

JESSICA LUCILA G. REYES, PETITIONER, VS. THE HONORABLE SANDIGANBAYAN THIRD DIVISION AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 243411. August 19, 2020

Ponente: REYES, J. JR., J.

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REYES, J. JR., J.:

Before the Court is the Petition for Certiorari[1] under Rule 65 of petitioner Jessica Lucila G. Reyes who ascribes to respondent Sandiganbayan, Third Division, grave abuse of discretion in issuing Resolution dated June 28, 2018 (hereinafter June 28 Resolution)[2] which denied her motion for bail ad cautelam, and Resolution dated December 7, 2018 (hereinafter December 7 Resolution)[3] which similarly denied her motion for reconsideration and supplemental motion for reconsideration in SB-14-CRM-0238, entitled People of the Philippines v. Juan Ponce Enrile.

Relevant Facts and Proceedings

In 2014, petitioner and four other persons were arrested and charged for plunder based on the following Information filed by the Office of the Ombudsman:

In 2004 to 2010 or thereabout[s], in the Philippines, and within this Honorable Court's jurisdiction, above-named accused JUAN PONCE ENRILE, then a Philippine Senator, JESSICA LUCILA G. REYES, then Chief of Staff of Senator Enrile's Office, both public officers, committing the offense in relation to their respective offices, conspiring with one another and with JANET LIM NAPOLES, RONALD JOHN LIM, and JOHN RAYMUND DE ASIS, did then and there willfully, unlawfully, and criminally amass, accumulate, and/or acquire ill-gotten wealth amounting to at least ONE HUNDRED SEVENTY TWO MILLION EIGHT HUNDRED THIRTY FOUR THOUSAND FIVE HUNDRED PESOS (Php172,834,500.00) through a combination or series of overt criminal acts, as follows:

(a) by repeatedly receiving from NAPOLES and/or her representatives LIM, DE ASIS, and others, kickbacks or commissions under the following circumstances: before, during and/or after the project identification, NAPOLES gave, and ENRILE and/or REYES received, a percentage of the cost of a project to be funded from ENRILE'S Priority Development Assistance Fund (PDAF), in consideration of ENRILE'S endorsement, directly or through REYES, to the appropriate government agencies, of NAPOLES' non- government organizations which became the recipients- and/or target implementors of ENRILE'S PDAF projects, which duly-funded projects turned out to be ghosts or fictitious, thus enabling NAPOLES to misappropriate the PDAF proceeds for her personal gain;

(b) by taking undue advantage, on several occasions, of their official positions, authority, relationships, connections, and influence to unjustly enrich themselves at the expense and to the damage and prejudice, of the Filipino people and the Republic of the Philippines.

CONTRARY TO LAW.[4]

Over the period of 2014 through 2018, a number of incidents revolving around the sufficiency of the weight and value of the prosecution's testimonial and documentary evidence were resolved by this Court.

In *Reyes v. Hon. Ombudsman*[5] the Court upheld the findings of the Office of the Ombudsman and the Sandiganbayan that the allegations and evidence in SB-14-0328 engender probable cause to believe that petitioner 1) acted in conspiracy with her co-accused, and 2) committed one count of plunder and 15 counts of violation of Section 3(e) of Republic Act (R.A.) No. 3019. The Court summarized the allegations against petitioner as follows:

Petitioners are all charged as co-conspirators for their respective participations in the anomalous Priority Development Assistance Fund (PDAF) scam, involving, as reported by whistle-blowers Benliur Luy (Luy), Marina Sula (Sula), and Merlina Suñas (Suñas), the illegal utilization and pillaging of public funds sourced from the PDAF of Senator Juan Ponce Enrile (Senator Enrile) for the years 2004 to 2010, in the total amount of P172,834,500.00 x x x Tersely put, petitioners were charged for the following acts:

(a) Reyes, as Chief of Staff of Senator Enrile during the times material to this case, for fraudulently processing the release of Senator Enrile's illegal PDAF disbursements — through: (1) project identification and cost projection;(2) preparation and signing of endorsement letters, project reports, and pertinent documents addressed to the Department of Budget and Management (DBM) and the Implementing Agencies (IAs); and (3) endorsement of the preferred JLN controlled Non-Government Organizations (NGOs) to undertake the PDAF-funded project — and for personally receiving significant portions of the diverted PDAF funds representing Senator Enrile's "share," "commissions," or "kickbacks" therefrom, as well as her own.[6] (Citations omitted)

x x x x

The evidence which the Court declared sufficient to establish probable cause that petitioner was part of a conspiracy and that she performed a central role in it are "records x x x that [petitioner] as Chief of Staff of Senator Juan Ponce Enrile (Senator Enrile), dealt with the parties involved; signed documents necessary for the immediate and timely implementation of the Senator's PDAF-funded projects that, however, turned out to be "ghost projects;" and repeatedly received "rebates," "commissions," or "kickbacks" for herself and for Senator Enrile representing portions of the latter's PDAF." [7] The Court adopted the following summary of the accounts of the whistle-blowers Luy, Sula, and Suñas regarding the participation of petitioner:

[O]nce a PDAF allocation becomes available to Senator Enrile, his staff, in the person of either respondent Reyes or [Atty. Jose Antonio Evangelista, the then Deputy Chief of Staff of Senator Enrile], would inform Tuason of this development. Tuason, in turn, would relay the information to either Napoles or Luy. Napoles or Luy would then prepare a listing of the projects available where Luy would specifically indicate the implementing agencies. This listing would be sent to Reyes who would then endorse it to the DBM under her authority as Chief-of-Staff of Senator Enrile. After the listing is released by the Office of Senator Enrile to the DBM, Janet Napoles would give Tuason a down payment for delivery to Senator Enrile through Reyes. After the SARO and/or NCA is released, Napoles would give Tuason the full payment for delivery to Senator Enrile through Atty. Gigi Reyes.[8]

The Court further held that the foregoing account "is corroborated in all respects by Tuason's verified statement," specifically the following pertinent parts:

11.... It starts with a call or advise from Atty. Gigi Reyes or Mr. Jose Antonio Evangelista (also from the Office of Senator Enrile) informing me that a budget from Senator Enrile's PDAF is available. I would then relay this information to Janet Napoles/Benhur Luy.

12. Janet Napoles/Benhur Luy would then prepare a listing of the projects available indicating the

implementing agencies. This listing would be sent to Atty. Gigi Reyes who will endorse the same to the DBM under her authority as Chief-of-Staff of Senator Enrile.

13. After the listing is released by the Office of Senator Enrile to the DBM, Janet Napoles would give me a clown payment for delivery for the share of Senator Enrile through Atty. Gigi Reyes.

