

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. DR. DAVID A. SOBREPEÑA, SR., DR. MONA LISA DABAO, DR. POLIXEMA ADORADA, DEOBELA FORTES AND LIRIO CORPUZ, RESPONDENTS.

G.R. No. 204063. December 05, 2016

Ponente: DEL CASTILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-204063/>

DEL CASTILLO, J.:

Before us is a Petition for Review on Certiorari seeking to reverse and set aside the Decision[1] dated January 31, 2012 and Resolution[2] dated October 3, 2012 of the Court of Appeals (CA) in CA-G.R. SP No. 116733 filed by People of the Philippines (petitioner) against Dr. David A. Sobrepeña, Sr., Dr. Mona Lisa Dabao, Dr. Polixema Adorada, Deobela Fortes and Lirio Corpuz (collectively respondents).

The factual antecedents as synthesized by the CA are as follows:

Respondents are officers and employees of Union College of Laguna, an educational institution in Santa Cruz, Laguna. They were charged in several informations for allegedly committing Estafa and Large Scale Illegal Recruitment before the Regional Trial Court (RTC) of Santa Cruz, Laguna. By reason thereof, respondents were incarcerated. Invoking the provisions of Section 13, Article III of the Constitution and Section 7, Rule 114 of the Rules of Court[3] and in their belief that the evidence of their guilt is not strong, respondents filed a Petition for Bail.

In opposition to the Petition, the prosecution presented Adelfo Carandang who testified that:

x x x [S]ometime in June 2008, he saw an advertisement with the phrase "Work, Earn and Live in Canada" printed on a tarpaulin placed on the walls of Union College. Thereafter, after consulting with his wife, he visited the said institution and inquired about the said advertisement. He met private-respondent Deobela Fortes who introduced herself as the Director for Career and Placement of Union College. The latter told him that Union College is engaged in Careers and Enhancement Program and it is offering seminars, trainings and workshops and that through its Canadian partner known as Infoskills Learning Incorporated of British Columbia (INFOSKILLS) it is offering high-quality certification classes endorsed by the British Columbia Ministry of Health and Tourism, Worksafe British Columbia and the Canadian Red Cross, INFOSKILLS is delivery partner of British Columbia Ministry of Health and Tourism, Canadian Red Cross, Construction Safety Network, Enform and it is the training agency of Worksafe British Columbia. Also, he was informed that GDX Visa and Immigration Incorporated of British Columbia will be providing work and immigration assessment program for all participants. Fortes allegedly assured him that the graduates of the program will be hired as restaurant host, hostess, food and beverage service banquet server and a host of other jobs in food and beverage industry in Canada with a monthly fee of 1,500.00 Canadian Dollars; that he can soon become an immigrant of Canada and be able to bring his family with him after becoming such; that the program is on a first come first served basis. Thus, enticed with this promise of a bright future, he immediately paid the fees and enrolled himself for the first batch. These include the \$2,500 USD for visa and placement fees plus Php15,000.00 for English Language Proficiency (ELP) fee.

Carandang also testified that the other private-respondents were also very much active in luring him to join the program. In fact, Dr. Dabao and Dr. David Sobrepeña told him to wait for his employment contract. But none was forthcoming, hence the filing of Estafa and Large Scale Illegal Recruitment cases against the herein petitioners.

Upon cross-examination, Carandang testified that he is a college graduate, having finished Bachelor of Science in Marketing and Commerce. He confirmed that he knew Union College to be a school in Santa Cruz for a long time and that its officers and employees never had cases for illegal recruitment. He further attested that in the particular flyer that he got the actual statement was not quoted in full. The complete statement in the flyer being that: "INVEST IN YOUR FUTURE GET THE SKILLS YOU NEED TO WORK EARN AND LIVE IN CANADA., x x x

x x x x

With respect to the registration form that he signed, Carandang admitted that although in his judicial affidavit he stated that the \$2,500 USD he paid was for visa processing fees or job placement fees, however, the registration form that he actually signed does not contain words of such import. In fact, the \$2,500 USD, as stated in the registration form was for the courses in entry level in food and hospitality which he admitted to have actually attended under the tutelage of two Canadian instructors who served as their professors. Furthermore, Carandang testified on cross that while he mentioned in his judicial affidavit that the alleged victims paid 12 Million pesos, such conclusion is his mere estimate and he has no personal knowledge of the actual amount.

