

JAIME DICHAVES, PETITIONER, VS. OFFICE OF THE OMBUDSMAN AND THE SPECIAL DIVISION OF THE SANDIGANBAYAN, RESPONDENTS.

G.R. Nos. 206310-11 (OMB-0-01-0211 and OMB-0-01 0291; Sandiganbayan Special Division-Criminal Case No. 26558). December 07, 2016

Ponente: LEONEN, J.

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LEONEN, J.:

This resolves a Petition for Certiorari[1] assailing the Office of the Ombudsman's finding of probable cause to charge petitioner Jaime Dichaves with plunder. Petitioner prays for the annulment of the March 14, 2012 Joint Resolution[2] and February 4, 2013 Order[3] of the Office of the Ombudsman in OMB-0-01-0211 and OMB-0-01-0291,[4] which resolved the two complaints filed in 2001.[5]

The first complaint, docketed as OMB-0-01-0211, accuses Jaime Dichaves and William Gatchalian, among others,[6] of direct bribery, indirect bribery, corruption of public officials, violations of Presidential Decree No. 46[7] and Republic Act No. 6713,[8] and plunder under Republic Act No. 7080, in connection with the "Jose Velarde" account[9] of former President Joseph Ejercito Estrada (Estrada).[10]

Private complainants are Atty. Leonard De Vera, Atty. Romeo T. Capulong, Atty. Dennis B. Funa, Dante Jimenez (representing the Volunteers Against Crime and Corruption), and Jesus E.G. Martinez (representing the Citizens' Battle Against Corruption Party List).[11]

The second complaint, docketed as OMB-0-01-0291, accuses Jaime Dichaves; then President and General Manager of the Government Service Insurance System, Federico "Ping" Pascual; then President and Chairman of the Social Security System, Carlos "Chuckie" Arellano; and Belle Corporation Vice Chairman and Director Willy Ng Ocier, among others,[12] of violating Republic Act No. 6713, Section 3 (a), (e), (g), and (i) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, and plunder under Republic Act No. 7080.[13] The charges are in connection with the purchase, upon Estrada's instructions,[14] of shares of stock of a private corporation by government financial institutions.[15]

Private complainants are Atty. Leonard De Vera (representing Caucus of Lawyers for Estrada's Abrupt Resignation), Atty. Romeo T. Capulong (representing OUSTER), Atty. Crisostomo M. Akol (representing CLAMOR), Dante Jimenez (representing Volunteers Against Crime and Corruption), and Atty. Roberto Argee Guevarra (representing ARM).[16]

The consolidated complaints trace their roots to the contents of the sealed second envelope, Estrada's impeachment trial, and his plunder trial before the Sandiganbayan in *People v. Estrada* (Criminal Case No. 26558).[17]

On November 13, 2000, the House of Representatives impeached Estrada for bribery, graft and corruption, betrayal of public trust, and culpable violation of the Constitution.[18] After Estrada's impeachment, it was

reported that Dichaves fled the country "and cooled his heels off in China[.]"[19]

On December 7, 2000, the Senate next proceeded with the impeachment proceedings against Estrada.[20] On January 16, 2001, 11 senators voted against opening a sealed second envelope allegedly containing damaging evidence against Estrada[21] and Jaime Dichaves, among others.[22] This move caused the House prosecution panel to stage a walkout, triggered EDSA 2, and eventually led to Estrada's downfall.[23]

By January 20, 2001, Estrada was considered resigned as president, and, therefore, no longer immune to criminal prosecution.[24]

On April 4, 2001, the Office of the Ombudsman filed an information charging Estrada, Jose "Jinggoy" Estrada, Charlie "Atong" Ang, Edward Serapio, Yolanda T. Ricaforte, Alma Alfaro, Eleuterio Tan (also known as Eleuterio Ramos Tan or Mr. Uy), Jane Doe (also known as Delia Rajas), and several John and Jane Does with plunder before the Sandiganbayan.[25] The case was docketed as Criminal Case No. 26558 (People v. Estrada).[26]

Dichaves was subsequently identified as one of the John Does in People v. Estrada.[27] The complaints were docketed at the Office of the Ombudsman as OMB-0-01-0211 and OMB-0-01-0291.[28] While the preliminary investigation proceedings in these complaints were being conducted, Dichaves was nowhere to be found in the Philippines.[29]

On April 18, 2001, the Office of the Ombudsman filed an Amended Information for plunder against Estrada, et al.[30]

On September 13, 2001, the Ombudsman jointly resolved OMB-0-01-0211 and OMB-0-01-0291, finding probable cause to also indict Dichaves for plunder under Section 2 of Republic Act No. 7080.[31] The dispositive portion reads:

WHEREFORE, this Office finds and so holds that there is sufficient evidence to support the conclusion that probable cause exists that the crime of Plunder was committed by respondent Jaime Dichaves in conspiracy with former President Joseph Ejercito Estrada and others already accused under Criminal Case No. 26558 pending in the 3rd Division of the Sandiganbayan.

Accordingly, let JAIME C. DICHAVES be prosecuted for Plunder in the Sandiganbayan through a motion to substitute him as one of the John Does in the cases pending in the Sandiganbayan under Criminal Case No. 26558.

And having been accorded immunity from prosecution, the charges against respondents Federico Pascual, Carlos Arellano and Willie Ocier are hereby dropped.[32]

Thus, the Amended Information (Criminal Case No. 26558) includes Dichaves in the charge, as follows:

The undersigned Ombudsman Prosecutor and OIC [Officer-in-Charge]-Director, EPIB, Office of the Ombudsman, hereby accuses former PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, Joseph Ejercito Estrada a.k.a. "ASIONG SALONGA" and a.k.a. "JOSE VELARDE[.]" together with Jose ["Jinggoy"] Estrada, Charlie "Atong" Ang, Edward Serapio, Yolanda T. Ricafort, Alma Alfaro, JOHN DOE a.k.a. Eleuterio Tan OR Eleuterio Ramos Tan or Mr. Uy, Jane Doe a.k.a. Delia Rajas, JAIME C. DICHAVES and John DOES & Jane Does, of the crime of Plunder, defined and penalized under [Republic Act No.] 7080, as amended by Sec. 12 of [Republic Act No.] 7659, committed as follows:

That during the period from June 1998 to January 2001, in the Philippines, and within the jurisdiction of this Honorable Court, accused Joseph Ejercito Estrada, THEN A PUBLIC OFFICER, BEING THEN THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, by himself AND/OR in

