

****Title:**** AAA vs. Hon. Antonio A. Carbonell and Engr. Jaime O. Arzadon

****Facts:****

The petitioner, AAA, was employed as a secretary at Arzadon Automotive and Car Service Center from February 28, 2001, to August 16, 2001. On May 27, 2001, her employer, Jaime O. Arzadon, asked her to deliver a book to another office. Upon returning, she found the office gates closed and lights turned off, but she entered to retrieve her handbag. Arzadon then appeared, threatened her with a pipe, forced her to lie on the pavement, and raped her. Fearing Arzadon's threats against her and her family, AAA did not immediately report the incident. Only after discovering she was pregnant did she reveal the rape to her parents. On July 24, 2002, she filed a complaint against Arzadon.

Following a clarificatory hearing where AAA failed to appear subsequently, the case was provisionally dismissed. AAA then filed another affidavit-complaint in 2003, leading to a resolution for a prima facie case of rape against Arzadon. Despite Arzadon's motion for reconsideration and appeal to the Department of Justice (DOJ), which initially found no probable cause but was later reversed, the information for rape was filed before the Regional Trial Court (RTC) in San Fernando, La Union. Arzadon's motion for judicial determination of probable cause led to orders from Judge Carbonell that AAA and witnesses appear in court. Despite AAA's motions and a petition for the transfer of venue, which the Supreme Court granted, the RTC, under Judge Carbonell, dismissed the case for lack of probable cause, prompting this petition.

****Issues:****

1. Whether the petition should be dismissed for being the wrong mode of appeal.
2. Whether respondent Judge Carbonell acted with grave abuse of discretion in dismissing Criminal Case No. 6983 for lack of probable cause.

****Court's Decision:****

The Supreme Court granted the petition, stating that a petition for review on certiorari under Rule 45 could be treated as a petition for certiorari under Rule 65 when alleging grave abuse of discretion, as in this case. The procedural error of bypassing the hierarchical court system was noted but was overlooked due to the case's gravity and the need to avoid further delay. The Court ruled that Judge Carbonell acted with grave abuse of discretion by dismissing the case solely on the complainant's and witnesses' absence without considering the substantial evidence that supported the finding of probable cause for the issuance of a warrant of arrest. The RTC's orders were reversed and set aside, and the information in the

said case was reinstated, directing the RTC in Manila to proceed with the case.

****Doctrine:****

The doctrine established in this case highlights that the determination of probable cause for issuing an arrest warrant does not require the judge to personally examine the complainant and witnesses. Instead, the judge may rely on the prosecutor's report and supporting documents, or require additional evidence, to personally ensure the existence of probable cause.

****Class Notes:****

- Probable Cause: A well-founded belief that a crime has been committed and that the accused is probably guilty thereof, sufficient to warrant his trial.
- Examination of Complainant/Witnesses: Not mandatory for determining probable cause for issuing an arrest warrant; judges may rely on the prosecutor's report and supporting documents.
- Grave Abuse of Discretion: Defined as an act done with a capricious or whimsical exercise of judgment, equivalent to lack of jurisdiction. The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law.

****Historical Background:****

This case exemplifies the tension between judicial discretion in determining probable cause and the rights of the complainant in cases of serious crimes such as rape. It illustrates the procedural mechanisms and challenges in navigating the Philippines' judicial system, particularly in cases involving violence against women.