

Title

****Reynolan T. Sales vs. Sandiganbayan, Ombudsman, People of the Philippines, and Thelma Benemerito (421 Phil. 176)****

Facts

****Step-by-Step Series of Events:****

1. ****Incident****: On August 2, 1999, Reynolan T. Sales, the incumbent town mayor of Pagudpud, Ilocos Norte, shot his political rival, former mayor Atty. Rafael Benemerito, resulting in Benemerito's death.
2. ****Surrender****: Following the shooting, Sales surrendered to the municipal police and requested to be moved to the Provincial PNP Headquarters in Laoag City.
3. ****Criminal Complaint Filed****: On August 3, 1999, a criminal complaint for Murder was filed against Sales by Police Chief Inspector Crispin Agno and the victim's wife, Thelma Benemerito, at the Municipal Circuit Trial Court of Bangui, Ilocos Norte (Branch 127, Judge Melvin U. Calvan).
4. ****Preliminary Examination****: Judge Calvan conducted a preliminary examination and found probable cause, leading to the issuance of an arrest warrant against Sales on August 3, 1999, with no bail recommended.
5. ****Arrest****: By virtue of the warrant, Sales was transferred on August 4, 1999, from the Provincial PNP Headquarters to the Provincial Jail.
6. ****Resolution****: On August 5, 1999, Judge Calvan forwarded records to the Office of the Provincial Prosecutor for appropriate action, conducting a preliminary investigation under Rule 112.
7. ****NBI Report****: An NBI "Parallel Investigation" Report dated August 13, 1999, was submitted to the Provincial Prosecutor upon request by Thelma Benemerito.
8. ****Subpoena****: Sales received a subpoena from the Provincial Prosecutor on August 19, 1999, and submitted his counter-affidavit the following day.
9. ****Habeas Corpus Petition****: Sales filed a habeas corpus petition (CA-G.R. SP No. 54416) with the Court of Appeals, challenging the order and warrant of arrest on grounds of judicial disqualification and procedural irregularities in the preliminary examination by Judge Calvan.
10. ****Court of Appeals Decision****: On November 18, 1999, the appellate court granted Sales' petition, ordering his release from detention subject to a proper preliminary investigation.
11. ****Transfer to Ombudsman****: Subsequent to receiving the case records, the Provincial Prosecutor transferred the case to the Ombudsman instead of conducting a preliminary

investigation.

12. **Memorandum**: Sales was informed on September 10, 1999, that the case would be handled by the Ombudsman.

13. **Ombudsman Notice**: On January 27, 2000, Sales received a notice from the Ombudsman to file counter-affidavits (already submitted previously).

14. **Information Filing**: On May 25, 2000, Graft Investigation Officer II Cynthia V. Vivar recommended filing an Information for Murder against Sales, approved by the Ombudsman on June 16, 2000.

15. **Motion to Defer**: Sales received the resolution on June 21, 2000, and filed a Motion To Defer Issuance Of Warrant Of Arrest, which the Sandiganbayan denied on July 13, 2000.

16. **Petition to Supreme Court**: Sales directly petitioned the Supreme Court, citing violations of due process.

Issues

1. **Whether the proper procedure was followed in conducting the preliminary investigation.**
2. **Whether the petitioner's constitutional rights were safeguarded during the preliminary investigation and subsequent proceedings.**
3. **Whether the Sandiganbayan and the Ombudsman committed grave abuse of discretion by issuing an arrest warrant without a complete preliminary investigation.**
4. **Whether the Sandiganbayan erred in not conducting its independent review of evidence for probable cause.**

Court's Decision

1. **Preliminary Investigation**:
 - The Supreme Court determined that the preliminary investigation was conducted improperly. The investigation was fragmented, involving multiple officers who did not complete the investigation collectively.
 - The Court found that the Ombudsman adopted the findings of the Graft Investigation Officer without a thorough review, effectively "passing the buck" to the Sandiganbayan.
2. **Violation of Due Process**:
 - The petitioner's right to a full preliminary investigation was violated due to the incomplete and flawed nature of the investigation.
 - The petitioner was deprived of the opportunity to file a motion for reconsideration before the filing of the information, constituting a violation of procedural due process.

3. **Grave Abuse of Discretion**:

- The Supreme Court held that the Sandiganbayan should not have relied solely on the Ombudsman's flawed and incomplete report to issue the warrant of arrest.

4. **Independent Review**:

- The Sandiganbayan failed to conduct its own independent and thorough review of the evidence presented by both the prosecution and the defense.

- The Court emphasized that determining probable cause for issuing a warrant of arrest is a judicial function and must be taken seriously by personally examining the evidence.

Doctrine

1. **Preliminary Investigation Must Be Complete**: The investigation must be thorough and complete before filing an information and issuing an arrest warrant.

2. **Respect for Right of Due Process in Preliminary Investigations**: Violation of the accused's rights during the preliminary investigation can void subsequent legal proceedings.

3. **Role of the Sandiganbayan**: The Sandiganbayan must independently determine probable cause and cannot rely solely on the prosecution's findings.

Class Notes

- **Elements of Due Process**: The right to a full and fair hearing, opportunity to present evidence, and the right to file motions for reconsideration.

- **Judicial Function of Issuing Warrants**: Must be based on judge's personal determination of probable cause.

- **Rules of Court**: Emphasis on adherence to Rule 112 for preliminary investigations.

- **Constitutional Provisions**: Article III, Section 2 of the Philippine Constitution on protection against unreasonable searches and seizures.

- **Cases Cited**: Duterte v. Sandiganbayan, Venus v. Desierto.

Historical Background

- **Context**: Examining judicial and procedural safeguards during preliminary investigations to prevent misuse of prosecutorial and judicial powers against political adversaries.

- **Significance**: Highlights the checks and balances necessary within the justice system to protect individual rights against the potential for reckless prosecution. The case underscores the complexities faced during the political tension and conflict in local governance and the overarching need for proper judicial processes to uphold justice and

due process rights.