



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
QUEZON CITY

**THIRD DIVISION**

**PEOPLE OF THE  
PHILIPPINES,**

**Plaintiff,**

**Criminal Case No. SB-14-  
CRM-0238**

For: *Plunder*

- versus -

**JUAN PONCE ENRILE, ET AL.,  
Accused.**

*Present:*

**CABOTAJE-TANG, P.J.,**  
Chairperson,

**FERNANDEZ, B., J.;**

**MORENO, R., J.;**

**GOMEZ-ESTOESTA, M., J.<sup>1</sup>**  
and

**ECONG, G., J.<sup>2</sup>**

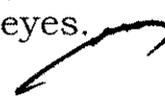
*Promulgated:*

JANUARY 18, 2021 

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**RESOLUTION**

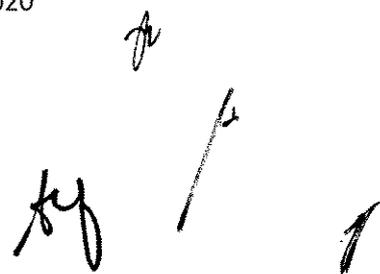
**CABOTAJE-TANG, P.J.:**

For resolution is the *Motion for Reconsideration (of the Resolution dated 29 September 2020)* dated October 19, 2020,<sup>3</sup> filed by accused Jessica Lucila G. Reyes. 

<sup>1</sup> Sitting as a Special Member of a Special Division of Five Justices in the Third Division pursuant to Administrative Order No. 7-C-2020 dated June 22, 2020

<sup>2</sup> *Id*

<sup>3</sup> pp. 283-305, Volume XXI, Record



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### **ACCUSED-MOVANT REYES' SUBMISSIONS**

In the subject motion, accused-movant Reyes prays for the reconsideration of the Court's *Resolution* promulgated on September 29, 2020, which denied her "*Motion for Provisional Release of Accused Jessica Lucila G. Reyes Based on Humanitarian Grounds Amid the Covid-19 Pandemic*" dated May 27, 2020,<sup>4</sup> (Motion for Provisional Release) on the grounds that (1) she does not qualify as a person deprived of liberty (PDL) who is entitled to be released following the guidelines quoted in the Office of the Court Administrator (OCA) Circular No. 91-2020, (2) there are no concretely established medical basis or humanitarian reason/s to justify her provisional release, (3) her reliance on the cases of ***Enrile v. Sandiganbayan (Third Division), et al.***,<sup>5</sup> and ***Dela Rama v. People's Court***,<sup>6</sup> are highly misplaced, (4) the joint statement of the UNODC,<sup>7</sup> WHO,<sup>8</sup> UNAIDS<sup>9</sup> and OHCHR<sup>10</sup> does not call for the immediate release of detained prisoners, (5) there is no evidence presented to show that she is in danger of acquiring COVID-19 while in detention, and (6) her motion for provisional release should have been filed with the Supreme Court where the issue of whether she may be provisionally released on bail remains pending.

Accused-movant Reyes claims that in ruling against her, the Court "miss[ed] the principal point of [her] plea which is not based on evidence but on humanitarian grounds"<sup>11</sup> and that the "sense and essence" of her Motion for Provisional Release is "**mercy**" "**pity**", "**sympathy**," "**compassion**," "**charity**," "**forbearance**" and "**humaneness**" in the midst of the COVID-19 pandemic[.]"<sup>12</sup> Accused Reyes likewise claims that her plea for provisional release is (1) not based on the Office of the Court Administrator (OCA) Circular No. 91-2020 but rather on the cases of ***Dela Rama*** and ***Enrile***, (2) supported by evidence which has established the medical basis to justify her plea and

<sup>4</sup> pp.

