

### Title:

Vicente Lim, Sr. and Mayor Susana Lim, et al. vs. Hon. Nemesio S. Felix and Prosecutor Antonio C. Alfane

### Facts:

This case originates from a harrowing incident on March 17, 1989, when Congressman Moises Espinosa, Sr. and his security were ambushed near Masbate Domestic Airport, leading to multiple fatalities. Following an investigation, various individuals, including Vicente Lim, Sr., Mayor Susana Lim, and others, were accused of multiple murder and frustrated murder.

Upon the filing of an amended complaint for preliminary investigation, the Municipal Trial Court of Masbate found probable cause and ordered the arrest of the accused, setting bail. The Provincial Prosecutor of Masbate affirmed the prima facie case against the accused but categorized the charges differently.

Attempts by the Lim petitioners to seek a venue change and challenge probable cause findings were initially unfruitful, but the Supreme Court eventually authorized the transfer of trial venue to Makati to circumvent potential miscarriage of justice. The moved trial court, through Judge Nemesio S. Felix, denied the Lims' motions for a new preliminary investigation and reliance on witness recantations, proceeding to issue warrants of arrest based solely on the prosecutor's certification.

The petitioners sought intervention from the Supreme Court, highlighting primarily the issue of whether a judge could issue arrest warrants without personal determination of probable cause, relying only on the prosecutor's certification.

### Issues:

1. Whether a judge may issue a warrant of arrest solely based on the prosecutor's certification of probable cause without conducting a personal evaluation of the evidence.
2. The validity of the Judge's reliance on prosecutorial certification without other supporting documents to make a personal determination of probable cause.

### Court's Decision:

The Supreme Court reversed the trial court's decision, emphasizing the constitutional mandate for judges to personally determine probable cause before issuing warrants of arrest. It clarified that while judges could rely on the prosecutor's findings, they must also examine the accompanying evidence and records themselves. The Supreme Court found

that Judge Felix committed grave abuse of discretion by issuing arrest warrants based solely on the prosecutor's certification without the records of the preliminary investigation. The Court declared the order for arrests null and void, setting aside the warrants of arrest.

**### Doctrine:**

The Supreme Court reiterated the doctrine that the determination of probable cause for the issuance of a warrant of arrest is a personal responsibility of the judge, who must review the prosecutor's report and supporting documents. A prosecutor's certification of probable cause is not binding on the judge without accompanying evidence and records.

**### Class Notes:**

- A judge is mandated by the 1987 Philippine Constitution to personally determine the existence of probable cause for issuing warrants of arrest.
- Reliance solely on the prosecutor's certification without personal examination of evidentiary records constitutes grave abuse of discretion.
- Judges may rely on evidence gathered by responsible officers, but the decision to issue a warrant must be based on the judge's personal evaluation of the evidence.

**### Historical Background:**

The case highlights tensions and procedural uncertainties in the judiciary's role in criminal procedure, particularly the issuance of warrants of arrest, against a backdrop of evolving constitutional interpretations. It underscores the judiciary's independence in evaluating probable cause, separate from prosecutorial recommendations, a vital component in safeguarding individual rights against unreasonable arrests within the Philippines' democratic and judicial framework.