

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.

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**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**

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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

Michigan Prosecutor Probable Cause Manual: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the captivating narratives that have charmed audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These popular novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of captivating stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and suspenseful novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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