<sup>5</sup> 767 Phil. 147 (2015)

<sup>6</sup> 77 Phil. 461 (1946)

<sup>7</sup> The United Nations Office on Drugs and Crime

<sup>8</sup> The World Health Organization

<sup>9</sup> The Joint United Nations Programme on HIV and AIDS

<sup>10</sup> The Office of the United Nations High Commissioner for Human Rights

<sup>11</sup> p. 2, *Motion for Reconsideration*

<sup>12</sup> *Id.*; Emphasis in original

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which makes the case of **People v. Fitzgerald**<sup>13</sup> inapplicable to her, and (3) separate and independent from her petition/application for bail, which is pending before the Supreme Court, and thus, correctly filed with this Court, in the absence of any plain, speedy and adequate remedy available to her.

### **THE PLAINTIFF'S COMMENT**

The plaintiff, through the Office of the Special Prosecutor, filed its **Comment (Re: Accused Jessica Lucila G. Reyes' Motion for Reconsideration [of the Resolution dated 29 September 2020] dated October 19, 2020)** dated October 23, 2020.<sup>14</sup> It notes therein that the accused-movant's motion for reconsideration was actually filed beyond the five-day reglementary period for the filing of a motion for reconsideration of the resolution of a meritorious motion under A.M. No. 15-06-10-SC or the *Revised Guidelines for Continuous Trial of Criminal Cases*, having been filed only on October 20, 2020, instead of on or before October 4, 2020. The prosecution likewise notes that the subject motion is but a rehash of her previous submissions and thus opted to incorporate by reference its earlier submissions as contained in its **Comment (Re: Accused Jessica Lucila G. Reyes' Motion for Provisional Release of Accused Jessica Lucila G. Reyes Based on Humanitarian Grounds Amid the COVID-19 Pandemic Dated May 27, 2020)** dated June 4, 2020.<sup>15</sup>

### **ACCUSED-MOVANT REYES' REPLY**

In her *Reply (to the OSP's Comment dated 23 October 2020)*,<sup>16</sup> dated October 28, 2020, accused-movant Reyes primarily argues that the subject motion for reconsideration was timely filed since the Court's Resolution promulgated on September 29, 2020 is an interlocutory order that is always under the control of the Court and may be modified or

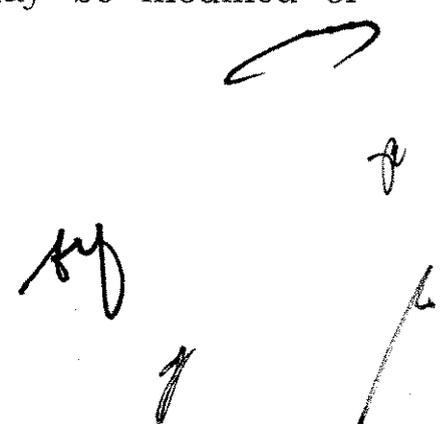
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<sup>13</sup> 536 Phil. 413 (2006)

<sup>14</sup> pp. 306-311, Vol. XXI, Record

<sup>15</sup> p. 3, Comment

<sup>16</sup> pp. 312-323, Vol. XXI, Record



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rescinded at any time before final judgment.<sup>17</sup> Moreover, if the subject motion were filed out of time, the accused-movant claims that a liberal construction of procedural rules is warranted in this case because she has presented urgent and compelling humanitarian grounds for the proper and just determination of her plea for provisional release; moreover, the prosecution was not prejudiced by any lapse in the observance of the rule.<sup>18</sup>

### **THE COURT'S RULING**

After an assiduous consideration of the arguments raised by accused-movant Reyes in her motion for reconsideration, the plaintiff's Comment thereon and accused-movant Reyes' Reply thereto, the Court resolves to **DENY** the subject motion for the reasons hereinafter discussed.

#### **I. PROCEDURAL GROUND**

The record of this case discloses that the accused-movant received a copy of the Court's assailed Resolution on October 2, 2020; hence, she had ten (10) days from the said date, or until October 12, 2020, within which to file a motion for reconsideration thereof pursuant to Section 4, Rule VII of the 2018 Revised Internal Rules of the Sandiganbayan. However, she filed the present motion only on October 20, 2020, or way beyond the reglementary period to do so. On this ground alone, the subject motion deserves outright denial.

At any rate, even if this procedural lapse were disregarded, the same motion likewise merits rejection.

