

**\*\*Title:\*\*** Susana B. Cabahug vs. People of the Philippines: A Scrutiny of Probable Cause and Judicial Oversight in Graft Charges

**\*\*Facts:\*\***

The case originates from a negotiated contract by the Department of Education, Culture and Sports (DECS), represented by Susana B. Cabahug, for the purchase of 46,000 units of Topaz Monobloc Armchairs from Rubber Worth Industries Corporation (RWIC). The purchase, approved by then DECS Secretary Ricardo T. Gloria, faced objection for being allegedly overpriced, leading to a complaint for violation of Republic Act No. 3019 against Cabahug, Gloria, and others.

The Office of the Ombudsman-Mindanao, through Graft Investigation Officer Jovito A. Coresis, Jr., found probable cause against Cabahug, but not against the others. This led to the filing of information against Cabahug with the Sandiganbayan. Upon learning of the case, Cabahug sought reconsideration, which led to an Office of the Special Prosecutor review recommending dismissal for lack of evidence of bad faith or gross negligence. However, Ombudsman Aniano Desierto disagreed, insisting on prosecution.

Cabahug's subsequent motions for re-determination of probable cause were denied by the Sandiganbayan, treating them as impermissible successive motions for reconsideration, leading to this petition for certiorari asserting grave abuse of discretion by the Sandiganbayan.

**\*\*Issues:\*\***

1. Whether the Sandiganbayan committed grave abuse of discretion in denying Cabahug's motions for re-determination of existence of probable cause.
2. Whether the prosecution of Cabahug constitutes a violation of her right to due process.

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

The Supreme Court granted the petition, finding merit in Cabahug's assertions. It outlined that the determination of probable cause is traditionally a function of the prosecution, but when this discretion is exercised with grave abuse, judicial intervention is warranted. The Court determined there was a grave abuse of discretion, as evident from the divergent opinions within the Office of the Ombudsman and the absence of clear evidence of Cabahug's bad faith or gross negligence. The Court directed the Sandiganbayan to dismiss the case against Cabahug for want of probable cause.

**\*\*Doctrine:\*\***

The Court reiterated that while the Ombudsman has wide discretion in conducting preliminary investigations and determining probable cause, such discretion must not be exercised arbitrarily or capriciously. Judicial review of the Ombudsman's actions is permissible in instances where there is a grave abuse of discretion amounting to lack or excess of jurisdiction. Also, good faith is always presumed, and anyone alleging bad faith must prove it.

**\*\*Class Notes:\*\***

1. **\*\*Probable Cause in Preliminary Investigations:\*\*** The Ombudsman must determine the existence of probable cause based on a thorough review of evidence, not merely on suspicion or allegation.
2. **\*\*Non-interference Principle:\*\*** Courts usually do not interfere with the prosecutorial discretion of the Ombudsman, except in cases of grave abuse of discretion.
3. **\*\*Good Faith Presumption:\*\*** In public service, good faith is presumed in the performance of duties. Allegations of bad faith require substantial proof.

**\*\*Historical Background:\*\***

The case presents a scenario wherein the actions of a public official, acting under the directives of higher authority within a government department, are scrutinized under anti-graft laws. It underscores the complex interplay between administrative discretion, procurement procedures, and anti-corruption legislation in the Philippines. The resolution of the case reaffirms the principle of good faith and careful evidentiary review in the prosecution of graft charges, reflecting the judiciary's role in ensuring justice and fairness in the administrative actions of public officials.