



Republic of the Philippines
 Supreme Court
 Manila

THIRD DIVISION

MARIO L. RELAMPAGOS, G.R. No. 235480
 ROSARIO SALAMIDA
 NUÑEZ, LALAINÉ NARAG Present:
 PAULE and MARILOU
 DIALINO BARE,

Petitioners,

LEONEN, J.,* *Chairperson,*
 HERNANDO, *Acting Chairperson,*
 INTING,
 DELOS SANTOS, and
 ROSARIO, *JJ.*

- versus -

SANDIGANBAYAN (SECOND
 DIVISION) and PEOPLE OF
 THE PHILIPPINES,

Respondents.

Promulgated:

January 27, 2021

MisPDCB-ff

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DECISION

INTING, J.:

This is a Joint Petition¹ under Rule 65 of the Rules of Court seeking to annul and set aside the Resolution² dated September 18, 2017 issued by the Sandiganbayan, Second Division, (Sandiganbayan) in Criminal Case Nos. SB-17-CRM-0636 to SB-17-CRM-0640 entitled, “*People of the Philippines v. Douglas Ralota Cagas, et al.*” for violation of Section 3(e) of Republic Act No. (RA) 3019 or the Anti-graft and Corrupt Practices Act in SB-17-CRM-0636-637; for violation of Article 217 under the Revised Penal Code (RPC) or Malversation in SB-17-CRM-0638-39; and for violation of Article 210 under the RPC or Direct Bribery in SB-17-CRM-0640.

* On official business.

¹ *Rollio*, pp. 16-49.

² *Id.* at 60-68; penned by Associate Justice Lorifel L. Pahimna with Associate Justices Oscar C. Herrera, Jr. and Michael Frederick L. Musngi, concurring.

The Antecedents

These cases stemmed from a series of cases filed against certain legislators and Janet Lim Napoles (Napoles) for what is now known as the Priority Development Assistance Fund (PDAF), or Pork Barrel Scam.³

On March 22, 2013, following Benhur Luy's (Luy) rescue from his alleged illegal detention by Napoles and the latter's brother, Reynald Lim by the National Bureau of Investigation (NBI) agents, Luy executed an affidavit confirming the allegations that he had a hand in facilitating, processing, and implementing government projects funded by the PDAF, among others, and narrated in detail the extent and depth of operation of Napoles and the JLN Group of Companies in the PDAF scam.⁴

The Field Investigation Office (FIO) of the Office of the Ombudsman (Ombudsman) likewise conducted a parallel fact-finding investigation taking into consideration the Special Audit Office Report of the Commission on Audit (COA) which contained the audit findings on the PDAF allocations and disbursements covering the period from 2007-2009.⁵

Thereafter, the NBI and the FIO filed their respective complaints against those involved in the complex scheme. Several legislators were implicated and sued. One of them is Douglas Ralota Cagas (Cagas), who is a party in this petition.

Then Undersecretary Mario L. Relampagos (Relampagos) and his staff namely: Rosario S. Nuñez (Nuñez), as Chief, Budget and Management Specialist; Lalaine N. Paule (Paule) and Marilou D. Bare (Bare), as Administrative Assistants VI, (collectively, petitioners) were indicted by the Ombudsman for violations of Articles 210, 212, and 217 (Malversation) of the RPC and violations of Section 3(b), (e), (g), and (h) and Section 4 of RA 3019, as amended, and RA 6713.⁶

As found by the Ombudsman, the PDAF scam was consummated

³ See Comment (On the Joint Petition dated 01 December 2017), *id.* at 88.

⁴ *Id.* at 20, 88.

⁵ *Id.* at 88.