#### **II. SUBSTANTIVE GROUNDS**

To begin with, as aptly pointed out by the prosecution, the grounds raised by the accused-movant in her present motion for reconsideration are principally the same grounds which she raised in her Motion for Provisional Release dated May 27, 2020. To be sure, these matters were directly and squarely

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<sup>17</sup> p. 2, *Reply*

<sup>18</sup> pp. 314-319, *Reply*



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passed upon by the Court in its assailed Resolution promulgated on September 29, 2020. With the absence of any new and compelling grounds to warrant the grant of the subject motion for reconsideration, the same should forthwith be denied.

In any case, the Court will dwell anew on the said grounds if only to demonstrate the unquestionable paucity thereof.

**1. Equity jurisdiction of the Court vis-à-vis the legal framework for the provisional release of an accused pending trial.**

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In the subject motion for reconsideration, accused-movant Reyes reiterates her invocation for the Court to exercise its equity jurisdiction in ruling upon her plea for provisional release based on humanitarian grounds, and asks the Court rule not “necessarily [] with the mind but with the heart.”<sup>19</sup>

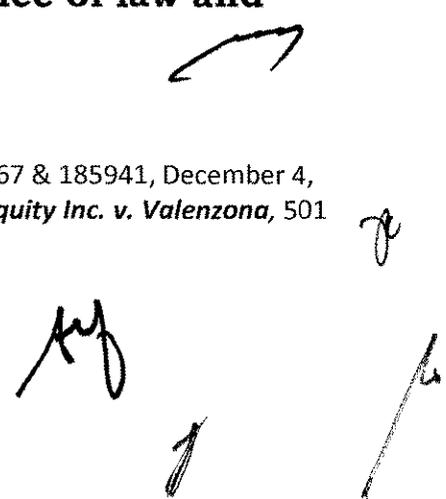
Jurisprudence teaches that a court’s exercise of equity jurisdiction comes into play when special circumstances reveal an inflexibility in its statutory or legal jurisdiction, or an inadequacy in available laws, such that it is unable to render substantive justice. The Supreme Court, however, has cautioned that equity **only applies when there is an absence in the law and that equity cannot overrule, infringe, or disregard express provisions of law.**<sup>20</sup> As held in *Republic v. Provincial Government of Palawan*:<sup>21</sup>

Our courts are basically courts of law, not courts of equity. Furthermore, for all its conceded merits, **equity is available only in the absence of law and**

<sup>19</sup> p. 2, *Motion for Reconsideration*

<sup>20</sup> *Republic v. Provincial Government of Palawan*, G.R. Nos. 170867 & 185941, December 4, 2018, citing *Tupas v. Court of Appeals*, 271 Phil. 628 (1991); *GF Equity Inc. v. Valenzona*, 501 Phil. 153 (2005)

<sup>21</sup> G.R. Nos. 170867 and 185941, December 4, 2018



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**not as its replacement.** As explained in the old case of ***Tupas v. Court of Appeals***:

Equity is described as justice outside legality, which simply means that it cannot supplant although it may, as often happens, supplement the law. We said in an earlier case, and we repeat it now, **that all abstract arguments based only on equity should yield to positive rules, which preempt and prevail over such persuasions. Emotional appeals for justice, while they may wring the heart of the Court, cannot justify disregard of the mandate of the law as long as it remains in force.** The applicable maxim, which goes back to the ancient days of the Roman jurists — and — is now still reverently observed — is “*aequetas nunquam contravenit legis.*”<sup>22</sup>

In our jurisdiction, it is the **Constitution itself, supplemented by various laws and rules and regulations,** which provides for the **right to bail or recognizance** of an accused pending trial and the legal framework within which courts must act whenever any accused seeks to exercise her/his right to be provisionally released pending the trial of her/his case. In this legal framework, the Constitution provides that the right to bail or recognizance of an accused is hinged upon the determination by the court of two [2] things: (1) the nature of the crime charged **and** (2) the strength of the evidence of guilt of the accused.<sup>23</sup> Being a court of law, **any ruling by the Court providing for the release of an accused on bail or recognizance should comply with the provisions of the Constitution, as well as the laws and rules and regulations enacted to implement those Constitutional guarantees.** To do otherwise would be tantamount to the Court acting in excess of its jurisdiction.

