HOW TO CREATE A CASE DIGEST AND ANSWER LAW SCHOOL EXAMINATION

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PARTS OF CASE DIGEST

- 1. Doctrine/Summary of the Case
- 2. Pertinent Facts
- 3. Decisions of the lower courts (First level court, second level court and appellate court)
- 4. Relevant Issue/s
- 5. Ruling of the Supreme Court
- 6. Ratio decidendi

CASE DIGEST (1)
People vs. Silvestre and Atienza. G.R. No. L-35748 December 14, 1931

- FACTS: Martin Atienza was convicted as principal by direct participation and Romana Silvestre as accomplice of the crime of arson by the Court of First Instance. On the night of November 25, 1930, while Nicolas de la Cruz and his wife, Antonia de la Cruz, were gathered together with the appellants herein after supper, Martin Atienza told to the said couple to take their furniture out of the house because he was going to set fire to it. Upon being asked by Nicolas and Antonia why he wanted to set fire to the house, he answered that it was the only way he could revenged upon the people of Masocol, who, he said, had instigated the charge of adultery against him and his co-defendant, Romana Silvestre. As Martin Atienza was at that time armed with a pistol, no one dared say anything to him, not even Romana Silvestre, who was about a meter away from her co-defendant. Alarmed at what Martin Atienza had said, the couple left the house at once to communicate with the barrio lieutenant, Buenaventura Ania, as to what they had just heard Martin Atienza say; but they had hardly gone a hundred arms' length when they heard cries of "Fire! Fire!" Turning back they saw their home in flames. The fire destroyed about forty-eight houses. Romana listened to her co-defendant's threat without raising a protest, and did not give the alarm when the latter set fire to the house.

CASE DIGEST (1)
People vs. Silvestre and Atienza. G.R. No. L-35748 December 14, 1931

- Issue: Whether or not Romana can be convicted as accomplice?
- Ruling:
- No. Art. 14 of the Penal Code, in connection with Art. 13 defines an accomplice to be one who does not take a direct part in the commission of the act, who does not force or induce others to commit it, nor cooperates in the commission of the act by another act without which it would not have been accomplished, yet cooperates in the execution of the act by previous or simultaneous actions.
- In the case of Romana, there is no evidence of moral or material cooperation and none of an agreement to commit the crime in question. Her mere presence and silence while they are simultaneous acts, do not constitute cooperation, for it does not appear that they encouraged or nerved Martin Atienza to commit the crime of arson; and as for her failure to give the alarm, that being a subsequent act, it does not make her liable as an accomplice.
- Mere passive presence at the scene of another's crime, mere silence and failure to give the alarm, without evidence of agreement or conspiracy, do not constitute the cooperation required by Art. 14 of the Penal Code for complicity in the commission of the crime witnessed passively, or with regard to which one has kept silent.
- Decision is affirmed with reference to Martin Atienza and reversed with reference to Romana Silvestre, who was acquitted.

Case Digest (2)
Crespo vs. Mogul. June 30, 1987. G.R. No. L-53373

- FACTS: An information for estafa was filed against Mario Crespo. When the case was set for arraignment, the accused filed a motion to defer arraignment on the ground that there was a pending petition for review filed with the Secretary of Justice for the filing of the information. The presiding judge, Leodegario Mogul denied the motion but the arraignment was deferred to afford time for petitioner to elevate the matter to the appellate court. Crespo then filed a petition for certiorari and prohibition with a writ of injunction in the CA to restrain respondent judge from proceeding with the arraignment of the accused. The Solicitor General recommended that the petition be given due course and the CA granted the same.

- Meanwhile, Undersecretary of Justice Catalino Macaraig reversed the resolution of the Office of the Provincial Fiscal and directed the fiscal to move for immediate dismissal of the information filed against Crespo. A motion to dismiss for insufficiency of evidence was filed by the Provincial Fiscal with the RTC, but the respondent judge denied the same and set the date and time for the arraignment. Crespo then filed in the CA a petition for certiorari and mandamus with TRO to restrain Mogul from enforcing his judgment, which was again issued by the CA. Later on, the CA rendered a decision and dismissed the petition of Crespo and lifted the TRO. Hence this present petition.

Case Digest (2)
Crespo vs. Mogul. June 30, 1987. G.R. No. L-53373

- ISSUE/S:
- 1. Whether or not a fiscal has the authority to file a motion to dismiss on the ground of insufficiency of evidence after the information has been submitted to the court?
- 2. Whether or not Mogul acted with grave abuse of discretion in giving due course to the arraignment of the accused?

