

**SEVERINO C. BALTAZAR, REPRESENTED BY HIS ATTORNEY-IN-FACT
ARLENE C. BALTAZAR, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES AND ARMANDO C. BAUTISTA, RESPONDENTS.**

G.R. No. 174016. July 28, 2008

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-174016/>

CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari under Rule 45[1] of the Revised Rules of Court assailing the (1) Decision[2] dated 26 April 2006 of the Court of Appeals in CA-G.R. SP No. 88237 denying the Petition for Certiorari under Rule 65 filed by herein petitioner Severino C. Baltazar;[3] and the (2) Resolution dated 1 August 2006 of the appellate court in the same case denying petitioner's Motion for Reconsideration.

In its decision, the Court of Appeals affirmed the Order of Judge Crisanto C. Concepcion of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 12, dated 30 July 2004,[4] granting the Motion to Withdraw Information for Murder in Criminal Case No. 3042-M-2002 against private respondent Armando Bautista.

The antecedent facts of the present case are as follows:

At about 8:30 p.m. of 21 April 2002, in the province of Bulacan, a silver/gray colored car with Plate No. TNM-606, traveling from the direction of Calumpit and going towards the direction of Pulilan Public Market, suddenly hit a pedicab.[5] Because of the impact, the passengers of the pedicab - Erlinda Baltazar and her son, Rolando Baltazar - were thrown out of the pedicab. Witnesses Cristobal Atienza and Louie Reyes claimed in their respective sworn statements that after hitting the pedicab, they saw the car stop, maneuver into reverse, and run over the hapless victims, before fleeing the crime scene. As a result, Erlinda Baltazar died while Rolando Baltazar suffered injuries and was brought to Good Shepherd Hospital in Pulilan, Bulacan.

In the course of the investigation of the incident, Police Officer 1 (PO1) Simplicio Santos of the Philippine National Police (PNP) of Pulilan, Bulacan, traced the ownership of the car which bumped the pedicab and discovered that the registered owner thereof was a certain Celso Bautista, who had already sold the said vehicle to private respondent Armando Bautista. PO1 Santos then went to private respondent's residence where he recovered the car stained with blood.

Consequently, petitioner Severino C. Baltazar, one of the children of the deceased Erlinda Baltazar and brother of the injured Rolando Baltazar, filed with the Municipal Trial Court (MTC) of Pulilan, Bulacan two separate criminal complaints against private respondent, one for the Murder[6] of Erlinda Baltazar and the other for Frustrated Murder for the injuries suffered by Rolando Baltazar.[7] It is petitioner's complaint for the Murder of his mother, Erlinda Baltazar, which is the focus of the present controversy.

Hon. Horacio Viola, Jr., Presiding Judge of the MTC of Pulilan, Bulacan, conducted the requisite preliminary investigation, and upon its termination, issued his Resolution dated 23 July 2002[8] recommending, inter alia, the dismissal of the Murder charge against private respondent in view of the admission of his nephew, Joel Santos, in

a sworn statement,[9] that he was the one driving the car when the deadly incident occurred.

The dispositive portion of the MTC Resolution reads:

Premises considered, it is respectfully recommended that the above cases for Murder and Frustrated Murder be dismissed and instead an Information for Reckless Imprudence Resulting to Homicide and Frustrated Homicide be filed against Joel Santos as he admitted to be the driver of the vehicle involved in the above case.[10]

The records of the cases were eventually transmitted to the Provincial Prosecutor of Bulacan for appropriate action.