⁶ Code of Conduct and Ethical Standards for Public Officials and Employees, approved on February 20, 1989.

through the following *modus operandi*, to wit:

a) The legislator and/or his representative ensure the release of the PDAF allocation by identifying: (a) a specific project; (b) the particular non-government organization which will serve as the project proponent; and (c) the Implementing Agency (IA) of the government to which the PDAF allocation will be released and will thereafter disburse the same to the NGO already selected by the senator.

b) Napoles meets with the legislator and offer to “acquire” his or her PDAF allocation in exchange for a “commission” or kickback amounting to a certain percentage of total cost of the PDAF project. After reaching an agreement, Napoles advances to the legislator a down payment representing a portion of his or her kickback.

c) The legislator then formally requests in writing the DBM for the release of his or her PDAF. This initial letter contains a program or list of implementing agencies and the amount of PDAF to be released in order to guide DBM in its preparation and release of the SARO. The kickbacks or commissions – ranging from 40% to 60% of the PDAF amount involved – are received by the legislators personally or through their duly authorized representatives in the form of cash, fund transfer, manager's check or personal check issued by Napoles.

d) After the DBM issues the SARO representing the legislator's PDAF allocation, the legislator forwards a copy of said issuance to Napoles. She, in turn, remits the remaining portion of the kickback due the legislator.

e) The legislator soon writes another letter addressed to the IAs, advising them of his or her preferred NGO to undertake the PDAF project earlier identified. However, the NGO endorsed by the legislator are among those organized and controlled by Napoles. In fact, these NGOs were specifically set up by Napoles for the aforementioned purpose.

f) Upon receipt of the SARO, Napoles directs her staff – then including Benhur Luy, Marina Sula and Merlinda Suñas – to prepare the PDAF documents for the approval of the legislator, reflecting therein the preferred NGO to implement the undertaking. These PDAF documents include, among others: (a) project proposals by the identified NGO/s; and (b) indorsement letters to be signed by the legislator and/or his staff. Once signed by the legislator or his staff, the aforementioned PDAF documents are transmitted to the IAs which, in turn, handle the preparation of the MOA relating to the project, to be executed by the legislator's office, the IA and the NGO concerned.

g) The projects chosen are those authorized as eligible under the DBM's menu for pork barrel allocations. It bears noting that the NGO is directly endorsed by the legislator. No public bidding or negotiated procurement takes place.

h) Napoles, through her employees, would then follow up the release of the Notice of Cash Allocation (NCA) with the DBM. After the DBM releases the NCA to the IA concerned, the latter expedites the processing of the transaction and the release of the corresponding check representing the PDAF disbursement. Among those tasked by Napoles to pick up the checks and deposit the same to the bank accounts of the NGO concerned, were Luy and Suñas as well as accused De Leon and De Asis.

i) Once the funds are deposited to the NGO's account, Napoles calls the bank to facilitate the withdrawal thereof. Napoles' employees then withdraw the funds involved and remit the same to her.

j) To liquidate the disbursements, Napoles and her staff manufacture fictitious list of beneficiaries, liquidation reports, inspection reports, project activity reports and similar documents. These are all used to make it appear that the PDAF project was implemented.⁷

After the preliminary investigation, the Ombudsman found probable cause against petitioners for two (2) counts of violation of Section 3(e) of RA 3019, as amended, and two (2) counts of Malversation under the RPC. The Ombudsman indicted the petitioners of facilitating with "undue haste" the processing of the Special Allotment Release Orders (SAROs) and Notice of Cash Allocations (NCAs) pertaining to Cagas' PDAF allocation.

The SAROs and NCAs are documents necessary to enable the Implementing Agencies (IAs) to process the disbursement of the PDAF allocation to Napoles' Non-Government Organizations (NGOs) which turned out to be non-existent. In this case, the SAROs and NCAs are material in determining the amount of the commission or kickback due the legislator; and that the issuance thereof also signifies that the remaining commission is due the latter.

On April 4, 2017, the Sandiganbayan issued a Resolution directing the issuance of warrants of arrest against petitioners along with their co-accused after finding that there was probable cause and that all petitioners were probably guilty of the offenses respectively charged

⁷ Rollo, pp. 89-90.

against them.