Case Digest (2)
Crespo vs. Mogul. June 30, 1987. G.R. No. L-53373

- RULING:
- 1. Yes, but it must be with the permission of the judge.
- 2. No, the court acquires jurisdiction of the accused upon the filing of the information by the fiscal.
- It is through the conduct of a preliminary investigation that the fiscal determines the existence of a prima facie case that would warrant the prosecution of a case. The Courts cannot interfere with the fiscal’s discretion and control of the criminal prosecution. Thus, a fiscal who asks for the dismissal of the case for insufficiency of evidence has authority to do so and Courts that grant the same commit no error. The fiscal may re-investigate a case and subsequently move for the dismissal should the re-investigation show either that the defendant is innocent or that his guilt may not be established beyond reasonable doubt. However, such authority is not without any limitation. The same is subject to the approval of the provincial or city fiscal and it may be elevated for review to the Secretary of Justice.

Case Digest (2)
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- Consequently the Secretary of Justice may direct that a motion to dismiss the case be filed in Court or otherwise, that an information be filed in Court. The filing of a complaint or information in Court initiates a criminal action. The Court thereby acquires jurisdiction over the case, which is the authority to hear and determine the case. The preliminary investigation conducted by the fiscal for the purpose of determining whether a prima facie case exists warranting the prosecution of the accused is terminated upon the filing of the information in the proper court. Should the fiscal find it proper to conduct a reinvestigation of the case, at such stage, the permission of the Court must be secured. In order to avoid such a situation whereby the opinion of the Secretary of Justice who reviewed the action of the fiscal may be disregarded by the trial court, the Secretary of Justice should, as far as practicable, refrain from entertaining a petition for review from the action of the fiscal, when the information has already been filed in Court.

Case Digest (3)
Francisco vs. House of Representatives. GR NO. 160261. Nov. 10, 2003

- FACTS:
- On July 22, 2002, the House of Representatives adopted a Resolution, which directed the Committee on Justice "to conduct an investigation, in aid of legislation, on the manner of disbursements and expenditures by the Chief Justice of the Supreme Court of the Judiciary Development Fund (JDF). On June 2, 2003, former President Joseph E. Estrada filed an impeachment complaint (first impeachment complaint) against Chief Justice Hilario G. Davide Jr. and seven Associate Justices of this Court for "culpable violation of the Constitution, betrayal of the public trust and other high crimes." The complaint was endorsed by Representatives Suplico, Zamora and Dilangalen, and was referred to the House Committee on Justice in accordance with Section 3(2) of Article XI of the Constitution.
- The House Committee on Justice ruled that the first impeachment complaint was "sufficient in form," but voted to dismiss the same for being insufficient in substance.
- On October 23, 2003, the second impeachment complaint was filed with the Secretary General of the House against Chief Justice Hilario G. Davide, Jr., founded on the alleged results of the legislative inquiry initiated by above-mentioned House Resolution. This second impeachment complaint was accompanied by a "Resolution of Endorsement/Impeachment" signed by at least one-third (1/3) of all the Members of the House of Representatives.
- Thus arose the instant petitions against the House of Representatives, et. al., most of which petitions contend that the filing of the second impeachment complaint is unconstitutional as it violates the provision of Section 5 of Article XI of the Constitution that "[n]o impeachment proceedings shall be initiated against the same official more than once within a period of one year."

Case Digest (3)
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ISSUE:

Whether or not the Constitution has excluded impeachment proceedings from the coverage of judicial review? Stated otherwise, is the Supreme Court prohibited to decide on the legality of the impeachment complaint filed against Former Chief Justice Davide, Jr.?

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- RULING:
- No. In cases of conflict, the judicial department is the only constitutional organ, which can be called upon to determine the proper allocation of powers between the several departments and among the integral or constituent units thereof.
- The Constitution is a definition of the powers of government. Who is to determine the nature, scope and extent of such powers? The Constitution itself has provided for the instrumentality of the judiciary as the rational way. And when the judiciary mediates to allocate constitutional boundaries, it does not assert any superiority over the other departments; it does not in reality nullify or invalidate an act of the legislature, but only asserts the solemn and sacred obligation assigned to it by the Constitution to determine conflicting claims of authority under the Constitution and to establish for the parties in an actual controversy the rights which that instrument secures and guarantees to them. This is in truth all that is involved in what is termed “judicial supremacy” which properly is the power of judicial review under the Constitution. More than that, courts accord the presumption of constitutionality to legislative enactments, not only because the legislature is presumed to abide by the Constitution but also because the judiciary in the determination of actual cases and controversies must reflect the wisdom and justice of the people as expressed through their representatives in the executive and legislative departments of the government.