14. After the SARO and/or NCA is released, Janet Napoles would give me the full payment for delivery to Senator Enrile through Atty. Gigi Reyes.

15. Sometimes Janet Napoles would have the money for Senator Enrile delivered to my house by her employees. At other times, I would get it from her condominium in Pacific Plaza or from Benhur Luy in Discovery Suites. When Benhur Luy gives me the money, he would make me scribble on some of their vouchers [or] even sign under the name "Andrea Reyes," [Napoles's] codename for me. This is the money that I would deliver to Senator Enrile through Atty. Gigi Reyes.

16. I don't count the money I receive for delivery to Senator Enrile. I just receive whatever was given to me. The money was all wrapped and ready for delivery when I get it from Janet Napoles or Benhur Luy. For purposes of recording the transactions, I rely on the accounting records of Benhur Luy for the PDAF of Senator Enrile, which indicates the date, description and amount of money I received for delivery to Senator Enrile.

x x x x

18. As I have mentioned above, I personally received the share of Senator Enrile from Janet Napoles and Benhur Luy and I personally delivered it to Senator Enrile's Chief-of-Staff, Atty. Gigi Reyes. Sometimes she would come to my house to pick up the money herself. There were also instances when I would personally deliver it to her when we would meet over lunch. There were occasions when Senator [Enrile] would join us for a cup of coffee when he would pick her up. For me, his presence was a sign that whatever Atty. Gigi Reyes was doing was with Senator Enrile's blessing.

x x x x

25. Initially, I was in-charge of delivering the share of Senator Enrile to Atty. Gigi Reyes, but later on, I found out that Janet Napoles dealt directly with her. Janet Napoles was able to directly transact business with Atty. Gigi Reyes after I introduced them to each other. This was during the Senate hearing of Jocjoc Bolante in connection with the fertilizer fund scam. Janet Napoles was scared of being investigated on her involvement, so she requested me to introduce her to Atty. Gigi Reyes who was the Chief of Staff of the [sic] Senate President Enrile. (Emphases supplied, in the original, and citation omitted)[9]

The Court then concluded that, on the basis of the foregoing evidence, there is probable cause to charge petitioner:

Indeed, these pieces of evidence are already sufficient to engender a well-founded belief that the crimes charged were committed and Reyes is probably guilty thereof as it remains apparent that: (a) Reyes, a public officer, connived with Senator Enrile and several other persons (including the other petitioners in these consolidated cases as will be explained later) in the perpetuation of the afore-described PDAF scam, among others, in entering into transactions involving the illegal disbursement of PDAF funds; (b) Senator Enrile and Reyes acted with manifest partiality and/or evident bad faith by repeatedly endorsing the JLN-controlled[10] NGOs as beneficiaries of his PDAF without the benefit of public bidding and/or negotiated procurement in violation of existing laws, rules, and regulations on government procurement; (c) the PDAF-funded projects turned out to be inexistent; (d) such acts caused undue injury to the government, and at the same time, gave unwarranted benefits, advantage, or preference to the beneficiaries of the scam; and (e) Senator Enrile, through Reyes, was able to accumulate and acquire ill-gotten wealth amounting to at least P172,834,500.00.[11] (Citation omitted)

The foregoing conclusions of the Court took into account the issues raised by petitioner that the evidence against her are weak and insufficient. The accounts of the whistle-blowers are hearsay and unsubstantiated as they "merely mentioned her name in general terms but did not positively declare that they saw or talked with her at any time or that they had seen her receive money from Janet Napoles or anyone else connected with the latter." Even her purported "signatures found on the documentary evidence presented were forged, falsified, and fictitious." [12] The Court addressed these issues, thus:

Assuming arguendo that such whistleblower accounts are merely hearsay, it must be reiterated that — as held in the Estrada case — probable cause can be established with hearsay evidence, so long as there is substantial basis for crediting the same. As aforesaid, the modus operandi used in advancing the PDAF scam as described by the whistle-blowers was confirmed by Tuason herself, who admitted to having acted as a liaison between Janet Napoles and the office of Senator Enrile. The Ombudsman further pointed out that the collective statements of Luy, Sula, Suñas, and Tuason find support in the following documentary evidence: (a) the business ledgers prepared by witness Luy, showing the amounts received by Senator Enrile, through Tuason and Reyes, as his "commission" from the so-called PDAF scam; (b) the 2007-2009 Commission on Audit (COA) Report documenting the results of the special audit undertaken on PDAF disbursements — that there were serious irregularities relating to the implementation of PDAF-funded projects, including those endorsed by Senator Enrile; and (c) the reports on the independent field verification conducted in 2013 by the investigators of the FIO which secured sworn statements of local government officials and purported beneficiaries of the supposed projects which turned out to be inexistent. Clearly, these testimonial and documentary evidences are substantial enough to reasonably conclude that Reyes had, in all probability, participated in the PDAF scam and, hence, must stand trial therefor.

x x x x

Finally, anent Reyes's claim that her signatures in the documentary evidence presented were false, falsified, and fictitious, it must be emphasized that "[a]s a rule, forgery cannot be presumed and must be proved by clear, positive[,] and convincing evidence and the burden of proof lies on the party alleging forgery. The best evidence of a forged signature in the instrument is the instrument itself reflecting the alleged forged signature. The fact of forgery can only be established by comparison between the alleged forged signature and the authentic and genuine signature of the person whose signature is theorized' upon to have been forged." Here, Reyes has yet to overcome the burden to present clear and convincing evidence to prove her claim of forgery, especially in light of the following considerations pointed out by the Office of the Solicitor General in its Comment on the petition in G.R. Nos. 212593-94: (a) in a letter dated March 21, 2012 addressed to the COA, Senator Enrile himself admitted that his signatures, as well as those of Reyes, found on the documents covered by the COA's Special Audit Report are authentic; and (b) Rogelio Azores, the supposed document examiner who now works as a freelance consultant, aside from only analyzing photocopies of the aforesaid documents and not the originals thereof, did not categorically state that Reyes's signatures on the endorsement letters were forged. As there is no clear showing of forgery, at least at this stage of the proceedings, the Court cannot subscribe to Reyes's contrary submission. Notably, however, she retains the right to raise and substantiate the same defense during trial proper. [13] (Citations omitted)

Meanwhile, in *Enrile v. Sandiganbayan*, [14] the Court ordered the provisional release of co-accused Enrile on account of the latter's frail health, without addressing the issue of whether there is strong evidence against said accused. On the other hand, in *Napoles v. Sandiganbayan*, [15] this Court upheld the denial of the bail application of co-accused Napoles in view of strong evidence as to 1) the existence of a conspiracy to commit plunder involving Napoles and her co-accused, and 2) Napoles' commission of acts of plunder and corruption. The conclusion of the Court on the existence of conspiracy reads:

Seeing as it would be difficult to provide direct evidence establishing the conspiracy among the accused, the Sandiganbayan may infer it "from proof of facts and circumstances which, taken together, apparently indicate

that they are merely parts of some complete whole." It was therefore unnecessary for the Sandiganbayan to find direct proof of any agreement among Napoles, former Senator Enrile and Reyes. The conspiracy may be implied from the intentional participation in the transaction that furthers the common design and purpose. As long as the prosecution was able to prove that two or more persons aimed their acts towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment, the conspiracy may be inferred even if no actual meeting among them was proven.

