

Title: Ludovico N. Patanao vs. Hon. Manuel Lopez Enage, Antonio Gonzalez, and The Philippine Constabulary of Agusan

Facts: Ludovico N. Patanao, the petitioner, sought to annul three warrants of arrest issued by Hon. Manuel Lopez Enage, a respondent judge, arguing their issuance was not in compliance with the proper preliminary investigation procedures as dictated by the Rules of Court. Antonio Gonzalez, Acting Assistant City Treasurer of Butuan and another respondent, was the complainant in the three charges filed against Patanao: assault upon an agent of a person in authority, grave slander, and challenging to a duel. Gonzalez opted to file the complaints directly with Judge Enage instead of the City Fiscal, citing the latter's familial ties to Patanao. Patanao contended that the preliminary investigations were conducted ex parte, without his presence, a fact conceded by Gonzalez. The Supreme Court issued a writ of preliminary injunction upon Patanao posting a P1,000.00 cash bond.

Issues:

1. Whether the preliminary investigations conducted ex parte by the respondent judge were in violation of the procedural requirements set forth in the Rules of Court.
2. Whether the warrants of arrest issued on the basis of the said investigations were valid.

Court's Decision:

The Supreme Court sided with Patanao, holding that the ex parte preliminary investigations were not in accordance with the Rules of Court. Citing *Albano vs. Arranz* and *Callanta vs. Enage*, the Court emphasized that both preliminary examination and investigation must be conducted simultaneously in the presence of the accused, a procedural requirement rooted in the due process of law. The Court found that the failure to observe this procedure invalidated the proceedings and, consequently, the warrants of arrest issued by Judge Enage.

Doctrine:

The case reiterates the procedural requirement that judicial preliminary investigations in the Philippines must be conducted in the presence of the accused. This principle is underpinned by the due process of law and is necessary for the validity of any subsequent proceedings, including the issuance of arrest warrants.

Class Notes:

- Preliminary investigations must be conducted in the presence of the accused, ensuring their right to due process.

- Ex parte preliminary investigations, conducted without the accused's presence, invalidate any warrants of arrest derived from such investigations.
- The procedural requirements for judicial investigations are designed to protect the rights of the accused and ensure fairness in the legal process.

Historical Background:

The procedural nuances of this case highlight a crucial aspect of Philippine criminal procedure that safeguards the accused's right to due process. By mandating the presence of the accused during preliminary investigations, the law aims to provide a transparent and fair opportunity for defense before any coercive measures, such as arrest warrants, are taken. This case, among others, has helped to clarify and enforce this procedural requirement, reflecting the judiciary's role in balancing the needs of law enforcement with the constitutional rights of individuals.