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<sup>22</sup> *Id*; Citations omitted; Emphasis supplied

<sup>23</sup> Section 13, Article III of the 1987 Constitution; Section 7, Rule 114 of the Rules of Court; Section 5, Republic Act No. 10389 or the Recognizance Act of 2012



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As discussed in the initial portion of the Court's assailed *Resolution* promulgated on September 29, 2020,<sup>24</sup> accused-movant Reyes is charged with the crime of plunder which is punishable by *reclusion perpetua*. Pursuant to Section 13, Article III of the 1987 Constitution, as reiterated in Section 7, Rule 114 of the Rules of Court, a person charged and detained for a crime punishable by *reclusion perpetua* must first file a petition/application for bail before the appropriate court to give the prosecution the opportunity to prove that the evidence of guilt of the accused is strong to warrant the accused's continued detention during the trial of the case. Should the court, however, find that the evidence of guilt against the accused is not strong, then the court must fix the amount of bail of the accused, taking into account the guidelines set forth in Section 9, Rule 114 of the Rules of Court.

Conformably with the aforesaid provisions, accused-movant Reyes applied for bail before the Court through a *Motion for Bail Ad Cautelam* dated May 29, 2017, arguing that the prosecution has no evidence to show that she committed the crime of plunder as charged. After conducting bail hearings, the Court promulgated a *Resolution* on June 28, 2018, denying her application for bail. After her motions for reconsideration thereof were similarly denied, the accused-movant filed a *Petition for Certiorari and Prohibition*, docketed as G.R. No. 243411, before the Supreme Court assailing the resolutions of the Court. However, before the Supreme Court can finally resolve her petition, the accused-movant filed before the Court her *Motion for Provisional Release* based on humanitarian grounds, among other grounds.

Within the legal framework of bail and recognizance, however, **there are NO provisions which allow courts to grant the release of an accused pending trial based on humanitarian grounds.** There are likewise no provisions which empower a court to relitigate an accused's right to bail or recognizance when an initial application for bail has already been denied on the ground that the evidence of guilt against the accused is strong. Clearly, accused-movant Reyes' *Motion for Provisional Release* is, in essence, **another application for bail or recognizance** by the same accused, and is effectively a

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<sup>24</sup> See pp. 9-12

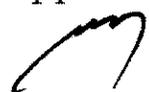


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bid to **re-litigate the issue** of whether or not she is entitled to bail or recognizance. This is **not supported by the legal framework** provided by the Constitution and the rules and regulations on the grant of bail or recognizance but rather goes against it.

Indeed, in asking the Court to determine her entitlement to bail or recognizance, **not based on evidence, or the nature of the charges against her** or on the **strength of the evidence of guilt against her**, but rather on **humanitarian grounds**,<sup>25</sup> **which, to reiterate, is not among the grounds provided for by law in the determination of whether or not an accused is entitled by bail**, accused-movant Reyes is effectively asking the Court to afford her a relief outside the legal framework of bail and recognizance. Should the Court grant her plea on such grounds, it would not be exercising equity jurisdiction but rather in excess of its power and jurisdiction. This the Court can not, and must not, do.

Accused-movant Reyes stresses that in ruling against her, the Court **“miss[ed] the principal point of [her] plea** which is not based on evidence but on humanitarian grounds”<sup>26</sup> and that the “sense and essence” of her motion for provisional release is **“mercy” “pity”, “sympathy,” “compassion,” “charity,” “forbearance” and “humaneness”** in the midst of the COVID-19 pandemic[.]”<sup>27</sup> However, as discussed above, equity **only applies when there is an absence in the law**. As aptly stated in *Tupas*, **“[e]motional appeals for justice, while they may wring the heart of the Court, cannot justify disregard of the mandate of the law as long as it remains in force.”** There being positive provisions regarding the requirements and the process of granting the right to bail and recognizance of an accused, it is the solemn duty of this Court to apply and abide by them. **The Court cannot, in the guise of exercising equity jurisdiction, override or contravene these provisions.** Moreover, seriously concerning its effects may be, the present pandemic neither operates to suspend existing laws in our jurisdiction nor does it grant courts the power to carve exceptions or processes which are not existing or supported by laws.



