

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

SPECIAL THIRD DIVISION

PEOPLE OF THE
PHILIPPINES,

THE
Plaintiff,

Criminal Cases Nos. SB-16-
CRM-0183 to 0184

For: Violation of Section 3(e) of
Republic Act (R. A.) No. 3019

-versus -

MARC DOUGLAS CHAN
CAGAS IV, *et. al.*,

Accused.


Criminal Cases Nos. SB-16-
CRM-0185 to 0186

For: Malversation of Public
Funds

Present:

CABOTAJE-TANG, PJ
MARTIRES,¹ J. and
FERNANDEZ, J.

Promulgated

DECEMBER 2, 2016 

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RESOLUTION

CABOTAJE-TANG, P.J.:

For resolution are the following:

1. *Urgent Motion for Judicial Determination of Probable Cause and/or Recall of Warrant of Arrest for the Purpose of the Conduct of a Judicial Determination of Probable Cause With Entry of Appearance* dated April 15, 2016 filed by accused Marc Douglas Chan Cagas IV;²

¹ This incident was submitted for resolution when J. Martires, now Chairperson of the Second Division, was still the senior member of the Third Division.

² pp. 132-179, Record, Vol. 1; Accused Cagas IV filed four (4) motions for each case but contain the same arguments and mention the same implementing agency (IA) and non-governmental organization involved.

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2. *Consolidated Motion for Judicial Determination of Probable Cause with Urgent Motion to Suspend Proceedings* dated May 4, 2016 filed by accused Janet Lim Napoles;³ and

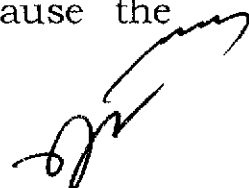
3. *Joint Omnibus Motion [1. Motion for Judicial Determination of Probable Cause; 2. Motion for a Bill of Particulars; and 3. Motion for Reduction of Bail]* dated June 17, 2016 filed by accused Mario L. Relampagos, Rosario Nuñez, Lalaine Paule and Marilou Bare.⁴

Invoking Section 6, Rule 112 of the Rules of Court,⁵ accused Cagas IV prays that the Court review the records of these cases to determine the existence of probable cause for the purpose of the issuance of a warrant of arrest. He argues that the records do not show that he met with accused Napoles for her to “acquire” his PDAF in exchange for a “commission” or kickback; and that the records neither show that he received such “commission” or kickback. He claims that except for the self-serving statements of the whistleblowers Benhur Luy, Marina Sula, Merlina Suñas and other JLN employees, there are no evidence to show his alleged participation in the alleged criminal scheme. He also claims that he did not select but merely endorsed a non-governmental organization (NGO), i.e., Peoples Organization for Progress and Development Foundation, Inc. (POPFDI), for the implementation of the projects funded by his PDAF. He points to the implementing agency (IA), which is mandated to accredit NGOs in accordance with the requirements of law, as the one that decides which NGO to engage. He further claims that he had no hand in the implementation of his PDAF-funded projects because the

³ pp. 281-307, Record, Vol. 1

⁴ pp. 21-31, Records, Vol. II

⁵ Section 6. When warrant of arrest may issue. — (a) By the Regional Trial Court. — Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation when the complaint or information was filed pursuant to section 7 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.



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implementation is between the IA and the NGO as spelled out in the Memorandum of Agreement (MOA).

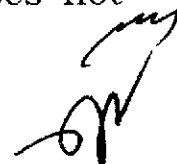
Insofar as the charge for malversation is concerned, accused Cagas IV argues that there is no factual and legal ground to hold him liable for malversation because (1) he is not an accountable officer and (2) he had no participation in the flow of the funds from the Department of Budget and Management (DBM) to the Technology Resource Center (TRC). Again, he points to the TRC, as the IA, which was in the best position to have stopped the release of public funds.

Accused Cagas IV further assails the Office of the Ombudsman's finding of conspiracy among the accused.

The prosecution filed its comment on accused Cagas IV's subject motion. It contends that the arguments raised by accused Cagas IV are "substantially, if not exactly the same" as those contained in his counter-affidavit and motion for reconsideration filed before the Office of the Ombudsman, which had been exhaustively passed upon by the said Office. It claims that accused Cagas IV undeniably consented to the disbursement of his PDAF to two (2) questionable NGOs controlled by accused Napoles. It contends that the finding of probable cause rests on concrete evidence such as the Commission on Audit (COA) Special Audit Report. It also contends that the justifications offered by accused Cagas IV are matters of defense which are best threshed out during the trial of these cases.⁶

In his reply, accused Cagas IV insists that there is no evidence to prove (1) conspiracy; (2) that he received commissions or kickbacks allegedly because the Office of the Ombudsman held that "there is insufficient evidence to establish probable cause for the crime of bribery," and (3) that his signatures in the PDAF documents are genuine. He likewise insists that assuming that he consented to the disbursement of his PDAF to two (2) questionable NGOs, he had every right to rely upon the official actions of the IAs which endorsed and signed the MOA. He further argues that contrary to the prosecution's claim, the COA Special Audit Report does not

⁶ pp. 213-218, Record, Vol. 1



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constitute concrete evidence of probable cause because it is replete with mere conclusions.

Accused Napoles, on the other hand, invokes Section 2, Article III of the 1987 Constitution⁷ and prays that the Court determine the existence of probable cause and order the suspension of the proceedings pending determination of the existence of probable cause. In support of her motion, accused Napoles argues that the Resolution and Order issued by the Office of the Ombudsman, which became the bases of the Informations, are bereft of sufficient evidence to move a reasonable man to believe that a violation of the offenses charged were committed. Allegedly, there is nothing in the said Resolution and Order that would result in any finding of conspiracy to commit the offenses charged. She argues that aside from the sweeping allegation of conspiracy, the Informations fail to aver any act to show how she took part in the conspiracy. She also claims that the Informations do not state the approximate time of the commission of the offense, the particular place where the offense was committed, the specific acts or omissions constituting the offense and the elements of the offenses charged. Thus, the Informations should be quashed under Section 3(a), Rule 117 of the Rules of Court.⁸ Accused Napoles further contends that malversation and violation of Section 3(e) of R.A. No. 3019 are offenses committed by a public officer. According to accused Napoles, she is not a public officer; hence, she could not be held liable for said offenses.

