

Title: Atty. Ernesto A. Tabujara III and Christine S. Dayrit vs. People of the Philippines and Daisy Afable

Facts:

On September 14, 1999, at approximately 6:00 AM, in Brgy. Iba, Meycauayan, Bulacan, Daisy Afable, a former employee of Miladay Jewels, reported an incident involving Atty. Ernesto Tabujara III and Christine Dayrit. Afable alleged that she was forcibly taken from her residence by Tabujara and Dayrit, who entered her house without permission. At the time, Afable was being investigated administratively regarding missing jewelry from Miladay Jewels. Despite summons, she did not attend the inquiries, leading to her preventive suspension and subsequent termination on September 17, 1999.

On September 17, 1999, Afable filed criminal complaints for Grave Coercion and Trespass to Dwelling against Tabujara and Dayrit. A preliminary hearing was conducted by Judge Calixtro Adriatico who initially dismissed the cases on January 7, 2000, citing lack of probable cause and questioned the motive behind Afable's complaints. Afable filed a Motion for Reconsideration on January 17, 2000, insisting that her complaint preceded the estafa case lodged against her.

Despite opposition from petitioners regarding the authenticity and procedural adherence of witness Mauro V. de Lara's affidavit, Judge Adriatico reversed his decision on May 2, 2000, after allegedly overlooking this crucial affidavit, thus finding probable cause for both charges. Petitioners filed a motion for reconsideration which was denied on July 14, 2000. Petitioners then filed for certiorari with the Regional Trial Court (RTC), claiming grave abuse of discretion by Judge Adriatico.

On September 18, 2000, RTC Judge Danilo A. Manalastas issued an order temporarily restraining the Municipal Trial Court from proceeding. This matter was resolved in Branch 79 RTC, with Judge Arturo G. Tayag denying the petition on December 18, 2000, ruling that procedural deficiencies were cured by the court's actions following the clarificatory hearings on August 23 and 31, 2000.

In response, petitioners pursued a petition for review with the Court of Appeals under Rule 42, which rejected the appeal on February 24, 2004, citing incorrect procedural use.

Issues:

1. Whether the trial court erred in basing probable cause on an unsworn statement not personally examined by the judge.

2. Whether procedural technicalities should take precedence over constitutional rights when a citizen's liberty is involved.

Court's Decision:

The Supreme Court concluded that Judge Adriatico gravely abused his discretion by relying solely on the unsworn affidavit of Mauro V. de Lara. The court highlighted that the issuance of warrants necessitates "examination under oath" of all witnesses. The non-compliance with such procedures constituted a denial of due process and a breach of constitutional safeguards against unreasonable seizures. Additionally, the Supreme Court ruled the September 18, 2000, order void, as it was issued in violation of the extant temporary restraining order from the RTC.

The Supreme Court reversed and set aside lower court decisions and directed the dismissal of the criminal cases for lack of probable cause and the irregular issuance of the warrants.

Doctrine:

The Supreme Court emphasizes the constitutional right against warrants issued without personal judicial inquiry under oath and affirmation. This mandate serves as a safeguard to protect individual liberties against unjust accusation and arrest.

Class Notes:

- Probable Cause: Must be established through personal examination of the complaint and witnesses by the judge (searching questions under oath).
- Warrants: Issue only with proper judicial determination of necessity for custody.
- Procedural Due Process: Breach occurs if issuance of warrants neglects prescribed judicial procedures.

Historical Background:

This case reflects tensions between procedural technicalities and constitutional rights, showcasing the judiciary's balancing act to preserve individual liberties while ensuring justice and due process adapt to safeguard freedoms defined post-martial law in the Philippines—a period marked by heightened focus on civil rights protection.