<sup>25</sup> p. 2, Motion for Reconsideration

<sup>26</sup> p. 2, Motion for Reconsideration

<sup>27</sup> *Id*; Emphasis in original



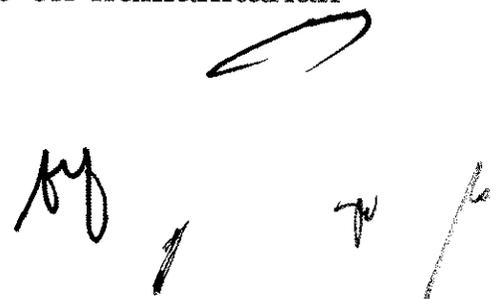
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As for the other countries which have released PDLs for humanitarian reasons in the wake of the COVID-19 pandemic, noble as these acts may be, the Court cannot simply follow their examples and similarly release detained prisoners for these countries have legal systems which are different from the legal system that we have, and which may have provisions which allow their courts and/or executive heads to grant release on such humanitarian grounds.

It is worthy to note that the releases listed by accused-movant Reyes herself in her motion appear to concern prisoners who are serving **short sentences** or who have been **pardoned** by their executive heads. Notably, in the Philippines, both the judiciary, with the Supreme Court at the helm, and the Department of Justice have made similar strides in releasing similarly situated prisoners across the country since the start of the pandemic – **all without supplanting existing fundamental laws and legal processes on bail and recognizance and acting within their power and competence to do so**. As shown by these releases, the legal framework for bail and recognizance can be used to authorize the release of **qualified PDLs** to help mitigate the congestion of detention facilities within the country in the midst of the COVID-19 pandemic, and there is no need for courts to create new grounds for the provisional release of PDLs such as the accused on unsupported “humanitarian grounds” and in the guise of exercising equity jurisdiction.

**2. The pronouncements in the cases of Enrile and Dela Rama do not support the accused-movant’s release on humanitarian grounds.**  
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To further justify her renewed bid to be provisionally released, the accused-movant claims that the Court can “rest easy on the **Dela Rama** and **Enrile** cases to support [her] plea for provisional release during the pandemic on humanitarian



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grounds,”<sup>28</sup> since the differences between these two (2) cases and the case of the accused are allegedly “more apparent than real.”<sup>29</sup>

We reiterate that the accused-movant’s reliance on these two (2) cases is highly misplaced.

**First.** In the *Dela Rama* case, **petitioner-accused was afflicted with, among others, active pulmonary tuberculosis, an ailment which, at that time, still had no known cure.** The accused-movant’s claim therefore that in *Dela Rama* bail was allowed to an accused who was “suffering from an illness with known cure, treatment and vaccine”<sup>30</sup> is misleading as it disregards the circumstances extant when such ruling was made. Additionally, while COVID-19 does not have a known cure or vaccine (at least at the time the subject motion was filed), the accused-movant, unlike the petitioner in *Dela Rama*, **does not claim to be currently afflicted with or actually exposed to the novel corona virus** which would require immediate and specialized attention outside of her current confinement and which would make her continuous confinement injurious to her health or would endanger her life. On this score alone, *Dela Rama* is already inapplicable to her.

Regarding the accused-movant’s alleged underlying medical conditions, the Court has already extensively discussed in its Resolution promulgated on September 29, 2020, its bases for ruling that these conditions were already **addressed/controlled and medically diagnosed as not life-threatening.**<sup>31</sup> Moreover, as shown by the records of this case, these conditions **can be and were actually managed and controlled** at her present place of detention without the need of provisionally releasing the accused-movant.<sup>32</sup> Thus, the accused-movant’s reliance on *Dela Rama* is completely unavailing.

