

Of Arrests and Preliminary Investigations: A Closer Look at *Go v. Court of Appeals*

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37 *ATENEO L.J* 66 (1993)

SUBJECT(S): CONSTITUTIONAL LAW, CRIMINAL LAW, PROCEDURAL LAW

KEYWORD(S): WARRANTLESS ARREST, PRELIMINARY INVESTIGATION, WAIVER

On the ground that the decision in *Go v. Court of Appeals* seems to modify, to a certain extent, existing jurisprudential rules on preliminary investigation, the Comment examines the underpinnings of warrantless arrests. Through the Comment, the Author reassesses the issues raised in *Go* with regard to the lawfulness of the warrantless arrest and whether there was an effective waiver to the right to preliminary investigation.

Part I presents the factual antecedents of the case; Part II exhaustively discusses the arrest of *Go* vis-à-vis rules and jurisprudence on arrest; and Part III reconciles the absence of a lawful arrest and *Go*'s alleged waiver of his right to a preliminary investigation. The Author suggests that the doctrine laid in *Go* where due process is used as a ground to extend, to a considerable degree, the period within which an aggrieved party may object to the non-holding of a preliminary investigation, can only be subjected to the test of time to determine whether this modified doctrine was correctly and judiciously formulated.