

****Title:**** Carlos L. Reynes vs. Office of the Ombudsman (Visayas), Lucrecia M. Amores, and Maribel Hontiveros

****Facts:****

Carlos L. Reynes, manager of Blue Reef Beach Resort Cottages and Hotel, filed a complaint with the Office of the Ombudsman (Visayas) against Lucrecia M. Amores, Barangay Captain of Marigondon, Lapu-Lapu City, Cebu, and Maribel Hontiveros, a member of the Sangguniang Barangay. Reynes claimed Amores demanded increased garbage collection fees without ordinance or other regulatory authorization, despite Lapu-Lapu City already imposing its garbage fees. The situation escalated when the collection frequency decreased, yet fees doubled. After challenging the fee hike and the lack of authority to levy such fees, the Barangay ceased trash collection for the resort. Reynes' efforts to resolve the situation were futile, leading to his legal action which was eventually dismissed by the Ombudsman, prompting a petition for certiorari under Rule 65 claiming grave abuse of discretion.

****Issues:****

1. Whether the Ombudsman (Visayas) committed grave abuse of discretion in dismissing Reynes' complaint against Amores and Hontiveros.
2. Whether probable cause exists to charge Amores for violating Article 213(2) of the Revised Penal Code.
3. The applicability of the legal doctrine regarding the determination of probable cause by prosecutors and its review by courts.

****Court's Decision:****

The Court partly granted the petition, finding grave abuse of discretion by the Ombudsman in dismissing the charge against Amores for illegal exactions under Article 213(2) of the Revised Penal Code. The Court ordered that an information be filed against Amores for the said violation. The decision highlighted that determinations of probable cause are generally an executive function not to be disturbed by courts unless characterized by grave abuse. A nuanced analysis revealed that Amores' collection of garbage fees without lawful authority and under the guise of "donations" met the elements for illegal exactions. Therefore, she must stand trial. Conversely, no probable cause was found against Hontiveros as her involvement did not extend to demanding or facilitating illicit collections.

****Doctrine:****

Determining probable cause for criminal information is fundamentally an executive function. Courts generally do not interfere with prosecutors' determinations except in cases of grave

abuse of discretion. Moreover, probable cause is evaluated based on likelihood rather than certainty, relying more on common sense than on unequivocal evidence.

****Class Notes:****

- Grave Abuse of Discretion: A whimsical or capricious judgment equivalent to lack or excess of jurisdiction, correctible by certiorari.
- Probable Cause: Sufficient belief founded on facts and circumstances indicating that a crime has been committed and the accused is likely guilty.
- Elements of Illegal Exactions under Article 213(2) of the Revised Penal Code: (1) The offender must be a public officer entrusted with the collection of fees without being authorized by law, (2) such officer demands payment of sums larger than authorized or collects unauthorized items.

****Historical Background:****

This case underscores the principles governing the function of prosecutors in determining probable cause and delineates the boundaries of judicial review addressing executive decisions on criminal charges. It highlights the judiciary's role in correcting executive abuses of discretion, ensuring checks and balances within the branches of government while protecting the procedural rights of individuals against unwarranted or unauthorized public official actions.