Petitioners, however, filed a Joint Omnibus Motion: (1) Motion for Outright Dismissal for Clear Lack of Probable Cause; (2) Motion to Hold in Abeyance the Issuance of Warrants of Arrest; and (3) Motion for Bill of Particulars, dated April 3, 2017.⁸

On April 7, 2017, the Sandiganbayan issued an Order which treated the Joint Omnibus Motion as a motion for reconsideration of its Resolution dated April 4, 2017.

Ruling of the Sandiganbayan

On September 18, 2017, the Sandiganbayan issued the assailed Resolution⁹ denying, among others, herein petitioners' Joint Omnibus Motion for lack of merit. It maintained its earlier assessment that all the accused were probably guilty of the offenses respectively charged against them; that the factual and legal issues raised by petitioners should be passed upon after a full-blown trial; and that there was nothing vague in the phrase "*facilitated the processing of the aforementioned SARO and corresponding Notice of Cash Allocation*" in the Informations containing the factual averments constituting the elements of violation of Section 3(e) of RA 3019, as amended.

Hence, this petition.

Petitioners raised the following grounds for consideration of the Court, to wit:

The Grounds

RE: THERE IS NO PROBABLE CAUSE AGAINST PETITIONERS

I

THE SANDIGANBAYAN (SECOND DIVISION) GRAVELY ABUSED ITS DISCRETION, AMOUNTING TO LACK OR IN EXCESS OF JURISDICTION, IN FINDING PROBABLE CAUSE

⁸ *Id.* at 60.

⁹ *Id.* at 60-68.

AGAINST PETITIONERS IN THAT:

1. ON THE FACTS, SAROs, WHICH ARE INDISPENSABLE IN ANY GOVERNMENT EXPENDITURE, AND NCAs, ARE PREPARED BY DBM'S BUDGET AND MANAGEMENT BUREAUS (BMB), NOT BY PETITIONERS AT THE OFFICE OF PETITIONER RELAMPAGOS, THEN UNDERSECRETARY FOR OPERATIONS[;]
2. IN FACT, AS TESTIFIED TO BY DBM'S DIRECTOR CARMENCITA N. DELANTAR DURING THE BAIL HEARINGS BEFORE THE FIRST DIVISION, PETITIONERS HAD NO PARTICIPATION WHATSOEVER IN THE PREPARATION OF THE SAROs[;]
3. MOREOVER, PETITIONER RELAMPAGOS ONLY MINISTERIALLY SIGNS SAROs AS ALTERNATE OR SUBSTITUTE SIGNATORY OF THE DBM SECRETARY. WITHOUT ANY PARTICIPATION WHATSOEVER TO THE TWO (2) SAROs, PETITIONER RELAMPAGOS *A FORTIORI* CANNOT POSSIBLY FACILITATE THE ISSUANCE THEREOF[;]
4. AS TO PETITIONERS NUÑEZ, PAULE, AND BARE, THERE IS ABSOLUTELY NO EVIDENCE ON RECORD THAT THEY SIGNED OR EVEN INITIALLED ANY OF THE SAROs OR NCAs[;]
5. EVEN BENHUR LUY, IN HIS SWORN STATEMENTS DATED 12 SEPTEMBER 2013, 05 AUGUST 2013 AND 16 SEPTEMBER 2013 AND 12 SEPTEMBER 2013 TESTIMONY BEFORE THE SENATE, FAILED TO IMPUTE ANY SPECIFIC CRIMINAL ACT AGAINST PETITIONERS[;]
6. AS AFORESAID, OF THE TWO (2) SAROs SUBJECT OF THESE CASES, PETITIONER RELAMPAGOS SIGNED NAMELY ROCS 07-03351, ONLY IN HIS MINISTERIAL CAPACITY.
7. THE SUBJECT SAROs, SARO NOs. ROCS-07-03351 and ROCS-07-00046 WERE RELEASED ONLY AFTER SEVEN (7) AND NINETEEN (19) DAYS, RESPECTIVELY, WAY BEYOND THE "11 HOURS AND 15 MINUTES" MANDATE OF THE DBM CHARTER[;]
8. NO CONSTITUTIVE FACTS AND TECHNICAL STANDARDS WERE EVER ALLEGED IN THE INFORMATIONS TO SUPPORT THE PROSECUTION'S BARE AND SELF-SERVING CONCLUSION OF LAW OF ALLEGED "PROCESSING FACILITATION" AGAINST THE