In its comment, the prosecution contends that the filing of subject motion for judicial determination of probable cause is a superfluity because a judge is already duty-bound to determine the existence of probable cause immediately upon filing of the Information. At any rate, the prosecution advances the following arguments: [1] contrary to accused Napoles's claim, the elements of violation of Section 3(e) of R.A. No. 3019 and

⁷The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

⁸SEC. 3. Grounds. — The accused may move to quash the complaint or information on any of the following grounds:

(a) That the facts charged do not constitute an offense;

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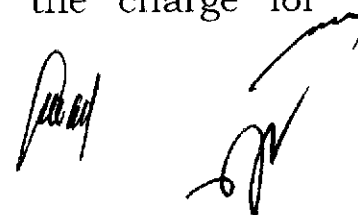
malversation are sufficiently alleged in the Informations; [2] a private person when acting in conspiracy with a public officer may be indicted and, if found guilty, may be held liable for offenses under Section 3(e) of R.A. No. 3019 and malversation; [3] a conspiracy indictment need not allege all components or details of conspiracy; [4] the Informations in these cases need not allege the specific date the offense was allegedly committed because the date is not an element of the offense charged; and, [5] all other matters raised by accused Napoles are evidentiary in nature.⁹

Accused Napoles filed a reply. She insists that "the judge should not rely solely on the investigating officer's report finding probable cause when it is clear, as in this case, that no probable cause exists on the face of the Information." She reiterates her claims that [1] only public officers can be charged and subsequently held liable for violation of Section 3(e) of R.A. No. 3019 and malversation; and [2] aside from the sweeping allegation of conspiracy, the Informations fail to aver how she had taken part in the alleged conspiracy.¹⁰

In their omnibus motion, accused Relampagos, Nuñez, Paule and Bare argue that the element of "unwarranted benefit, advantage or preference" is wanting in their case because they did not expedite the release of the Special Allotment Release Orders (SAROs) and the Notices of Cash Allocation (NCAs). According to them, SAROs Nos. ROCS-08-00638 and 08-04180 were released only after forty-two (42) and fifty-five (55) days, respectively, from receipt of the DBM or beyond the prescribed period of eleven (11) hours and fifteen (15) minutes in the DBM's Citizen's Charter. According to accused Relampagos, there are several bureaus in the DBM that prepare the SARO. He only signs the SARO in case the DBM secretary is absent while accused Nuñez, Paule and Bare have no participation in the release of the SAROs and the NCAs. Accused Relampagos further claims that he did not sign the SAROs involved in these cases. To further prove his alleged "very limited involvement" in the preparation of the SAROs and the NCAs, accused Relampagos, *et al.* attached to their omnibus motions several certifications as well as manifesto of support from the officials and employees of the DBM. Insofar as the charge for

⁹ pp. 344-351, Record, Vol. I

¹⁰ pp. 367-373, Record, Vol. I



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malversation is concerned, accused Relampagos, *et. al.* argue that they have no control of the funds or property by reason of their office; hence, they cannot be held liable for malversation simply by issuing the SAROs and the NCAs. Further, they argue that the allegation of conspiracy has no basis.¹¹

In the same omnibus motion, accused Relampagos, *et al.* claim that the following averment in the Informations in these cases is not alleged with sufficient definiteness or particularity to enable them to properly prepare for their defense; hence, a bill of particular is in order:

(b) DBMs Relampagos, Nuñez, Paule and Bare, unduly accommodating Napoles, facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation resulting in the release of the subject funds drawn from Cagas IV's PDAF
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Finally, accused Relampagos, *et al.* move for a reduction of the amount of bail considering their pecuniary circumstances.¹²

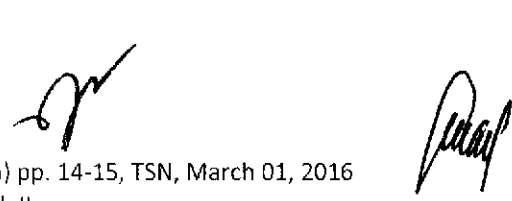
In its opposition to accused Relampagos, *et al.*'s omnibus motion, the prosecution argues that the "judge does not act as an appellate court of the prosecutor and has no capacity to review the prosecutor's determination of probable cause." It, however, insists that probable cause exists to indict accused Relampagos, *et. al.*, for the crimes charged. According to the prosecution, there is no truth to accused Relampagos's claim that he only gets to see the SARO if the DBM Secretary is absent. In support thereof, it cites the transcript of the stenographic notes (TSNs) taken in *People vs. Jaraula*¹³ where former DBM Bureau-G Director Carmencita C. Delantar declared that the SARO is forwarded to the office of accused Relampagos after the same has been processed by her Bureau and that accused Relampagos reviews the recommendation before forwarding the same to the office of the Secretary for approval and signature.¹⁴

¹¹ pp. 4-7, Omnibus Motion; pp. 24-27, Record, Vol. II

¹² pp. 7-9, Omnibus Motion; pp. 27-29, Record, Vol. II

¹³ SB-15-CRM-0016-0024 (Sandiganbayan, First Division) pp. 14-15, TSN, March 01, 2016

¹⁴ pp. 2-3, Comment/Opposition; pp. 74-75, Record, Vol. II



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The prosecution also argues that the particulars sought to be obtained by accused Relampagos, *et al.* pertain to evidentiary matters; hence, they do not come within the scope of a bill of particulars.¹⁵

The prosecution further interposes its objection to accused Relampagos, *et al.*'s motion for the reduction of the amount of bail on the ground that the financial ability of the accused to post bail is only one of the factors to be considered in fixing a reasonable amount of bail. It claims that the amount of bail is reasonable considering the degree of participation of accused Relampagos, *et al.* in the misuse of the PDAF and the existence of strong evidence against them. The prosecution, however, contends that should the Court grant accused Relampagos, *et al.*'s motion for the reduction of the amount of bail, they should be required to post bail in cash.¹⁶

Accused Relampagos, *et al.* filed their joint reply on July 20, 2016. They argue that the Court's judicial determination of probable cause is necessary to protect their constitutional rights and avoid their oppression by the prosecution's alleged thoughtless ways.¹⁷ They reiterate their arguments in support of their claim that there is no probable cause against them for violation of Section 3(e) of R. A. No. 3019 allegedly because of the absence of the element of unwarranted benefit, advantage or preference. Likewise, they do not have the control and custody of the funds or property by reason of their office. Thus, they cannot commit malversation by issuing the SAROs and the NCAs.¹⁸

Accused Relampagos, *et al.* also maintain that the allegation of conspiracy is baseless. They argue that they do not even know any of their co-accused. Neither did they negotiate with them. Citing several jurisprudence, they argue that the mere signing of the SARO and the NCA is not sufficient to sustain a conspiracy charge. They also invoke the presumption of regularity in the performance of official duties. They claim that the SARO and the NCA undergo several and rigorous reviews by officials of DBM and they have the right to

¹⁵ pp. 5-6, Comment/Opposition; pp. 77-78, Records, Vol. II

¹⁶ pp. 6-7, Comment/Opposition; pp. 78-79, Records, Vol. II

¹⁷ p. 4, Joint Reply; p. 84, Records, Vol. II

¹⁸ pp. 5-8, Joint Reply; pp. 85-88, Record, Vol. II

Handwritten signatures and initials at the bottom right of the page. There are two distinct signatures, one appearing to be 'P. Cagas' and another set of initials 'SW'. A large, sweeping flourish or mark is also present above the initials.