Upon receipt of the case records by the Provincial Prosecutor of Bulacan, petitioner prayed for and was granted by the said Office a reinvestigation. By a Resolution dated 23 September 2002,[11] the Provincial Prosecutor of Bulacan[12] reversed the findings of Judge Viola, Jr. and found probable cause to merit the indictment of private respondent for the murder of Erlinda Baltazar.[13]

The Information dated 21 October 2002 filed against private respondent states that:

The undersigned 1[st] Asst. Provincial Prosecutor accuses Armando C. Bautista @ Arman of the crime of murder, penalized under the provisions of Art. 248 of the Revised Penal Code, committed as follows:

That on or about the 21[st] day of April, 2002, in the municipality of Pulilan, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill one Erlinda Cruz-Baltazar, with evident premeditation, treachery and with the use of a Mitsubishi Sedan car with plate No. TNM-606, did then and there wilfully, unlawfully and feloniously run over the said Erlinda Cruz-Baltazar, thereby inflicting on her mortal injuries which directly caused her death.[14]

It was docketed as Criminal Case No. 3042-M-2002 and raffled to the sala of Hon. Judge Crisanto Concepcion, Presiding Judge of Branch 12 of the RTC of Malolos, Bulacan.[15]

Acting on the said criminal case, Judge Concepcion issued an Order dated 14 November 2002 for the issuance of a warrant for the arrest of private respondent:

The existence of probable cause having been fully determined from a personal evaluation of the facts as alleged in the information and its supporting documents filed by the Office of the Provincial Prosecutor of Bulacan, justifying the arrest of accused, let the corresponding warrant be issued for that purpose, the same to be indorsed to the Chief Inspector, PNP, Plaridel, Bulacan, the Bulacan PNP Provincial Command, the Chief, PNP/CIDG, Malolos, Bulacan, and the Director, NBI, Pulilan, Bulacan, for service and implementation.[16]

On 28 February 2003, private respondent filed a Motion for Reinvestigation before the RTC, Branch 12.[17] The same was denied in the order of the RTC dated 7 March 2003.[18]

On 23 May 2003, private respondent filed with the Department of Justice (DOJ) a Petition for Review of the Resolution dated 23 September 2002 of the Provincial Prosecutor of Bulacan finding probable cause that he committed the murder of Erlinda Baltazar.[19]

About a year later, on 27 May 2004, on the strength of the warrant of arrest issued by the RTC, private respondent was apprehended and detained pending trial.[20]

Private respondent was set to be arraigned on 15 June 2004. However, Judge Concepcion postponed the arraignment upon motion of private respondent who invoked the pendency of his Petition for Review with the DOJ.[21] On 9 July 2004, private respondent's rescheduled arraignment again did not push through because he presented before the RTC a copy of the Resolution dated 8 July 2004, issued by Acting DOJ Secretary Ma.

Merceditas N. Gutierrez, reversing the findings of the Provincial Prosecutor of Bulacan. The dispositive portion of the said DOJ Resolution reads[22]:

All told, We are of the view and so hold that respondent could not be held criminally liable for murder or less serious physical injury as there was no malice or intent to cause injury (dolo) to the victims. Neither can he be held liable for reckless imprudence resulting to homicide or less serious physical injury as there was no sufficient proof of negligence (culpa). This is a case of accident, an exempting circumstance under paragraph 4 Article 12 of the Revised Penal Code. Thus, Where the death of the deceased was due to an accident without any negligence on the part of the driver of the automobile, there being no sufficient proof on record to establish the latter's negligence, there is no criminal liability (United States vs. Tayongtong, 21 Phil. 476).

WHEREFORE, the Resolution dated September 23, 2002 of the Provincial Prosecutor of Bulacan is hereby REVERSED and SET ASIDE. He is hereby directed to immediately cause the withdrawal of the information for murder and less serious physical injury filed against respondent Armando C. Bautista before the Regional Trial Court, Branch 12 of Malolos, Bulacan and to report the action taken thereon within ten (10) days from receipt hereof.[23]

Pursuant to the afore-quoted DOJ Resolution, a Motion to Withdraw Information[24] dated 28 July 2004 was filed by the Assistant Provincial Prosecutor with the RTC and was granted by Judge Concepcion in an Order issued on 30 July 2004[25] based on the following ratiocination:

Acting on the Motion to Withdraw Information filed by 3[rd] Asst. Provincial Prosecutor Benjamin R. Caraig, the regular public prosecutor assigned to this Court, for the reason stated therein, there being no cogent reason to rule otherwise, considering further that the accused is a detention prisoner in this case, the same is hereby granted.

WHEREFORE, as prayed for by the prosecution, the information for murder filed against herein accused is hereby considered withdrawn from the docket of this Court.