PETITIONERS[;]

9. PETITIONERS [ARE] BELIED BY BENHUR LUY'S OWN ADMISSION, NOT ONLY ONCE BUT TWICE, BEFORE THE 12 SEPTEMBER 2013 SENATE BLUE RIBBON COMMITTEE HEARING THAT NO PART OF THE PDAF EVER WENT TO THE DBM[;]
10. PETITIONERS ARE NOT ACCOUNTABLE OFFICERS CONTEMPLATED UNDER THE REVISED PENAL CODE TO BE HELD LIABLE FOR THE CRIME OF MALVERSATION;
11. THERE IS NO CONSPIRACY FOR CONSPIRACY CANNOT BE PROVED BY MERE INFERENCE OR CONJECTURE.¹⁰

The allegations in the Joint Petitions are as follows:

The Sandiganbayan gravely abused its discretion, amounting to lack or excess of jurisdiction, in finding probable cause for the issuance of a warrant of arrest against petitioners considering that the SAROs, which are indispensable in any government expenditure, and the NCAs are prepared by the Department of Budget and Management's (DBM) Budget and Management Bureau-G (BMB-G) and not by petitioners at the Office of the Undersecretary. The SARO will be forwarded to the DBM Secretary for signature and it is only in the absence of the DBM Secretary that the Undersecretary for Operations will sign the SARO.

Clearly, Relampagos had limited participation in the release of the SAROs, *i.e.*, as an alternate, or substitute signatory in the absence or unavailability of the DBM Secretary. The other petitioners are mere staff members of Relampagos and had no participation in the preparation, review, evaluation, and approval of the SAROs.

During the bail hearings in the Plunder Case of Senator Ramon "Bong" Revilla, Jr. in Criminal Case No. SB-14-CRM-0240 before the Sandiganbayan, First Division), DBM's Director for BMB-G, Carmencita N. Delantar, testified and established that petitioners had no participation in the preparation and facilitation of the SAROs.

During the Senate Blue Ribbon Committee hearing, Luy admitted that no part of the PDAF ever went to the DBM.

¹⁰ *Id.* at 21-23.

The SARO with Nos. ROCS-07-03351 and ROCS-07-00046 became the basis for the finding of probable cause against petitioners by the Ombudsman. Of the two (2) SAROs subject of this case, Relampagos only signed SARO No. ROCS 07-03351 and only in his ministerial capacity, while the other petitioners did not sign any of the SAROs involved in this case.

Petitioners maintain that DBM has no control of the funds or property by reason of their office as contemplated by Article 217 of the RPC. Thus, the charge of Malversation does not hold water.

In the Comment,¹¹ the People of the Philippines, represented by the Office of the Ombudsman, through the Office of the Special Prosecutor, asserts the following:

The Sandiganbayan passed upon petitioners' repetitive motions and addressed each and every issue raised therein; and that the basis for its findings is clearly set forth based on the facts established by the evidence and pursuant to existing laws and applicable jurisprudence. The finding was only for probable cause to place them in custody to stand trial. Petitioners' guilt has not yet been determined.

The issue underlying the PDAF scam is not about the SARO *per se* but the attendant processes in its preparation, the participation of colluding public officers, the undue haste which characterized the SARO's release, and the plunder of the national treasury amounting to a palpable betrayal of the public trust.

