



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0283

- versus -

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

MELQUIADES A. ROBLES, et
al.,

Present:
LAGOS, J., *Chairperson*, CRUZ* and
MENDOZA-ARCEGA, JJ.

Accused.

Promulgated:

May 09, 2017 *led*

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RESOLUTION

LAGOS, J.:

For resolution are:

1. Accused Melquiades A. Robles' Motion for Judicial Determination of Probable Cause dated February 24, 2017¹;
2. Accused Marilou B. Liscano's Motion for Judicial Determination of Probable Cause with Prayer to Defer Arraignment dated March 7, 2017²;
3. Accused Ombao, Vaño, Tolosa and Labistro's Urgent Joint Motion for Judicial Determination of Probable Cause dated March 2, 2017³;
4. Accused Triste and Abiva's Urgent Joint Motion for Judicial Determination of Probable Cause dated March 2, 2017⁴;
5. Accused Evelyn Macalino's Urgent Motion for Judicial Determination of Probable Cause dated March 2, 2017⁵;

* Designated as Special Member, per Administrative Order No. 025-2017 dated February 1, 2017.

¹ Records, Vol. II, p. 8.

² Records, Vol. II, p. 339.

³ Records, Vol. II, p. 409.

⁴ Records, Vol. II, p. 419.

⁵ Records, Vol. II, p. 431.

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6. Accused Dennis L. Francisco's 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 dated March 2, 2017⁶;
7. Accused Federico J. Canar, Jr.'s 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 dated March 2, 2017⁷;
8. Prosecution's Consolidated Comment on the Motion for Judicial Determination of Probable Cause dated March 20, 2017⁸;
9. Accused Triste and Abiva's Reply (To Consolidated Comment) dated April 11, 2017⁹;
10. Accused Ombao, Vaño, Tolosa and Labistro's Joint Reply dated April 17, 2017;
11. Accused Evelyn Macalino's Reply (To Consolidated Comment) dated April 17, 2017;
12. Accused Federico Canar, Jr.'s Reply (To Consolidated Comment) dated April 17, 2017;
13. Accused Dennis Francisco's Reply (To Consolidated Comment) dated April 17, 2017;

On February 27, 2017, this Court, after perusing the Information and carefully assessing the resolution of the Office of the Ombudsman, the evidence in support thereof and the records of the preliminary investigation attached thereto, found that sufficient grounds exist for the finding of probable cause for the purpose of issuing a warrant of arrest in this case.¹⁰

In view of the aforementioned resolution of the Court, the Motion for Judicial Determination of Probable Cause filed by accused Robles and his other co-accused were treated as motions for reconsideration of the resolution finding probable cause and were deemed submitted upon the filing of the accused's replies.

RULING

There are two kinds of determination of probable cause: executive and judicial. The executive determination of probable cause is one made during preliminary investigation. It is a function that properly pertains to the public prosecutor who is given a broad discretion to determine whether probable cause exists and to charge those whom he believes to have committed the

⁶ Records, Vol. II, p. 440.

⁷ Records, Vol. II, p. 454.

⁸ Records, Vol. III, p. 16.

⁹ Records, Vol. III, p. 109.

¹⁰ Records, Vol. II, p. 152.

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crime as defined by law and thus should be held for trial. Otherwise stated, such official has the quasi-judicial authority to determine whether or not a criminal case must be filed in court. **Whether or not that function has been correctly discharged by the public prosecutor, i.e., whether or not he has made a correct ascertainment of the existence of probable cause in a case, is a matter that the trial court itself does not and may not be compelled to pass upon.**¹¹

Corollary to the principle that a judge cannot be compelled to issue a warrant of arrest if he or she deems that there is no probable cause for doing so, the judge in turn should not override the public prosecutor's determination of probable cause to hold an accused for trial on the ground that the evidence presented to substantiate the issuance of an arrest warrant was insufficient. It must be stressed that in our criminal justice system, the public prosecutor exercises a wide latitude of discretion in determining whether a criminal case should be filed in court, and that courts **must respect** the exercise of such discretion when the information filed against the person charged is valid on its face, and that no manifest error or grave abuse of discretion can be imputed to the public prosecutor.¹²

Thus, absent a finding that an information is invalid on its face or that the prosecutor committed manifest error or grave abuse of discretion, a judge's determination of probable cause is limited only to the judicial kind or for the purpose of deciding whether the arrest warrants should be issued against the accused.¹³

The rights of the people from what could sometimes be an "oppressive" exercise of government prosecutorial powers do need to be protected when circumstances so require. But just as we recognize this need, we also acknowledge that the State must likewise be accorded due process. Thus, when there is no showing of nefarious irregularity or manifest error in the performance of a public prosecutor's duties, courts ought to refrain from interfering with such lawfully and judicially mandated duties.¹⁴

Although jurisprudence and procedural rules allow it, a judge must always proceed with caution in dismissing cases due to lack of probable cause, considering the preliminary nature of the evidence before it. It is only when he or she finds that the evidence on hand absolutely fails to support a finding of probable cause that he or she can dismiss the case. On the other hand, if a judge finds probable cause, he or she must not hesitate to proceed

¹¹ People of the Philippines v. Jessie Castillo and Felicito Mejia (G.R. No. 171188, June 19, 2009).

¹² *Id.*

¹³ *Id.*

¹⁴ Alfredo C. Mendoza v. People of the Philippines and Juno Cars, Inc. (G.R. No. 197293, April 21, 2014).