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rely on the organizational scheme. Moreover, accused Relampagos did not sign the SAROs involved in these cases. Further, they contend that the prosecution cannot conclude that they facilitated the processing of the SAROs with undue haste considering that there is nothing in the records that establishes the normal time frame for the processing of the SARO. Finally, they ask the Court to take judicial notice of the Court First Division's Resolution dated August 28, 2014¹⁹ finding no probable cause against accused Relampagos, *et al.* considering that the factual antecedents and circumstances of all the alleged PDAF cases are substantially similar.

Anent their motion for a bill of particulars, accused Relampagos, *et al.* maintain that the allegation that they "facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation" is insufficient to apprise them of "what they are being charged with" purportedly because "to facilitate something is not necessarily wrong."²⁰

Finally, accused Relampagos, *et al.* insist that the amount of bail should be reduced considering the lack of probable cause against them and their pecuniary circumstances brought about by over a hundred counts of charges against them.²¹

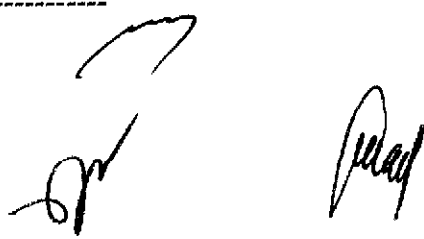
THE RULING OF THE COURT

- I. *There is probable cause that violations of Section 3(e) of R. A. No. 3019 and malversation were committed by the accused-movants; hence, they ought to be arrested and brought to trial.***
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¹⁹ The case is docketed as SB-14-CRM-0267 to 0282.

²⁰ p. 24, Joint Reply; p. 104, Record, Vol. II

²¹ p. 26, Joint Reply, p. 106, Record, Vol. II



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It is jurisprudentially-entrenched that determination of probable cause is either executive or judicial in nature. The first pertains to the duty of the public prosecutor during preliminary investigation for the purpose of filing an Information in court. At this juncture, the investigating prosecutor evaluates if the facts are sufficient to engender a well-founded belief that a crime has been committed and that the accused is probably guilty thereof.²²

On the other hand, judicial determination of probable cause refers to the prerogative of the judge to ascertain if a warrant of arrest should be issued against the accused. At this stage, the judge makes a preliminary examination of the evidence submitted, and on the strength thereof, and independent from the findings of the public prosecutor, determines the necessity of placing the accused under immediate custody in order not to frustrate the ends of justice.²³

Since the judge is already duty-bound to determine the existence or non-existence of probable cause for the arrest of the accused immediately upon the filing of the information, the filing of a motion for judicial determination of probable cause thus becomes a mere superfluity, if not a deliberate attempt to cut short the process by asking the judge to weigh in on the evidence without a full-blown trial.²⁴

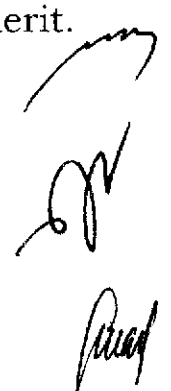
In his motion for judicial determination of probable cause, accused Cagas IV argues that (1) there is no evidence of his alleged participation except for the self-serving statements of the whistleblowers; and (2) the COA Special Audit Report is replete with mere conclusions without considering whether the documents as well as the signatures thereon are authentic. Accused Relampagos, *et. al.* argue that there is no probable cause to charge them purportedly because of the absence of the elements of the crimes charged. Accused-movants all claim that there is no basis for the finding of conspiracy.

The Court finds the arguments bereft of merit.

²²Young vs. People, G.R. No. 213910, February 3, 2016

²³Young vs. People, *Id.*

²⁴Delos Santos-Dio vs. Court of Appeals, 699 SCRA 614 (2013)



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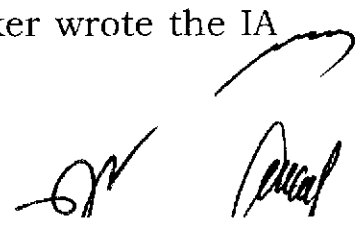
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Probable cause for the issuance of a warrant of arrest is the existence of such facts and circumstances that would lead a reasonably discreet and prudent person to believe that an offense was committed by the person sought to be arrested. This must be distinguished from the prosecutor's finding of probable cause which is for the filing of the proper criminal information. Probable cause for warrant of arrest is determined to address the necessity of placing the accused under custody in order not to frustrate the ends of justice.²⁵

In this case, the Court finds that there is substantial basis to support the finding of probable cause for the purpose of issuing a warrant of arrest against the accused and to hold them for trial.

The sworn statements of the whistleblowers reveal the scheme employed in the so-called pork barrel scam by the accused in conspiracy with one another. The scheme started with either accused Napoles or the lawmaker initiating negotiations on the utilization of the lawmaker's PDAF. Accused Napoles would then offer to use the lawmaker's PDAF allocation in exchange for a "commission" or kickback ranging from 40% to 60% of the project costs or the amount stated in the Special Allotment Release Order (SARO). The lawmaker and accused Napoles discussed and approved the project listing, the corresponding IA, project cost and the lawmaker's "commission." Once an agreement is reached, accused Napoles would give the lawmaker an advance or down payment representing a portion of the lawmaker's kickback. Accused Napoles recommended to the lawmaker her NGO which would implement the project and the IA through which the project would be coursed. Upon accused Napoles's instructions, her employees prepared a letter for the lawmaker's signature endorsing a selected NGO to the IA and project listing. The lawmaker then writes to the Senate President or Speaker of the House, as the case may be, requesting the release of the allocation and adopting the letter prepared by the employees of accused Napoles. The said letter was thereafter endorsed to the DBM which issued a SARO and later an NCA in the name of the chosen IA. The lawmaker forwarded the SARO to accused Napoles so that she can remit the remaining portion of the agreed kickback to the lawmaker. The lawmaker wrote the IA

²⁵Hao vs. People, G. R. No. 183345, September 17, 2014



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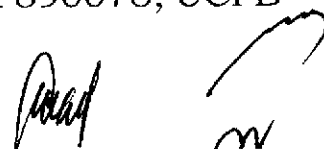
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another letter identifying his or her preferred NGO to undertake his PDAF projects. This letter was also prepared by the employees of accused Napoles. The IA then prepares a memorandum of agreement (MOA) covering the project to be signed by the lawmaker, the IA and the chosen NGO. Upon receipt of the project listing prepared by the employees of accused Napoles, the IA issued a check to the NGO and released the same to the NGOs controlled by accused Napoles in exchange for a 10% share in the project cost. The IA paid the NGO in tranches upon the latter's submission of the required documents. After the execution of the MOAs, the agricultural and livelihood assistance packages were supposed to be delivered by the chosen NGO to the identified beneficiaries.

