

Title: Jaime Dichaves v. Office of the Ombudsman and the Special Division of the Sandiganbayan (Sandiganbayan Special Division-Criminal Case No. 26558).  
December 07, 2016 (Case Brief / Digest)

Facts:

Jaime Dichaves was implicated in the highly publicized plunder case against former Philippine President Joseph Ejercito Estrada. After Estrada's impeachment, evidence suggested that Dichaves, allegedly having fled to China, conspired with Estrada and others to amass ill-gotten wealth through various means, including a "Jose Velarde" account, and transactions involving government finance institutions.

Two complaints (OMB-0-01-0211 and OMB-0-01-0291) were filed in 2001 accusing Dichaves and others of a web of corrupt practices culminating in plunder under RA No. 7080. The complaints drew from Estrada's impeachment trial contents and subsequent plunder trial before the Sandiganbayan (People v. Estrada).

Initially identified as John Doe in People v. Estrada, Dichaves resurfaced in 2010 seeking reinvestigation, claiming no preliminary investigation was ever conducted for him. The Sandiganbayan granted his motion and directed the Ombudsman to conduct the preliminary investigation.

The Ombudsman subsequently found probable cause to indict Dichaves for plunder, maintaining his indictment by Amended Information. Following its denial of his Motion for Reconsideration, Dichaves filed a Petition for Certiorari with the Supreme Court, challenging the Ombudsman's findings and seeking the annulment of the resolutions indicting him.

Issues:

1. Whether the Ombudsman committed grave abuse of discretion in finding probable cause against Dichaves.
2. Whether the Ombudsman correctly considered evidence not presented during the preliminary investigation.
3. Whether there was probable cause to charge Dichaves with plunder.

Court's Decision:

The Supreme Court dismissed the petition for lack of merit. The Ombudsman was held to have not committed grave abuse of discretion as it was empowered with broad investigative and prosecutorial functions to act on complaints against officials. The Court also noted that the preliminary investigation's purpose was not a full-blown trial, hence technical rules of

Sandiganbayan Special Division-Criminal Case No. 26558),  
evidence did not bind it. Thus, the Ombudsman could rely on established facts from related  
cases and did not rely on inadmissible evidence as claimed by Dichaves. The Court affirmed  
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the Ombudsman's findings that there was probable cause to indict Dichaves for plunder.

#### Doctrine:

The Ombudsman has broad discretion in determining probable cause in the prosecution of public officials. The Supreme Court typically does not interfere with such determinations unless there is a clear showing of grave abuse of discretion. Preliminary investigations are merely to determine sufficient evidence for probable cause and do not entail the full breadth of trial rights, including the right to cross-examination.

#### Historical Background:

The case centers on the aftermath of the 2001 political crisis in the Philippines, which led to the ousting of President Joseph Estrada following accusations of corruption leading to his impeachment and subsequent trial for plunder. Dichaves was implicated as a conspirator in the accumulation of Estrada's alleged ill-gotten wealth.

#### Class Notes:

- In discussing the crime of plunder, the elements under RA No. 7080 include:
  1. The offender is a public officer.
  2. The public officer amassed, accumulated or acquired ill-gotten wealth.
  3. The ill-gotten wealth amounts to at least P50 million.
  4. The amassment, accumulation, or acquisition is through a series, combination, or pattern of overt or criminal acts as enumerated in Section 1(d) of RA No. 7080.
- As for statutory provisions, the elements of probable cause and the procedure in preliminary investigations can be aligned with the Rules of Court, which provide a standardized set of guidelines for legal proceedings in the Philippines. Furthermore, the role of the Ombudsman in prosecuting public officials is underpinned by the constitutional and statutory mandates provided in Article XI, Section 5, and Section 13 of the Philippine Constitution, and Republic Act No. 6770, respectively.
- This statutory framework was applied to the case at hand wherein the Ombudsman's resolution to indict based on probable cause was contested, but found to be within the bounds of the Ombudsman's discretion and mandate.