

Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **NOVEMBER 8, 2016**, which reads as follows:

“A.M. No. 16-11-03-SC (Re: Motu Proprio Fact-Finding Investigation on the Issuance of Search Warrant and Other Pending Incidents in the Case of the Deceased Mayor Rolando Espinosa Sr.).– It appears to the Court, based on preliminary information received, that: on 6 October 2016, a Notice and Appearance with Motion to Transfer Detention was filed on behalf of the deceased Mayor Rolando Espinosa Sr., seeking his transfer from the Sub-Provincial Jail of Baybay, Leyte to another place of detention; the motion was heard before Presiding Judge Carlos Arguelles, Branch 14, RTC Baybay, Leyte, on 19 October 2016, with an ocular inspection having been conducted by Judge Arguelles on 26 October 2016, and with the motion having been submitted for resolution but without any resolution having been made by Judge Arguelles; that on 4 November 2016, the Criminal Investigation Division Group (CIDG) filed two applications for search warrants at Branch 30, Basey, Samar before Presiding Judge Tarcelo Sabarre Jr. to search Cell Nos. 1 and 2 of the Sub-Provincial Jail of Baybay, Leyte, with Judge Sabarre having issued the warrants and the same having been served; in the course of such service, it appears that the occupants of the cells, Mayor Rolando Espinosa Sr. and his co-accused Raul Yap, were killed under circumstances that are yet unclear.

In order to verify the preliminary information received and to arrive at a complete determination of the facts and circumstances surrounding the participation of two separate branches of the Regional Trial Court, the Court *motu proprio* **RESOLVED** to **DIRECT** the Office of the Court Administrator (OCA) to conduct an independent investigation on the following specific matters: (a) the necessity for and the circumstances surrounding the issuance of a Search Warrant or Search Warrants directed against persons already in custody in a government detention facility, including the existence of any compelling reasons by the Basey court to entertain the application for the search warrant/s under Section 2, Rule 126 of the Revised Rules on Criminal Procedure, and the procedure taken by the CIDG as narrated in the Return; and (b) the reasons behind the failure to immediately resolve the motion of the deceased Espinosa Sr. for transfer out of his place of detention.

The OCA is directed to determine the respective participation and liability, if any, of Presiding Judge Tarcelo A. Sabarre Jr., Branch 30, RTC of Basey, Samar

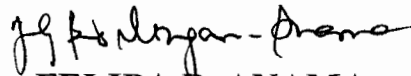
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November 8, 2016

and Presiding Judge Carlos Arguelles, Branch 14, RTC of Baybay, Leyte and any possible connection between the failure to resolve the deceased Espinosa Sr.'s motion for transfer of detention, the application and service of search warrants, the procedure for service of such warrants, and the ensuing deaths of Espinosa Sr. and Yap.

The OCA is further directed to conduct the investigation within a non-extendible period of five (5) days and to submit a Report and Recommendation to the Court within a non-extendible period of five (5) days from completion of the investigation." Velasco, Jr., J., on official leave. (adv38)

Very truly yours,



FELIPA B. ANAMA

Clerk of Court

- Over -

Court Administrator

HON. JOSE MIDAS P. MARQUEZ (x)

Deputy Court Administrators

HON. RAUL B. VILLANUEVA (x)

HON. JENNY LIND R. ALDECOA-DELORINO (x)

HON. THELMA C. BAHIA (x)

Supreme Court

ATTY. THEODORE O. TE (x)

Assistant Court Administrator & Chief

Public Information Office

Supreme Court

HON. TARCELO A. SABARRE, JR. (reg)

Presiding Judge

Regional Trial Court, Branch 30

Basey, Samar

HON. CARLOS ARGUELLES (reg)

Presiding Judge

Regional Trial Court, Branch 14

Baybay, Leyte

A.M. No. 16-11-03-SC

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