In the case of accused Cagas IV, he selected two (2) NGOs, namely: POPDFI and SDPFFI, as conduits in the implementation of the projects funded by his PDAF from 2007 to 2009 with NABCOR and TRC as the IAs. These two (2) NGOs are owned and controlled by accused Napoles. According to the whistleblowers, these NGOs are dummies of accused Napoles and were created for the purpose of funneling PDAF funds of the lawmakers to them. Suñas, the president of POPDFI, confirmed in her *Sinumpaang Salaysay* that JLN Corporation transacted with accused Cagas IV's PDAF in the amount of P3 million covered by ROCS-08-00638. Luy, the president of SDPFFI, also declared that accused Cagas IV endorsed SDPFFI to implement his project funded by his PDAF covered by ROCS-08-04180. The records show that from 2007 to 2009, a total amount of P11,000,000.00 was drawn from accused Cagas IV's PDAF covered by SARO Nos. ROCS-08-00638 dated January 10, 2008 (P6,000,000.00) and ROCS-08-04180 dated May 8, 2008 (P5,000,000.00). From the said amount, a total of P7,550,000.00 was transferred by the TRC and NABCOR to POPDFI (P2,700,000.00) and SDPFFI (P4,850,000.00) pursuant to a MOA. The MOAs were signed by accused Cagas IV, accused Ortiz of TRC/accused Javellana for NABCOR and Sunas for POPDFI/Luy for SDPFFI. The projects consisted of financial assistance grants/subsidies for tools and implements and distribution of one hundred fifty-five (155) agricultural production packages for the selected municipalities of the 1st District of Davao del Sur. No deliveries of the said projects were actually made. The TRC and NABCOR, however, paid POPDFI and SDPFFI in full (LBP Check Nos. 885788 and 890078, UCPB



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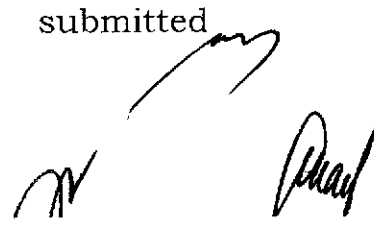
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Check Nos. 436860 and 455376, DV Nos. 01-2008041034, 01-2009-030673, 08-07-02686, 09-01-0139). The payments were made after POPDFI and SDPFFI submitted fabricated documents, *i.e.*, disbursement, progress, accomplishment, fund utilization, inspection and delivery reports as well as certificates of acceptance. The whistleblowers admitted that they fabricated the liquidation and accomplishment reports upon instructions of accused Napoles. Also, accused Napoles caused the withdrawal of the proceeds of the checks issued by the IAs to the NGOs.

The findings in the COA Special Audits Office Report for 2007-2009 confirm the whistleblowers testimonies:

Among the observation of the COA were (a) the implementing agencies, including the TRC and NABCOR, did not actually implement the PDAF-funded projects; instead, the agencies released the funds to the NGOs, albeit charging a "management fee" therefor; (b) the direct releases of the PDAF disbursements to NGOs contravened the DBM's regulations considering that the same were not preceded by endorsements from the executive departments exercising supervisory powers over the IAs; (c) worse, **the releases were made essentially at the behest of the sponsoring legislator**; (d) almost all of the NGOs that received PDAF releases did not have a track record on the implementation of government projects, and their addresses were dubious; (e) the selection of the NGOs, as well as the procurement of goods for distribution to the beneficiaries, did not undergo public bidding; and (f) some of the suppliers who allegedly provided the goods to the NGOs denied ever having dealt with these NGOs, contrary to the NGOs claim.

The COA also found that the selections of the NGO were not compliant with the provisions of COA Circular 2007-001 and GPPB Resolution No. 12-2007; the suppliers and reported beneficiaries were unknown or cannot be located at their given address; the NGOs had provided non-existent addresses or their addresses were traced to mere shanties or high-end residential units without any signage; and the NGOs submitted



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questionable documents, or failed to liquidate or fully document the utilization of funds.²⁶

The DBM, through accused Relampagos, Nuñez, Paule and Bare processed with undue haste the SAROs and NCAs pertaining to Cagas IV's PDAF projects as found by the Office of the Ombudsman:²⁷

Worth noting too is the extraordinary accommodation extended by Relampagos and his co-respondents from the DBM in processing the documents required for the release of the PDAF as witnesses Luy and Suñas positively attest, viz: the DBM's expedited proceedings of the requisites SAROs and NCAs was made possible through the assistance provided by Nuñez, Paule and Bare. Relampagos, being their immediate superior, he could not have been unaware of the follow-ups made by Napoles' staff with regard to the SAROs and NCAs.

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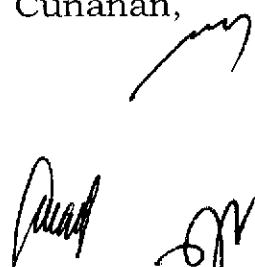
Cagas IV, Ducut, Javellana, Cacal, Relevo, Guanizo, Johnson, Mendoza, Ortiz, Cunanan, Espiritu, Lacsaman, Figura, Jover, Relampagos, Nuñez, Bare, and Paule did just that. Their repeated failure to observe the requirements of RA 9184, its implementing rules and regulations, GPPB regulations as well as national budget circulars, clearly shows that unwarranted benefits, advantage or preference was given to private respondents.

The NGOs selected by Cagas IV did not have the capacity to implement the undertakings to begin with. At the time material to the charges, these entities did not possess the required accreditation to transact with the Government, let alone possess a track record in project implementation to speak of.

In spite of the aforesaid irregularities, Javellana, Cacal, Relevo, Johnson, Mendoza, Ortiz, Cunanan,

²⁶pp. 13-14, Resolution dated June 22, 2015; emphasis theirs

²⁷ pp. 46-47, 49 Resolution dated June 22, 2015; pp. 94-95, 97, Record, Vol. II



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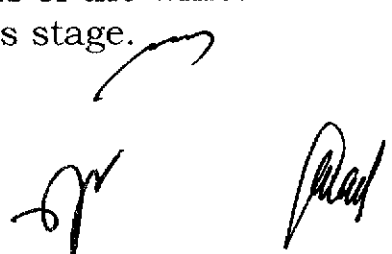
Espiritu, Lacsamana, Figura, Jover, Relampagos, Nuñez, Bare, and Paule, with indecent haste, processed the SAROs and NCAs needed to facilitate the release of the funds as well as expedited the release of the PDAF disbursement to the NGOs affiliated with or controlled by Napoles. These efforts to accommodate her NGOS and allow her to repeatedly receive unwarranted benefits from the inexistent projects are too obvious to be glossed over.

The above circumstances show that accused Cagas IV, in conspiracy with the other accused, is probably guilty of causing undue injury to the government and giving unwarranted benefit to private individuals including accused Napoles. This resulted from his selection of accused Napoles's NGOs to implement his inexistent project without public bidding, without being authorized by an appropriation law and receiving kickbacks therefrom. Accused Relampagos, *et al.* processed the release of the SAROs and the NCAs, which resulted in the release of the funds drawn from accused Cagas IV's PDAF to the IAs. Such acts bespeak of manifest partiality, evident bad faith and/or gross inexcusable negligence. Likewise, it was shown that accused Cagas IV's PDAF allocations were misappropriated through the said inexistent projects.