Here, the implied conspiracy among Napoles and her co-accused was proven through various documentary and testimonial evidence showing that they acted towards the common goal of misappropriating the PDAF of former Senator Enrile.[16] (Citations omitted)

The "interlocking evidence" of implied conspiracy to which the Court referred consisted of the testimony of Garcia regarding the modus operandi whereby the PDAF of Senator Enrile were released to bogus non--government organizations for ghost projects;[17] the testimonies of the local officials whose local government units were designated as beneficiaries but never received any of the proceeds of the projects; the testimonies of the whistle-blowers regarding their own participation in the scheme; and the testimony of Tuason that she "personally met with Napoles to negotiate the respective shares of the conspirators, and received the amount on behalf of former Senator Enrile, which she subsequently turned over to Reyes." [18] In view of this evidence, the Court concluded:

It is plain from the foregoing that Napoles and her co-accused, as well as the former employees of Napoles who were eventually admitted as State witnesses, had a common design and objective — to divert the PDAF of former Senator Enrile from its lawful purpose and to their own personal accounts. The individuals involved in this case performed different criminal acts, which contributed, directly or indirectly, in the amassing, accumulation, and acquisition of ill-gotten wealth. Consistent with the doctrine on implied conspiracy, these actions on the part of Napoles and her co-accused are sufficient to prove the existence of a "concurrence in sentiment," regardless of any proof that an actual agreement took place.[19]

Prior to the release of the decision of the Court in *Napoles v. Sandiganbayan*, herein petitioner applied for bail on May 30, 2017.[20] Respondent Sandiganbayan, Third Division, denied the application in the assailed June 28, 2018 Resolution, thus:

WHEREFORE, premises considered, the Motion for Bail ad cautelam dated May 29, 2017 filed by accused-movant Atty. Jessica Lucia G. Reyes, through counsel, is hereby DENIED for lack of merit.[21]

Petitioner's motion for reconsideration and supplemental motion for reconsideration were denied in the assailed December 7, 2018 Resolution.[22]

Issues and Arguments

Petitioner seeks the reversal of the resolutions of the Sandiganbayan on the following grounds:

I

THE RESPONDENT COURT GRIEVOUSLY ERRED IN FINDING THE TESTIMONY OF THE PROSECUTION'S PRINCIPAL WITNESS, RUBY TUASON, AS STRONG EVIDENCE THAT PETITIONER REYES COMMITTED THE CRIME OF PLUNDER OR CONSPIRED TO COMMIT THAT CRIME WITH HER CO-ACCUSED, HER [TUASON'S] TESTIMONY BEING VAGUE, INCONCLUSIVE, UNCORROBORATED AND WORSE, CONTRADICTED BY OTHER EVIDENCE OF THE PROSECUTION.

- The respondent Court erred in holding that some payments were made by Ruby Tuason in the house of

Petitioner Reyes because in truth, Ruby Tuason never made any such claim.

- Tuason's bare and general claim that Petitioner Reyes received various unspecified sums from her is vague, inconclusive and totally uncorroborated by any evidence of the Prosecution;
- The respondent Court failed to consider established facts and circumstances extant from the Prosecution's evidence which additionally rendered the testimony of Tuason unreliable and not worthy of belief.

II

THE TESTIMONY OF COA COMMISSIONER SUSAN GARCIA THAT THE ENDORSEMENT LETTERS ATTRIBUTED TO PETITIONER REYES "ACTUALLY TRIGGERED THE START OF THIS SO-CALLED 'PORK BARREL SCAM'" IS HEARSAY AND INCONSISTENT WITH HER OWN TESTIMONY BECAUSE FAR FROM PRECIPITATING ANY EVENT, THE EVIDENCE SHOW THAT THE PDAF FUNDS OF SENATOR ENRILE WERE PROCESSED, RELEASED AND DISBURSED EVEN WITHOUT PETITIONER REYES' SUPPOSED LETTERS.

III

THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN FAILING TO RESOLVE (1) PETITIONER REYES' MOTION FOR BAIL AD CAUTELAM WITHIN THE REGLEMENTARY PERIOD OF NINETY (90) DAYS FROM DATE OF SUBMISSION MANDATED IN SECTION 6 OF PD NO. 1606 AND IN SETTLED JURISPRUDENCE; AND (2) PETITIONER REYES' MOTION FOR RECONSIDERATION AND SUPPLEMENTAL MOTION FOR RECONSIDERATION WITHIN THE NON-EXTENDIBLE PERIOD OF TEN (10) CALENDAR DAYS FROM DATE OF SUBMISSION OF THE MOTION MANDATED IN SUBHEADING III, ITEM 10(a) OF A.M. NO. 15-06-10-SC, OR THE REVISED GUIDELINES FOR CONTINUOUS TRIAL OF CRIMINAL CASES.

IV

THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN DENYING PETITIONER REYES BAIL BY PRINCIPALLY ADOPTING BY REFERENCE, THE PRONOUNCEMENTS AND FINDINGS MADE BY THIS HONORABLE COURT IN ITS DECISION DATED 7 NOVEMBER 2017 IN G.R. NO. 224162 ENTITLED "JANET LIM NAPOLES V. SANDIGANBAYAN (THIRD DIVISION)," A CASE INVOLVING ACCUSED NAPOLES' PETITION FOR BAIL.

- In the adjudication of cases pending before it, whether criminal or civil, the respondent Court cannot take judicial notice of the contents of the records of other cases, even when such cases have been tried or are actually pending before the respondent Court.
- The Court Order granting or denying bail should be based on the evidence presented at the bail hearing.
- Petitioner Reyes cannot and should not be prejudiced by the respondent Court's adverse ruling on the Petition for Bail filed by accused Napoles subject of the Resolutions dated 16 October 2015 and 2 March 2016, which was affirmed by this Honorable Court in G.R. No. 224162, Petitioner Reyes being a stranger to both proceedings.

