

## **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, Palida (MWSS employee), inquired about about the transaction paid to Atty. Reyes. Palida 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 Probable Cause Manual

**L Cohen**



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## **Table of Contents Michigan Prosecutor Probable Cause Manual**

1. Understanding the eBook Michigan Prosecutor Probable Cause Manual
  - The Rise of Digital Reading Michigan Prosecutor Probable Cause Manual
  - Advantages of eBooks Over Traditional Books
2. Identifying Michigan Prosecutor 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 Probable Cause Manual
  - User-Friendly Interface
4. Exploring eBook Recommendations from Michigan Prosecutor Probable Cause Manual
  - Personalized Recommendations
  - Michigan Prosecutor Probable Cause Manual User Reviews and Ratings
  - Michigan Prosecutor Probable Cause Manual and Bestseller Lists

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