CONNIVANCE/CONSPIRACY with his co accused, WHO ARE MEMBERS OF HIS FAMILY, RELATIVES BY AFFINITY OR CONSANGUINITY, BUSINESS ASSOCIATES, SUBORDINATES AND /OR OTHER PERSONS, BY TAKING UNDUE ADVANTAGE OF HIS OFFICIAL POSITION, AUTHORITY, RELATIONSHIP, CONNECTION, OR INFLUENCE, did then and there willfully, unlawfully and criminally amass, accumulate and acquire BY HIMSELF, DIRECTLY OR INDIRECTLY, ill-gotten wealth in the aggregate amount OR TOTAL VALUE OF FOUR BILLION NINETY SEVEN MILLION EIGHT HUNDRED FOUR THOUSAND ONE HUNDRED SEVENTY THREE PESOS AN[D] SEVENTEEN CENTAVOS [P4,097,804,173.17] more or less. THEREBY UNJUSTLY ENRICHING HIMSELF OR THEMSELVES AT THE EXPENSE AND TO THE DAMAGE OF THE [F]ILIPINO PEOPLE AND THE REPUBLIC OF THE PHILIPPINES, through ANY OR A combination OR A series of overt OR criminal acts, or SIMILAR SCHEMES OR MEANS, described as follows:

...

(c)

By directing, ordering and compelling, FOR HIS PERSONAL GAIN AND BENEFIT, the Government Service Insurance System (GSIS) TO PURCHASE 351,878,000 SHARES OF STOCKS. MORE OR LESS, and the Social Security System (SSS) 329,855,000 SHARES OF STOCKS, MORE OR LESS, OF THE BELLE CORPORATION IN THE AMOUNT OF MORE OR LESS ONE BILLION ONE HUNDRED TWO MILLION NINE HUNDRED SIXTY FIVE THOUSAND SIX HUNDRED SEVEN PESOS AND FIFTY CENTAVOS [P1,102,965,607.50[]] AND MORE OR LESS SEVEN HUNDRED FORTY FOUR MILLION SIX HUNDRED TWELVE THOUSAND AND FOUR HUNDRED FIFTY PESOS [P744,612,450.00], RESPECTIVELY, OR A TOTAL OF MORE OR LESS ONE BILLION EIGHT HUNDRED FORTY SEVEN MILLION FIVE HUNDRED SEVENTY EIGHT THOUSAND FIFTY SEVEN PESOS AND FIFTY CENTAVOS [P1,847,578,057.50]; AND BY COLLECTING OR RECEIVING DIRECTLY OR INDIRECTLY, BY HIMSELF AND/OR IN CONNIVANCE WITH JAIME C. DICHAVES, JOHN DOES AND JANE DOES, COMMISSIONS OR PERCENTAGES BY REASON OF SAID PURCHASES OF SHARES OF STOCK IN THE AMOUNT OF ONE HUNDRED EIGHTY NINE MILLION SEVEN HUNDRED PESOS [P189,700,000.00] MORE OR LESS FROM THE BELLE CORPORATION WHICH BECAME PART OF THE DEPOSIT IN THE EQUITABLE-PCI BANK UNDER THE ACCOUNT NAME, "JOSE VALERDE";

(d)

by unjustly enriching himself FROM COMMISSIONS, GIFTS, SHARES, PERCENTAGES, KICKBACKS, OR ANY FORM OF PECUNIARY BENEFITS, IN CONNIVANCE, WITH JAIME C. DICHAVES, JOHN DOES AND JANE DOES, in the amount of MORE OR LESS, THREE BILLION TWO HUNDRED THIRTY THREE MILLION ONE HUNDRED FOUR THOUSAND AND ONE HUNDRED SEVENTY THREE PESOS AND SEVENTEEN CENTAVOS [P3,233,104,173.17] AND DEPOSITING THE SAME UNDER HIS ACCOUNT NAME "JOSE VELARDE[") AT THE EQUITABLE-PCI BANK[.]

CONTRARY TO LAW[.][33] (Emphasis and underscoring in the original)

On January 29, 2002, a warrant of arrest was issued against Dichaves, but he could not be located as he had already slipped out of the country.[34] No subpoena was served on him.[35]

The plunder case, *People v. Estrada* (Criminal Case No. 26558), was assigned to the Special Division of the Sandiganbayan.[36] Trial ensued, wherein several witnesses gave their testimonies.[37]

During the Senate and the Sandiganbayan trials of Estrada, Equitable-PCIBank Senior Chief Legal Counsel Atty. Manuel Curato and Vice President Clarissa Ocampo established that the Jose Velarde-owner of the "Jose Velarde" account, and Estrada, are the same person.[38]

On September 12, 2007, Estrada was found guilty beyond reasonable doubt of the crime of plunder.[39] The Sandiganbayan ruled that Estrada was the real and beneficial owner of the "Jose Velarde" account (Savings Account No. 0160-62501-5).[40]

Six weeks later, former President Gloria Macapagal-Arroyo pardoned Estrada.[41]

After Estrada's conviction and pardon, Dichaves resurfaced on November 19, 2010.[42] He filed a Motion to Quash and/or Motion for Reinvestigation, seeking for a preliminary investigation of his case as none was conducted.[43]

In a Resolution dated July 1, 2011, the Sandiganbayan granted the motion for reinvestigation and directed the Ombudsman to conduct/complete the preliminary investigation of Dichaves' case.[44] The Sandiganbayan held in abeyance further proceedings until after the preliminary investigation was completed.[45] On September 18, 2011, it resolved to recall Dichaves' warrant of arrest.[46]

Meanwhile, the anti-graft court denied Dichaves' motion to quash, ruling that "the material facts in the Amended Information sufficiently establish the elements of the crime of Plunder." [47]

On December 7, 2011, the Ombudsman commenced the preliminary investigation,[48] and Dichaves was ordered to submit his counter-affidavit on the consolidated cases.[49]

On March 14, 2012, the Office of the Ombudsman Special Panel issued a Joint Resolution, finding probable cause to charge Dichaves with plunder.[50] The dispositive portion states:

WHEREFORE, as probable cause lies against respondent JAIME C. DICHAVES for Plunder, his indictment therefor by Amended Information dated April 18, 2001 before the Sandiganbayan in Criminal Case No. 26558 remains.

