



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0288 to 0292**

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

*Present*

- versus -

**FERNANDEZ, SJ, J.,**

Chairperson


**VIVERO, J. and**

**CORPUS-MAÑALAC,\* J.**

**LUIS RAMON P. LORENZO,  
ET AL.,**

Accused.

*Promulgated:*

*July 7, 2023* 

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## RESOLUTION

**FERNANDEZ, SJ, J.**

This resolves the prosecution's *Motion to Withdraw Informations (For Criminal Case Nos. SB-18-CRM-0288 to 0292)*,<sup>1</sup> and accused Tomas A. Guibani's *Comment (To Motion to Withdraw Informations)*.<sup>2</sup>

In its *Motion to Withdraw Informations*, the prosecution prays that the Information in SB-18-CRM-0288 to 0292 be withdrawn in view of the Supreme Court's Decision dated September 14, 2022 in *Lorenzo v. Sandiganbayan (Sixth Division)*<sup>3</sup> and *Yap v. Sandiganbayan (Sixth Division)*,<sup>4</sup> ordering the Sandiganbayan to dismiss SB-18-CRM-0288 to 0292 as to accused Luis Ramon P. Lorenzo and Arthur C. Yap for violation of their right to speedy disposition of cases.

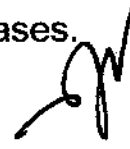
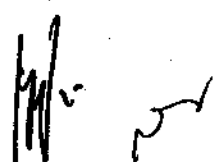
\* In view of the inhibition of J. Miranda (Per Administrative Order No. 275-A-2018 dated May 9, 2018)

<sup>1</sup> Dated May 15, 2023 and filed by electronic mail on May 26, 2023

<sup>2</sup> Dated June 1, 2023 and filed by registered mail

<sup>3</sup> G.R. Nos. 242506-10

<sup>4</sup> G.R. Nos. 242590-94

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In his *Comment*, accused Guibani manifests that he is supporting and sustaining the prosecution's *Motion to Withdraw Informations*, and prays that the said Motion be approved and given due course.

In the Resolution dated June 16, 2023, the Court directed the prosecution to submit further evidence in its possession which are not yet included in the records. In compliance with the Court's directive, the prosecution submitted the required additional evidence on June 27, 2023.<sup>5</sup>

### THE COURT'S RULING

The Court resolves to grant the prosecution's *Motion to Withdraw Informations*.

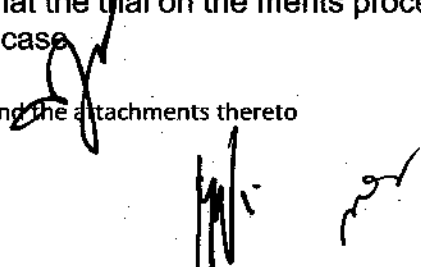
In *Crespo v. Mogul*,<sup>6</sup> it was held that once the Information is filed in court, any disposition of the case rests upon its sound discretion. *Viz.:*

The preliminary investigation conducted by the fiscal for the purpose of determining whether a *prima facie* case exists warranting the prosecution of the accused is terminated upon the filing of the information in the proper court. In turn, as above stated, the filing of said information sets in motion the criminal action against the accused in Court. Should the fiscal find it proper to conduct a reinvestigation of the case, at such stage, the permission of the Court must be secured. After such reinvestigation the finding and recommendations of the fiscal should be submitted to the Court for appropriate action. While it is true that the fiscal has the *quasi-judicial* discretion to determine whether or not a criminal case should be filed in court or not, once the case had already been brought to Court whatever disposition the fiscal may feel should be proper in the case thereafter should be addressed for the consideration of the Court. The only qualification is that the action of the Court must not impair the substantial rights of the accused, or the right of the People to due process of law.

Whether the accused had been arraigned or not and whether it is due to a reinvestigation by the fiscal or a review by the Secretary of Justice whereby a motion to dismiss was submitted to the Court, the Court in the exercise of its discretion may grant the motion or deny it and require that the trial on the merits proceed for the proper determination of the case.