<sup>28</sup> p. 10, *Motion for Reconsideration*

<sup>29</sup> p. 7, *Motion for Reconsideration*

<sup>30</sup> *Id*

<sup>31</sup> pp. 12-24

<sup>32</sup> *Id*

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**Second.** Anent her reliance on the case of *Enrile*, the accused-movant proffers no new arguments which the Court has not painstakingly passed upon in its assailed *Resolution*. To reiterate, accused-movant Reyes can not claim that she enjoys the **same solid reputation and social and political standing** as petitioner in *Enrile* who has been an active public figure since the Marcos regime. As to the finding that he is not a flight risk, the Supreme Court did not merely rely on his voluntary surrender and respect for legal processes but likewise noted that “many years ago, when he had been charged with rebellion with murder and multiple frustrated murder, he already evinced a similar personal disposition of respect for legal processes[.]”<sup>33</sup> Additionally, like in *Dela Rama*, the petitioner in *Enrile* was able to show that his continued detention would **actually pose significant risks** to his health since his advanced age and ill health **actually required very special medical attention outside of the facility where he was detained.**<sup>34</sup>

On the other hand, accused-movant Reyes can only claim that her continued detention **exposes her to the risk of contracting the novel corona virus and the possibility of needing medical attention as a result of such exposure.** These are undeniably conjectures or speculations which cannot justify her plea for provisional release pursuant to *Enrile*. Moreover, with respect to this risk, accused-movant Reyes herself furnished this Court with *Certifications* from the city jail wardens of the Taguig City Jail Female<sup>35</sup> and Male Dormitories.<sup>36</sup> These documents certify to the fact that the dormitories are “religiously observing preventive measures and guidelines”<sup>37</sup> against COVID-19 such as the proper conduct of quarantine procedure to the incoming personnel prior to their entry to the facilities.<sup>38</sup> These certification thus show that the risk, which accused-movant Reyes fears she is exposed to, is being appropriately addressed by the officials of the Taguig City Jail.

<sup>33</sup> 767 Phil. 147 (2015)

<sup>34</sup> pp. 27-29, September 29, 2020 *Resolution*

<sup>35</sup> Annex “7” of Annex “C” of the *Motion for Early Resolution (of Accused Reyes’ Motion for Provisional Release on Humanitarian Grounds Amid the Covid-19 Pandemic dated 27 May 2020)*

<sup>36</sup> Annex “6” of Annex “C” of the *Motion for Early Resolution (of Accused Reyes’ Motion for Provisional Release on Humanitarian Grounds Amid the Covid-19 Pandemic dated 27 May 2020)*

<sup>37</sup> pp. 147 and 149, *Volume XXI, Record*

<sup>38</sup> pp. 147-150, *Volume XXI, Record*



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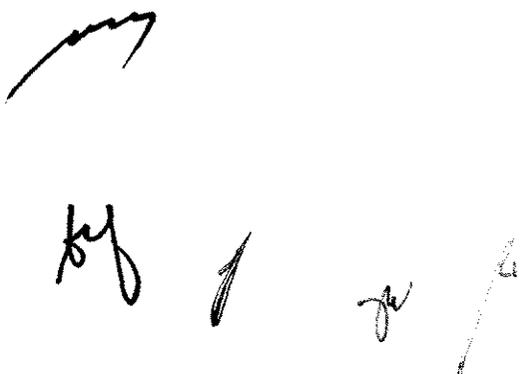
As to her actual underlying medical conditions, accused-movant Reyes cannot validly claim that these conditions are of the same gravity as the medical conditions of the petitioner in **Enrile**, who was ninety (90) years old at the time of the filing of his petition. Moreover, he was afflicted with a host of medical conditions which, singly or collectively, could pose significant risks to his (Enrile's) life. The Court, likewise, reiterates that based on the existing records of this case, the accused-movant's medical conditions are not of life-threatening status. Neither are they of such gravity which would compel her provisional release from detention since they cannot be maintained or addressed at her current detention place.<sup>39</sup>