V

IN ITS ASSAILED RESOLUTIONS DATED 28 JUNE 2018 AND 7 DECEMBER 2018, THE RESPONDENT COURT ADOPTED BY REFERENCE NOT ONLY THE TESTIMONIES OF THE FOURTEEN (14) OTHER PROSECUTION WITNESSES ACCEPTED BY PETITIONER REYES, BUT THE TESTIMONIES OF THE FIVE (5) PROSECUTION WITNESSES WHOM COUNSEL FOR PETITIONER REYES RESERVED FOR CROSS-EXAMINATION. THE TESTIMONIES OF THESE

NINETEEN (19) PROSECUTION WITNESSES DO NOT SUBSTANTIATE, BUT IN FACT NEGATE, THE RESPONDENT COURT'S FINDING THAT THERE IS [EVIDENT PROOF] THAT PETITIONER REYES PARTICIPATED IN THE PDAF SCHEME AND MUST NECESSARILY BE DENIED TEMPORARY LIBERTY.

VI

THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN ISSUING THE ASSAILED RESOLUTION DATED 28 JUNE 2018 WHICH IS DEFECTIVE IN FORM AND SUBSTANCE IN THAT IT DID NOT CONTAIN A COMPLETE SUMMARY OF THE EVIDENCE OFFERED BY THE PROSECUTION, ON THE BASIS OF WHICH THE HONORABLE COURT FORMULATED ITS OWN CONCLUSION AS TO WHETHER OR NOT THE EVIDENCE SO PRESENTED IS STRONG ENOUGH TO INDICATE THE GUILT OF PETITIONER REYES FOR THE CRIME OF PLUNDER CHARGED.

VII

IN ISSUING THE ASSAILED RESOLUTIONS, THE RESPONDENT COURT ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN THAT IT DISREGARDED THE TESTIMONIAL AND DOCUMENTARY EVIDENCE PRESENTED BY THE PROSECUTION DURING THE BAIL HEARINGS ON PETITIONER REYES' MOTION FOR BAIL AD CAUTELAM WHICH NEGATE THE RESPONDENT COURT'S FINDING THAT PETITIONER REYES "ACTED TOWARDS THE COMMON GOAL OF MISAPPROPRIATING THE PDAF OF FORMER SENATOR ENRILE."

IX

THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN MERELY COPYING WITHOUT MORE, THIS HONORABLE COURT'S RULING IN ITS DECISION DATED 7 NOVEMBER 2017 IN G.R. NO. 224162 ON THE PRESENCE OF AN "IMPLIED CONSPIRACY AMONG ACCUSED NAPOLES AND HER CO-ACCUSED." IT IS WELL-SETTLED THAT CONSPIRACY MUST BE PROVED CLEARLY AND CONVINCINGLY AS THE COMMISSION OF THE OFFENSE ITSELF FOR IT IS A FACILE DEVICE BY WHICH AN ACCUSED MAY BE ENSNARED AND KEPT WITHIN THE PENAL FOLD.[23]

Ruling

The petition lacks merit.

Procedural Grounds

Petitioner would have the Court set aside the resolution denying her bail application, and issue an order setting her provisionally free on the ground that the Sandiganbayan acted with grave abuse of discretion in taking more than five months to issue said resolution, thereby violating the three-month period prescribed under Section 6 of Presidential Decree 1606, and more than five months to resolve her motion for reconsideration and supplemental motion for reconsideration, thereby violating the 10-day non-extendible period prescribed under Part III, Section 10(a) of A.M. No. 15-06-10-SC[24] (Revised Guidelines for Continuous Trial of Criminal Cases).[25]

In other words, petitioner refers to the delay in only one segment of the proceedings in SB-14-CRM-0238, that is, her bail application, and argues that said delay constitutes a violation of her right to speedy disposition, which violation in turn warrants a reversal of the resolutions of the Sandiganbayan denying her bail application. Petitioner does not argue that the delay stalled the entire trial, or that the consequent violation of her right to speedy disposition deprived the Sandiganbayan of jurisdiction as would warrant the dismissal of the entire case against her.

In addition, petitioner questions the sparse discussion of the facts and the law in the assailed resolutions.[26]

The Court holds that delay in one segment which does not stall the main proceedings in the entire case does not give rise to a violation of the right of a party to speedy trial or disposition; much less, when the delay in one segment can be attributed to the conduct of said party of swarming the court with other incidental motions and petitions that can sap its time and attention. Moreover, petitioner asks too much of bail proceedings, which need not be comprehensive or detailed, for all that is required is a mere summary treatment of a limited question of whether there is strong evidence against the bail applicant.[27]

Segment delay vis-a-vis delay in the totality of a case

In several cases where it exercised administrative supervision, the Court imposed sanctions on judges for failing to resolve the main[28] or incidental and interlocutory[29] issues in criminal[30] and civil[31] cases within either the fixed period prescribed by law[32] or the rules of court[33] or, where no period is prescribed, within a reasonable time.[34] While in these administrative cases the Court declared that the delay constituted a violation of the right of a party to speedy trial or disposition, it characterized the inaction, for periods varying from two[35] to 10[36] years, of the respondent judges as mere breach of duty,[37] undue[38] or unreasonable[39] delay, or gross inefficiency,[40] rather than as grave or ordinary abuse of authority or discretion as defined in administrative cases.[41] Moreover, the cases or motions were merely ordered to be resolved with dispatch.[42]

On the other hand, in a number of civil,[43] criminal[44] or administrative cases,[45] the Court has declared that delay which is oppressive, capricious and vexatious[46] constitutes a violation of the right of a party to speedy trial or disposition. In those cases, the delay took place during either the preliminary investigation stage,[47] the trial stage[48] or the resolution of a mere incidental or interlocutory matter.[49] Moreover, the consequent violation of the right to speedy trial or disposition warranted the ouster of the court of jurisdiction and the dismissal of the cases.[50]

It is notable that even where the delay occurred in only one segment involving the proceedings on or the resolution of an interlocutory matter, the resulting violation of the right to speedy trial or disposition led to the dismissal of the entire case.[51] However, in those instances, the Court assessed the delay in one segment in relation to the totality of the trial or disposition of the case, and found that the segment delay stalled the entire case.

In the present petition, there is no doubt that the Sandiganbayan incurred delay in one segment for it failed to resolve an interlocutory matter within the period prescribed by law and the rules of court.[52] However, there is no allegation much less evidence by petitioner that this segment delay stalled the entire proceedings in a way that is vexatious, capricious and oppressive. On the contrary, petitioner and her co-accused saddled the Sandiganbayan with numerous and simultaneous incidents that, in the long-run, had the effect of slowing it down as it attends to these various incidents and, at the same time, resolve the main case.