SO RESOLVED.[51]

On February 4, 2013, the Office of the Ombudsman denied Dichaves' Motion for Reconsideration.[52]

Thus, Dichaves was indicted for conspiring with the former President in amassing ill-gotten wealth through profits and commissions from the purchase of Belle Corporation shares by the Government Service Insurance System and the Social Security System.[53]

The Special Division of the Sandiganbayan set Dichaves' arraignment on April 5, 2013.[54]

On April 4, 2013, Dichaves filed a Petition for Certiorari before this Court, with prayer for a temporary restraining order, assailing the March 14, 2012 Joint Resolution and February 4, 2013 Order of the Office of the Ombudsman in OMB-0-01-0211 and OMB-0-01-0291.[55]

Dichaves moved to suspend the proceedings before the Sandiganbayan in view of the Petition for Certiorari filed with this Court.[56] The motion was denied on April 18, 2013, and his arraignment was re-set to July 26, 2013.[57]

In a Resolution dated July 17, 2013, this Court (a) required respondents Office of the Ombudsman and Special Division of the Sandiganbayan to Comment, and (b) issued a temporary restraining order enjoining Dichaves' arraignment and trial for plunder.[58] Further proceedings in Criminal Case No. 26558 were again held in abeyance, pending the resolution of this Court on his petition.[59]

On September 18, 2013, We resolved to (a) grant the Sandiganbayan's prayer to be relieved from filing its Comment as it is a mere nominal party, (b) note the Office of the Ombudsman's Comment, and (c) require

Dichaves to file his Reply.[60]

On February 3, 2014, Dichaves and the Office of the Ombudsman were directed to submit their memoranda.[61]

On August 6, 2014, Dichaves filed a Motion to Be Allowed to Travel[62] to Bangkok, Hong Kong, and Singapore for 15 days.[63] In a Resolution[64] dated January 26, 2015, this Court granted his motion, subject to certain conditions.

On August 18, 2015, Dichaves moved to be allowed to travel for the second time, for business purposes, to Beijing, Shanghai, Guangzhou, Shenzhen, and Hong Kong for 15 days.[65] This Court resolved to grant his motion on September 23, 2015, again subject to certain conditions.[66]

On September 4, 2015, Dichaves moved that his name in the Court records be changed from "Jaime C. Dichaves" to his correct name, "Jaime Dichaves." [67] We noted the motion for correction on December 9, 2015.[68]

On March 7, 2016, Dichaves again moved to be allowed to travel a third time, to accompany his 89-year old mother for a family reunion in Hong Kong and Tokyo, for 15 days.[69]

In a Resolution[70] dated March 9, 2016, we granted such motion, subject to certain conditions, among others: that his P1 million travel bond, which he posted as a condition for the grant of his second motion to travel, be retained; and that upon his and his mother's return, they must present their passports bearing the stamps of exit from and entry to the Philippines.

Dichaves flew out without his mother, Elena Dichaves.[71] "He never sought this Court's permission to travel on his own, in light of the change of plans." [72] He likewise failed to present his mother's stamped passport bearing the exit and entry dates of their travel together. The grant of his third motion to travel was premised on the condition that he would be accompanying his mother.[73]

On June 15, 2016, we resolved to require Dichaves to show cause why he should not be made liable for violating Our condition for his third travel.[74] Dichaves did not deny the violation, and explained that it was costly and difficult for him to reset the travel date.[75]

In a Resolution[76] dated September 14, 2016, this Court forfeited Dichaves' P1 million travel bond in favor of the government and directed that his future travel bond be increased to a minimum of P1.5 million.[77] He was also sternly warned against repeating the same or similar acts.[78]

I

We now discuss the substantive matters of the case.

Complainants in OMB-0-01-0211 allege that on August 26, 1999, a person opened Savings Account No. 0160-62501-5[79] (Savings Account) with the Equitable Banking Corporation and Philippine Commercial International Bank (Equitable-PCIBank), Juan Luna Branch, Binondo, Manila, under the fictitious name, "Jose Velarde." [80]

The Savings Account had an initial deposit of one peso (P1.00).[81] Aside from the Savings Account, other accounts under the same name, "Jose Velarde," were also opened with the same branch of Equitable-PCIBank.[82] Two (2) of these accounts[83] were Current Account No. 0110-25495-4 (Current Account)[84] and Investment Management Trust Account No. 101-78056-1 (Trust Account).[85]

On February 4, 2000, a withdrawal of P500 million was made from the Savings Account,[86] by former President Joseph Ejercito Estrada, who affixed his signature as "Jose Velarde." [87] The P500 million was placed in the

Trust Account[88] and then lent to "plastics king"[89] and presidential friend William Gatchalian (Gatchalian).[90]

On January 18, 2001, the contents of the second sealed envelope were published in several newspapers.[91] The deposits that were made to the "Jose Velarde" account, as well as their sources, were listed as follows:

- Jaime or Abby, Dichavez (sic) - P20M check dated 8 September 1999 from Far East Bank Cubao, Araneta Branch and a P189.7M Check dated 8 November 1999 all amounting to a total of P210 Million;
 - Mark Jimenez P180 Million;
 - Manny Pangilinan P20M deposited in the Velarde Account on November 5, 1999 issued from Pangilinan's checking account no. 009-101-00166-3 with Asian Bank main office;
 - Dante Tan P300M;
 - Kevin/Kelvin Garcia - nine (9) checks for P10M, five (5) checks for 5 million and three (3) checks for P20 million, total of 17 checks from Allied Bank head office branch with an aggregate amount of P180 million;
 - Antonio Evangelista a P40 million check dated July 25, 2000 from his checking account no. 00686-5-05053-2 with BPI [Bank of the Philippine Islands] Katipunan Loyola;
- and
- George Go, Lucio Co and William Gatchalian for still undetennined amounts ...[92] (Emphasis supplied)

Complainants aver that the above-listed amounts of deposits were given to Estrada "by reason of his influential and powerful position as [then] President of the Republic of the Philippines[,] "[93] and that he amassed P3.3 billion in his one (1) and a half years in office.[94] Deposited in the account were proceeds of illegal gambling, kickbacks, and commissions.[95] According to complainants, Estrada obtained these amounts mainly from "contributions, gifts, commissions, deposits and the like, made by businessmen-friends and cronies[,] to his 'JOSE VELARDE' account." [96]

Meanwhile, Dichaves claims ownership of the Savings and Current Accounts at Equitable PCIBank ("Jose Velarde" account). He argues that he opened these on behalf of the "common fund" of capital contributions or investments from a group of Chinese businessmen, including himself. According to Dichaves, he used the alias, "Jose Velarde," for security purposes.[97]