**Third.** Another material difference between the case of accused Reyes and that of the **Dela Rama** and **Enrile** cases is that her motion is **an attempt at re-litigating her right to bail on different grounds after** a bail hearing had already been conducted by the Court. To be sure, both the **Dela Rama** and **Enrile** cases did not involve any **previous or separate applications/petitions** for bail by the accused. The accused-movant ingeniously claims that the Supreme Court in **Enrile** "did not state that a person denied bail on the ground of strong evidence of guilt for the crime charged cannot be granted bail based on humanitarian consideration,"<sup>40</sup> – a matter which the Supreme Court could not have pronounced given that it was not an issue in that case. However, even if the Court were to consider the **Dela Rama** or **Enrile** cases as allowing a re-litigation of a failed bid by an accused to be granted bail regardless of the charges against him/her, as discussed above, the accused-movant **actually failed to hurdle the requirements** prescribed by these case laws to allow her provisional release.

**3. The recent case of Almonte does not actually support the accused-movant's filing of the motion for provisional release before this Court**

<sup>39</sup> pp. 18-24, September 29, 2020 Resolution

<sup>40</sup> p. 8, Motion for Reconsideration



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***pending the resolution  
of her petition for  
certiorari with the  
Supreme Court.***

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In justifying the filing of her motion for provisional release pending the resolution of her petition for certiorari before the Supreme Court with respect to the denial of her application for bail, the accused-movant cites the case of ***Almonte v. People, et al.***,<sup>41</sup> specifically the decision of the Supreme Court to refer to their respective trial courts the plea of the petitioners for temporary liberty based on humanitarian grounds.

Similar to the accused-movant's motion, the petitioners in ***Almonte*** filed a petition entitled "*In the Matter of the Urgent Petition for the Release of Prisoners on Humanitarian Grounds in the Midst of the COVID-19 Pandemic*" invoking the Supreme Court's power to exercise equity jurisdiction to grant them temporary liberty on humanitarian grounds either on recognizance or bail for the duration of the pandemic. The petitioners in ***Almonte*** claimed that they are among the most vulnerable to COVID-19 as they are either elderly, pregnant or afflicted with hypertension and/or diabetes; they argued, among others, that given the congested conditions of the penal facilities where they are detained, where social distancing and self-isolation measures are impossible, their continued confinement is tantamount to cruel and unusual punishment which is proscribed under the Constitution. They also claimed that the UN Standard Minimum Rules for the Treatment of Prisoners (or the Nelson Mandela Rules) actually impose upon the State a duty to protect the health and safety of prisoners consistent with the guarantees of the right to life.

In ***Almonte***, the Supreme Court noted several facts and circumstances which **necessitated the referral of the petition to the respective trial courts** where the cases of the petitioners are pending:<sup>42</sup> (1) petitioners themselves failed to initially disclose to the Supreme Court **the nature of the**

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<sup>41</sup> G.R. No. 252117, July 28, 2020

<sup>42</sup> As discussed in the *Main Decision* as well as the separate opinions of the members of the Supreme Court which were attached to and made integral parts of the ***Almonte*** decision



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**charges against them**, which turned out to be crimes which are **non-bailable**; (2) the records before the Supreme Court do not show **whether or not the petitioners have already or previously filed bail applications**; (3) since petitioners are charged with offenses punishable by *reclusion perpetua*, they are **not entitled to bail as a matter of right** and there is a **need to conduct summary hearings for the purpose of weighing the strength of the prosecution's evidence as to the petitioner's guilt**; and (4) the Supreme Court not being a trier of facts, reception and evaluation of evidence as to the petitioner's guilt must necessarily be done before the trial courts where the criminal cases against the petitioners are pending.

