

PROBABLE CAUSE

Definition:

- Probable cause pertains to facts and circumstances sufficient to support a well-founded belief that a crime has been committed and the accused is probably guilty thereof.

DETERMINATION OF PROBABLE CAUSE

1. JUDICIAL DETERMINATION

- To ascertain whether a warrant of arrest should be issued against the accused [Sec. 2, Art. III, Constitution]
- 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 [Baltazar v. People, G.R. No. 174016 (2008)]

2. EXECUTIVE DETERMINATION.

- To ascertain whether a criminal case must be filed in court. The public prosecutor is given a broad discretion to determine whether probable cause exists and to charge those whom he believes to have committed the crime. [People v. Borje, Jr., G.R. No. 170046 (2014)]
- 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 [Sec. 1, Rule 112, as amended by A.M. No. 05-8- 26-SC]

3. The Ombudsman is authorized to conduct a preliminary investigation and to prosecute all criminal cases involving public officers and employees, not only those within the jurisdiction of the Sandiganbayan, but also those within the jurisdiction of regular courts as well [Uy v. Sandiganbayan, G.R. No. 105965-70 (2001)]

CASES:

1. PHILIPPINE NATIONAL BANK, PETITIONER, VS. AMELIO TRIA AND JOHN DOE, RESPONDENTS.

DOCTRINE: What is necessary for the filing of a criminal information is not proof beyond reasonable doubt that the person accused is guilty of the acts imputed on him, but only that there is probable cause to believe that he is guilty of the crime charged.

Probable cause, for purposes of filing a criminal information, are such facts as are sufficient to engender a well-founded belief that a crime has been committed and that the accused is probably guilty thereof.

FACTS: Tria was a former Branch Manager of the Philippine National Bank (PNB) Metropolitan Waterworks and Sewerage System Branch (PNB-MWSS). Metropolitan Waterworks and Sewerage System (MWSS) opened a current account at PNB-MWSS. PNB-MWSS received a letter-request from MWSS instructing the deduction of PhP 5,200,000 from the current account and the issuance of the a manager's check payable to a certain Atty. Rodrigo A. Reyes. Upon the preparation of the manager's check, Tria accompanied Atty. Reyes in presenting the said check to another PNB Branch (PNB-Circle) for encashment and told PNB-Circle's Flandez that their branch had no available cash to pay the amount indicated in the manager's check. He also informed Flandez that Atty. Reyes was a valued client of his branch and that he'll be the one to sign since Atty. Reyes was in a hurry.

A year after, Pulida (MWSS employee), inquired about about the transaction paid to Atty. Reyes. Pulida notified MWSS that the latter did not apply for the issuance of the manager's check payable to Atty. Reyes. Also, upon verification, it was discovered that Rodrigo A.

Michigan Prosecutor Conviction Probable Cause Manual

Marcel A. Müller



Michigan Prosecutor Conviction Probable Cause Manual:

Michigan Statutes Annotated Michigan,1985 *The Compiled Laws of the State of Michigan, 1948* Michigan,1949
Prisoners' Self-help Litigation Manual John Boston,Daniel E. Manville,2010 Clear comprehensive practical advice provides prisoners with everything they need to know on conditions of confinement civil liberties in prison procedural due process the legal system how to litigate conducting effective legal research and writing legal documents This new edition is updated to include the most relevant prisoners rights topics and approaches to litigation types of legal remedies and how to effectively use those remedies Michigan Compiled Laws Service Michigan,2001 *PEOPLE OF THE STATE OF MICHIGAN V JOE F. WESLEY, JR.; PEOPLE OF THE STATE OF MICHIGAN V SAMUEL TAORMINA; PEOPLE OF THE STATE OF MICHIGAN V GERALD PHILLIPS; PEOPLE OF THE STATE OF MICHIGAN V PHILLIP PHILLIPS; PEOPLE OF THE STATE OF MICHIGAN V JAMES THREET; PEOPLE OF THE STATE OF MICHIGAN V KEITH D. DOPP, 421 MICH 375 (1984)* ,1984 69532 69533 **The Michigan Bar Journal** ,2000 *Cases Decided in the Supreme Court of Michigan ...* Michigan. Supreme Court,1920 Michigan Reports Michigan. Supreme Court,Randolph Manning,George C. Gibbs,Thomas McIntyre Cooley,Elijah W. Meddaugh,William Jennison,Hovey K. Clarke,Hoyt Post,Henry Allen Chaney,William Dudley Fuller,John Adams Brooks,Marquis B. Eaton,Herschel Bouton Lazell,James M. Reasoner,Richard W. Cooper,1920 *Michigan Compiled Laws Annotated* Michigan,1967 **Military Rules of Evidence Manual: sec. V. Privileges ; sec. VI. Witnesses ; sec. VII. Opinions and expert testimony ; sec. VIII. Hearsay ; sec. IX. Authentication and identification ; sec. X. Contents of writings, recordings, and photographs ; sec. XI. Miscellaneous rules** Stephen A. Saltzburg, Lee D. Schinasi,David A. Schlueter,2006 The Federal Lawyer ,1997 **Criminal Justice Procedure** Stacy Moak,Ronald Carlson,2014-09-25 Criminal Justice Procedure gives clear guidance on the most common questions faced by today s law enforcement offering fresh look at 21st century pre trial protocol Unlike other case books this newly revised edition eschews legal theory in favor of the practical know how needed to not to parse but apply criminal law Emphasis has been placed on just exactly how practitioners should conduct hot button procedures such as airport and border searches Moreover the book also addresses the often dire implications of deviating from proper practice how a false step can translate into a violation of individual rights or the inability to successfully prosecute the guilty This edition has been specifically designed for CJ undergraduate programs rather than higher level law schools and completely reorganized for a more logical flow of topics Moreover it is newly focused on the most crucial practical applications of the law in the CJ context There is also added emphasis on the Fourth Fifth and Sixth Amendments **The Prosecutor** ,1977 *Michigan reports* Michigan. Supreme Court,1933 **Defender Plea, Sentencing & Post-conviction Book** ,2004 *American and English Annotated Cases* ,1907 *Michigan Compiled Laws Annotated: Sect. 760.1 to 769.End* Michigan,1967 *The American and English Annotated Cases* ,1907 ABA Journal ,1991-07 The ABA Journal serves the legal profession Qualified recipients are

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Table of Contents Michigan Prosecutor Conviction Probable Cause Manual

1. Understanding the eBook Michigan Prosecutor Conviction Probable Cause Manual
 - The Rise of Digital Reading Michigan Prosecutor Conviction Probable Cause Manual
 - Advantages of eBooks Over Traditional Books
2. Identifying Michigan Prosecutor Conviction Probable Cause Manual
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Michigan Prosecutor Conviction Probable Cause Manual
 - User-Friendly Interface
4. Exploring eBook Recommendations from Michigan Prosecutor Conviction Probable Cause Manual
 - Personalized Recommendations
 - Michigan Prosecutor Conviction Probable Cause Manual User Reviews and Ratings
 - Michigan Prosecutor Conviction Probable Cause Manual and Bestseller Lists

5. Accessing Michigan Prosecutor Conviction Probable Cause Manual Free and Paid eBooks
 - Michigan Prosecutor Conviction Probable Cause Manual Public Domain eBooks
 - Michigan Prosecutor Conviction Probable Cause Manual eBook Subscription Services
 - Michigan Prosecutor Conviction Probable Cause Manual Budget-Friendly Options
6. Navigating Michigan Prosecutor Conviction Probable Cause Manual eBook Formats
 - ePub, PDF, MOBI, and More
 - Michigan Prosecutor Conviction Probable Cause Manual Compatibility with Devices
 - Michigan Prosecutor Conviction Probable Cause Manual Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Michigan Prosecutor Conviction Probable Cause Manual
 - Highlighting and Note-Taking Michigan Prosecutor Conviction Probable Cause Manual
 - Interactive Elements Michigan Prosecutor Conviction Probable Cause Manual
8. Staying Engaged with Michigan Prosecutor Conviction Probable Cause Manual
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Michigan Prosecutor Conviction Probable Cause Manual
9. Balancing eBooks and Physical Books Michigan Prosecutor Conviction Probable Cause Manual
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Michigan Prosecutor Conviction Probable Cause Manual
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Michigan Prosecutor Conviction Probable Cause Manual
 - Setting Reading Goals Michigan Prosecutor Conviction Probable Cause Manual
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Michigan Prosecutor Conviction Probable Cause Manual
 - Fact-Checking eBook Content of Michigan Prosecutor Conviction Probable Cause Manual
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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