

****Title:**** Regino Sy Catiis vs. Court of Appeals, et al. (G.R. No. 157866)

****Facts:****

1. On May 28, 2001, Regino Sy Catiis filed a letter-complaint against Reynaldo A. Patacsil, Enrico D. Lopez, Luzviminda A. Portuguese, and Margielyn Tafalla for syndicated estafa under Article 315, No. 2(a) of the Revised Penal Code in relation to PD No. 1689.
2. Except for Tafalla, the accused submitted joint counter-affidavits denying the charges.
3. On October 10, 2001, Assistant City Prosecutor Alessandro D. Jurado found probable cause for syndicated estafa, recommending no bail.
4. An Information was filed against the accused at the Regional Trial Court (RTC) of Quezon City, Branch 96.
5. On November 7, 2001, Judge Lucas P. Bersamin issued an Order affirming probable cause and the non-bailability of the offense.
6. Following this, warrants of arrest were issued; all accused except Tafalla, who remained at large, were detained at Makati City Jail.
7. On November 12, 2001, the arraignment was set for November 20, 2001, with the accused filing an urgent motion to fix bail.
8. The accused were arraigned and pleaded not guilty on November 20, 2001.
9. Judge Bersamin reconsidered his earlier order on December 18, 2001, allowing the offense asailable, noting that only four individuals were charged, failing the definition of a syndicate under PD No. 1689.
10. On December 21, 2001, despite the temporary restraining order filed by Catiis in the CA, Executive Judge Monina Zenarosa approved the surety bonds, and the accused were released.
11. On June 14, 2002, the CA denied Catiis's petition, stating no grave abuse of discretion was committed in the judge's orders.
12. Unsatisfied, Catiis sought relief from the Supreme Court, challenging the decision of the CA.

****Issues:****

1. Whether the Court of Appeals erred in affirming the RTC's ruling that the crime charged is not syndicated estafa under PD No. 1689 due to not meeting the required number of conspirators.
2. Whether the grant of bail was in violation of procedural rules given the nature of the penalty imposable for the crime charged.
3. Whether the release of the respondents by the Executive Judge was valid and within jurisdiction.

Court's Decision:

1. **First Issue:** The Supreme Court agreed with the CA that the offense charged did not constitute syndicated estafa, as defined by PD No. 1689, which requires at least five persons. Since only four were charged, the lower penalty applied.
2. **Second Issue:** The Court upheld the RTC's recalibration of the charge to a bailable offense. With the penalty ranging only to reclusion temporal due to the absence of a syndicate and no alleged aggravating circumstances, the defendants are entitled to bail.
3. **Third Issue:** The filing of bail and its approval by the Executive Judge in the absence or unavailability of the trial judge was in accordance with procedural rules. The presumption of regularity was not overturned by allegations without substantive proof.

Doctrine:

- PD No. 1689 defines a syndicate as requiring at least five persons. The explicit statutory requirements must be adhered to strictly.
- An Information must allege aggravating circumstances to affect the computation of the penalty; failure bars the imposition of stiffer penalties.
- Bail may be posted in cases not involving penalties of reclusion perpetua or life imprisonment if there are no aggravating circumstances alleged or proven.

Class Notes:

- **Syndicate Definition (PD No. 1689):** Consisting of five or more persons.
- **Estafa Requirements:** Under Article 315 of the Revised Penal Code as per PD No. 1689, necessitates a syndicate for higher penalties.
- **Bail:** Rule 114 of Revised Rules of Criminal Procedure, dictates bail procedures and rights.
- **Default Presumption:** Rule 131, Section 3, mandates that official duties, like the court's approval of bail, are presumed regularly conducted unless proven otherwise.

Historical Background:

- **PD No. 1689** was promulgated during martial law under President Marcos, responding to rampant syndicate crimes, and aimed at providing stringent penalties for syndicated criminal activities to combat increasing public economic offenses.