Reason for the delay in the trial of a case or the disposition of an incident therein is among the four indicators of whether such delay is oppressive and vexatious as to amount to a violation of the right of a party to speedy trial or disposition.[53] This particular test entails an examination of the conduct of the court and the parties in both the main case and the specific segments.[54]

As explained by the Sandiganbayan in its December 7, 2018 Resolution, the delay was due to the need for the ponente, who had just been appointed and was fresh to the case, to examine the 17 volumes of pleadings and motions and the testimonies of 19 witnesses who had been presented before the Sandiganbayan as well as the Philippine Senate.[55] Moreover, after the ponente prepared the draft resolution, this was circulated among the

other two members of the court. Meanwhile, the main case, proceeded apace even as several other incidents also had to be resolved. The Court takes cognizance of these other incidents as most of them were elevated to it for review. It therefore takes into consideration that the members of respondent court had to address simultaneously, not just the main case, but also the various incidents that were initiated by petitioner and her co-accused.[56]

Thus, set against the pace of the entire proceedings in SB-14-CRM-0238, the delay in the segment involving petitioner's bail application is not unreasonable. As the Ombudsman argued in its Comment, taking into account practical considerations, the delay does not amount to a violation of the right of petitioner to speedy disposition.[57] It does not warrant a declaration that the Sandiganbayan acted with grave abuse of discretion in issuing the resolutions.

Sufficiency of resolutions on bail applications

Moreover, as bail applications pertain to a collateral issue, and the proceedings thereon are summary in nature and "avoid unnecessary thoroughness,"[58] the resolution denying or granting bail need not be detailed or exhaustive. In fact, an exhaustive treatment of the evidence runs the risk of preempting the outcome of the substantive issues of the main case. A resolution is sufficient if it informs the applicant and oppositor of the facts and the law that form the basis of the denial or grant of bail.

The June 28, 2018 Resolution is sufficient. It apprises the parties of the facts and the evidence relied upon by the Sandiganbayan. Though not detailed, the narrative and discussion inform the applicant of the outcome and explain the reasons therefor. Moreover, whatever details petitioner may have found wanting in the June 28, 2018 Resolution, the Sandiganbayan supplied in its December 7, 2018 Resolution in which 240 pages were devoted to poring over and weighing the prosecution's evidence.[59]

In sum, petitioner failed to establish that, on procedural grounds, the Sandiganbayan acted with grave abuse of discretion.

Substantive Grounds

On the bases of the substantive grounds raised by petitioner, the issues to be resolved by the Court are as follows:

The first issue is whether or not the Sandiganbayan committed grave abuse of discretion in invoking and applying the findings and rulings of the Court in *Napoles v. Sandiganbayan* to resolve the bail application of petitioner. This issue underlies the fourth and eighth grounds raised by petitioner.

The second issue is whether or not the Sandiganbayan committed grave abuse of discretion in declaring that the prosecution presented strong evidence of the guilt of petitioner. This issue underlies the first, second, fifth and seventh grounds raised by petitioner.

The Court holds that its findings and conclusions in *Napoles v. Sandiganbayan* regarding the strength of the evidence on the existence of conspiracy and the commission of acts of plunder and corruption by *Napoles* are not binding on the right to bail of petitioner. The Sandiganbayan was mistaken when it applied these findings and conclusions wholesale to resolve the bail application of petitioner. Nonetheless, the Court's definition of the legal rule regarding the type of evidence necessary to establish conspiracy is the law of the case that shall govern even petitioner's bail application. Moreover, the Court's assessment of the credibility of the witnesses and the reliability of their testimonies is relevant. Finally, the Court notes that the Sandiganbayan arrived at its own determination that there is strong evidence that petitioner was in conspiracy with her co-accused and that she committed the acts of plunder and corruption for which she was charged. This assessment is well-founded. Thus, the Sandiganbayan did not act with grave abuse of discretion in declaring that there is strong evidence of the guilt of petitioner, and in

denying her bail application.

First issue: applicability of *Napoles v. Sandiganbayan*

In its Resolution dated June 28, 2018, the Sandiganbayan held that while the Decision of this Court in *Napoles v. Sandiganbayan* pertains to the bail application of Napoles, nonetheless there is "no sound reason not to adopt the same" given that the conclusions in said case "delve not only directly on the facts of this [Reyes'] case but also substantively on the testimonies given by the prosecution witnesses recalled by accused-movant Reyes." [60] To ignore *Napoles v. Sandiganbayan*, is to "render inadequate any findings" on petitioner's bail application. [61]

Accordingly, on the question of the existence of conspiracy, the Sandiganbayan adopted the findings and conclusions of this Court in *Napoles v. Sandiganbayan* that "the implied conspiracy among Napoles and [her] co-accused was proved through various documentary and testimonial evidence showing that they acted towards the common goal of misappropriating the PDAF of former Senator Enrile." [62] On the question of the strength of the testimonies of the witnesses as evidence regarding the commission of the acts of plunder, the Sandiganbayan relied on the following rulings of this Court in said case:

First, that "the respective testimonies of Commissioner Garcia and the supposed beneficiaries were corroborated on material points by the whistleblowers;" [63] and

Second, that the testimonies of the whistleblowers "were consistent, clear, and corroborative of each other" and that "[o]ther testimonial and documentary evidence also substantiated the veracity of the whistleblowers' statements during the bail hearing [on Napoles' application]." [64]

The Sandiganbayan overruled the objection of petitioner to the direct application of the ruling of this Court in *Napoles v. Sandiganbayan*. According to the Sandiganbayan as co-conspirator petitioner was indicted based on the same set of facts and evidence presented against Napoles. [65] Even the evidence presented at the bail hearing of petitioner were exactly those that were cited in *Napoles v. Sandiganbayan*. [66] At said hearing, petitioner accepted the testimonies of the prosecution witnesses who were presented at Napoles' bail hearing, except the testimonies of Garcia, Sula, Suñas, Luy and Tuason. [67] As to the testimonies of the five witnesses, the Court's ruling in *Napoles v. Sandiganbayan* is that these are reliable, consistent, clear and corroborative of each other. [68]

Petitioner argues before this Court that the Sandiganbayan acted with grave abuse of discretion when it took judicial notice of the contents of the records of another case [69] to which petitioner is a stranger. [70] Even the finding of conspiracy in *Napoles v. Sandiganbayan* is not binding on petitioner, for conspiracy must be proved by evidence of overt act separate from the crime itself. [71]

Both parties are partly mistaken.

