

NEIGHBORHOOD INVESTIGATION – One of the most crucial steps in Kidnap for Ransom cases which is often overlooked or underemphasized. The objective is to identify and interview in person all individuals in the area where the victim was kidnapped and/or last known sighting area during the window of opportunity (last time seen until the time discovered missing).

NOMINAL PARTY – One who is joined as plaintiff or defendant, not because he has any real interest in the subject matter or because any relief is demanded as against him, but merely because the technical rules of pleading require his presence on the record.

NONFEASANCE or NEGLECT OF DUTY – The omission or refusal, without sufficient excuse, to perform an act or duty, which it was the peace officer's legal obligation to perform; implies a duty as well as its breach and the fact can never be found in the absence of duty.

OBITER DICTUM – A statement made in passing; a rule issued on a point not necessarily involved in the case.

OBLIGATION – A judicial necessity to give, to do or not to do.

OCCULAR INSPECTION – An auxiliary remedy which the law affords the parties or the court to reach an enlightened determination of the case, either to clear a doubt, to reach a conclusion, or to find the truth, by viewing the object related to the fact in issue.

OFFENDED PARTY – In oral defamation or libel, the "offended party" referred to in par. 4 Art 360, RPC, and in Sec 4, Rule 110, Rules of Court, is the person appearing to have been defamed, discredited, damaged and prejudiced by the imputation made.

The "offender party" who intervenes in a criminal action, under Sec 15 Rule 110, Rules of Court, is the person who is entitled to civil indemnity in the civil action arising out of the criminal act for which the accused is charged.

ONUS PROBANDI – The obligation imposed upon a party who alleges the existence of a fact or thing necessary in the prosecution or defense of an action, to establish its proof. The obligation imposed by law on a party to the litigation to persuade the court that he is entitled to relief. If no evidence is presented on a particular issue, the party having the burden of proof as to issue will lose, and if that issue is terminative of the cause of action, he will lose the litigation.

OPINION – The opinion of the Court is that portion of the judgment containing the findings of facts and the conclusions of law.

ORGANIZED CRIMINAL GROUP – A structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offenses as defined in the United Nations Convention against

Defendant Win Criminal Charges With Relief Manual

Ralph Adam Fine



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