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with arraignment and trial in order that justice may be served.¹⁵ More so should the Court be hesitant in dismissing the subject criminal case as the existence of probable cause for the issuance of warrants of arrest against the accused has already been determined in a prior resolution. In cases such as this, the accused has the burden to convince this Court that error was committed in issuing its earlier resolution finding probable cause for their arrests, to reverse said resolution and to dismiss the case. However, despite the accused's protestations, this Court finds no compelling reason to reverse said earlier finding of probable cause. Instead, the issues raised in these motions for determination of probable cause are matters of defense that could only be threshed out in a full-blown trial on the merits. All things considered, it would be premature to dismiss the subject criminal case filed against the accused when the basis thereof could be determined only after trial of the merits.

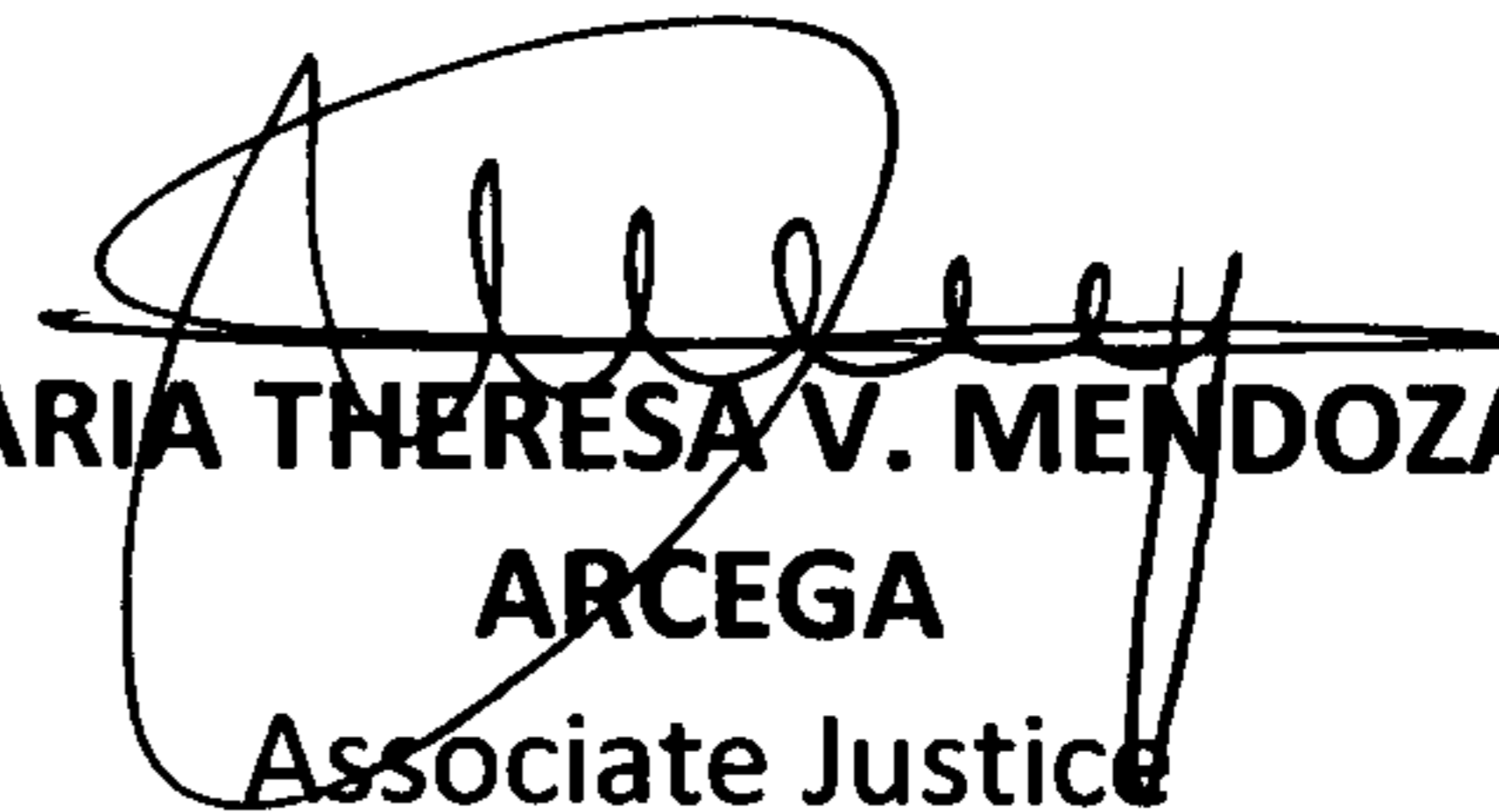
WHEREFORE, premises considered, accused Melquiades A. Robles' Motion for Judicial Determination of Probable Cause, accused Marilou B. Liscano's Motion for Judicial Determination of Probable Cause with Prayer to Defer Arraignment, accused Ombao, Vaño, Tolosa and Labistro's Urgent Joint Motion for Judicial Determination of Probable Cause, accused Triste and Abiva's Urgent Joint Motion for Judicial Determination of Probable Cause, accused Evelyn Macalino's Urgent Motion for Judicial Determination of Probable Cause, accused Dennis L. Francisco's 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 and Accused Federico J. Canar, Jr.'s 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 are hereby DENIED for lack of merit. Arraignment is set to proceed on June 13, 2017.

SO ORDERED.


RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


REYNALDO P. CRUZ
Associate Justice


**MARIA THERESA V. MENDOZA-
ARCEGA**
Associate Justice

¹⁵ Alfredo C. Mendoza v. People of the Philippines and Juno Cars, Inc., *supra*.