Complainants assail Dichaves' defense, saying that his allegations had already been discredited by the September 12, 2007 Decision of the Sandiganbayan.[98] Estrada is the real and beneficial owner of Equitable-PCIBank account, Current Account No. 0110-25495-4, and the mother account, Savings Account No. 0160-62501-5.[99]

II

For the second complaint, complainants in OMB-0-01-0291 allege that Estrada exerted pressure and influence over Carlos Arellano (Arellano), the then Chairman, President, and Chief Executive Officer of the Social Security System, and Federico Pascual (Pascual), the then Vice Chairman, President, and General Manager of the Government Service Insurance System, to purchase shares of stock from Belle Corporation.[100]

Belle Corporation is a leisure estate and gaming company[101] listed on the Philippine Stock Exchange.[102] Its shares are considered by some as speculative, in light of the company's involvement in jai-alai and gambling.[103] Dichaves was a member of the Board of Directors,[104] while Willy Ng Ocier (Ocier) has been its Vice Chairman and Director since 1999.[105]

Complainants claim that Estrada, having influence and dominance over his close friends and appointees, Arellano and Pascual, pressured the two to proceed with the purchase of stocks.[106]

On or about October 13 to 21, 1999, the Social Security System purchased 329,855,000 shares of stocks from Belle Corporation for P744,612,450.00, while the Government Service Insurance System purchased 351,878,000 shares of stock for P1,102,965,607.50,[107] or a total of about P1.85 billion.

Aided by insider trading,[108] the sale of Belle Corporation shares gave Estrada P189.7 million in kickbacks.[109] After the sale was consummated, Ocier issued International Exchange Bank Check No. 6000159271, drawn against the account of Eastern Securities Development Corporation, as Estrada's payoff.[110] Ocier "handed [the check] over to Dichaves who, in turn[,] deposited it to the 'JOSE VELARDE' account." [111] "This claim ... was confirmed by ... Mark Jimenez in his March 6, 2001 Affidavit." [112]

"In his March 2, 2001 Affidavit, Ocier recounted in detail the participation of Dichaves and [Estrada], from the planning and preparation for the disposition of the shares of stock of Belle Corporation to the government, to the giving/handing [to Estrada]," [113] through Dichaves, of the profit/commission from the sale. [114] Ocier narrated:

...

3. MR. JAIME DICHAVES is a second cousin whom I know quite well. I know for a fact that he is closely associated with former president JOSEPH EJERCITO ESTRADA having helped immensely in the election campaign of the latter in 1992 and 1998.

4. In June 1999, MR. JAIME DICHAVES was voted in as member of the Board of Directors of BELLE CORPORATION, hence, we became Board Members at the same time.

5. On the occasion of one of the board meetings of the corporation in September 1999 held at its principal office located at the 26[th] Floor East Tower, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, MR. DICHAVES came up to me in private and discussed the matter of the 750 million shares of stock of BELLE Corporation. Twenty- five percent (25%) of the subscriptions to these shares of stock has already been paid, leaving an unpaid balance of 75%. The average price was P2.344 per share for a gross value of P1,758,000,000.00 [P1.758. billion]. Out of these figures the unpaid balance stood at P1,318,500,000.00.

...

8. At this point, it appeared that the only remaining possible investor is the government through the government financial institutions (GFIs). MR. JAIME DICHAVES [later] confirmed to me that he had brought the matter up with the President Estrada who in turn assured him that the latter would "take care of the matter".

9. True enough, in one of our weekends at the Tagaytay Highlands, MR. DICHAVES and I discussed the planned investments of the Government Service Insurance System (GSIS) and the Social Security System (SSS) in Belle Corporation. I asked DICHAVES for any news or development on his talks with JOSEPH EJERCITO ESTRADA who was the President of the country at that time. After these inquiries, I was given the firm assurance that "Ding" (referring to GSIS President and General Manager FEDERICO C. PASCUAL) and "Chuckie" (referring to SSS President and Chairman CARLOS ARELLANO) were already given the instructions by the President to purchase Belle shares.

10. Thereafter, I would make follow-up calls to DICHAVES regarding the plan of the Social Security System (SSS) and the Government Service Insurance System (GSIS), particularly during the early part of October 1999. During one of our telephone conversations it was explicitly stated by JAIME DICHAVES that GSIS and SSS would push thru with the transactions only if I agree to give him the profit commission to be derived from the sale of Belle shares to GSIS and SSS as instructed to him by President JOSEPH EJERCITO ESTRADA. Fearing that the transactions would not proceed if I did not agree to the proposition of DICHAVES, I was

constrained to agree to the arrangement.

11. On October 21, 1999, out of the 750,000,000 BEL [Belle Corporation] shares of stock we intended to sell, about 447,650,000 million were sold by way of cross-transaction on the market. As aforesaid, these shares of stock were then being held by SSI Management Corporation.

...

12. On November 3, 1999, at or around 10:30 o'clock in the evening, I went to the residence of MR. JAIME DICHAVES at No. 19 Madrigal Avenue, Corinthian Gardens, Quezon City, to hand him a company check in the amount of ONE HUNDRED EIGHTY NINE MILLION SEVEN HUNDRED THOUSAND PESOS (P189,700,000.00) issued by Eastern Securities Development Corporation.

13. This amount, under I-Bank Check No. 6000159271, after deducting costs of purchase, capital gains tax, broker fees, sales tax and other fees, represented the profit commission generated from the sale of about 447,650,000 BEL [Belle Corporation] shares which were previously covered by the unpaid subscription of SSI Management Corporation for 650,000,000 shares, of which 25% (TWENTY FIVE PERCENT) was already paid for.

14. As agreed upon, I personally handed the check representing the amount of the profit commission derived out of the sale of the shares of BELLE to GSIS and SSS to MR. JAIME DICHAVES in the living room of his residence. This was done pursuant to our earlier agreement that all profit commissions to be derived out of the sale shall be handed to MR. DICHAVES for subsequent remittance in accordance with the instructions given him by President JOSEPH EJERCITO ESTRADA. Thereafter, he said "Thank you". We then sat down to discuss the breakdown of costs and I was asked to explain to him how the said figure of P189,700,000.00 was arrived at.[115]

Ocier confirmed the contents of this March 2, 2001 Affidavit during his testimony before the Senate and the Sandiganbayan.[116]

According to *People v. Estrada*, Dichaves informed Ocier that the transaction will push through only if Ocier gave Estrada a commission of P200 million.[117] In Ocier's testimony before the Sandiganbayan:

After a few weeks, Dichaves called Ocier and told the latter [Ocier] that the transaction may be pushing through but that Dichaves wanted to take up a matter of condition that was proposed for the transaction to push through which was to the effect that Ocier will have to give a commission for the transaction to push through. Ocier testified that since the shares involved was approximately 600,000,000 to 650,000,000 and the price of Belle at that time at about P3.00 per share, the total expected proceeds of the sale was almost Two Billion Pesos (P2,000,000,000.00) and the commission that Jaime was asking for amounted to Two Hundred Million Pesos (P200,000,000.00).

