

## **PROBABLE CAUSE**

### **Definition:**

- Probable cause pertains to facts and circumstances sufficient to support a wellfounded 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 Flander that their branch had no available cash to pay the amount indicated in the manager's check. He also informed Flander 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

**Edward Regnier Branson**

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