On re-direct, Carandang adamantly alleged that herein petitioners were saying things different from what the flyers and advertisement purported. He alleged that the petitioners assured him that he will be working in Canada and though he was part of the 37 persons who were alleged to have been hired 100% by "dairy cream franchisers", he was, however, not able to go abroad.

Prosecution also presented Sherlene G. Furiscal, Jaypee P. Sarmiento and Jaymalyn R. Jabay who identified their judicial affidavits and affirmed the contents thereof. They also corroborated the testimony of Adelfo D. Carandang.[4]

Ruling of the Regional Trial Court

After a summary hearing conducted and based on the summary of evidence, the RTC in an Order[5] dated September 9, 2010, denied the Petition to Bail, viz.:

From the foregoing, after the requisite hearing on the Petition to Bail and based on the obtained summary of evidence from the exhibits presented by the prosecution, this Court finds that there is evident proof against all the accused. This Court holds that the evidence of guilt for all the accused is STRONG.

WHEREFORE, premises considered, the Petition to Bail filed by all the accused is hereby DENIED.

SO ORDERED.[6]

The Motion for Reconsideration filed by the respondents was denied in an Order[7] dated October 18, 2010.

Ruling of the Court of Appeals

Unsatisfied, respondents filed before the CA a Petition for Certiorari under Rule 65 of the Rules of Court. Respondents assailed the Orders of the RTC for having been issued with grave abuse of discretion amounting to lack or in excess of jurisdiction in ruling that the evidence of guilt is strong despite the presence of evidence to the contrary. They attacked the propriety of the RTC rulings on the ground that the prosecution's own documentary evidence negates the claim that Union College promised employment abroad for a fee.

The CA was convinced that the RTC acted with grave abuse of discretion amounting to lack or in excess of jurisdiction in rendering the assailed Orders. According to the CA, there is doubt as to whether there is strong evidence against respondents for the charge of estafa or large scale illegal recruitment; that the evidence available on record merely showed that Union College provided the venue and the English language training course; that the trial court failed to appreciate the fact that the prosecution purposely took out of context the statement appearing in the flyer i.e., "INVEST IN YOUR FUTURE GET THE SKILLS YOU NEED TO WORK, EARN, AND LIVE IN CANADA"; that there were no statements to the effect that Union College is acting as a job placement agency; that there is no direct evidence to show that Carandang was illegally enticed by respondents to enroll at Union College; that there is no direct evidence showing that respondents overtly represented that they have the power to send the trainees abroad for employment; and finally, there is no evidence that respondents are flight risk.

Thus, on January 31, 2012, the CA disposed the Petition as follows:

WHEREFORE, the foregoing premises all considered, the petition is GRANTED. 1be Orders dated September 9, 2010 and October 18, 2010 of the Regional Trial Court, Branch 27 of Santa Cruz, Laguna in Criminal Case Nos. SC-14043 to SC-14053; SC-14057; SC-14092 to SC-14102 and SC-14103 are hereby NULLIFIED and SET ASIDE. The public respondent is hereby ORDERED to GIVE DUE COURSE to the Petition for Bail filed by the petitioners in accordance with this Decision.

SO ORDERED.[8]

Petitioner's Motion for Reconsideration was denied per Resolution dated October 3, 2012.

Thus, petitioner filed a Petition for Review on Certiorari for the reversal and setting aside of the January 31, 2012 CA Decision and its October 3, 2012 Resolution and likewise prayed that the impugned Orders of the RTC be reinstated.

Petitioner invokes as ground for the allowance of this Petition the alleged CA's serious reversible error when it nullified and set aside the Orders of the RTC which it claimed to have correctly denied the Petition for Bail because the evidence of respondents' guilt was strong.

Our Ruling

We rule in favor of the petitioner.

Section 13, Article III of the Constitution provides:

Section 13. All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

Section 7, Rule 114 of the Rules of Court also states that no person charged with a capital offense or an offense punishable by reclusion perpetua or life imprisonment, shall be admitted to bail when the evidence of guilt is strong, regardless of the stage of the criminal action.

