

**\*\*Title\*\***: Manuel Borja v. Hon. Rafael T. Mendoza and Hon. Romulo R. Senining, G.R. No. L-44131, February 10, 1978

**\*\*Facts\*\***:

Manuel Borja was charged with slight physical injuries before the City Court of Cebu, presided by Judge Romulo R. Senining. Borja was not arraigned, and despite his absence, the trial proceeded without him. Judge Senining allowed the prosecution to present its evidence in Borja's absence, invoking Letter of Instruction No. 40. Borja was convicted on August 18, 1976, and sentenced to twenty days of *arresto menor*.

Borja appealed to the Court of First Instance of Cebu, where Judge Rafael T. Mendoza affirmed the City Court's decision on November 16, 1976. Borja contended that his constitutional right to procedural due process was violated due to the lack of arraignment and absence during the trial.

The Solicitor General, upon reviewing the case, agreed that the procedural defect was grave, rendering the decision void. The case was then submitted to the Supreme Court to address the alleged jurisdictional infirmity.

**\*\*Issues\*\***:

1. Whether the absence of arraignment violates the accused's constitutional right to procedural due process.
2. Whether conducting a trial in *absentia* without prior arraignment constitutes a grave abuse of discretion.
3. Whether the appeal to the Court of First Instance, which did not address the procedural defects, could remedy the situation.

**\*\*Court's Decision\*\***:

The Supreme Court ruled in favor of Borja, nullifying both the City Court and the Court of First Instance's decisions.

1. **\*\*Absence of Arraignment\*\***:

- The Court emphasized that arraignment is a fundamental aspect of procedural due process, ensuring the accused is informed of the charge and can prepare a defense. The Philippine Constitution guarantees the accused's right to be informed of the nature and cause of the accusations against them and to be heard with counsel.
- Citing precedents such as *People v. Castillo* and *United States v. Binayoh*, the Court reiterated that arraignment is indispensable in criminal prosecution to ensure the accused

knows the specific charges and can respond appropriately.

2. **Trial in Absentia**:

- The Court held that conducting a trial in absentia without prior arraignment violated Borja's constitutional rights. Article IV, Section 19 of the Philippine Constitution allows trials in absentia only after arraignment and with due notification. Since Borja was not arraigned, his subsequent trial and conviction were invalid.
- The Court underscored that the right to be heard by oneself and counsel is inviolable, as decided in *Abriol v. Homeres* and *People v. Holgado*. Even if an accused is absent, they must at least be arraigned to ensure a fair trial.

3. **Court of First Instance Appeal**:

- The Supreme Court found that the appeal to the Court of First Instance did not cure the procedural defects. The appellate court wrongly considered the appeal as a waiver of the defects. Instead, the appeal inherently questioned those procedural faults, including the absence of an arraignment.
- The Supreme Court concluded that the lack of arraignment and the conduct of the trial in absentia constituted grave abuse of discretion, necessitating the nullification of the lower courts' decisions.

**Doctrine**:

- **Procedural Due Process**: Arraignment is an unavoidable component to ensure the accused is fully aware of the charges and can mount a defense (*People v. Castillo*, *United States v. Binayoh*).
- **Right to Counsel and Hearing**: Even the absence of the accused at trial does not negate the necessity of arraignment (*Abriol v. Homeres*, *People v. Holgado*).
- **Trial in Absentia**: The trial can proceed in absentia only after the accused has been duly arraigned and notified (Article IV, Section 19 of the Philippine Constitution).

**Class Notes**:

- **Procedural Due Process**: Arraignment is essential to notify the accused of charges and facilitate a fair trial process.
- **Right to Counsel**: Accused must be heard by counsel; this cannot be waived implicitly without clear evidence.
- **Trial in Absentia**: Allowed only post-arraignment; notification and justification for absence are prerequisites.
- **Constitutional Guarantees**: Article IV, Sections 17 and 19 emphasize due process and

rights in criminal prosecutions.

**\*\*Historical Background\*\*:**

The case reflects post-Martial Law concerns regarding procedural rights enshrined in the 1973 Philippine Constitution. The decision underscores judicial vigilance in upholding the rights of the accused against potential governmental overreach and procedural shortcuts, reaffirming foundational principles of fair trial and due process.