It is important to stress that the determination of probable cause does not depend on the validity or merits of a party's accusation or defense, or on the admissibility or veracity of testimonies presented. What is merely required is "probability of guilt." Moreover, its determination does not call for the application of rules or standards of proof that a judgment of conviction requires after trial on the merits. Thus, in concluding that there is probable cause, it suffices that it is believed that the act or omission complained of constitutes the very offense charged.²⁸

Applying the above-standard, it is premature to determine the admissibility of the sworn statements of the whistleblowers and the COA Special Audit Report at this stage.

²⁸Unilever Philippines, Inc. vs. Tan, 715 SCRA 36 (2014)

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Accused-movants' arguments, *i.e.*, the existence or inexistence of conspiracy, their alleged lack of participation in the commission of the crimes charged and accused Cagas IV's claim that his signature is forged, are all matters of defense and are evidentiary in nature. They are best left for the court to resolve after a full-blown trial on the merits.²⁹

The same is true with accused Relampagos, *et al.*'s claim of the absence of the element of unwarranted benefit, advantage or preference in their indictment for violation of Section 3(e) of R. A. No. 3019 and the absence of the element of control of funds or property be reason of the office in their indictment for malversation. It has long been settled that the presence or absence of the elements of the crime is evidentiary in nature and is a matter of defense that may be best passed upon after a full-blown trial on the merits.³⁰

To reiterate, the validity and merits of a party's defense and accusation, as well as admissibility of testimonies and evidence, are better ventilated during trial proper than at the preliminary investigation level. A finding of probable cause does not ensure a conviction or a conclusive finding of guilt beyond reasonable doubt. The allegations adduced by the prosecution will be put to test in a full-blown trial in which evidence shall be analyzed, weighed, given credence or disproved.³¹

Finally, the Sandiganbayan functions in Divisions of three (3) Justices each and each Division functions independently of the other.³² The Supreme Court had the occasion to declare that while a ruling of a particular division of the Court of Appeals may be taken cognizance of in some cases, it cannot bind or prejudice a ruling of another division thereof, the former being a co-ordinate authority.³³ Applying this ruling by analogy to the Sandiganbayan, the rulings of the other divisions of this Court therefore have no binding force on this Division. Further, it must be stressed that the only judicial decisions that form part of our legal system are the decisions of the Supreme Court.³⁴ Thus, accused Relampagos, *et al.*'s assertion that the

²⁹ *Co vs. Republic*, 539 SCRA 147 (2007)

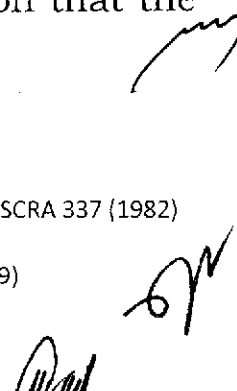
³⁰ *People vs. Yecyec*, G.R. No. 183551, November 12, 2004

³¹ *Ricaforte vs. Jurado*, 532 SCRA 317 (2007)

³² *Preagido vs. Sandiganbayan*, 476 SCRA 143 (2005), citing *De Guzman vs. People*, 119 SCRA 337 (1982)

³³ *Francisco vs. Rojas*, G.R. No. 167120, April 23, 2014

³⁴ *Quasha Peña Ancheta & Nolasco Law Office vs. Court of Appeals*, 607 SCRA 712 (2009)



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Court take judicial notice of the resolution issued by the other division has no merit.

II. The Informations against the accused are sufficient to hold them probably liable for violation of Section 3(e) of R. A. No. 3019 and malversation.

Accused Napoles argues that the Informations do not state the approximate time of the commission of the offense, the place where the offense was committed, the specific act or omissions constituting the offense and the elements of the crimes charged. She also argues that the Informations fail to aver any act to show how she took part in the conspiracy.³⁵

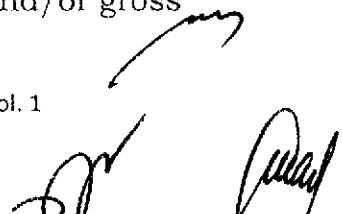
The Court finds accused Napoles's arguments bereft of merit.

Except for the date, the amount and the parties involved, the Informations for violation of Section 3(e) of R. A. No. 3019 and the Informations for malversation, similarly read:

Criminal Case No. 16-CRM-0183
[For: Violation of Section 3(e) of R.A. No. 3019]

In January 2008, or sometime or prior or subsequent thereto, in Quezon City, Philippines, and within this Honorable Court's jurisdiction; accused First District of Davao del Sur Representative **MARC DOUGLAS C. CAGAS IV** (Cagas IV); all public officers and while in the performance of their administrative and/or official functions, conspiring with one another and with private individuals **JANET LIM NAPOLES** (Napoles), **JESUS CASTILLO** (Castillo), **MARGARITA A. GUADINEZ** (Guadinez), **IRENEO PIRATER** (Pirater) and **JOCELYN DEIPARINE** (Deiparine); acting with manifest partiality, evident bad faith and/or gross

³⁵ pp. 18-22, 24, Accused Napoles's consolidated motion; pp.298-302, Record, Vol. 1



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inexcusable negligence; did then and there willfully, unlawfully and criminally cause undue injury to the government and give unwarranted benefits and advantage to said private individuals in the amount of **TWO MILLION SEVEN HUNDRED THOUSAND PESOS (P2,700,000.00)** more or less, through the following acts:

- (a) **Cagas IV** unilaterally chose and indorsed **Peoples Organization for Progress and Development Foundation, Inc.** (POPDFI), a non-government organization operated and/or controlled by **Napoles** as "project partner" in providing agricultural production packages in the First District of Davao del Sur which were funded by Cagas IV's Priority Development Assistance Fund (PDAF) allocation covered by Special Allotment Release Order (SARO) No. 08-00638 in disregard of the appropriation law and its implementing rules, and/or without the benefit of public bidding, as required under Republic Act No. 9184 and its implementing rules and regulations, and with POPDFI being unaccredited and unqualified to undertake the projects;
- (b) DBM's **Relampagos, Nuñez, Paule** and **Bare** unduly accommodating **Napoles**, facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation resulting in the release of the subject funds drawn from Cagas IV's PDAF to TRC, the agency chosen by Cagas IV through which to course his PDAF allocations;
- (c) **Cagas IV** and TRC's **Ortiz** then entered into a Memorandum of Agreement with POPDFI on the purported implementation of Cagas IV's PDAF projects;
- (d) **Lacsamana** recommended to Ortiz the release of Cagas IV's PDAF to POPDFI;
- (e) **Ortiz** also facilitated, processed and approved the disbursement of the subject PDAF release by signing Disbursement Voucher (DV) Nos. 012008041034 and 012009030673 along with **Cunanan, Espiritu** and **Jover** verifying that the supporting documents were attached, as well as causing the issuance of Land Bank of the Philippines (LBP) checks with numbers 885788 and 890078 covering the total amount of P2,700,000.00 to POPDFI which were signed by **Ortiz** and **Figura**, without accused TRC officers and employees having carefully examined and verified the accreditation and qualification of POPDFI as well as the transaction's supporting documents;
- (f) POPDFI received the above described checks from TRC and the proceeds thereof were remitted to **Napoles**;
- (g) The above acts by the accused public officers thus allowed POPDFI to divert said PDAF-drawn public funds into Napoles' control instead of implementing the PDAF-funded projects which turned out to be non-existent; with **Ducut** receiving kickback or share of the PDAF proceeds for and in