When asked to whom the commission should be given, Ocier answered that according to Dichaves, the condition was being imposed by [former President] Estrada. When asked for his reaction to the information conveyed by Dichaves that it was [former President] Estrada that imposed the condition, Ocier testified that his reaction was that he felt that it was quite a big amount of commission to be paid and that normally, in real estate and stock transactions, commissions range between three (3) to five (5) percent only and he told Dichaves that he finds that quite high, to which Dichaves answered that "that was the condition." When asked what his answer was to the answer of Dichaves that that was the condition, Ocier answered that he was constrained to agree because Dichaves told him that "that was the only way for the transaction to push through." Ocier further testified that on October 21, 1999, Belle shares totaling 447,650,000 were sold by SSI Management to GSIS and SSS through Eastern Securities Development Corporation while other Belle Shares were sold through other brokers.[118] (Citations omitted)

All in all, Dichavs deposited P210 million to Estrada's "Jose Velarde" account: the P20 million check dated September 8, 1999 from the Far East Bank Cubao, Araneta Branch, followed by the P189.7 million check dated November 8, 1999.[119]

"[C]omplainants conclude that given the foregoing facts and circumstances, the former President committed the crime of Plunder, in conspiracy with, among other persons, Dichaves."[120]

On January 10, 2012, 11 years after he gave consistent oral and written testimonies on Dichaves' culpability,[121] Ocier backtracks and claims that Dichaves "had nothing to do with the purchase of Belle shares by SSS and GSIS." [122] Ocier alleges that he gave the P189.7 million to Dichaves as his personal investment to the "common fund." [123]

III

For resolution is the issue on whether the Office of the Ombudsman gravely abused its discretion in finding probable cause against petitioner. Subsumed in this issue are the matters of whether the Ombudsman correctly considered pieces of evidence allegedly not presented during the preliminary investigation, and whether there is probable cause to charge petitioner with plunder.

IV

We dismiss the petition for lack of merit.

As a general rule, this Court does not interfere with the Office of the Ombudsman's exercise of its constitutional mandate.[124] Both the Constitution[125] and Republic Act No. 6770[126] (The Ombudsman Act of 1989) give the Ombudsman wide latitude to act on criminal complaints against public officials and government employees.[127] The rule on non-interference is based on the "respect for the investigatory and prosecutory powers granted by the Constitution to the Office of the Ombudsman[.]"[128]

An independent constitutional body,[129] the Office of the Ombudsman is "beholden to no one, acts as the champion of the people[,] and [is] the preserver of the integrity of the public service." [130] Thus, it has the sole power to determine whether there is probable cause to warrant the filing of a criminal case against an accused.[131] This function is executive in nature.[132]

The executive determination of probable cause is a highly factual matter.[133] It requires probing into the "existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he [or she] was prosecuted." [134]

The Office of the Ombudsman is armed with the power to investigate.[135] It is, therefore, in a better position to assess the strengths or weaknesses of the evidence on hand needed to make a finding of probable cause. As this Court is not a trier of facts, we defer to the sound judgment of the Ombudsman.

Practicality also leads this Court to exercise restraint in interfering with the Office of the Ombudsman's finding of probable cause.[136] Republic v. Ombudsman Desierto[137] explains:

[T]he functions of the courts will be grievously hampered by innumerable petitions assailing the dismissal of investigatory proceedings conducted by the Office of the Ombudsman with regard to complaints filed before it, in much the same way that the courts would be extremely swamped if they could be compelled to review the exercise of discretion on the part of the fiscals or prosecuting attorneys each time they decide to file an information in court or dismiss a complaint by a private complaint.[138]

V

Invoking an exception to the rule on non-interference, petitioner alleges that the Ombudsman committed grave abuse of discretion. According to him: (a) he was not given the opportunity to cross-examine the witnesses, (b) the Ombudsman considered pieces of evidence not presented during the preliminary investigation, and (c) there is no probable cause to charge him with plunder.[139]

While, indeed, this Court may step in if the public prosecutor gravely abused its discretion in acting on the case,[140] such grave abuse must be substantiated, not merely alleged. In *Casing v. Hon. Ombudsman, et al.*: [141]

Grave abuse of discretion implies a capricious and whimsical exercise of judgment tantamount to lack of jurisdiction. The Ombudsman's exercise of power must have been done in an arbitrary or despotic manner — which must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform the duty enjoined or to act at all in contemplation of law — in order to exceptionally warrant judicial intervention.[142]

Petitioner argues that he was not able to cross-examine the witnesses; thus, the evidence presented during the impeachment and the plunder trials of Estrada - consisting of testimonies of Clarissa Ocampo, Atty. Manuel Curato and Willy Ng Ocier[143] - are allegedly hearsay and, therefore, inadmissible.[144]

Petitioner's assertions are erroneous.

First, there is nothing capricious or whimsical about petitioner's lack of opportunity to cross-examine the witnesses.

A person's rights in a preliminary investigation are subject to the limitations of procedural law.[145] These rights are statutory, not constitutional.[146]

The purpose of a preliminary investigation is merely to present such evidence "as may engender a well-grounded belief that an offense has been committed and that [the respondent in a criminal complaint] is probably guilty thereof." [147] It does not 'call for a "full and exhaustive display of the parties' evidence[.]"' [148]

Thus, petitioner has no right to cross-examine the witnesses during a preliminary investigation.[149] At this early stage, the Ombudsman has yet to file an information that would trigger into operation the rights of the accused (found under Section 14(2) of Article III[150] of the Constitution).[151] "It is the filing of a complaint or information in court that initiates a criminal action[.]" [152] and carries with it all the accompanying rights of an accused.

Only when a person stands trial may he or she demand "the right to confront and cross-examine his [or her] accusers[.]" [153] This right cannot apply to petitioner, who has yet to be arraigned and face trial as he left the country at the time he was initially charged with plunder.

Petitioner's failure to cross-examine the witnesses during the trial in *People v. Estrada* was, thus, his own fault.

