

Title: Senator Jinggoy Ejercito Estrada v. Office of the Ombudsman, et al.

Facts:

This case involves the legal question of whether Senator Jinggoy Ejercito Estrada was denied due process during the preliminary investigation conducted by the Office of the Ombudsman concerning complaints filed against him and others for Plunder and violations of the Anti-Graft and Corrupt Practices Act (RA 3019) relating to the Priority Development Assistance Fund (PDAF) scam.

The detailed procedural posture is as follows:

1. On November 25, 2013, the Ombudsman served upon Sen. Estrada a copy of the complaint in OMB-C-C-13-0313, filed by the NBI and Atty. Baligod, praying for criminal proceedings for Plunder as defined in RA 7080 be conducted against Sen. Estrada and others. Sen. Estrada filed his counter-affidavit on January 9, 2014.
2. On December 3, 2013, the Ombudsman served upon Sen. Estrada a copy of the complaint in OMB-C-C-13-0397, filed by the FIO of the Ombudsman, also praying for criminal proceedings for Plunder and violation of Section 3(e) of RA 3019. He filed his counter-affidavit on January 16, 2014.
3. Multiple co-respondents submitted their counter-affidavits between December 9, 2013, and March 14, 2014.
4. On March 20, 2014, Sen. Estrada filed a “Request to be Furnished with Copies of Counter-Affidavits of the Other Respondents, Affidavits of New Witnesses and Other Filings” in OMB-C-C-13-0313, invoking his rights under Section 3, Rule 112 of the Rules of Court and the Rules of Procedure of the Office of the Ombudsman.
5. On March 27, 2014, the Ombudsman denied Sen. Estrada’s request, stating that there was no provision in the rules entitling him to the documents he requested.
6. On March 28, 2014, the Ombudsman issued a Joint Resolution finding probable cause to indict Sen. Estrada and his co-respondents for one count of Plunder and 11 counts of violation of Section 3(e) of RA 3019.
7. Sen. Estrada filed a Motion for Reconsideration on April 7, 2014, which was supported by a Petition for Certiorari he filed with the Supreme Court on May 7, 2014, without seeking reconsideration of the March 27 Order.

8. On May 12, 2014, Sen. Estrada moved to suspend the Ombudsman proceedings due to the petition before the Supreme Court. The Ombudsman denied this motion on May 15 and June 3, 2014.

9. As of June 2, 2014, Sen. Estrada had not filed any comment on the counter-affidavits furnished to him.

10. On June 4, 2014, the Ombudsman denied Sen. Estrada's Motion for Reconsideration.

Issues:

The legal issues raised are:

1. Whether the Office of the Ombudsman committed grave abuse of discretion amounting to a lack or excess of jurisdiction in denying Sen. Estrada's request to be furnished with copies of his co-respondents' counter-affidavits, affidavits of new witnesses, and other filings.
2. Whether the Office of the Ombudsman violated Sen. Estrada's constitutional right to due process of law.
3. Whether Sen. Estrada's actions constitute forum shopping.

Court's Decision:

In dismissing the Petition for Certiorari, the Court held that:

1. There is no law or rule requiring the Ombudsman to furnish a respondent with counter-affidavits of co-respondents. The Rules of Court and the Ombudsman's own procedural rules require only that the respondent be given access to evidence submitted by the complainant, which Sen. Estrada did receive. The Ombudsman's decision not to provide further documentation did not violate Sen. Estrada's constitutional right to due process.
2. Sen. Estrada's petition was premature as he did not file a Motion for Reconsideration against the March 27, 2014 Order of the Ombudsman, nor did he wait for the resolution of his Motion for Reconsideration of the Ombudsman's Joint Resolution finding probable cause.
3. The Petition for Certiorari constitutes forum shopping as Sen. Estrada raised the same due process violation issue in his Motion for Reconsideration pending before the Ombudsman, and in the Petition for Certiorari filed with the Supreme Court. This violates the rule against multiple suits based on the same transaction.

Doctrine:

The Supreme Court reaffirmed that a respondent in a preliminary investigation has no right to be furnished with counter-affidavits of co-respondents. The respondent's right to examine evidence is limited to evidence submitted by the complainant, as per Rule 112 of the Rules of Court and the Rules of Procedure of the Office of the Ombudsman. Filing of multiple suits based on the same transaction constitutes forum shopping and may result in sanction or dismissal of the case(s).

Class Notes:

- In preliminary investigations, respondents have the right to submit counter-affidavits and examine evidence submitted by the complainant.
- Respondents are not entitled to be furnished with counter-affidavits of their co-respondents. (Section 3, Rule 112 of the Rules of Court; Rule II of the Ombudsman's Rules of Procedure)
- Forum shopping, the act of filing multiple suits involving the same parties for the same cause of action, can lead to the dismissal of cases.

Historical Background:

The context of this case is set in the larger scandal surrounding the PDAF or "pork barrel", where multiple public officials were implicated in the misuse of public funds in non-existent projects. The Office of the Ombudsman, in pursuing its Constitutional mandate to investigate and prosecute government officials accused of crimes, conducted the preliminary investigations that led to the indictment of Senator Estrada and his co-respondents. This controversial case exemplifies the intersection of procedural due process in preliminary investigations and the challenges of combating high-level corruption.