Inapplicability of *res judicata* and conclusiveness of judgment

This Court has adopted two mechanisms to enforce the principle of estoppel and bar the relitigation of issues between the same parties or their privies regarding a right, fact or matter that have been fully and finally adjudicated upon.

The doctrine of *res judicata* under Section 47(b), Rule 39, Rules of Court bars a second case on the basis of a former final judgment if the following elements are present: there is a former final judgment that was rendered on the merits; the court in the former judgment had jurisdiction over the subject matter and the parties; and there is identity of parties, subject matter and cause of action between the first and second cases. [72] Conclusiveness of judgment under Section 47(c) operates under the same element, except that there is identity only of issues and parties, but not of causes of action. [73] For this reason, except in those instances allowed under the law or rules of

court,[74] a former final judgment rendered by a competent court in another action between the same parties based on a different claim or cause of action will not bar a second case; however, as said former final judgment is conclusive, "any right, fact, or matter in issue directly adjudicated or necessarily involved in the determination of an action before a competent court in which judgment is rendered on the merits is conclusively settled by the judgment therein, and cannot again be litigated between the parties and their privies whether or not the claim, demand, purpose, or subject matter of the two actions is the same." [75]

Res judicata applies to civil cases[76] while conclusiveness of judgment has been applied also to criminal cases and administrative cases.[77] However, neither is an appropriate device for grafting this Court's findings and conclusions in *Napoles v. Sandiganbayan* unto SB-14-CRM-0238, whether in the main proceedings or incidental proceedings. Our decision in *Napoles v. Sandiganbayan* attained finality but it is not the final say on the matter of conspiracy or commission of plunder by Napoles or her co-accused. Our decision pertained to an interlocutory order denying the bail application of Napoles. Being interlocutory, the order is not immutable for it remains under the control of the Sandiganbayan to maintain or change, depending on new developments in the presentation of evidence before it.[78]

Law of the case

The concept of law of the case is more appropriate, for our decision in *Napoles v. Sandiganbayan* declared a legal rule that is controlling of the determination of the existence of conspiracy among the accused in SB-14-CRM-0238.[79] As quoted earlier, this legal rule is that the conspiracy need not be established by direct evidence. Rather, it can be inferred from the totality of the facts and circumstances regarding their participation that they pursued a common design and purpose. No direct proof of agreement is necessary.

This rule shall govern the determination of whether there is strong evidence of the involvement of petitioner in the conspiracy to commit plunder and corruption by causing the release of the PDAF for ghost projects and the diversion of the funds to the accused persons. It should be emphasized that applying to petitioner's bail application the foregoing law of the case as defined in *Napoles v. Sandiganbayan* is quite different from denying petitioner's bail application because, as held in *Napoles v. Sandiganbayan*, the prosecution had presented strong evidence against Napoles and, by extension, her co-conspirators.

Relevance of *People v. Escobar*

Moreover, the Court is aware that in *People v. Escobar*[80] the provisional release of the alleged co-conspirators of Manuel Escobar was regarded as "a new development" which warranted the grant of the latter's second bail application. One particular new matter was that, due to the weakness of the testimony of the state witness, Rolando Fajardo, an alleged co-conspirator and adviser of the kidnap-for-ransom group, was released on bail.[81] As the testimony of this state witness was declared unreliable, and said testimony is the basis of Rolando's and Escobar's "alleged participation in the crime,"[82] the Court held that the continued refusal by the trial court to provisionally release Escobar was a violation of the latter's fundamental rights and liberty.[83]

Thus, though not binding, the findings and conclusions of this Court in *Napoles v. Sandiganbayan* regarding the strength of the evidence of the prosecution on the existence of conspiracy involving Napoles and her co-accused, and the commission of acts of plunder and corruption by Napoles, must be taken into account by the Sandiganbayan for purposes of a complete assessment of the credibility of the witnesses and the reliability of their testimonies.

Petitioner invoked *Occidental Land Transportation v. Court of Appeals*[84] that courts are "not authorized to take judicial notice of the contents of the records of other cases, even when such have been tried or are pending in the

same court, and notwithstanding the fact that both cases may have been heard or are actually pending before the same judge." [85] This rule is hardly applicable. As the Sandiganbayan pointed out in its December 7, 2018 Resolution, petitioner requested that the same sets of witnesses, testimonies and documentary evidence that were presented at the bail application of Napoles be deemed submitted in her (petitioner's) own application, subject to cross-examination of five selected witnesses. Thus, the evidence to which the Sandiganbayan referred were those already submitted to it in connection petitioner's bail application.

As the same sets of witnesses, testimonies and documents regarding the same events and characters were submitted in both bail applications, and as this Court in *Napoles v. Sandiganbayan* had declared the credibility of these witnesses, the reliability of their testimonies and the evidentiary value of their documents, it would have been bizarre if the Sandiganbayan had compartmentalized those same evidence, and declared that as to the parts pertaining to petitioner, the witnesses were untrustworthy, their testimonies unconvincing and their documentary evidence untruthful.

In summary, in its June 28, 2018 Resolution the Sandiganbayan was mistaken in adopting wholesale our findings and conclusion in *Napoles v. Sandiganbayan* as though it were a final and binding determination of the right to bail of petitioner. However, this Court's delineation of the governing law in *Napoles v. Sandiganbayan* is applicable to petitioner's bail application. The Court's assessment of the credibility of the witnesses and the reliability of their testimonies are also indispensable.

Second issue: strength of the evidence of the prosecution

Having adopted the law of the case in *Napoles v. Sandiganbayan* that conspiracy need not be established by direct evidence, and having due regard to the conclusion in said case that the witnesses for the prosecution are credible and their testimonies reliable, the Court must now consider whether petitioner established that grave abuse of discretion marred the Sandiganbayan's assessment that there is strong evidence of the guilt of petitioner.

By strong evidence of guilt, the law contemplates more than evidence that engenders a belief that a crime has probably been committed and that it has been committed by the accused. [86] However, it is less than evidence beyond reasonable doubt, but rather evident guilt or a great presumption of guilt [87] such as would lead a dispassionate judge to conclude that the offense has been committed as charged, that accused is the guilty agent, and that accused will probably be meted the capital punishment. [88] The evidence to be considered is on the 1) the existence of conspiracy involving petitioner; and 2) the commission of the acts ascribed to petitioner.

In its December 7, 2018 Resolution, detailed across one hundred ninety-four (194) pages the testimonies of the 19 witnesses on direct, re-direct and cross-examination at the bail hearing. [89] It then quoted the parts of the discussion of this Court in *Napoles v. Sandiganbayan* that pertained or referred to petitioner. [90] However, it also explained in full the basis of its findings that there is strong evidence of the guilt of petitioner, specifically the following evidence:

First, the testimony of Garcia regarding the significance in the scheme of things of the endorsement letters of petitioner.