When he slipped out of the Philippines following Estrada's impeachment in 2000,[154] petitioner was able to avert the implementation of the initial warrant of arrest against him.[155] His decisions have consequences.

His disappearance during such a crucial period in our history necessarily meant that he could not cross-examine the witnesses at the time of Estrada's plunder trial. Petitioner cannot conveniently impute this fault on the Ombudsman now, more than a decade later. It is injustice, not to mention a grave error, to attribute to the Ombudsman the dire consequences of petitioner's own actions.

Second, the public prosecutor is not bound by the technical rules on evidence.[156]

The executive finding of probable cause requires only substantial evidence, not absolute certainty of guilt.[157] In *Kalalo v. Office of the Ombudsman, et al.*: [158]

In determining probable cause, the average [person] weighs facts and circumstances without resorting to the calibrations of the rules of evidence of which he [or she] has no technical knowledge. He [or she] relies on common sense.[159]

The Ombudsman merely depends on evidence of such facts and circumstances amounting to a "more likely-than-not" belief that a crime has been committed.[160] As the Office of the Ombudsman's conclusion is based on a belief or an opinion, the technical rules on evidence cannot be made to apply to it.[161]

Thus, at the stage of preliminary investigation, the question on the admissibility of evidence is premature for petitioner to raise. In *Atty. Paderanga v. Hon. Drilon*: [162]

Section 3, Rule 112 [Preliminary Investigation] of the Rules of Court expressly provides that the respondent shall only have the right to submit a counter-affidavit, to examine all other evidence submitted by the complainant and, where the fiscal sets a hearing to propound clarificatory questions to the parties or their witnesses, to be afforded an opportunity to be present but without the right to examine or cross-examine.... The admissibility or inadmissibility of said testimonies should be ventilated before the trial court during the trial proper[,] and not in the preliminary investigation.[163] (Emphasis supplied)

V

Petitioner erroneously claims that the Ombudsman considered pieces of evidence not presented during the preliminary investigation.

No part of the ruling in the March 14, 2012 Joint Resolution of the Office of the Ombudsman was based on the proceedings in Estrada's impeachment and plunder trials or their records.

All references to the impeachment and plunder trials were made only by way of summarizing the initial allegations and reply of complainants in OMB-0-01-0211 and OMB-0-01-0291.[164]

The probable cause against petitioner was grounded on the following factual considerations, among others: (1) the contents of the second envelope; (2) the deposits in the "Jose Velarde" account; (3) the circumstances leading to the acquisition by the Government Service Insurance System and Social Security System of the Belle shares of stocks; and the (4) affidavits of Carlos Arellano, Federico Pascual, and Mark Jimenez.[165]

In any event, the Ombudsman may rely on the facts as stated in *People v. Estrada*. In the determination of probable cause, nothing bars the Ombudsman from considering evidence already established in a related and decided case.

Notably, the present case is an offshoot of the proceedings in Estrada's impeachment and plunder trials. Petitioner was identified as one of the John Does in Estrada's plunder case. Both *People v. Estrada* and this case are docketed as Criminal Case No. 26558.

Thus, the Sandiganbayan's pronouncements in *People v. Estrada* may be taken judicial notice of. That case, which was decided in 2007, had long become of public knowledge, when the Ombudsman proceeded with petitioner's preliminary investigation on December 7, 2011.[166] More importantly, it has long formed part of Philippine jurisprudence, which the Office of the Ombudsman may accord full faith and reliance on.

VI

The determination of whether Ocier's affidavit of recantation should be considered is for the Sandiganbayan, during trial, to rule upon. Notwithstanding, there is substantial evidence to affirm the finding of probable cause against petitioner. The contents of the second envelope, the deposits in the "Jose Velarde" account, and the affidavits of witnesses Carlos Arellano, Federico Pascual, and Mark Jimenez, among others, support the Ombudsman's ruling.

"In dealing with probable cause[,] as the very name implies, we deal with probabilities. These are not technical; they are the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act."[167]

Section 2 of Republic Act No. 7080 punishes "[a]ny person who participated with the [accused] public officer in the commission of an offense contributing to the crime of plunder[.]"

The Office of the Ombudsman correctly found probable cause to charge petitioner with plunder in conspiracy with the former President. Thus:

[T]he evidence indicates that the former President exerted influence over Arellano and Pascual to push through with the transactions, and that the transactions pushed through under that condition that the commission or profit would be given to the former President; . . . that it was Dichaves who orchestrated the consummation of the transactions and received from Ocier the check representing the commission; and that Dichaves deposited the check to the "JOSE VEDARDE" account which was shown to be that of the former President.[168] (Emphasis in the original)

Given the supporting evidence it has on hand, the Ombudsman's exercise of prerogative to charge petitioner with plunder was not whimsical, capricious, or arbitrary.[169]

Finally, it must be emphasized that only opinion and reasonable belief are sufficient at this stage.[170] Thus, petitioner's "other defense contesting the finding of probable cause that is highly factual in nature must be threshed out in a full-blown trial, and not in a special civil action for certiorari before this Court." [171]

This Court finds no reason to violate the policy of non-interference in the exercise of the Ombudsman's constitutionally mandated powers.[172] The Ombudsman's ruling must be respected.

WHEREFORE, the Petition for Certiorari is DISMISSED for lack of merit, and the March 14, 2012 Joint Resolution and February 4, 2013 Order of the Office of the Ombudsman in OMB-0-01-0211 and OMB-0-01-0291 are AFFIRMED in toto.

The temporary restraining order already issued in Criminal Case No. 26558 is RECALLED and SET ASIDE. The Sandiganbayan is directed to immediately proceed with the arraignment and trial of petitioner Jaime Dichaves.

SO ORDERED.

Brion, (Acting Chairperson), Del Castillo, Mendoza, and Reyes,[*] JJ., concur.

[*] Designated additional member per Raffle dated November 23, 2016.

[1] Rollo, pp. 3-29.

[2] Id. at 31-62.

[3] Id. at 63-68.

[4] Id. at 26, Petition for Certiorari.

[5] Id. at 173, Jaime Dichaves' Memorandum.

[6] The other persons charged are Abby Dichaves, Mark Jimenez, Manny Pangilinan, George Go, Dante Tan, Lucio Co, Kevin/Kelvin Garcia and Atty. Fernando Chua.

[7] Making it Punishable for Public Officials and Employees to Receive, and for Private Persons to Give, Gifts on any Occasion, including Christmas.