Unless herein accused Armando c. Bautista @ Arman should be further detained for any valid cause or reason, the Provincial Jail Warden of Bulacan is hereby directed to effect the immediate release from his detention in this case.

Let copies of this order be furnished the prosecution, the accused, his counsel, and the Provincial Jail Warden of Bulacan.[26]

A Motion for Reconsideration[27] of the 30 July 2004 Order was filed by the private prosecutor, but Judge Concepcion denied the same in another Order dated 23 November 2004.[28] The RTC Order reads:

[A]fter reading the statements of the witnesses given to the police soon after the tragic accident occurred in the evening of April 21, 2002, nothing was mentioned by the witnesses of the alleged intentional killing of the victim by running over her with the car of the accused. What they said to the police was what appeared to be a simple case of criminal negligence in driving the car by the accused when said vehicle bumped the pedicab occupied by the victims who were thrown out, resulting to the death of one of them, without the accused rendering any help or assistance to them, but fleeing from the scene of the accident - a case of hit and run accident. Then later on one of these witnesses executed an affidavit stating that the car, after bumping the pedicab of the victims, stopped and then moved backwards intentionally to run over one of the victims who was killed as a result thereof. Such declaration is suspect of a mere afterthought to create a much graver offense than a case of criminal negligence, the Court not hesitating to say that from the statement of the police investigator in his affidavit, he clearly appears not an impartial police investigator but one who has expressed his bad opinions of the accused instead of giving an impartial report on his findings as a police investigator. And the Court could not help but suspect that the police investigation was so made to create a capital offense against the accused, maybe because the brother of the victim who died in the accident was a police officer

himself by the name of SPO3 Cruz. Another important factor in this case is the admission of one Joel Santos in his own affidavit to be the driver of the car when the accident happened. Such admission under oath by Joel Santos should not have been ignored at all in finally resolving the case before filing it in Court. This probably is the reason why the Department of Justice directed the Office of the Provincial Prosecutor of Bulacan to immediately cause the withdrawal of the information for murder and less serious physical injury filed against accused Armando C. Bautista.[29]

Petitioner thus filed a Petition for Certiorari before the Court of Appeals, docketed as CA-G.R. SP No. 88237, seeking the nullification and setting aside of Judge Concepcion's Order dated 30 July 2004 for having been rendered in grave abuse of discretion amounting to lack or excess of jurisdiction. In a Decision dated 26 April 2006, the appellate court found that:

In granting the motion to dismiss, respondent Judge did not rely solely on the resolution of the acting Secretary of Justice. The Order dated November 23, 2004 of respondent Judge granting the motion clearly demonstrates an independent evaluation or assessment of the evidence or the lack thereof against accused Bautista. In other words, the dismissal of the case was shown to be based upon the Judge's own individual conviction that there was no viable case against accused Bautista. For in the said Order, the respondent Judge stated his reasons for respecting the Secretary's recommendation. Hence, it can be deduced that he had studied and evaluated the Acting Secretary's recommendation as well as the sworn statements or evidence submitted finding the absence of probable cause to hold accused Bautista criminally liable for Murder.

Therefore, contrary to the claim of the petitioner, public respondent judge did not commit grave abuse of discretion when he granted the withdrawal of Information for Murder filed against the private respondent considering that he made an independent assessment of the merits of the motion and embodied the same in at least one of his assailed Orders as mandated by existing jurisprudence (*Ark Travel Express, Inc. vs. Abrogar*, 410 SCRA 148, 158[2003]).