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- As pointed out by Justice Laurel, this “moderating power” to “determine the proper allocation of powers” of the different branches of government and “to direct the course of government along constitutional channels” is inherent in all courts as a necessary consequence of the judicial power itself, which is “the power of the court to settle actual controversies involving rights which are legally demandable and enforceable.”
- To determine the merits of the issues raised in the instant petitions, this Court must necessarily turn to the Constitution itself which employs the well-settled principles of constitutional construction.

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- *First, verba legis, that is, wherever possible, the words used in the Constitution must be given their ordinary meaning except where technical terms are employed.*
- We look to the language of the document itself in our search for its meaning. We do not of course stop there, but that is where we begin. It is to be assumed that the words in which constitutional provisions are couched express the objective sought to be attained. They are to be given their ordinary meaning except where technical terms are employed in which case the significance thus attached to them prevails. As the Constitution is not primarily a lawyer's document, it being essential for the rule of law to obtain that it should ever be present in the people's consciousness, its language as much as possible should be understood in the sense they have in common use. What it says according to the text of the provision to be construed compels acceptance and negates the power of the courts to alter it, based on the postulate that the framers and the people mean what they say. Thus, these are the cases where the need for construction is reduced to a minimum.

Case Digest (3) Francisco vs. House of Representatives. GR NO. 160261. Nov. 10, 2003

- Second, where there is ambiguity, ratio legis est anima. The words of the Constitution should be interpreted in accordance with the intent of its framers.

- A foolproof yardstick in constitutional construction is the intention underlying the provision under consideration. Thus, it has been held that the Court in construing a Constitution should bear in mind the object sought to be accomplished by its adoption, and the evils, if any, sought to be prevented or remedied. A doubtful provision will be examined in the light of the history of the times, and the condition and circumstances under which the Constitution was framed. The object is to ascertain the reason which induced the framers of the Constitution to enact the particular provision and the purpose sought to be accomplished thereby, in order to construe the whole as to make the words consonant to that reason and calculated to effect that purpose.

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- Finally, ut magis valeat quam pereat. The Constitution is to be interpreted as a whole.
- It is a well-established rule in constitutional construction that no one provision of the Constitution is to be separated from all the others, to be considered alone, but that all the provisions bearing upon a particular subject are to be brought into view and to be so interpreted as to effectuate the great purposes of the instrument. Sections bearing on a particular subject should be considered and interpreted together as to effectuate the whole purpose of the Constitution and one section is not to be allowed to defeat another, if by any reasonable construction, the two can be made to stand together.
- In other words, the court must harmonize them, if practicable, and must lean in favor of a construction which will render every word operative, rather than one which may make the words idle and nugatory.
- If, however, the plain meaning of the word is not found to be clear, resort to other aids is available. While it is permissible in this jurisdiction to consult the debates and proceedings of the constitutional convention in order to arrive at the reason and purpose of the resulting Constitution, resort thereto may be had only when other guides fail as said proceedings are powerless to vary the terms of the Constitution when the meaning is clear.
- Debates in the constitutional convention “are of value as showing the views of the individual members, and as indicating the reasons for their votes, but they give us no light as to the views of the large majority who did not talk, much less of the mass of our fellow citizens whose votes at the polls gave that instrument the force of fundamental law. We think it safer to construe the constitution from what appears upon its face.” The proper interpretation therefore depends more on how it was understood by the people adopting it than in the framers’ understanding thereof.

HOW TO ANSWER A QUESTION IN LAW SCHOOL EXAMINATION? - ALAC METHOD

- 1. DIRECT AND CONCRETE **ANSWER**
- 2. CITATION OF **LEGAL BASIS**
- 3. **APPLICATION** OF THE LEGAL BASIS
- 4. **CONCLUSION**