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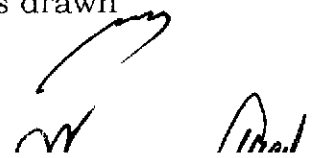
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behalf of Cagas IV, while **Napoles, Castillo, Guadinez, Pirater** and **Deiparine** caused/participated in the preparation and signing of the acceptance and delivery reports, disbursement reports, project proposals and other liquidation documents to conceal the fictitious nature of the transaction, to the damage and prejudice of the Republic of the Philippines.

Criminal Case No. 16-CRM-0185
[For: Malversation]

In January 2008, or sometime or prior or subsequent thereto, in Quezon City, Philippines, and within this Honorable Court's jurisdiction; accused **MARC DOUGLAS C. CAGAS IV** (Cagas IV), Representative of the First District of Davao del Sur, accountable for and exercising control over the Priority Development Assistance Fund (PDAF) allocated to him by the general appropriation law; all public officers and while in the performance of their administrative and/or official functions, committing the offense in relation to office, conspiring with one another and with private individuals **JANET LIM NAPOLES** (Napoles), **JESUS CASTILLO** (Castillo), **MARGARITA A. GUADINEZ** (Guadinez), **IRENEO PIRATER** (Pirater) and **JOCELYN DEIPARINE** (Deiparine); did then and there willfully, unlawfully and feloniously appropriate, take, misappropriate or consent or, through abandonment or negligence, permit private individuals to take public funds amounting to at least **TWO MILLION SEVEN HUNDRED THOUSAND PESOS (P2,700,000.00)** more or less, through the following acts:

- (a) **Cagas IV** unilaterally chose and indorsed **Peoples Organization for Progress and Development Foundation, Inc.** (POPDFI), a non-government organization operated and/or controlled by **Napoles** as "project partner" in providing agricultural production packages in the First District of Davao del Sur which were funded by Cagas IV's PDAF allocation covered by Special Allotment Release Order (SARO) No. 08-00638 in disregard of the appropriation law and its implementing rules, and/or without the benefit of public bidding, as required under Republic Act No. 9184 and its implementing rules and regulations, with POPDFI being unaccredited and unqualified to undertake the projects;
- (b) DBM's **Relampagos, Nuñez, Paule** and **Bare** unduly accommodating **Napoles**, facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation resulting in the release of the subject funds drawn



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from Cagas IV's PDAF to TRC, the agency chosen by Cagas IV through which to course his PDAF allocations;

(c) **Cagas IV** and TRC's **Ortiz** then entered into a Memorandum of Agreement with POPDFI on the purported implementation of Cagas IV's PDAF projects;

(d) **Lacsamana** recommended to Ortiz the release of Cagas IV's PDAF to POPDFI;

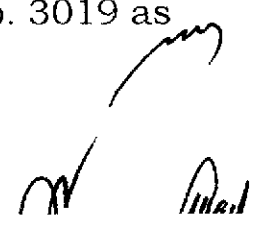
(e) **Ortiz** also facilitated, processed and approved the disbursement of the subject PDAF release by signing Disbursement Voucher (DV) Nos. 012008041034 and 012009030673 along with **Cunanan, Espiritu** and **Jover** verifying that the supporting documents were attached, as well as causing the issuance of Land Bank of the Philippines (LBP) checks with numbers 885788 and 890078 covering the total amount of P2,700,000.00 to POPDFI which were signed by **Ortiz** and **Figura**, without accused TRC officers and employees having carefully examined and verified the accreditation and qualification of OPDFI as well as the transaction's supporting documents;

(f) POPDFI received the above described checks from TRC and the proceeds thereof were remitted to **Napoles**;

(g) By their above acts, **Cagas IV** and the above-named public officials allowed Napoles and her cohorts, through POPDFI, to take possession and thus misappropriate PDAF-drawn public funds, instead of implementing the PDAF-funded projects, which turned out to be non-existent; with **Ducut** receiving kickback or share of the PDAF proceeds for and in behalf of Cagas IV, while **Napoles, Castillo, Guadinez, Pirater** and **Deiparine** caused/participated in the preparation and signing of the acceptance and delivery reports, disbursement reports, project proposals and other liquidation documents to conceal the fictitious nature of the transaction, to the damage and prejudice of the Republic of the Philippines.

The above-quoted Informations clearly aver the date and the place the alleged offenses were committed, *i.e.* "in January 2008, or sometime prior or subsequent thereto in Quezon City, Philippines." At any rate, the Rules of Court do not require the Information to exactly allege the date and place of the commission of the offense, unless the date and the place are material ingredients or essential elements of the offense, or are necessary for its identification.³⁶ The date and place is not an essential element of violation of Section 3(e) of R. A. No. 3019 as

³⁶Enrile vs. People, G. R. No. 213445, August 11, 2015



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well as of malversation; hence, it is not necessary to allege them in the Informations.

Further, conspiracy is only alleged in the Informations as a mode of committing a crime. In such a case, there is less necessity of reciting its particularities in the Information because conspiracy is not the gravamen of the offense charged. It is sufficient to allege conspiracy as a mode of the commission of an offense in either of the following manners: (1) by the use of the word "conspire", or its derivatives or synonyms, such as confederate, connive, collude, *etc.*; or (2) by allegations of basic facts constituting the conspiracy in a manner that a person of common understanding would know what is intended, and with such precision as would enable the accused to competently enter a plea to a subsequent indictment based on the same facts.³⁷

Here, the allegation in the Informations that accused "conspiring with one another and with private individual" is sufficient. In fact, the Informations enumerate in detail the individual participation of the accused.

Moreover, an examination of the Informations in these cases shows that they contain the requisite factual averments of the elements of the offenses charged.