Anent the allegation of the petitioner that he was denied due process, We also agree with the OSG that same is without factual basis. Thus:

"An examination of the machine copy of the motion to withdraw information filed by the Provincial Prosecutor which was marked as Annex 'D' clearly indicates that copy thereof was furnished to the parties concerned. Hence, the petitioner was notified [of the hearing] of said motion. In fact, the petitioner appeared in court on the date of hearing of said motion on July 30, 2004 and argued for the denial of the withdrawal of the information (Petitioner's Petition for Certiorari, pp. 4-5). Hence, when petitioner appeared in court and was able to contest/oppose said motion, he was afforded the opportunity to be heard on a motion derogatory to his interest." [30]

Hence, the Court of Appeals denied the Petition in this wise:

WHEREFORE, the foregoing premises considered, the instant Petition is hereby DENIED. Accordingly, the challenged Orders of public respondent Hon. Judge Crisanto C. Concepcion, Presiding Judge of Branch 12 of the Regional Trial Court of Malolos, Bulacan, are AFFIRMED.[31]

In a Resolution dated 1 August 2006, the appellate court denied petitioner's Motion for Reconsideration of its 26 April 2006 Decision for lack of merit.[32]

Hence, the instant Petition for Review on Certiorari wherein petitioner raises the sole issue of:

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN RULING THAT PETITIONER'S ARGUMENTS TO THE EFFECT THAT THE TRIAL JUDGE COMMITTED GRAVE ABUSE OF DISCRETION WHEN HE GRANTED THE PROSECUTION'S MOTION WITHOUT TAKING INTO CONSIDERATION HIS EARLIER FINDING OF PROBABLE CAUSE, AND THAT THE PIECES OF EVIDENCE ON RECORD WERE MORE THAN SUFFICIENT TO ESTABLISH PROBABLE CAUSE

AGAINST THE PRIVATE RESPONDENT CAN NOT BE PROPERLY RAISED IN THE PETITION FOR CERTIORARI PETITIONER FILED BEFORE IT.[33]

Petitioner contends that Judge Concepcion correctly found in his Order dated 14 November 2002 that, based on the facts obtaining from the records of the case, there was probable cause to justify the issuance of a warrant of arrest against private respondent. He further reasoned that while there had been a supervening event, i.e., the issuance by the DOJ of its Resolution dated 8 July 2004 reversing and setting aside the Resolution dated 23 September 2002 of the Provincial Prosecutor of Bulacan and directing the immediate withdrawal of the information for murder filed against private respondent before the RTC, Judge Concepcion still was the one in full control of the case.[34] Petitioner insists that Judge Concepcion committed grave abuse of discretion in allowing the withdrawal of the Information against private respondent in his Order dated 30 July 2004; and that the Court of Appeals erred in affirming said Order in its herein assailed Decision and Resolution dated 26 April 2006 and 1 August 2006, respectively.

We deny the Petition.

Probable cause is defined as the existence of such facts and circumstances as would excite the belief in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted.[35] It is a reasonable ground of presumption that a matter is, or may be, well-founded on such a state of facts in the mind of the prosecutor as would lead a person of ordinary caution and prudence to believe, or entertain an honest or strong suspicion, that a thing is so. The term does not mean "actual and positive cause" nor does it import absolute certainty. It is merely based on opinion and reasonable belief.[36]

The determination of probable cause is a function that belongs to the public prosecutor -- one that, as far as crimes cognizable by the RTC are concerned, and notwithstanding that it involves an adjudicative process of a sort, exclusively pertains, by law, to said executive officer, the public prosecutor.[37] This broad prosecutorial power is, however, not unfettered, because just as public prosecutors are obliged to bring forth before the law those who have transgressed it, they are also constrained to be circumspect in filing criminal charges against the innocent. Thus, for crimes cognizable by the regional trial courts, preliminary investigations are usually conducted.[38] As defined under the law, a preliminary investigation is an inquiry or a proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the respondent is probably guilty thereof and should be held for trial.[39]

The findings of the prosecutor with respect to the existence or non-existence of probable cause is subject to the power of review by the DOJ. Indeed, the Secretary of Justice may reverse or modify the resolution of the prosecutor, after which he shall direct the prosecutor concerned either to file the corresponding information without conducting another preliminary investigation, or to dismiss or move for dismissal of the complaint or information with notice to the parties.[40]

In *People v. Inting*,[41] this Court aptly stated:

Judges and Prosecutors alike should distinguish the preliminary inquiry which determines probable cause for the issuance of a warrant of arrest from the preliminary investigation proper which ascertains whether the offender should be held for trial or released. Even if the two inquiries are conducted in the course of one and the same proceeding, there should be no confusion about the objectives. The determination of probable cause for the warrant of arrest is made by the Judge. The preliminary investigation proper - whether or not there is reasonable ground to believe that the accused is guilty of the offense charged and, therefore, whether or not he should be subjected to the expense, rigors and embarrassment of trial - is the function of the prosecutor.[42] (Emphasis supplied.)

