

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 Probable Cause Manual

G Thomas



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Prosecutor's Manual for Arrest, Search, and Seizure James A. Adams, 2004 **Report of the Attorney General of the State of Michigan for the Year Ending** Michigan. Attorney General's Office, Michigan. Department of Attorney General, 1895 *Matthews v. Blue Cross and Blue Shield of Michigan*, 456 MICH 365 (1998) ,1998 104011 **The Michigan Digest Annotated** George Foster Longsdorf, 1921 **The Michigan Lawyer** ,1878 *A Prosecutor's Manual on Screening and Diversionary Programs* National District Attorneys Association, 1973 *Cases Decided in the Supreme Court of Michigan ...* Michigan. Supreme Court, 1906 **Joint Documents of the State of Michigan** Michigan, 1896 *Joint Documents of the State of Michigan for the Year ...* Michigan, 1896 **Michigan reports** Michigan. Supreme Court, 1962 **Blashfield's Instructions to Juries** De Witt Clinton Blashfield, 1916 *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, 1869 **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 **PEOPLE OF THE STATE OF MICHIGAN V TOMMIE LEE NELSON**, 443 MICH 626 (1993) ,1993 94714 **Michigan Statutes Annotated** Michigan, 1980 **BNA Civil Trial Manual** ,1985 *A Digest of the Decisions of the Supreme Court of Michigan* Albert Poole Jacobs, Henry Allen Chaney, 1889 **The Michigan Bar Journal** ,2002 *Michigan Law Review* ,1980 **Michigan Compiled Laws Service** Michigan, 2001

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