

JESUS LAVA, PETITIONER, VS. LT. COL. OSCAR C. GONZALES, CHIEF INTELLIGENCE OFFICER OF THE PHILIPPINE CONSTABULARY, RESPONDENT.

G.R. No. L-23048. July 31, 1964

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c58a27d2aa54/>

PAREDES, J.:

The petition is dismissed, and the restraining Order or Preliminary Injunction prayed for should be, as it is hereby DENIED. Without Costs.

The Warrant of Arrest issued by the Manila Court of First Instance in Criminal Case No. 19166 is Valid and Effective. The offense described in said Warrant of Arrest was "Rebellion Complex", but the information was amended and the petitioner can still be held guilty for simple rebellion (People vs. Gceonimo, 160 Phil., 90; People vs. Romagona, 103 Phil., 20; People vs. Santos, 104 Phil., 551). A new preliminary investigation is not necessary after the amendment of the information, for the reason that there had been no change in the nature of the crime charged, which is rebellion, and moreover, the accused petitioner who was already in custody when the amended information was filed should have asked, but did not, for a re-investigation of said case, within the period of five (5) days from the time he learned of the amended information (sec. 15, Rule 112, Rev. Rules). Granting arguendo, that the warrant of arrest in question is defective, still petitioner's arrest is legal, because an offender can be taken into custody, by any officer of the law, or by any private individual even without any warrant of arrest, when an offense has in fact been committed and the arresting officer or individual, has reasonable ground to believe that the person to be arrested has committed it (Sec. 6-b, Rule 113, Rev. Rules), and forthwith deliver the arrested person to the judicial authorities, as was done in this case (Sec. 17, *ibid*). Normally, a writ of preliminary injunction should not issue to restrain the prosecution of criminal offenses (Kwong Sing vs. City of Manila, 41 Phil., 103; Gorospe vs. Peñaflorida, 101 Phil., 886). In view hereof, it is deemed unnecessary to pass upon the issues raised, in connection with the warrants of arrest in Criminal Case Nos. 2043 and 2044 of the Bulacan Court of First Instance.

Bengzon, C. J., Padilla, Bautista Angelo, Regala and Makalintal, JJ., concur.
Concepcion and Reyes, J.B.L., JJ., concur in the result.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.