Under Section 1, Rule 112[43] of the Revised Rules of Court, the investigating prosecutor, in conducting a preliminary investigation of a case cognizable by the RTC, is tasked to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the respondent therein is probably guilty thereof and should be held for trial. A preliminary investigation is for the purpose of securing the innocent against hasty, malicious and oppressive prosecution; and to protect him from an open and public accusation of a crime, as well as for the trouble, expense and anxiety of a public trial.[44]

If the investigating prosecutor finds probable cause for the filing of the Information against the respondent, he executes a certification at the bottom of the Information that, from the evidence presented, there is a reasonable ground to believe that the offense charged has been committed and that the accused is probably guilty thereof. Such certification of the investigating prosecutor is, by itself, ineffective. It is not binding on the trial court. Nor may the RTC rely on the said certification as basis for a finding of the existence of probable cause for the arrest of the accused.[45]

The preliminary inquiry made by a Prosecutor does not bind the Judge. It merely assists him in making the determination of probable cause for issuance of the warrant of arrest. The Judge does not have to follow what the Prosecutor presents to him. By itself, the Prosecutor's certification of probable cause is ineffectual. It is the report, the affidavits, the transcripts of stenographic notes (if any), and all other supporting documents behind the Prosecutor's certification which are material in assisting the Judge in making his determination.[46]

The task of the presiding judge when the Information is filed with the court is first and foremost to determine the existence or non-existence of probable cause for the arrest of the accused. Probable cause is such set of facts and circumstances which would lead a reasonably discreet and prudent man to believe that the offense charged in the Information or any offense included therein has been committed by the person sought to be arrested. In determining probable cause, the average man weighs the facts and circumstances without resorting to the calibrations of the rules of evidence of which he has no technical knowledge. He relies on common sense. A finding of probable cause needs only to rest on evidence showing that, more likely than not, a crime has been committed and that it was committed by the accused. Probable cause demands more than suspicion; it requires less than evidence which would justify conviction.[47]

The purpose of the mandate of the judge to first determine probable cause for the arrest of the accused, such as in the case at bar, is to insulate from the very start those falsely charged with crimes from the tribulations, expenses and anxiety of a public trial.[48]

A closer scrutiny of the substance of Judge Concepcion's Order dated 30 July 2004 would reveal that he reversed his earlier finding of probable cause in issuing a warrant of arrest and allowed the withdrawal of the Information against private respondent based on the following grounds: (1) witnesses to the crime failed to categorically identify private respondent as the culprit; (2) private respondent's nephew, Joel Santos, voluntarily admitted in his affidavit that he was the one driving the car, which he borrowed from private respondent, and who accidentally hit the pedicab which Erlinda Baltazar and Rolando Baltazar were riding; (3) private respondent could not be held criminally liable for murder as there was no malice or intent to cause injury (dolo) to Erlinda Baltazar; and (4) this was just a simple case of criminal negligence or reckless imprudence resulting in homicide or less serious physical injury.[49]

Given the foregoing, Judge Concepcion's Order dated 30 July 2004 granting the withdrawal of the Information for murder against private respondent was not issued with grave abuse of discretion. There was no hint of whimsicality, nor of gross and patent abuse of discretion as would amount to "an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law or to act at all in contemplation of law" on the part of Judge

Concepcion. To the contrary, Judge Concepcion came to the conclusion that there was no probable cause for private respondent to commit murder, by applying basic precepts of criminal law to the facts, allegations, and evidence on record.[50]

In *Crespo v. Mogul*,[51] we held:

The rule therefore in this jurisdiction is that once a complaint or information is filed in Court any disposition of the case as its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court. Although the fiscal retains the direction and control of the prosecution of criminal cases even while the case is already in Court he cannot impose his opinion on the trial court. The Court is the best and sole judge on what to do with the case before it. The determination of the case is within its exclusive jurisdiction and competence. A motion to dismiss the case filed by the fiscal should be addressed to the Court who has the option to grant or deny the same. It does not matter if this is done before or after the arraignment of the accused or that the motion was filed after a reinvestigation or upon instructions of the Secretary of Justice who reviewed the records of the investigation.[52]

We have likewise held that once a case has been filed with the court, it is that court, no longer the prosecution, which has full control of the case, so much so that the information may not be dismissed without its approval. Significantly, once a motion to dismiss or withdraw the information is filed, the court may grant or deny it, in the faithful exercise of judicial discretion. In doing so, the trial judge must himself be convinced that there was indeed no sufficient evidence against the accused, and this conclusion can be arrived at only after an assessment of the evidence in the possession of the prosecution. What was imperatively required was the trial judge's own assessment of such evidence, it not being sufficient for the valid and proper exercise of judicial discretion merely to accept the prosecution's word for its supposed insufficiency.[53]

In *Marcelo v. Court of Appeals*,[54] this Court ruled that, although it is more prudent to wait for a final resolution of a motion for review or reinvestigation from the secretary of justice before acting on a motion to dismiss or a motion to withdraw an information, a trial court nonetheless should make its own study and evaluation of said motion and not rely merely on the awaited action of the secretary. The trial court has the option to grant or deny the motion to dismiss the case filed by the fiscal, whether before or after the arraignment of the accused, and whether after a reinvestigation or upon instructions of the secretary who reviewed the records of the investigation, provided that such grant or denial is made from its own assessment and evaluation of the merits of the motion.

Our pronouncement in *Jimenez v. Jimenez*[55] is timely:

It is . . . imperative upon the fiscal or the judge as the case may be, to relieve the accused from the pain of going through a trial once it is ascertained that the evidence is insufficient to sustain a prima facie case or that no probable cause exists to form a sufficient belief as to the guilt of the accused. Although there is no general formula or fixed rule for the determination of probable cause since the same must be decided in the light of the conditions obtaining in given situations and its existence depends to a large degree upon the finding or opinion of the judge conducting the examination, such a finding should not disregard the facts before the judge nor run counter to the clear dictates of reasons. The judge or fiscal, therefore, should not go on with the prosecution in the hope that some credible evidence might later turn up during trial for this would be a flagrant violation of a basic right which the courts are created to uphold. It bears repeating that the judiciary lives up to its mission by visualizing and not denigrating constitutional rights. So it has been before. It should continue to be so.

Petitioner's arguments before the Court of Appeals can be reduced to the allegation that respondent Judge gravely erred in appreciating the evidence presented; thus, he seriously abused his discretion, an act amounting to lack or excess of jurisdiction - an error of jurisdiction, so termed. An error of jurisdiction is one in which the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion,

which is tantamount to lack or excess of jurisdiction, and which is correctible by the extraordinary writ of certiorari.

There being no grave abuse of discretion on the part of Judge Concepcion amounting to lack or excess of jurisdiction, we hold that the Court of Appeals committed no reversible error in dismissing the petition.

Wherefore, premises considered, the instant Petition for Review is denied for lack of merit. The Decision dated 26 April 2006 and Resolution dated 1 August 2006 of the Court of Appeals in CA-G.R. SP No. 88237 are AFFIRMED. Costs against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio, Austria-Martinez, and Reyes, JJ., concur.

* Justice Antonio T. Carpio was designated to sit as additional member replacing Justice Antonio Eduardo B. Nachura per Raffle dated 16 July 2008.

[1] Appeal by Certiorari to the Supreme Court

[2] Penned by Associate Justice Jose C. Reyes, Jr. with Associate Justices Eliezer R. de los Santos and Arturo G. Tayag, concurring; rollo, pp. 67-80.

[3] Petitioner Severino C. Baltazar is one of the children of the deceased, Erlinda Baltazar. (CA rollo, p. 3.) He is represented in this petition by Arlene C. Baltazar by virtue of a Special Power of Attorney executed for the purpose. (Rollo, p. 38.)

