

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-16-CRM-0588

For: Falsification of Public Document  
(Article 171, paragraph 4 of The  
Revised Penal Code)

-versus-

Present:  
Herrera, Jr., J. *Chairperson*  
Musngi, J. &  
Pahimna, J.

Johnny V. De Los Reyes, et al.,  
Accused.

Promulgated:

June 15, 2017

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**RESOLUTION**

**HERRERA, JR., J.:**

Before the Court is a ***Motion For Judicial Determination Of Probable Cause***<sup>1</sup> dated March 17, 2017, filed by accused Johnny V. Delos Reyes (Movant for short), through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition (Motion for Judicial Determination of Probable Cause dated March 17, 2017)***<sup>2</sup> dated April 3, 2017. Movant, through counsel, filed a ***Supplement To Motion For Judicial Determination Of Probable Cause***<sup>3</sup> dated April 21, 2017.



To begin with, the Court has already found the existence of probable cause to hold movant for trial, as shown by the fact that a ***Warrant of Arrest***<sup>4</sup> dated September 7, 2016 was already issued and signed by the Hon. Samuel R. Martires, then Chairperson of the Court's Second Division.

<sup>1</sup> Record, pp. 146-161

<sup>2</sup> Id, pp. 178-184

<sup>3</sup> Id, pp. 187-202

<sup>4</sup> Id, p. 112

This was done following the filing on August 24, 2016 of the *Information*<sup>5</sup> dated April 22, 2016, charging movant with ***Violation of Article 171, paragraph 4 of the Revised Penal Code.***

***Section 5(a), Rule 112 of the Rules of Criminal Procedure***, which applies to this Court, provides:

“Sec. 5. 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 when the complaint or information was filed pursuant to Section 6 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.”

In *Leviste v. Alameda*,<sup>6</sup> the Supreme Court held that a motion for judicial determination of probable cause is a superfluity, for with or without such motion, the judge is duty-bound to personally evaluate the resolution of the prosecutor and the supporting evidence.

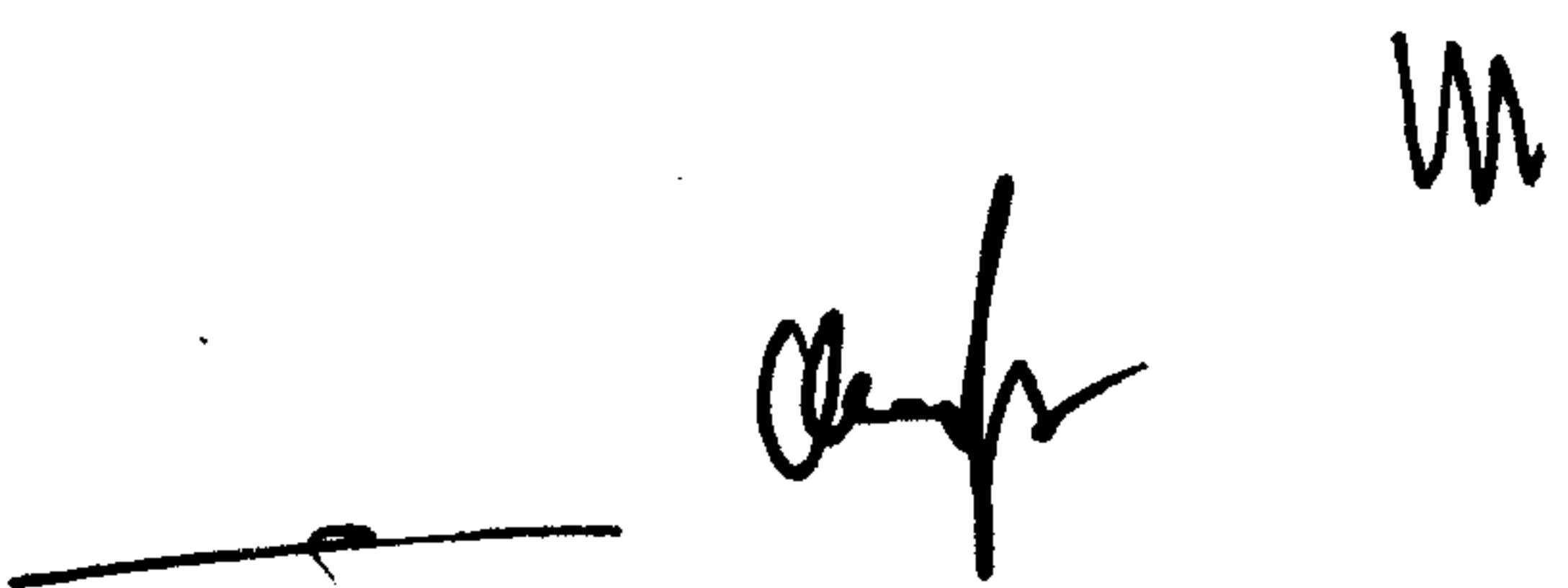
Here, perusal of the *Information* filed and a careful evaluation of the *Resolution*<sup>7</sup> dated February 3, 2015 of the Office of the Ombudsman, as well as the supporting evidence, yields that there is sufficient probable cause to hold the movant for trial.

