statutory powers and did not exhibit grave abuse of discretion. It held that preliminary investigations could proceed based on competent

affidavits and that sworn statements by the complainant agency itself were not strictly necessary. Regarding allegations of prejudgment and bias, it found no concrete evidence to support a claim of grave abuse of discretion, emphasizing the need for substantive proof beyond procedural pace or public comments by officials.

****Doctrine:****

1. ****Investigatory Power of DOJ:**** The Department of Justice has broad investigatory powers, including conducting criminal and preliminary investigations. The constitution of separate panels for evaluation and investigation within the DOJ structure does not inherently indicate bias or prejudgment.
2. ****Validity of Complaint-Affidavits:**** A complaint for the purposes of conducting a preliminary investigation does not need to be under oath by the complaining agency itself. Affidavits from competent persons or witnesses can constitute a valid basis for initiating a preliminary investigation.
3. ****Prejudgment and Bias:**** Prejudgment or bias claims against investigative proceedings require substantial evidence of grave abuse of discretion. Public statements or the pace of investigation procedures alone do not suffice to establish bias.

****Class Notes:****

- ****Dual Role of DOJ:**** The DOJ can perform both criminal and preliminary investigations, utilizing separate panels for each task without automatic disqualification due to potential bias.
- ****Complaints in Preliminary Investigation:**** Complaints initiating a preliminary investigation must be supported by affidavits of complainants or witnesses but do not necessitate an under-oath complaint by the investigating agency.
- ****Bias and Prejudgment:**** Allegations of prejudgment by investigative bodies demand concrete proof of bias or influence on the process, beyond public statements or procedural rapidity.

****Historical Background:****

The “Ultra Stampede” tragedy, resulting from a rush at a television show anniversary, highlighted the complexities of conducting fair investigations within a politically and emotionally charged context. The case exemplifies the delicate balance between administrative authority and the principles of impartiality and due process within the Philippine judicial and administrative investigation frameworks.