The essential elements of violation of Section 3 (e) of R.A. No. 3019 are as follows:

1. The accused must be a public officer discharging administrative, judicial or official functions;
2. The accused must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
3. The action of the accused caused undue injury to any party, including the government, or gave any private party unwarranted benefits, advantage or preference in the discharge of the functions of the accused.³⁸

³⁷Francisco vs. People, 592 SCRA 672 (2009)

³⁸Rivera vs. People, G.R. Nos. 156577, 156587 and 156749, December 3, 2014

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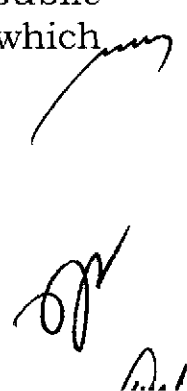
On the other hand, malversation is penalized under Article 217 of the Revised Penal Code. It has the following elements:

- (1) the offender is a public officer;
- (2) he has custody or control of the funds or property by reason of the duties of his office;
- (3) the funds or property are public funds or property for which he is accountable; and, most importantly,
- (4) he has appropriated, taken, misappropriated or consented, or, through abandonment or negligence, permitted another person to take them.³⁹

The Informations for violation of Section 3(e) of R.A. No. 3019 sufficiently allege that accused public officers conspired with one another, and with accused Napoles and other accused private individuals, in causing undue injury to the government and giving unwarranted benefit and advantage to accused Napoles and other accused private individuals through manifest partiality, evident bad faith and/or gross inexcusable negligence. This was purportedly realized by diverting accused Cagas IV's PDAF allocation into accused Napoles's control instead of implementing the PDAF-funded projects which turned out to be non-existent projects and, with accused Ducut receiving kickbacks or share of the PDAF proceeds for and on behalf of accused Cagas IV.

The Informations for malversation also specifically allege that accused accountable public officers, conspiring with one another and with accused Napoles and other accused private individuals, appropriated, took, misappropriated or consented or through abandonment or negligence permitted private individuals to take public funds by allowing accused Napoles to take possession and thus misappropriate PDAF-drawn public funds instead of implementing the PDAF-funded projects which turned-out to be non-existent.

³⁹Mesina vs. People, G. R. No. 162489, June 17, 2015

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Accused Napoles, however, insists that she cannot be held liable for the charges because she is a private individual. Accused Cagas IV claims that he cannot be held liable for malversation because he is not an accountable officer. He further argues that there is no evidence that he received kickbacks allegedly because the Office of the Ombudsman itself found that "there is insufficient evidence to establish probable cause for the crime of bribery." Accused Relampagos, *et al.*, on the other hand, argue that they do not have the control of funds by reason of their office; hence, they cannot be held liable for malversation.

The Court finds the arguments unmeritorious.

It is a settled rule that private persons, when acting in conspiracy with public officers, may be indicted and, if found guilty, held liable for the pertinent offenses under Section 3 of R.A. 3019, in consonance with the avowed policy of the anti-graft law to repress certain acts of public officers and private persons alike constituting graft or corrupt practices act or which may lead thereto.⁴⁰

Too, a public officer who is not in charge of public funds or property by virtue of her official position, or even a private individual, may be liable for malversation or illegal use of public funds or property if such public officer or private individual conspires with an accountable public officer to commit malversation or illegal use of public funds or property.⁴¹

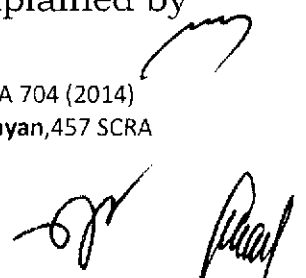
An accountable public officer, within the purview of Article 217 of the Revised Penal Code, is one who has custody or control of public funds or property by reason of the duties of his office. To be liable for malversation, an accountable officer need not be a bonded official. The name or relative importance of the office or employment is not the controlling factor. What is decisive is the nature of the duties that he performs and that as part of, and by reason of, said duties, he receives public money or property, which he is bound to account for.⁴²

This issue of accused Cagas IV as an accountable officer insofar as his PDAF is concerned had already been explained by

⁴⁰*Uyboco vs. People*, G.R. No. 211703, December 10, 2014 citing, *People vs. Go*, 719 SCRA 704 (2014)

⁴¹*Zoleta vs. Sandiganbayan*, G.R. No. 185224, July 29, 2015, citing *Barriga vs. Sandiganbayan*, 457 SCRA 301 (2005)

⁴²*Alejo vs. People*, 550 SCRA 326 (2008)



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the Office of the Ombudsman in its Resolution dated June 22, 2015. Citing **Belgica, et al. vs. Executive Secretary Ochoa, et al.**,⁴³ it held that “it is the legislator who exercises actual control and custody of the PDAF share allocated to him or her by the appropriation statute.”

Also, accused Cagas IV’s argument that there is no evidence that he received kickbacks because the Office of the Ombudsman found that there is no evidence to establish probable cause for the crime of bribery is misleading.

In finding that there is no probable cause to charge accused of bribery, the Ombudsman did not declare that there is no evidence that accused Cagas IV received kickbacks insofar as his PDAF allocations which are subject of these cases are concerned.

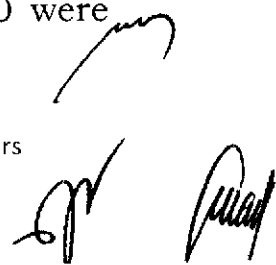
According to the Office of the Ombudsman, the testimony of Luy that accused Cagas IV received kickbacks in the total amount of P5,540,000.00 for the release of his PDAF in 2007 to 2009 did not specify the allotment in consideration of which the amounts were given as kickbacks or “commission.” Moreover, there were other NGOs and IAs involved in the implementation of accused Cagas IV PDAF funded-projects. Thus, the Ombudsman recommended further fact-finding to determine the specific SAROs or transactions regarding the charges of bribery against accused Cagas IV and Ducut and corruption of public officers against accused Napoles:⁴⁴

Further, fact-finding investigation must be conducted to determine the specific SAROs, or transactions, in consideration of which the kickbacks or bribes were given.

Based on Luy’s testimony, Cagas IV received kickbacks in the total amount of Php5,540,000.00 for the release of his PDAFs for the 2007-2009, without specifying the allotment in consideration of which the amounts of Php300,000.00 and Php5,240,000.00, or Php5,540,000.00, were given as commissions/kickbacks. Luy only stated that the amounts of Php300,000.00 and Php5,240,000.00 were

⁴³710 SCRA 1 (2013)

⁴⁴ pp. 54-56, Resolution dated June 22, 2015; pp. 102-104, Record, Vol. 1; emphasis theirs



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received in 2007 and 2008, respectively. Notably, the present complaint only delved on the PDAFs covered by SARO Nos. ROCS-08-00638 (Php6,000,000.00) and ROCS-08-04180 (Php5,000,000.00).

While Cagas IV also endorsed the implementation of his PDAF-funded projects to the NGOs ITONAMI and FDC, and one of the IAs was National Livelihood Development Corporation (NLDC), only the projects undertaken by NABCOR/SDPFFI and TRC/POPDFI were made the subject of this investigation.

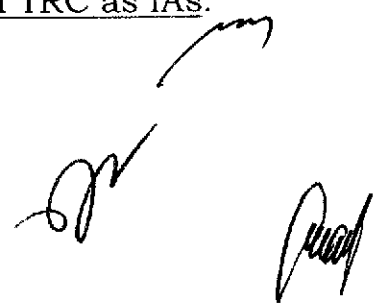
In its Special Audit Report for PDAF funds for CY 2007-2009, COA remarked that ITONAMI was one of the NGOs that implemented Cagas IV's priority projects, with NLDC, as the IA. The allotment was covered by SARO ROCS-09-04238 in the amount of Php850,000,000.00.

