

RULE 112

EXECUTIVE DETERMINATION OF PROBABLE CAUSE

Yambot vs Armovit

GR No. 172677

September 12, 1996

FACTS:

Armovit filed a complaint for libel against Yambot and others for the publication of a news report which allegedly imputes to him the concealment of his client Rolito Go, a convicted murderer. Upon finding of probable cause, the provincial prosecutor filed before the RTC two criminal actions for libel. Yambot however seek the review of the OPPs (Office of the Provincial Prosecutor) resolution by the Regional State Prosecutor, wherein, RSP Caridad reversed the finding of the OPPs and ordered the withdrawal of the informations.

The trial court denied the motion for withdrawal, and was also denied by the CA upon appeal, hence the present case.

ISSUE:

Whether or not the denial of the motion to withdraw by the trial court deprived petitioners of their right to preliminary investigation.

RULING:

No. The Court held that once a complaint or information is filed in court, any disposition of the case as to its dismissal, or the conviction or acquittal of the accused, rests on the sound discretion of the courts. While the prosecutorial arm is persuasive, it is not binding in court. It may therefore grant or deny at its option a motion to dismiss or to withdraw the information based on its own assessment of the records of the preliminary investigation submitted to it, in the faithful exercise of judicial discretion and prerogative, and not out of subservience to the prosecutor.

In the case at bar, the Court finds no error on the part of the appellate court in sustaining the orders of the trial court. The RTC of Ilocos Sur, indeed has the prerogative to grant or deny the motion to withdraw the informations.

Petition denied.

Michigan Prosecutor Conviction Probable Cause Manual

Michigan. Supreme Court



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Michigan,1949 **Cases Decided in the Supreme Court of Michigan ...** Michigan. Supreme Court,1928 **Michigan Reports** Michigan. Supreme Court,1908 **Michigan Statutes Annotated** Michigan,1936 **The Army Lawyer**,1996-07 Michigan Compiled Laws Service Michigan,2001 Blashfield's Instructions to Juries De Witt Clinton Blashfield,1916 **The Michigan Bar Journal** ,2005 **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 *Friedman v. Dozorc*, 412 MICH 1 (1981) ,1981 61534 **Report of the Attorney General** ,1895 *ABA/BNA Lawyers' Manual on Professional Conduct* ,2000 The Prosecutor ,1991 **The Northwestern Reporter** ,1895 The Michigan Digest Annotated George Foster Longsdorf,1921 **The Scots Law Times** ,1894 **Matthews v. Blue Cross and Blue Shield of Michigan**, 456 MICH 365 (1998) ,1998 104011
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