The DBM and petitioners are the "indispensable link" in the release and disbursement of Cagas' PDAF allocation. They played an important role on perpetuating the whole PDAF scam.

Petitioners filed their separate Reply [to Comment of the Special Prosecutor],¹² but they substantially raise the same arguments. They argue that the Sandiganbayan, Second Division should adopt the First Division's Resolution dated August 28, 2014 in SB-14-CRM-0267 to 0282 finding no probable cause against petitioners with respect to charges involving SAROs not signed by Relampagos and entertaining a

¹¹ *Id.* at 87-103.

¹² *Id.* at 135-148.

serious doubt as to the existence of probable cause against petitioners with respect to charges involving the SAROs bearing Relampagos' signature. As in this case, SARO No. ROCS-07-00046 was not signed by Relampagos.

Further, petitioners rely on *People of the Philippines v. Honorable Sandiganbayan (First Division), et al.*¹³ where the Court sustained the Sandiganbayan's dismissal of the cases against the petitioners for lack of probable cause involving SAROs not signed by Relampagos.

Issue

Did the Sandiganbayan act without or in excess of jurisdiction or with grave abuse of discretion in issuing the challenged Resolution dated September 18, 2017 which denied petitioners' Joint Omnibus Motion: (1) Motion for Outright Dismissal for Clear Lack of Probable Cause; (2) Motion to Hold in Abeyance the Issuance of Warrants of Arrest; and (3) Motion for Bill of Particulars, dated April 3, 2017?

The Court's Ruling

The Court finds no merit in the petition.

To recall, petitioners' Joint Omnibus Motion: (1) Motion for Outright Dismissal for Clear Lack of Probable Cause; (2) Motion to Hold in Abeyance the Issuance of Warrants of Arrest; and (3) Motion for Bill of Particulars, dated April 3, 2017 was treated by the Sandiganbayan (Second Division) as a motion for reconsideration of its Resolution dated April 4, 2017 which directed the issuance of warrants of arrest against all petitioners.

As to the Propriety of Petitioners:

*1.) Motion for Determination
of Probable Cause.*

The Court in *People v. Castillo, et al.*¹⁴ briefly discussed the two

¹³ G.R. No. 219824-25, February 12, 2019.

¹⁴ 607 Phil. 754 (2009).

kinds of determination of probable cause, executive and judicial, to wit:

x x x 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 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 of probable cause in a case, is a matter that the trial court itself does not and may not be compelled to pass upon.

The judicial determination of probable cause, on the other hand, is one made by the judge to ascertain whether a warrant of arrest should be issued against the accused. The judge must satisfy himself that based on the evidence submitted, there is necessity for placing the accused under custody in order not to frustrate the ends of justice. If the judge finds no probable cause, the judge cannot be forced to issue the arrest warrant.¹⁵ (Emphasis supplied.)

After the Sandiganbayan's own judicial determination that there was a necessity for placing herein petitioners under custody, and accordingly issued arrest warrants against them, the issue as to the Ombudsman's finding of probable cause to indict petitioners is rendered moot.¹⁶

In other words, because the proceedings before the Ombudsman are distinct from those before the Sandiganbayan,¹⁷ *as soon as probable cause is already judicially determined*, all matters raised on the executive determination of probable cause already becomes moot¹⁸ such as in this case where petitioners' arguments are leading to the propriety of Ombudsman's finding of probable cause to indict them.

Among the arguments raised by petitioners in their Joint Petition are the following:

¹⁵ *Id.* at 764-765.

¹⁶ *Roquero v. Sandiganbayan (First Division)*, G.R. Nos. 203563, 203693-94, 203740-41, 203955-56, 203978-79 & 204208-09 (Notice), August 23, 2016.

¹⁷ *Id.*

¹⁸ *Id.*, citing *Sec. De Lima, et al. v. Reyes*, 776 Phil. 623 (2016).

