

Title:

The People of the Philippines vs. Edilberto Gomez et al.

Facts:

In 1962, four separate informations were filed before the Court of First Instance of Zamboanga City against various individuals including Edilberto Gomez, Prudencio N. Cichon, and several others, all charged with the crime of Estafa through falsification of public/official documents across different criminal cases numbered 3083, 3084, 3088, and 3128. The prosecuting officers affirmed under oath that preliminary investigations were conducted in accordance with the law, believing the offense was committed and the accused were probably guilty thereof, leading to the issuance of arrest warrants and the accused subsequently filing bonds for provisional liberty.

During 1964 to 1966, the accused entered pleas of not guilty at their arraignments. On June 22, 1966, the accused filed a motion to declare the informations and warrants of arrest null and void, alleging non-compliance with the procedural rules regarding preliminary investigations. The lower court initially denied this motion but, upon reconsideration, reversed its ruling and dismissed the cases, allowing for their potential refiling and canceling the provisional liberty bonds. The prosecution appealed this dismissal to the Supreme Court, arguing that the preliminary investigations were indeed conducted accordingly and challenging the trial court's dismissal of the cases.

Issues:

1. Whether the preliminary investigations conducted before the filing of the informations were compliant with the procedural requirements set forth under Sections 13 and 14 of Rule 112 of the New Rules of Court.
2. If the certifications of preliminary investigation in the informations were indeed absent or deficient, whether such absence or deficiency was fatal to the validity of the informations.
3. Whether the accused had waived their right to a preliminary investigation by entering pleas of not guilty without raising the issue prior to or alongside their pleas.

Court's Decision:

The Supreme Court sustained the appeal by the prosecution. It clarified that the preliminary investigations for the cases were completed in 1962, thus the New Rules of Court which took effect in 1964 were not applicable. Moreover, the certifications attached to the informations indicated that preliminary investigations were conducted according to the law at the time. Even assuming that the certifications were deficient or absent, such an omission

would not be fatal as it does not affect the court's jurisdiction nor the validity of the informations. Importantly, by entering a plea of not guilty without prior contestation, the accused waived their right to a preliminary investigation. The Supreme Court set aside the lower court's order of dismissal and ordered the continuation of the trial in the criminal cases.

Doctrine:

The absence of preliminary investigations or deficiencies in their certifications does not affect the jurisdiction of the court or the validity of the informations. Moreover, the right to a preliminary investigation is waived if it is not invoked before or at the time of plea entry.

Class Notes:

- ****Preliminary Investigation Requirement****: Before filing an information in court for an offense that requires a preliminary investigation, such investigation must be conducted. However, if conducted and certified properly, even if procedural lapses occur, it does not impair the validity of the information or affect jurisdiction.
- ****Waiver of Rights****: Failure to object to the lack of or deficiencies in a preliminary investigation before entering a plea of not guilty results in the waiver of the right to such investigation.
- ****Certification of Preliminary Investigation****: The prosecutor's certification under oath regarding the conduct of a preliminary investigation is crucial but its absence or error does not necessarily void the information, provided that no objection was raised before plea.

Historical Background:

The cases emerged from a broader context in which procedural rules and the right to a preliminary investigation played a central role in ensuring the fair administration of justice. By 1966, legal procedures and rights regarding preliminary investigations were under scrutiny, leading to the appeal to the Supreme Court. The resolution of these cases underscored the balance between procedural adherence and substantive justice, reflecting the evolving nature of Philippine jurisprudence in criminal law during that period.