In his instant ***Motion For Judicial Determination Of Probable Cause and Supplement To Motion For Judicial Determination Of Probable Cause*** where he prays for dismissal of the case, movant essentially contends that he acted in good faith and without any criminal intent. The Court holds that the contention is a matter of defense that should be raised and proved during the trial of the case.

<sup>5</sup> Id, pp. 1-3

<sup>6</sup> 626 SCRA 575, 578

<sup>7</sup> Id, pp. 5-12

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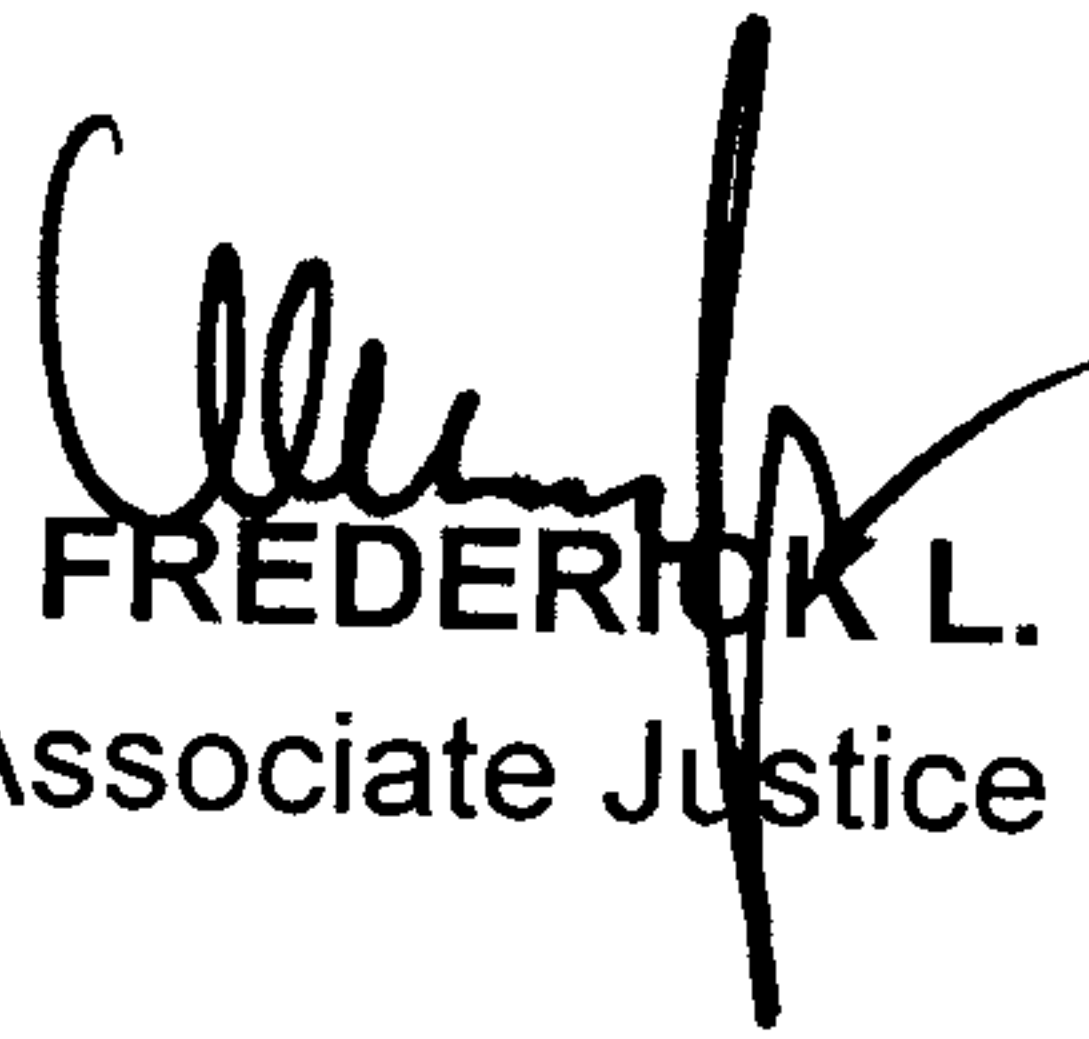
WHEREFORE, premises considered, the ***Motion For Judicial Determination Of Probable Cause dated March 17, 2017 and Supplement To Motion For Judicial Determination Of Probable Cause*** dated April 31, 2017, both filed by accused Johnny V. Delos Reyes, insofar as they pray for the dismissal of the case for lack of probable cause, are hereby denied.

The arraignment of accused Delos Reyes is hereby set on August 1, 2017 at 1:30 in the afternoon.

SO ORDERED.

  
OSCAR HERRERA, JR.  
Chairperson

*We concur:*

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. PAHIMNA  
Associate Justice