- (1) The subject SAROs and NCAs were not prepared by the Office of Relampagos, but by DBMs BMB-G;
- (2) DBM's Director Carmencita N. Delantar testified during bail hearings before the Sandiganbayan (First Division), that petitioners had no participation whatsoever in the preparation of the SAROs;
- (3) Relampagos only signed the SAROs in his ministerial capacity and as an alternate or substitute signatory of the DBM Secretary; thus, without his participation whatsoever in the two SAROs subject of this case, he could not possibly facilitate the issuance thereof;
- (4) There was no evidence on record to show that Nuñez, Paule, and Bare signed any of the SAROs or NCAs;
- (5) The sworn statements dated September 12, 2013, August 5, 2013, and September 16, 2013 of Luy, and the latter's testimonies on September 12 and 16, 2013 before the Senate Blue Ribbon Committee Hearing failed to impute any specific criminal act against petitioners;
- (6) Of the two SAROs subject of this case, Relampagos only signed SARO No. ROCS 07-03351 in his ministerial capacity;
- (7) The Informations failed to include facts to support the prosecution's allegation of "undue haste" against the petitioners;
- (8) Per Luy's own admission before the Senate Blue Ribbon Committee Hearing on September 12, 2013, no part of the PDAF ever went to the DBM;
- (9) Petitioners are not accountable officers contemplated under the RPC to be held liable for the crime of malversation; and
- (10) The allegation of conspiracy was grounded on mere presumption or speculation.

Undeniably, these arguments are matters relating to the Ombudsman's finding of probable cause, which is in fact distinct from the finding of probable cause of Sandiganbayan for purposes of issuing a warrant of arrest. *By definition, probable cause for the purpose of issuing a warrant of arrest pertains to facts and circumstances which would lead a reasonably discreet and prudent person to believe that an offense has been committed by the person sought to be arrested.*¹⁹ As such, whether or not that function has been correctly discharged by the public prosecutor, or whether or not he has made a correct determination of the existence of probable cause, is a matter which the trial court itself does not and may not be compelled to pass upon.²⁰

Interestingly, petitioners herein argue that there is a patent lack of probable cause as the cases against them are built upon hearsay, and therefore inadmissible evidence being based merely on Luy's claims.²¹

The Court disagrees.

*"Probable cause can be established with hearsay evidence, as long as there is substantial basis for crediting the hearsay."*²² It needs further stressing that for the determination of probable cause, the average person weighs such facts and circumstances without knowledge of the technical rules of evidence and relies purely on common sense of which all reasonable persons have in abundance.²³ Therefore, for issuance of a warrant of arrest, the standard used is that which is less stringent than that used for establishing the guilt of the accused.²⁴

Verily, as long as the evidence presented shows a *prima facie* case against the accused, it creates a sufficient ground for the trial court judge to issue a warrant of arrest against him or her.²⁵

Needless to say, petitioners' act of filing a motion for determination of probable cause is superfluous because with or without this motion, the judge is duty-bound to personally evaluate the resolution

¹⁹ *Silver v. Daray*, G.R. No. 219157, August 14, 2019.

²⁰ *Id.*

²¹ *Rollo*, p. 147.

²² *Estrada v. Office of the Ombudsman*, G.R. Nos. 212761-62, 213473-74 & 213538-39, July 31, 2018, citing *Reyes v. Hon. Ombudsman*, 783 Phil. 304, 337 (2016).

²³ *Roquero v. Sandiganbayan (First Division)*, *supra* note 15.

