

****Title:****

Santos Jr. et al. vs. Hon. Jose P. Flores et al.; Molinyawe vs. Hon. Jose P. Flores et al.

****Facts:****

On November 27, 1959, the Secretary of Justice directed special prosecutors, including Alejandro Sebastian, to assist in investigating alleged fraudulent tobacco deals by the Agricultural Credit and Cooperative Financing Administration (ACCFA). The prosecutors seized records and warehouses, discovering that native tobacco was fraudulently listed and paid for as Virginia tobacco. After identifying the individuals involved, the prosecutors began gathering evidence. Notices were sent to the defendants (including petitioners), informing them of a preliminary investigation scheduled for March 20-April 2, 1960. The prosecutors announced that their purpose was to hear the defendants' side as the evidence gathered previously was sufficient to file charges. Petitioners requested details of the charges, records of the investigation, and the opportunity to cross-examine witnesses, but only partial requests were granted. After continuing investigations, two informations were filed with the Court of First Instance of La Union on May 16, 1960, charging 61 and 48 persons, respectively.

Defendants sought to quash the informations and dissolve the writs of preliminary attachment issued on their properties. When these motions were denied, petitioners filed for certiorari, prohibition, and mandamus before the Supreme Court to annul the preliminary investigation and criminal proceedings.

****Issues:****

1. Whether petitioners were entitled, as a matter of right, to examine the affidavits and cross-examine the witnesses who appeared before the prosecutors prior to the preliminary investigation on March 29, 1960.
2. Whether the writs of preliminary attachment issued on May 27, 1960, should be dissolved due to the alleged insufficiency of the supporting affidavit.
3. Whether the pending Civil Case No. 6379 for forfeiture of property under Republic Act No. 1379 provided petitioner Molinyawe immunity from further prosecution in the criminal cases.

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

1. ****Examination and Cross-Examination of Witnesses:****
 - The Supreme Court held that under section 1687 of the Revised Administrative Code, defendants are not entitled as a matter of right to preliminary investigation where the

provincial fiscal or assistant fiscal has conducted the investigation and is prepared to file the information. The request for examination and cross-examination must precede the filing of the information. Since petitioners made such requests only on March 29, 1960, there was no mandatory duty to recall witnesses or allow examination of prior affidavits. The prosecutors had complied with the law by summarizing the evidence and allowing access to documentary evidence.

2. **Dissolution of Writs of Preliminary Attachment:**

- The Court found the writs valid. Prosecutor Sebastian, with sufficient authority and personal knowledge about the case, properly filed the motion. The preliminary attachment aimed to secure the suspected stolen assets was in line with protecting public funds pending the resolution of the charges.

3. **Immunity from Prosecution Claim by Molinyawe:**

- The records did not indicate that Molinyawe had testified or produced evidence in Civil Case No. 6379. Thus, the applicability of section 8 of Republic Act No. 1379 could not be determined. Without evidence that Molinyawe had been compelled to self-incriminate in the civil case, there was no ground to stop criminal proceedings against him.

Doctrine:

1. The entitlement to preliminary investigation and the examination of affidavits and cross-examination of witnesses are not absolute rights but conditional upon certain procedural requisites.

2. A prosecutor's authority to apply for a writ of preliminary attachment in criminal cases involving public funds is valid when backed by personal knowledge and necessary to protect public interest.

3. Section 8 of Republic Act No. 1379 grants immunity from criminal prosecution only upon actual compelled self-incrimination concerning the matters in a civil forfeiture case.

Class Notes:

- **Preliminary Investigation:** Under section 1687 of the Revised Administrative Code, a defendant's rights to a preliminary investigation and to cross-examine witnesses are conditional.

- **Writs of Preliminary Attachment:** These can be issued to secure civil liabilities in criminal prosecutions involving public funds (specific knowledge by the prosecutor suffices).

- **Republic Act No. 1379:** Provides conditional immunity from criminal prosecution upon compelled self-testimony in a civil forfeiture procedure.

****Historical Background:****

The case arose during the period when government integrity and anti-graft measures were significant concerns in the Philippines. The ACCFA scandal underscored efforts to curb corruption, showcasing the government's intent to prosecute fraudulent activities related to public funds. This historical context illustrates attempts to strengthen the legal system's role in upholding public accountability and fighting corruption.