

Title: Marinas, Montano, and Rupisan vs. Hon. Andres S. Siochi, et al.

Facts:

On December 13, 1965, petitioners Antonio Marinas, Antonio Montano, and Gregorio Rupisan, enforced a Writ of Execution from the Municipal Court of Pasig, Rizal, in a civil case for ejectment against the private respondents by taking possession of their personal properties and evicting them from their rented house. Claiming theft and grave coercion, private respondents filed complaints, leading to the issuance of arrest warrants against the petitioners after preliminary examinations.

Asserting the violation of their rights for lack of notice and opportunity to be heard during the preliminary examinations, the petitioners sought to annul the arrest warrants and proceedings before the Municipal Court of Pasig, raising constitutional challenges against Section 5, Rule 112 of the Rules of Court.

Issues:

1. Whether the preliminary examination and issuance of warrants of arrest without the presence and participation of the accused violate due process.
2. Whether Section 5, Rule 112, in denying the accused the right of notice and opportunity to be heard during preliminary examination, is unconstitutional.
3. Whether the procedure in conducting the preliminary examination as executed by the respondent Judge conforms to constitutional requirements and established jurisprudence.

Court's Decision:

The Supreme Court denied the petition, holding that the Constitution and prevailing jurisprudence do not require the presence of the accused during preliminary examination before the issuance of arrest warrants. It was established that the conduct of the preliminary examinations by the respondent Judge and Special Counsel Lucila P. Alcoba were in compliance with the law, thus upholding the validity of the warrants of arrest issued against the petitioners.

The Court reaffirmed that the preliminary examination to determine probable cause for arrest is ex-parte, and non-appearance of the accused does not constitute a denial of due process. It also declared that Section 5, Rule 112 is not unconstitutional, with the Court emphasizing the importance of preliminary examination prior to the issuance of arrest warrants but denying the necessity for the accused's presence or participation at this stage.

Doctrine:

Digest)
This case reiterates the doctrine that a preliminary examination or inquiry before the issuance of a warrant of arrest in cases cognizable by inferior courts (Municipal and City Courts) does not require the presence of the accused. The determination of probable cause for the issuance of a warrant of arrest is an ex-parte proceeding, which does not violate the constitutional right to due process. Moreover, Section 5, Rule 112 of the Rules of Court, allowing the conduct of such examinations without the accused's presence, stands constitutional.

Class Notes:

- ****Preliminary Examination vs. Preliminary Investigation****: Preliminary examination refers to the judge's inquiry into whether there is sufficient ground to believe a crime has been committed and the accused is likely guilty, primarily for determining probable cause for arrest—conducted ex-parte. Preliminary investigation, on the other hand, is a more detailed examination to determine whether the accused should be subjected to trial.
- ****Due Process in Preliminary Examination****: The Constitution does not mandate the accused's right to be heard during a preliminary examination. The primary objective is to determine probable cause for issuing an arrest warrant.
- ****Role of the Judge in Preliminary Examination****: The judge must personally examine the complainant and the witnesses under oath, and the examination must be recorded in a written form of searching questions and answers.

Historical Background:

The backdrop of this legal contention underscores the procedural intricacies and constitutional interpretations surrounding the issuance of warrants of arrest in the Philippines. Notably, the case delves into the balance between individual rights and procedural requirements for the administration of justice, reflecting the evolving jurisprudence in safeguarding due process while ensuring efficient judicial processes.