[8] Code of Conduct and Ethical Standard for Public Officials and Employees.

[9] Rollo, p. 35, Office of the Ombudsman Joint Resolution.

[10] People v. Estrada, Sandiganbayan Criminal Case No. 26558, September 12, 2007. The Decision was penned by Presiding Justice Teresita J. Leonardo-De Castro (now Associate Justice) and concurred in by Associate Justices Francisco H. Villaruz Jr. and Diosdado M. Peralta (now Associate Justice) of the Sandiganbayan Special Division.

[11] Rollo, p. 35, Office of the Ombudsman Joint Resolution.

[12] Id. at 55, Office of the Ombudsman Joint Resolution. The other persons charged were Mark Jimenez, Hermogenes D. Concepcion, Leonora Vasquez-De Jesus, Reynaldo P. Palmiery, Elmer T. Bautista, Fulgencio S. Factoran, Fioriño O. Ibañez, Aida C. Nocete, Leovigildo P. Arellano, Dody R. Agcaoili, Rafael Estrada, Amado B. Almazan, Aurora R. Arnaez, Marianita O. Mendoza, Cecilio T. Seno, Miguel Varela, Aurora P. Mathay, Enriqueta P. Disuanco, Amalio M. Mallari, and Fernando Gaite, Jr.

[13] An Act Defining and Penalizing the Crime of Plunder.

[14] People v. Estrada, Sandiganbayan Criminal Case No. 26558, September 12, 2007.

[15] Rollo, pp. 35-36, Office of the Ombudsman Joint Resolution.

[16] Rollo, pp. 35-36, Office of the Ombudsman Joint Resolution.

[17] The Decision was promulgated on September 12, 2007.

[18] J. Vitug, Concurring Opinion, and J. Mendoza, Concurring Opinion in Estrada v. Desierto, 406 Phil. 1, 86, 100-101 (2001) [Per J. Puno, En Banc].

[19] Malou Guanzon-Apalisok, Jaime Dichaves uncovered, INQUIRER.NET, APRIL 5, 2012 < <http://newsinfo.inquirer.net/172533/jaime-dichaves-uncovered> > (last visited November 23, 2016).

[20] J. Mendoza, Concurring Opinion in Estrada v. Desierto, 406 Phil. 1, 101 (2001) [Per J. Puno, En Banc].

[21] Estrada v. Desierto, 406 Phil. 31-32 (2001) [Per J. Puno, En Banc].

[22] Rollo, pp. 38-39, Office of the Ombudsman Joint Resolution.

[23] Estrada v. Desierto, 406 Phil. 74 (2001) [Per J. Puno, En Banc].

[24] Id. at 47-60.

[25] People v. Estrada, Sandiganbayan Criminal Case No. 26558, September 12, 2007.

[26] Id.

[27] Rollo, p. 42, Office of the Ombudsman Joint Resolution.

[28] Id. at 34.

[29] Id. at 173, Jaime Dichaves' Memorandum.

[30] Id. at 42-45, Office of the Ombudsman Joint Resolution.

[31] Id. at 41 and 60.

[32] Id. at 248, Office of the Ombudsman's Memorandum.

[33] Id. at 44-45, Office of the Ombudsman Joint Resolution.

[34] Id. at 173, Jaime Dichaves' Memorandum, and 249, Office of the Ombudsman's Memorandum.

[35] Id. at 174, Jaime Dichaves' Memorandum.

[36] Id. at 173.

[37] Id. at 174.

[38] Id. at 37-38, Office of the Ombudsman Joint Resolution.

[39] Id. at 174, Jaime Dichaves' Memorandum.

[40] *The Wellex Group, Inc. v. Sandiganbayan*, 689 Phil. 44, 64 (2012) [Per J. Sereno (now C.J.), Second Division].

[41] Manny Mogato, Former Philippine president Estrada pardoned, REUTERS, October 25, 2007 < <http://uk.reuters.com/article/uk-philippines-estrada-idUKMNB0007120071025> > (last visited November 23, 2016).

[42] Rollo, p. 174, Jaime Dichaves' Memorandum.

[43] Id.

[44] Id.

[45] Id. at 250, Office of the Ombudsman's Memorandum.

[46] Id.

[47] Id.

[48] Id. at 74, Jaime Dichaves' Motion for Reconsideration.

[49] Id. at 250, Office of the Ombudsman's Memorandum.

[50] Id. at 251.

[51] Id. at 61, Office of the Ombudsman Joint Resolution.

[52] Id. at 63-68. The Order was penned by Assistant Special Prosecutor III Kristine Jennifer E. Carreon, Assistant Ombudsman Elvira C. Chua, and Deputy Special Prosecutor John I.C. Turalba, and approved by Ombudsman Conchita Carpio Morales.

[53] Id. at 59-61, Office of the Ombudsman Joint Resolution.

[54] Id. at 252, Office of the Ombudsman's Memorandum.

[55] Id. at 26, Petition for Certiorari.

[56] Id. at 252, Office of the Ombudsman's Memorandum.

[57] Id.

[58] Id. at 108, Supreme Court Resolution dated July 17, 2013.

[59] Id. at 252, Office of the Ombudsman's Memorandum.

[60] Id. at 130, Supreme Court Resolution dated September 18, 2013.

[61] Id. at 151, Supreme Court Resolution dated February 3, 2014.

[62] Id. at 269-271.

[63] Id. at 349-350, Supreme Court Resolution dated January 26, 2015.

[64] Id. at 348-352.

[65] Id. at 353-357.

[66] Id. at 361-364, Supreme Court Resolution dated September 23, 2015.

[67] Id. at 380, Supreme Court Resolution dated December 9, 2015.

[68] Id.

[69] Id. at 387-390, Jaime Dichaves' Motion to be Allowed to Accompany 89-year old Mother Elena Dichaves for a Family Reunion in Hong Kong (sic) and Tokyo (3[rd] Travel Request) for Fifteen (15) Days.

[70] Id. at 392-395, Supreme Court Resolution dated March 9, 2016.

[71] Id. at 459, Supreme Court Resolution dated September 14, 2016.

[72] Id.

[73] Id.

[74] Id. at 439, Supreme Court Resolution dated June 15, 2016.

[75] Id. at 445, Jaime Dichaves' Affidavit.

[76] Id. at 456-461.

[77] Id. at 460.

[78] Id.

[79] This Savings Account Number, opened under the name "Jose Velarde," is also mentioned in *The Wellex Group, Inc. v. Sandiganbayan*, 689 Phil. 44, 64 (2012) [Per J. Sereno (now C.J.), Second Division].

