

**\*\*Title:\*\*** Alvarez Aro Yusop vs. The Honorable Sandiganbayan: The Right to Preliminary Investigation

**\*\*Facts:\*\***

The case concerns Alvarez Aro Yusop's petition for certiorari under Rule 65 of the Rules of Court, challenging the Sandiganbayan's refusal to suspend his arraignment in Criminal Case Nos. 24524-25 due to the lack of preliminary investigation. The origin of these charges traces back to an Affidavit-Complaint filed by Erlinda Fadri with the Ombudsman-Mindanao, which led to an order requiring respondents to submit counter-affidavits. Interestingly, Yusop was not among the original respondents but was later included in the Ombudsman's resolution for prosecution. This led to the filing of two Informations against him and his subsequent arrest. Yusop's motions to remand the case for preliminary investigation and to dismiss based on the same ground were denied by the Sandiganbayan, prompting the current petition.

**\*\*Issues:\*\***

1. Whether Yusop's right to a preliminary investigation was violated and if such violation warrants the dismissal of the charges against him.

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

The Supreme Court found the petition meritorious in part. It recognized Yusop's right to a preliminary investigation, which is substantive and protects against unwarranted trials. The Court rebuked the Sandiganbayan's decision to proceed with the arraignment, stating that Yusop's failure to request a preliminary investigation before his attempt to plea does not waive this right. Consequently, the Court ordered the Ombudsman to conduct a preliminary investigation of the charges against Yusop. However, the Court denied Yusop's request to dismiss the charges, clarifying that lack of preliminary investigation does not affect the court's jurisdiction or the proceedings' regularity, but merely warrants the cases' suspension until such investigation is conducted.

**\*\*Doctrine:\*\***

The right to preliminary investigation is a substantive right that secures an individual against unjust prosecution, and its denial warrants the suspension of the case until such investigation is carried out. However, the absence of a preliminary investigation does not justify the dismissal of the information filed.

**\*\*Class Notes:\*\***

- Right to Preliminary Investigation: A procedural safeguard ensuring a person is not unduly charged without reasonable basis.
- Suspension vs. Dismissal for Lack of Preliminary Investigation: While the denial of this right necessitates the suspension of the proceedings, it is not a ground for the dismissal of the case.
- Jurisdiction and Regularity of Proceedings: The legitimacy of court jurisdiction and the regularity of legal processes are separate from the provision or omission of a preliminary investigation.

**\*\*Historical Background:\*\***

This case underscores the evolving jurisprudence on procedural rights in the Philippines, especially in the context of anti-corruption efforts. Coming from a country with a history of political scandals and a strong public demand for accountability, the ruling reiterates the judiciary's role in balancing the need for efficient prosecution of corruption with the safeguarding of individual liberties. By emphatically restating the non-waivable right to a preliminary investigation, the Supreme Court affirms its stance on due process and the protection of suspects' rights within the legal framework against corruption.