The Special Audit conducted by COA likewise revealed that the priority projects of Cagas IV were implemented by ITONAMI, SDPFFI, FDC and POPDFI while the IAs involved were TRC, NABCOR and NLDC.

Thus, further fact-finding must be conducted by FIO as regards the charges of Bribery against Cagas IV and Ducut and Corruption of Public Officers against Napoles.

Respecting Ducut, and the TRC and NABCOR officials identified by Luy as likewise having received kickbacks in relation to the anomalous PDAF transactions, there is likewise, a need to conduct a fact-finding investigation to determine who among the TRC and NABCOR respondents were recipients of the bribes and how much they, including Ducut, as Cagas IV's representative, actually received.

Consequently, further fact-finding must also be conducted as regards the projects allegedly implemented by ITONAMI and FDC, with the NLDC and TRC as IAs.



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III. The allegations in the Informations are not vague; hence, accused Relampagos, et al.'s motion for a bill of particulars must fail.

The purpose of a bill of particulars is to supply vague facts or allegations in the complaint or information to enable the accused to properly plead and prepare for trial. It presupposes a valid Information, one that presents all the elements of the crime charged, albeit under vague terms. Notably, the specifications that a bill of particulars may supply are only formal amendments to the complaint or Information.⁴⁵

It bears stress that it is not the function of the bill to furnish the accused with the evidence of the prosecution. Thus, the prosecutor shall not be required to include in the bill of particulars matters of evidence relating to how the people intend to prove the elements of the offense charged or how the people intend to prove any item of factual information included in the bill of particulars.⁴⁶

In claiming that the bill of particular is in order, accused Relampagos, et al. argue that the Informations in these cases do not aver the acts imputed to them with sufficient definiteness or particularity to enable them to properly prepare for their defense. They ask "what does the Information mean by "facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation?"

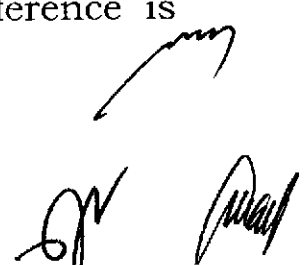
The Court finds the argument devoid of merit.

As earlier discussed, the Court finds that the Informations in these cases sufficiently charge the accused with violation of Section 3(e) of R. A. No. 3019 and malversation. The allegations in the Information adequately apprise the accused of the nature and cause of the accusation against them.

Notably, in their motion for judicial determination of probable cause, accused Relampagos, et al. argue that the element of unwarranted benefit, advantage or preference is

⁴⁵ Enrile vs. People, G.R. No. 213455, August 11, 2015

⁴⁶ Enrile vs. People, *Id.*, citing US v. Kelly, 92 F. Supp. 672, 673 (W.D. Mo. 1950)



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wanting in their case because of the following alleged circumstances: (1) they did not expedite the release of the SAROs and the NCAs; (2) several bureaus within the DBM prepares the SARO; (3) accused Relampagos signs the SARO on behalf of the Secretary only when the latter is absent; (3) accused Relampagos did not sign the SAROs involved in these cases; (4) accused Nunez, Paule and Bare had no participation in the release of the SAROs and NCAs; and (5) the evaluation, recommendation and preparation of the SAROs/NCAs and other release documents are being done by the Technical Staff of the different Bureaus and not by the staff of the office of accused Relampagos.

To be sure, the above claims are matters of defense. Undeniably, accused Relampagos, *et al.* understand the nature of the charges against them considering their ability to come up with their defenses.

At any rate, the desired details that accused Relampagos, *et al.* would like the prosecution to provide them are clearly evidentiary in nature, which need not be alleged in the Information.⁴⁷

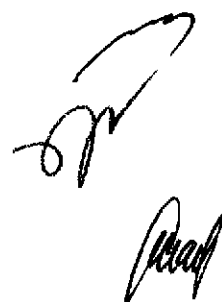
IV. Accused Relampagos, *et al.*'s motion for the reduction of bail bonds is moot.

The records of these cases show that accused Relampagos and Nuñez had posted their respective cash bail bonds in the amount of P140,000.00 each on April 26, 2016 and accused, Paule and Bare on April 21, 2016.⁴⁸ Thus, their prayer for the reduction of bail bond on the ground of their pecuniary circumstances is moot.

In sum, the Court finds that probable cause exists for the issuance of a warrant of arrest against the accused and to hold them for trial. Thus, accused Napoles's prayer for the

⁴⁷ Romualdez vs. Sandiganbayan (Fifth Division), 435 SCRA 371 (2004)

⁴⁸ pp. 194-205, Record, Vol. 1

Two handwritten signatures are present in the bottom right corner of the page. The upper signature is a stylized, cursive mark, possibly initials. The lower signature is more legible, appearing to be the name 'Rosa'.

Resolution

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suspension of the proceedings in these cases must necessarily fail.

WHEREFORE, the Court finds the existence of probable cause in these cases.

Accordingly, let warrants of arrest be issued against the accused except for accused Zenaida Garcia Cruz-Ducut, Mario L. Relampagos, Rosario Nuñez, Lalaine Paule, Marilou Bare, Jesus B. Castillo, Jr., Dennis Lacson Cunanan, Marivic Jover, Maria Rosalinda Lacsmana, Consuelo Lilian Espiritu and Francisco Figura who had posted their respective bail bonds.

The following motions are **NOTED**:

1. *Urgent Motion for Judicial Determination of Probable Cause and/or Recall of Warrant of Arrest for the Purpose of the Conduct of a Judicial Determination of Probable Cause With Entry of Appearance* dated April 15, 2016, filed by accused Cagas IV;
2. *Consolidated Motion for Judicial Determination of Probable Cause with Urgent Motion to Suspend Proceedings* dated May 4, 2016, filed by accused Janet Lim Napoles; and
3. *Joint Omnibus Motion [1. Motion for Judicial Determination of Probable Cause; 2. Motion for a Bill of Particulars; and 3. Motion for Reduction of Bail]* dated June 17, 2016, filed by accused Mario L. Relampagos, Rosario Nuñez, Lalaine Paule and Marilou Bare.

SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG

Presiding Justice
Chairperson



Resolution

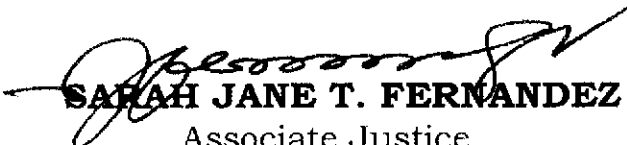
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WE CONCUR:


SAMUEL R. MARTIRES
Associate Justice


SARAH JANE T. FERNANDEZ
Associate Justice