QUESTION IN CRIMINAL LAW

- Kevin is one of the most wanted criminals of the Philippine National Police. He is notorious all over social media and known as a “sticky bandit” as he can successfully snatch phones through double sided tape stuck on his hands at KPOP concerts. In 2017, he was convicted of the crime of theft, when he stole an iPhone 7 from a fan during a BTS concert. He served his sentence and was released on the same year. In 2019, he was convicted again of the crime of theft when he stole a Samsung Galaxy S10+ at a Blackpink concert. He served his sentence and was released on the same year. Needing the money, Kevin sold the stolen phones, but was caught and thereafter charged and convicted for violation of the Anti-Fencing Law in 2021. Testing his skills, Kevin once tried to steal an iPhone 14 Pro in 2023 during the Blackpink concert, but failed, and instead slapped the owner. Kevin was convicted of slight physical injuries and the court imposed a straight penalty of thirty (30) days. Is Kevin considered a habitual delinquent? Explain. (5 points)

QUESTION IN CRIMINAL LAW

- No, Kevin is not considered as a habitual delinquent. **(ANSWER)**
- Article 62 of the Revised Penal Code, as amended, substantially provides that an accused may be considered as a habitual delinquent when for a period of 10 years from his release or last conviction, he/she committed the crime of robbery, theft, estafa, falsification, serious and less serious physical injuries for third time or oftener. **(LEGAL BASIS)**
- In the case at bar, Kevin is convicted for the crime of slight physical injuries for slapping an offended party as his third crime. The crime of slight physical injuries is not among those enumerated in the above-mentioned provision. The offense he committed in violation of the Anti-Fencing Law will not be material in considering Kevin as a habitual delinquent since the crimes under Article 62 are exclusive. **(APPLICATION)**
- Therefore, Kevin may not be considered as a habitual delinquent. **(CONCLUSION)**

QUESTION IN CRIMINAL PROCEDURE

- “A”, “B”, and “C” were convicted by the Regional Trial Court for violation of Section 5, Republic Act No. 9165 or the Comprehensive Dangerous Drugs Act of 2002. Only “A” appealed the case to the Court of Appeals and eventually to the Supreme Court. The High Court acquitted “A”. What is the effect of the acquittal of “A” to the accused who did not appeal? Explain. (5 points)

QUESTION IN CRIMINAL PROCEDURE

- B and C may also be acquitted on the offense charged. **(ANSWER)**
- The Rules on Criminal Procedure substantially provides that an appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgement of the appellate court is favorable and applicable to the latter. **(LEGAL BASIS)**
- In the case at bar, the judgement of the Supreme Court is favorable and applicable to B and C since A has been found not guilty of violation of Sec. 5 of R.A. No. 9165. **(APPLICATION)**
- Therefore, B and C may also be acquitted of violation of Sec. 5 of R.A. No. 9165. **(CONCLUSION)**

QUESTION IN CONSTITUTIONAL LAW 1

- Under Sec. 5, Article VIII of the Constitution, the Supreme Court shall have the power to "promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice and procedure in all courts xxx." Section 23 of R.A. No. 9165 or the Comprehensive Dangerous Drugs Act of 2002 provides that "any person charged under any provision of this Act regardless of the imposable penalty shall not be allowed to avail of the provision on plea-bargaining." Patricio, a user who was charged with alleged sale of shabu but who wants to enter a plea of guilt to a charge of possession, questions the constitutionality of Sec. 23 on the ground that Congress encroached on the rule-making power of the Supreme Court under Sec. 5, Article VIII. He argues that plea-bargaining is procedural in nature and is within the exclusive constitutional power of the Court. Is Patricio correct? Explain your answer.

QUESTION IN CONSTITUTIONAL LAW 1

- Patricio is correct in assailing the constitutionality of Section 23 of R.A. No. 9165. In Estipona v. Lobrigo, the Supreme Court ruled that Section 23 of Republic Act No. 9165 is unconstitutional for being contrary to the rule-making authority of the Supreme Court. The Supreme Court in ruling the unconstitutionality of Sec. 23 of R.A. No. 9165 posited two (2) main ratio to wit:
- Article 8, Section 5 (5) of the 1987 Constitution substantially provides that the Supreme Court has the power to promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged.
- Article 3, Section 1 of the 1987 Philippine Constitution provides that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.
- Since plea-bargaining may not be considered as a substantive right of the accused in violation of R.A. No. 9165, the Supreme Court has the only power whether or not an accused may enter a plea-bargaining agreement. To rule otherwise, it shall be contrary to the rule-making power of the Supreme Court.
- Further, since in all other crimes, an accused may enter a plea-bargaining agreement with the Prosecution provided the Court consented to it, the Supreme Court, by the principle of equity and justice, now allows an accused in drug cases to enter into a plea-bargaining agreement.

THANK YOU FOR LISTENING!