²⁴ *Id.*

²⁵ *Silver v. Daray*, *supra* note 19, citing *De Joya v. Judge Marquez*, 516 Phil. 717, 721 (2006).

of the prosecutor and the supporting evidence;²⁶ and that once an Information is filed with the court, *the latter is tasked to first and foremost determine the existence or non-existence of probable cause for the arrest of the accused.*²⁷

In this case, the Sandiganbayan determined the existence of probable cause based on the resolution of the prosecution and its supporting evidence. As found by the Sandiganbayan, the records revealed the participation of each petitioner in the elaborate scheme of guiding or channeling Cagas' PDAF allocations to inexistent or ghost projects and consequently enabled them to misappropriate Cagas' PDAF.²⁸

Thus, having found probable cause against all petitioners, the Sandiganbayan properly issued warrants of arrest against them.

The Court hereby quotes the Sandiganbayan, *viz.*:

The determination of probable cause needs only to rest on evidence showing that more likely than not, a crime has been committed and there is enough reason to believe that it was committed by the accused. It need not be based on clear and convincing evidence of guilt, neither on evidence establishing absolute certainty of guilt. What is merely required is "probability of guilt." Its determination, too, 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.

It is also 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.²⁹

2.) Motion to Hold in Abeyance the Issuance of Warrants of Arrest.

²⁶ *Leviste v. Hon. Alameda, et al.*, 640 Phil. 620, 649 (2010).

²⁷ *Id.*, citing *Baltazar v. People, et al.*, 582 Phil. 275, 290 (2008).

²⁸ *Rollo*, p. 64.

²⁹ *Id.* at 64-65. Emphasis and underscoring omitted.

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As correctly ruled by the Sandiganbayan, with the issuance of the warrants of arrest against all petitioners, it follows therefore that this motion already became moot.

3.) *Motion for Bill of Particulars.*

For petitioners, the Informations for SB-17-CRM-0636 and 0637, in charging them for having "*facilitated the processing of the aforementioned SARO and the corresponding Notice of Cash Allocation x x x,*" lack sufficient definiteness or particularity which allegedly denied them of the opportunity to properly prepare their defense.

The Court is not persuaded.

Considering all the pleadings filed and arguments raised by petitioners regarding this case, the Court finds that they were able to intelligently address all the charges against them.


The Court finds that the factual and legal issues raised by petitioners are evidentiary matters and matters of defense that may be passed upon after a full-blown trial on the merits.

Certainly, there is no evidence that the Sandiganbayan abused, or acted in capricious and whimsical exercise of judgment amounting to lack or excess of jurisdiction in finding probable cause for the issuance of warrants of arrest against all petitioners. There is likewise no showing that the Sandiganbayan's power was exercised in an arbitrary and despotic manner.

Thus, the Sandiganbayan's finding of probable cause prevails over petitioners' one-sided and self-serving allegations of grave abuse of discretion on the part of the Sandiganbayan.

WHEREFORE, the petition is **DISMISSED**.

Accordingly, the Resolution dated September 18, 2017 issued by the Sandiganbayan, Second Division, in Criminal Case Nos. SB-17-CRM-0636 to SB-17-CRM-0640 is **AFFIRMED**.

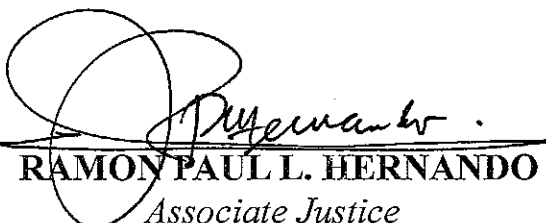


SO ORDERED.

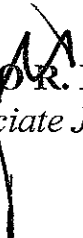

HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

(On official business)
MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

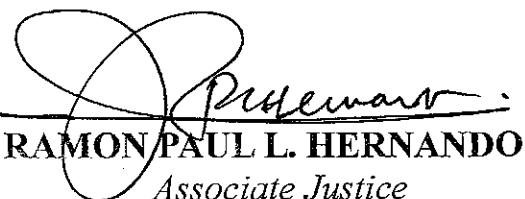

RAMON PAUL L. HERNANDO
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


RICARDO R. ROSARIO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA

Chief Justice