Pros. Se:

Q:

x x x You mentioned that x x x this SARO were already released when these endorsement letters of Jessica Lucila Reyes was prepared or signed x x x.

Witness

A.

Yes Maam.

Q.

x x x what is the connection, if any, of this endorsement letter of Jessica Lucila Reyes x x x to the release of the SAROs?

A.

To the release, none, Maam.

Pros. Se:

x x x x

Q.

If you know, Madam Witness, x x x what is the importance of this endorsement letter of Jessica Lucila Reyes?

Witness:

A.

The endorsement letter of Jessica Lucila Reyes to Honorable Arthur Yap, there are four (4) letters [that] triggered the release of funds by DA to NABCOR, and also serves as an authority of Mr. Antonio Evangelista to request the transfer of funds to NGOs.

x x x x

Pros. Se:

Q. What is the importance x x x of the endorsement letter of Jessica Lucila Reyes?

Witness

A.

This was made the basis by DA.

Q.

Basis for what?

A.

To release the funds to NABCOR.

Q.

Okay. So, if you know, without that letter, what [would have] happened to the fund?

A.

The fund would have not x x x been released by DA to NABCOR.[91]

Second, the letters dated April 18, 2007, July 7, 2008, April 7, 2009 and December 7, 2009 wherein petitioner informed the various implementing government agencies of the designation of the fictitious NGOs created by Napoles as PDAF beneficiaries and the designation of Evangelista as representative. This is confirmed by the

subsequent memorandum agreements which Evangelista entered into with said implementing agencies and NGOs.[92]

Third, the letter dated March 21, 2012 of Enrile confirming to Associate Commissioner Carmela Perez that petitioner and Evangelista are his representatives, and that the latter's signature appears on the MOAs, endorsement letters and other documents.[93]

Finally, the disbursement vouchers indicating the amounts coming from the PDAF that were funnelled into the NGO's.

The Sandiganbayan concluded:

Evidently, the accused-movant had no participation in the preparation and/or signing of any project proposals, reports, memoranda and or certificates of acceptance. This fact, however, does not negate her complicity to the present charge x x x she signed the endorsement letters which actually triggered the start of this so-called "pork-barrel scam" and repeatedly received the kickbacks from Tuason and accused Napoles.[94]

Against the foregoing array of evidence, petitioner interposed the arguments that the testimony of Garcia is hearsay for the latter merely reviewed the documents submitted to COA.[95] Nowhere did Garcia state that petitioner initiated, processed, disbursed, caused the release or liquidated the PDAF funds.[96] Rather, the letters attributed to petitioner and which the Sandiganbayan characterized as the starting point of the alleged scheme were released after issuance by the DBM of the SAROs and the NCAs.[97] Moreover, Tuason failed to detail the dates, places and amounts of alleged payments to petitioner. Luy, Sula, and Suñas testified that they never received instructions from petitioner regarding the PDAF or see her receive proceeds from it.[98]

The foregoing arguments of petitioner fail to establish that the Sandiganbayan acted with grave abuse of discretion in concluding that there is strong evidence against petitioner. This Court in *Napoles v. Sandiganbayan* relied on the very same testimony for it is axiomatic that investigation reports rendered by an official in the performance of official duties and on the basis of a personal examination and analysis of official documents and interpretation of the rules and regulations of the latter's office are accorded much weight.[99] By extension, any testimony by said official regarding the procedure and findings in said reports is not hearsay.[100] Such was the nature of Garcia's testimony to the effect that she conducted an audit of the PDAF funds of Senator Enrile and that she arrived at the findings that, without petitioner's letter, public funds would not have been plundered, that is, the funds would not have been released according to the scheme formulated by Napoles. Petitioner has not denied signing these letters or disputed the statement of Senator Enrile that she signed said letter. While at this point the testimonies of Tuason, Luy, Sula and Suñas do not directly establish that petitioner received the proceeds from the said funds, this gap is not enough to overcome a heightened presumption that petitioner partook of the P172,834,500.00 PDAF funds which, but for her letters, would not have been funneled into bogus projects.

In sum, petitioner failed to establish on substantive grounds that the Sandiganbayan acted with grave abuse of discretion in finding strong evidence of her guilt.

WHEREFORE, the petition is DENIED. The assailed Resolutions dated June 28, 2018 and December 7, 2018 denying petitioner's bail application are AFFIRMED.

SO ORDERED.

Peralta, C. J., (Chairperson), Carandang,[*] Lazaro-Javier, and Lopez, JJ., concur.

[*] Additional member in lieu of Associate Justice Alfredo Benjamin S. Caguioa per Raffle dated July 15, 2020.

- [1] Rollo, pp. 3-110.
- [2] Penned by Associate Justice Bernelito R. Fernandez, with Associate Justice Amparo M. Cabotaje-Tang and Associate Justice Sarah Jane T. Fernandez, concurring; id. at 114-129.
- [3] Penned by Associate Justice Amparo M. Cabotaje-Tang, with Associate Justice Sarah Jane T. Fernandez, Associate Justice Oscar C. Herrera, Jr. and Associate Justice Maryann E. Mañalac, concurring, and Associate Justice Bernelito R. Fernandez, dissenting; id. at 130-256.
- [4] Resolution dated December 18, 2018; id. at 133-134.
- [5] 783 Phil. 304 (2016).
- [6] Id. at 317-318.
- [7] Id.
- [8] Id. at 338.
- [9] Id. at 338-339.
- [10] JLN refers to Janet Lim Napoles Corporation.
- [11] Id. at 340-341.
- [12] Id. at 341.
- [13] Id. at 341-342, 347-348.
- [14] 767 Phil. 147 (2015).
- [15] G.R. No. 224162, November 7, 2017.
- [16] Id.
- [17] Id.
- [18] Id.
- [19] Id.
- [20] Rollo, p. 10.
- [21] Resolution, June 28, 2018, p. 16; id, at 129.
- [22] Resolution, December 7, 2018, p. 253; id. at 256.
- [23] Petition, rollo, pp. 19-23.
- [24] Effective September 21, 2017.
- [25] Petition, pp. 72-73; rollo, pp. 53(74)-54(75).
- [26] Id. at 95-101; id. at 76 (97)-82 (103).
- [27] Revilla, Jr. v. Sandiganbayan (First Division), G.R. Nos. 218232, 218235, 218266, 218903 & 219162, July 24, 2018.
- [28] Bernardo v. Judge Fabros, 366 Phil. 485 (1999).