[4] Rollo, p. 53.

[5] A means of transportation consisting of a bicycle with a sidecar.

[6] Docketed as Criminal Case No. 02-8307. (CA rollo, p. 51.)

[7] Docketed as Criminal Case No. 02-8308. (CA rollo, p. 57.)

[8] Rollo, pp. 51-54.

[9] Records, p. 55. Notwithstanding the existence of the Sworn Statement executed by Joel Santos, the records do not reflect the action taken by the Fiscal pursuant to the said Sworn Statement.

[10] CA rollo, p. 54.

[11] Records, pp. 12-14.

[12] 1[st] Assistant Provincial Prosecutor Alfredo Geronimo.

[13] Rollo, p. 69. In this 23 September 2002 Resolution, the Provincial Prosecutor of Malolos, Bulacan, held that, as to the injury sustained by Rolando Baltazar for which Armando Bautista was charged with frustrated murder under Criminal Case No. 028308, the Provincial Prosecutor decreed that Armando Bautista should be charged under the last paragraph, Article 365 (Imprudence and Negligence) of the Revised Penal Code. (Records, p. 14.)

[14] Rollo, p. 40; records, p. 1.

[15] Id. at 70.

[16] Id. at 42.

- [17] Records, p. 29.
- [18] Id. at 35.
- [19] Id. at 45.
- [20] CA rollo, p. 4.
- [21] Id. at 5.
- [22] Rollo, p. 70-71.
- [23] Id. at 50-51.
- [24] Id. at 52.
- [25] Id. at 53.
- [26] Id. at 53.
- [27] Id. at 54.
- [28] Id. at 64.
- [29] Records, pp. 170-171.
- [30] Rollo, pp. 77-78.
- [31] Id. at 79-80.
- [32] Id. at 89.
- [33] Id. at 130-131.
- [34] Id. at 131-134.
- [35] Cruz, Jr. v. People, G.R. No. 110436, 27 June 1994, 233 SCRA 439, 453-454, cited in Ladlad v. Velasco, G.R. Nos. 172070-72, 1 June 2007, 523 SCRA 318, 335.
- [36] Pilapil v. Sandiganbayan, G.R. No. 101978, 7 April 1993, 221 SCRA 349, 360.
- [37] People v. Court of Appeals, 361 Phil. 492, 498 (1999), citing the Separate (Concurring) Opinion of former Chief Justice Narvasa in Roberts, Jr. v. Court of Appeals, 324 Phil. 568, 620 (1996).
- [38] People v. Court of Appeals, id.
- [39] Rules of Court, Rule 112, Section 1, first paragraph.
- [40] Id., Section 4, last paragraph.
- [41] G.R. No. 88919, 25 July 1990, 187 SCRA 788, 792-793.
- [42] Roberts, Jr. v. Court of Appeals, supra note 37 at 344-345.
- [43] SECTION 1. Preliminary investigation defined; when required. - Preliminary investigation is an inquiry or proceeding to determined whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial.
- [44] People v. Poculan, G.R. Nos. L-70565-67, 9 November 1988, 167 SCRA 176, 192.

[45] *People v. Inting*, supra note 41.

[46] *Id.*

[47] *People v. Aruta*, 351 Phil. 868, 880 (1998).

[48] *Okabe v. Gutierrez*, G.R. No. 150185, 27 May 2004, 429 SCRA 685, 706.

[49] *Rollo*, p. 103.

[50] *First Women's Credit Corporation v. Perez*, G.R. No. 169026, 15 June 2006, 490 SCRA 774, 778.

[51] G.R. No. L-53373, 30 June 1987, 151 SCRA 462, 471.

[52] *Martinez v. Court of Appeals*, G.R. No. 112387, 13 October 1994, 237 SCRA 575, 584.

[53] *Odin Security Agency, Inc. v. Sandiganbayan*, 417 Phil. 673, 679-680 (2001).

[54] G.R. No. 106695, 4 August 1994, 235 SCRA 39.

[55] G.R. No. 158148, 30 June 2005, 462 SCRA 516, 528-529.

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.