<sup>5</sup> Compliance dated June 26, 2023 and the attachments thereto

<sup>6</sup> G.R. No. L-53373, June 30, 1987



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In *Personal Collection Direct Selling Inc. v Carandang*,<sup>7</sup> it was held that in granting or denying a motion to withdraw an information, the court should not merely accept the prosecution's findings and conclusions. It must conduct an independent evaluation of the prosecution's evidence and must be convinced that the merits of the case warrant either the dismissal or continuation of the action. Courts are not absolutely barred from reversing a prior determination of probable cause, but it must be shown that the later conclusion was arrived at upon an independent study of the available facts, allegations, and evidence on record. *Viz.:*

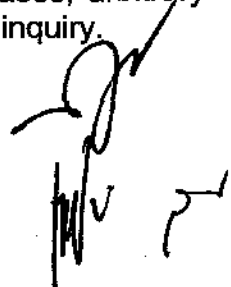
Thus, in granting or denying a motion to withdraw an information, the court must conduct a cautious and independent evaluation of the evidence of the prosecution and must be convinced that the merits of the case warrant either the dismissal or continuation of the action. In *Baltazar v. People*:

We have likewise held that once a case has been filed with the court, it is that court, no longer the prosecution, which has full control of the case, so much so that the information may not be dismissed without its approval. Significantly, once a motion to dismiss or withdraw the information is filed, the court may grant or deny it, in the faithful exercise of judicial discretion. In doing so, the trial judge must himself be convinced that there was indeed no sufficient evidence against the accused, and this conclusion can be arrived at only after an assessment of the evidence in the possession of the prosecution. What was imperatively required was the trial judge's own assessment of such evidence, it not being sufficient for the valid and proper exercise of judicial discretion merely to accept the prosecution's word for its supposed insufficiency. (Citation omitted)

However, courts are not absolutely barred from reversing a prior determination of probable cause upon the reassessment of evidence presented to it. There is no grave abuse of discretion when an earlier finding of probable cause is overturned, if it can be shown that the judge arrived at the later conclusion upon an independent study of the available facts, allegations, and evidence on record.

The order granting the withdrawal of an information must state the judge's assessment of the evidence and reasons in resolving the motion. It must clearly show why the court's earlier assessment of probable cause was erroneous. The court should not merely accept the prosecution's findings and conclusions. Its independent judicial discretion in allowing the information to be withdrawn must not only be implied but must be palpable in its order. Should the court fail to faithfully exercise its judicial discretion, the order granting the withdrawal of the information is void. In extreme cases, arbitrary action by the trial court may lead to an administrative inquiry.

<sup>7</sup> G.R. No. 206958, November 8, 2017



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In the Resolution dated April 27, 2018,<sup>8</sup> this Court found that sufficient grounds exist for the finding of probable cause for the purpose of issuing warrant of arrest against the accused in these cases. However, upon reassessing the supporting evidence attached to the Ombudsman's Resolution, and examining the additional evidence<sup>9</sup> submitted by the prosecution, the Court finds that there is insufficient evidence on hand to show that accused Guibani conspired with accused Lorenzo and Yap. Notably, the Informations do not even allege the overt acts he supposedly performed in furtherance of the conspiracy.

Private individuals may be held liable for Violation of Sec. 3 of R.A. No. 3019 only if they act in conspiracy with the accused public officers.<sup>10</sup> There being insufficient evidence to show the conspiracy, the Court finds that the withdrawal of the Informations is proper.

**WHEREFORE**, the prosecution's *Motion to Withdraw Informations* is hereby GRANTED. As to accused Guibani, the Information in SB-18-CRM-0288 to 0292 are hereby WITHDRAWN, and these cases are considered DISMISSED **without prejudice**.<sup>11</sup>

Let the hold departure order against accused Guibani by reason of these cases be lifted and set aside, and his bond be released, subject to the usual accounting and auditing procedure.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KEVIN NARCEB B. VIVERO**  
Associate Justice

  
**MARYANN E. CORPUS-MAÑALAC**  
Associate Justice

<sup>8</sup> Record, Vol. 3, p. 17

<sup>9</sup> Attached to the prosecution's *Compliance* dated June 26, 2023

<sup>10</sup> Please see *Canlas v. People*, G.R. Nos. 236308-09, February 17, 2020

<sup>11</sup> Please see *People v. Sandiganbayan*, G.R. No. 144159, September 29, 2004