- [29] *Spouses Sustento v. Lilagan*, 782 Phil. 270 (2016); *Alminaza v. Pagapong-Agraviador*, A.M. No. RTJ-16-2445 (Formerly OCA I.P.I. No. 14-4323-RTJ) (Notice), January 25, 2016; *Bacolot v. Hon. Judge Paño*, 660 Phil. 303 (2011); *Blanco v. Judge Andoy* (Resolution), 581 Phil. 302 (2008).
- [30] *Moncada v. Judge Cervantes* (Resolution), 529 Phil. 1-8 (2006).
- [31] *Angelia v. Judge Grageda* (Resolution), 656 Phil. 570 (2011).
- [32] *Re: Problem of Delays in Cases Before the Sandiganbayan* (Resolution), 422 Phil. 246 (2001).
- [33] *Spouses Eson v. Acosta* (Notice), March 25, 2019.
- [34] *Atty. Beltran, Jr. v. Judge Paderanga*, 455 Phil. 227 (2003).
- [35] *Bangco v. Gatdula*, 428 Phil. 598 (2002).
- [36] *Bulan v. Cardenas*, 189 Phil. 596 (1980).
- [37] *Id.*
- [38] *Hebron v. Garcia II* (Resolution), 698 Phil. 615-626 (2012); *Arquero v. Judge Mendoza*, 374 Phil. 105 (1999).
- [39] *Hon. Bonilla v. Hon. Gustilo* (Resolution), 399 Phil. 16 (2000).
- [40] *Re: Irma Zita V. Masamayor* (Resolution), 374 Phil. 556 (1999); *Office of the Court Administrator v. Guiling*, A.M. No. RTJ-19-2549, June 18, 2019.
- [41] There is abuse of authority where "the inefficiency springs from a failure to recognize such a basic and fundamental rule, law, or principle x x x [such that] the judge is either too incompetent and undeserving of the position and title vested upon him, or he is too vicious that he deliberately committed the oversight or omission in bad faith and in grave abuse of authority." See *Office of the Court Administrator v. Dumayas*, A.M. No. RTJ-15-2435, March 6, 2018.
- [42] *Bernaldez v. Avelino* (Resolution), 553 Phil. 685-697 (2007); *Bacolot v. Hon. Judge Paño*, *supra* note 29.
- [43] *Regner v. Logarta*, 562 Phil. 862 (2007).
- [44] *Villa v. Fernandez*, G.R. No. 219548, October 17, 2018.
- [45] *Navarro v. Commission on Audit Central Office*, G.R. No. 238676, November 19, 2019.
- [46] *Mercado v. Santos*, 66 Phil. 215 (1938).
- [47] *People v. Sandiganbayan* (Second Division), G.R. No. 232737, October 2, 2019.
- [48] *Magno v. People*, G.R. No. 230657, March 14, 2018.
- [49] *People v. Sandiganbayan* (First Division), G.R. Nos. 233557-67, June 19, 2019; *Magno v. People*, *supra*.
- [50] *People v. Macasaet*, G.R. Nos. 196094, 196720 & 197324, March 5, 2018.
- [51] *Supra* note 49.
- [52] *Pagdanganan v. Court of Appeals*, G.R. No. 202678, September 5, 2018.
- [53] The other tests the length of delay; accused's assertion or non-assertion of his right to speedy trial; and prejudice caused to the accused resulting from the delay. See *People v. Macasaet*, *supra* note 50; *Remulla v.*

Sandiganbayan (Second Division), 808 Phil. 739-762 (2017); *People v. Leviste*, 325 Phil. 525 (1996).

[54] *Magante v. Sandiganbayan* (Third Division), G.R. Nos. 230950-51, July 23, 2018; *Mendoza-Ong v. Sandiganbayan*, 483 Phil. 451 (2004).

[55] Resolution, December 7, 2018, pp. 252-253; rollo, p. 255 (dorsal portion).

[56] *Id.*

[57] *Id.* at 314-316.

[58] *People v. Escobar*, 814 Phil. 840, 861 (2017).

[59] Resolution, December 7, 2018, pp. 12-252.

[60] *Supra* note 2.

[61] *Id.* at 14.

[62] *Id.*

[63] *Id.*

[64] *Id.*

[65] Resolution, December 7, 2018, p. 126.

[66] *Id.*

[67] *Id.* at 10-11.

[68] *Id.* at 242-243.

[69] Petitioner, rollo, pp. 61-62.

[70] *Id.* at 66-68.

[71] *Id.* at. 98-99.

[72] *Ley Construction & Development Corp. v. Philippine Commercial and International Bank*, 635 Phil. 503-514 (2010).

[73] *Gomeco Metal Corp. v. Court of Appeals*, G.R. No. 202531, August 17, 2016; *Spouses Noceda v. Arbizo-Directo*, 639 Phil. 483-494 (2010).

[74] See *Chiok v. People*, G.R. Nos. 179814 & 180021, December 7, 2015.

[75] *Francisco v. Co*, 516 Phil. 588-604 (2006); *Pacasum, Sr. v. Zamoranos*, 807 Phil. 783-794 (2017).

[76] *Tecson v. Sandiganbayan*, 376 Phil. 191-204 (1999). In criminal cases, the applicable principle is *res judicata* in prison grey or double jeopardy. See *Trinidad v. Office of the Ombudsman*, 564 Phil. 382-396 (2007).

[77] *Co v. People*, 610 Phil. 60-71 (2009); *Constantino v. Sandiganbayan*, G.R. No. 140656, 13 September 2007, 533 SCRA 205.

[78] *Philippine National Bank v. Urieta*, G.R. No. 180264 (Notice), September 25, 2019.

[79] *Development Bank of the Phils, v. Guariña Agricultural & Realty Development Corp.*, 724 Phil. 209-226 (2014).

[80] 814 Phil. 840-864 (2017).

[81] Id.

[82] Id.

[83] Id.

[84] Occidental Land Transportation Co., Inc. v. Court of Appeals, 292-A Phil. 269 (1993).

[85] Petition, rollo, pp. 61-67.

[86] Cabrera v. Marcelo, 487 Phil. 427-448 (2004).

[87] People v. Cabral, 362 Phil. 697-719 (1999).

[88] People v. De Gracia, G.R. No. 213104, July 29, 2015.

[89] Rollo, pp. 130-256.

[90] Id. at 209-214.

[91] Id. at 216-218.

[92] Id. at 219 (dorsal portion).

[93] Id. at 221-225.

[94] Id. at 235-236.

[95] Petition, rollo, p. 35.

[96] Id. at 36-47.

[97] Id. at 48-52.

[98] Id. at 21 -27.

[99] Jaca v. People, 702 Phil. 210-262 (2013).

[100] Id.

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