Thus from the above-cited provisions and in cases involving non-bailable offenses, what is controlling is the determination of whether the evidence of guilt is strong which is a matter of judicial discretion that remains with the judge.[9] The judge is under legal obligation to conduct a hearing whether summary or otherwise in the discretion of the court to determine the existence of strong evidence or lack of it against the accused to enable the judge to make an intelligent assessment of the evidence presented by the parties. "The court's grant or refusal of

bail must contain a summary of the evidence of the prosecution on the basis of which should be formulated the judge's own conclusion on whether such evidence is strong enough to indicate the guilt of the accused." [10] In *People v. Plaza*, [11] the Court defined a summary hearing and expounded the court's discretionary power to grant bail to an accused. "A summary hearing is defined as 'such brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of hearing which is merely to determine the weight of evidence for the purposes of bail.' On such hearing, the Court does not sit to try the merits or to enter into any nice inquiry as to the weight that ought to be allowed to the evidence for or against the accused, nor will it speculate on the outcome of the trial or on what further evidence may be therein offered and admitted. The course of inquiry may be left to the discretion of the court which may confine itself to receiving such evidence as has reference to substantial matters, avoiding unnecessary examination and cross-examination." [12]

In the present case, the RTC held a summary hearing and based on the summary of evidence, formulated its conclusion in denying the Petition to Bail. Respondents impugned said finding through a Petition for Certiorari. The CA gave due course to the Petition imputing grave abuse of discretion on the part of the RTC in denying bail to respondents. The CA held that based on the evidence thus far presented by the prosecution in the bail hearing, the evidence of guilt is not strong against Union College particularly its employees and officers with respect to the charges filed against them.

From a perspective of the CA Decision, the issue therein resolved is not so much on the bail application but already on the merits of the case. The matters dealt therein involved the evaluation of evidence which is not within the jurisdiction of the CA to resolve in a Petition for Certiorari. The findings and assessment of the trial court during the bail hearing were only a preliminary appraisal of the strength of the prosecution's evidence for the limited purpose of determining whether respondents are entitled to be released on bail during the pendency of the trial.

We would like to stress that "a writ of certiorari may be issued only for the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction, not errors of judgment. It does not include correction of the trial court's evaluation of the evidence and factual findings thereon. It does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof." [13]

An act of a court or tribunal may only be considered to have been committed in grave abuse of discretion when the same was "done contrary to the Constitution, the law or jurisprudence or x x x executed 'whimsically or arbitrarily' in a manner so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined." [14]

No such circumstances exist in this case as to justify the issuance of a writ of certiorari by the CA. On the contrary, the RTC acted in complete accord with law and jurisprudence in denying bail in favor of respondents.

WHEREFORE, premises considered, the Petition is GRANTED. The assailed Decision dated January 31, 2012 and Resolution dated October 3, 2012 of the Court of Appeals in CA-G.R. SP No. 116733 are hereby declared null and void and thus set aside and the Orders dated September 9, 2010 and October 18, 2010 of the Regional Trial Court, Branch 27, Santa Cruz, Laguna are REINSTATED.

SO ORDERED.

Carpio, (Chairperson), Brion, Mendoza, and Leonen, JJ., concur.

[1] CA rollo, pp. 766-775; penned Associate Justice Edwin D. Sorongon and concurred in by Associate Justices

Noel G. Tijam and Romeo F. Barza.

[2] Id. at 850-851.

[3] SEC. 7. Capital offense or an offense punishable by reclusion perpetua or life imprisonment, not bailable. - No person charged with a capital offense, or, an offense punishable by reclusion perpetua or life imprisonment, shall be admitted to bail when evidence of guilt is strong, regardless of the stage of the criminal prosecution.

[4] CA rollo, pp. 767-769.

[5] Id. at 26-30.

[6] Id. at 30.

[7] Id. at 31-34.

[8] Id. at 774.

[9] Pros. Jamora v. Judge Bersales, 488 Phil. 22, 31 (2004).

[10] Id. at 30.

[11] 617 Phil. 669 (2009).

[12] Id. at 674.

[13] Chan v. Chan, 590 Phil. 116, 132 (2008).

[14] St. Mary of the Woods School, Inc. v. Office of the Registry of Deeds of Makati City, 596 Phil. 778, 795 (2009).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.