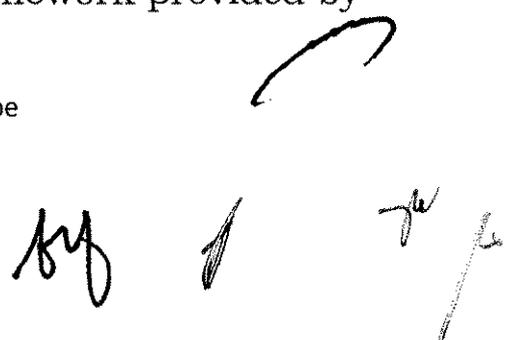
It is with this backdrop that the Supreme Court decided to **treat the petition in *Almonte* as the petitioners' application for bail or recognizance and refer the same to the appropriate trial courts**. Thus, contrary to the accused-movant's claim, *Almonte* does not actually support her bid to re-litigate her denied application for bail on humanitarian grounds while her petition for certiorari is pending before the Supreme Court. Rather, the separate opinions of the Honorable Members of the Supreme Court, which were attached and made integral parts of the ***Almonte*** decision, actually tilt against her favor. As stated in the Separate Opinion of Senior Associate Justice Estela M. Perlas-Bernabe, if the petitioners had actually previously filed their applications for bail and such applications were consequently denied by the trial courts, "then the denial must stand on the ground that there is already a determination that the evidence of guilt against the petitioners charged with a capital offense is strong and hence, need not be re-litigated further."<sup>43</sup> So must the case be with respect to the accused-movant Reyes.

### **A FINAL WORD**

While the Court empathizes with the accused-movant's fears and concerns regarding her possible exposure to the novel corona virus inside her detention facility, the Court must, unfortunately, act only within the legal framework provided by

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<sup>43</sup> See pp. 7-8, Separate Opinion of Justice Estela M. Perlas-Bernabe



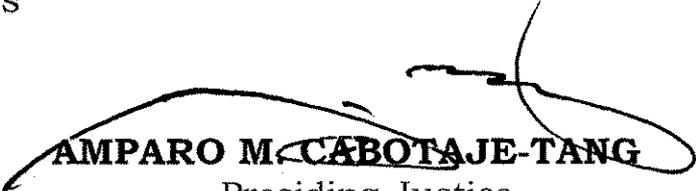
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our fundamental law on bail and recognizance and within the bounds of its jurisdiction. A pandemic, no matter how serious, does not authorize this Court to craft a new ground for the grant of bail in order to afford relief to the accused-movant.

**WHEREFORE**, the *Motion for Reconsideration (of the Resolution dated 29 September 2020)* dated October 19, 2020 of accused Jessica Lucila G. Reyes is **DENIED** for lack of merit.

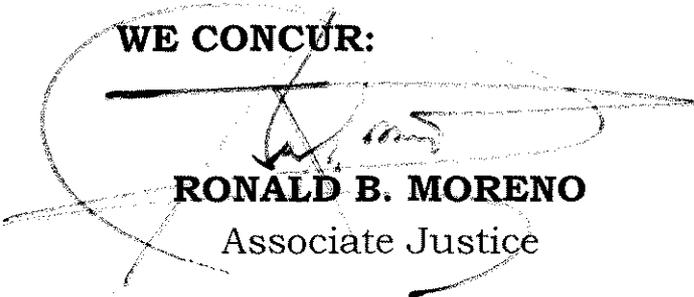
**SO ORDERED.**

Quezon City, Philippines

  
**AMPARO M. CABOTAJE-TANG**

Presiding Justice  
Chairperson

**WE CONCUR:**

  
**RONALD B. MORENO**

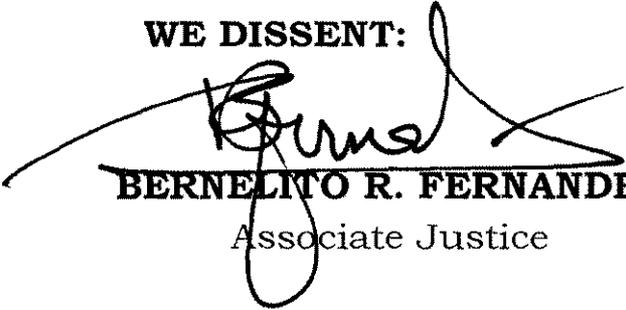
Associate Justice

  
**MA. THERESA DOLORES C.**

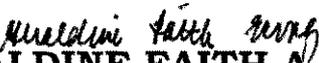
**GOMEZ-ESTOESTA**

Associate Justice

**WE DISSENT:**

  
**BERNELITO R. FERNANDEZ**

Associate Justice

  
**GERALDINE FAITH A. ECONG**

Associate Justice