[80] Rollo, p. 37, Office of the Ombudsman Joint Resolution.

[81] Id.

[82] Id.

[83] Id.

[84] Id. at 52.

[85] The Wellex Group, Inc. v. Sandiganbayan, 689 Phil. 44, 53 (2012) [Per J. Sereno (now C.J.), Second Division].

[86] Id. at 57-59.

[87] Rollo, pp. 49-50, Office of the Ombudsman Joint Resolution.

[88] The Wellex Group, Inc. v. Sandiganbayan, 689 Phil. 44, 58-64 (2012) [Per J. Sereno (now C.J.), Second Division].

[89] Marc Jayson Cayabyab, 'Plastics King' Gatchalian posts bail in anomalous bank buyout deal, INQUIRER.NET, July 20, 2016 < <http://newsinfo.inquirer.net/797449/plastics-king-gatchalian-posts-bail-in-anomalous-bank-buyout-deal> > (last visited November 23, 2016).

[90] Rollo, pp. 48-49, Office of the Ombudsman Joint Resolution.

[91] Id. at 38.

[92] Id. at 38.

[93] Id. at 39.

[94] Id.

[95] Id. at 173, Jaime Dichaves' Memorandum.

[96] Id. at 39, Office of the Ombudsman Joint Resolution.

[97] Id. at 47.

[98] Id. at 51.

[99] Id. at 51-52.

[100] Id. at 39.

[101] Mission, Vision and Values Statement, Bellecorp < <http://www.bellecorp.com/our-company/mission-vision-values-statement> > (last visited November 23, 2016).

[102] Rollo, p. 54, Office of the Ombudsman Joint Resolution.

[103] People v. Estrada, Sandiganbayan Criminal Case No. 26558, September 12, 2007.

[104] Id.

[105] Rollo, p. 54, Office of the Ombudsman Joint Resolution.

[106] Id. at 39-40.

[107] Id. at 40.

[108] Former Chief State Prosecutor is PDIC Director, PHILIPPINE DEPOSIT INSURANCE CORPORATION

< <https://www.pdic.gov.ph/index.php?nid1=8&nid2=1&nid=464> > (last visited November 23, 2016).

[109] Rollo, p. 40, Office of the Ombudsman Joint Resolution.

[110] Id.

[111] Id.

[112] Id. at 40-41.

[113] Id. at 53-54.

[114] Id.

[115] Id. at 54-56.

[116] Id. at 178, Jaime Dichaves' Memorandum.

[117] People v. Estrada, Sandiganbayan Criminal Case No. 26558, September 12, 2007.

[118] Id.

[119] Rollo, p. 38, Office of the Ombudsman Joint Resolution.

[120] Id. at 41.

[121] Id. at 79-80, Jaime Dichaves' Motion for Reconsideration. These are as follows: Ocier's Affidavit dated March 2, 2001, his testimony before the Senate Impeachment Court in 2000, and his testimony before the Office of the Ombudsman during the trial of People v. Estrada in 2001.

[122] Id. at 56, Office of the Ombudsman Joint Resolution.

[123] Id. at 86, Jaime Dichaves' Motion for Reconsideration.

[124] Judge Angeles v. Ombudsman Gutierrez, et al., 685 Phil. 183, 193 (2012) [Per J. Sereno (now C.J.), Second Division].

[125] CONST., art. XI, sec. 12 provides:

ARTICLE XI. Accountability of Public Officers

SECTION 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.

[126] An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman, and for Other Purposes (1989).

[127] PCGG v. Hon. Desierto, 445 Phil 154, 165 (2003) [Per J. Panganiban, Third Division]; Quiambao v. Hon. Desierto, 481 Phil. 852, 867 (2004) [Per J. Ynares-Santiago, First Division].

[128] Republic v. Ombudsman Desierto, 541 Phil. 57, 67 (2007) [Per J. Azcuna, First Division].

[129] CONST., art. XI, sec. 5 provides:

ARTICLE XI. Accountability of Public Officers

...

SECTION 5. There is hereby created the independent Office of the Ombudsman, composed of the Ombudsman to be known as Tanodbayan, one overall Deputy and at least one Deputy each for Luzon, Visayas, and Mindanao. A separate Deputy for the military establishment may likewise be appointed.

[130] Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Ombudsman Desierto, 415 Phil. 145, 151 (2001) [Per J. Pardo, En Banc].

[131] Esquivel v. Hon. Ombudsman, 431 Phil. 702, 711 (2002) [Per J. Quisumbing, Second Division]; Presidential Commission on Good Government v. Hon. Desierto, 563 Phil. 517, 525 (2007) [Per J. Nachura, Third Division].

[132] Ledesma v. Court of Appeals, 344 Phil. 207, 226-228 (1997) [Per J. Panganiban, Third Division].

[133] People v. Court of Appeals, 361 Phil. 401, 410-413 (1999) [Per J. Panganiban, Third Division].

[134] Id. at 415-416, citing Pilapil v. Sandiganbayan, 293 Phil. 368, 381-382 (1993) [Per J. Nocon, En Banc].

[135] CONST., art. XI, sec. 13(1).

[136] Republic v. Ombudsman Desierto, 541 Phil. 57, 67 (2007) [Per J. Azcuna, First Division].

[137] 541 Phil. 57 (2007) [Per J. Azcuna, First Division].

[138] Id. at 67-68.

[139] Rollo, pp. 181-182, Jaime Dichaves' Memorandum.

[140] CONST., art. VIII, sec. 1.

[141] 687 Phil. 468 (2012) [Per J. Brion, Second Division].

[142] Id. at 476.

[143] Rollo, pp. 172, Jaime Dichaves' Memorandum.

[144] Id. at 193-194.

[145] Estrada v. Office of the Ombudsman, G.R. Nos. 212140-41, January 21, 2015, 748 SCRA 1, 39 [Per J. Carpio, En Banc].

[146] Hashim v. Boncan, 71 Phil. 216, 225 (1941) [Per J. Laurel, En Banc].

[147] Estrada v. Office of the Ombudsman, G.R. Nos. 212140-41, January 21, 2015, 748 SCRA 1, 39 [Per J. Carpio, En Banc].

[148] Id.

[149] Id. at 40.

[150] CONST., art. III, sec. 14(2), provides:

ARTICLE III. Bill of Rights

...

SECTION 14...

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation

against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

[151] Estrada v. Office of the Ombudsman, Q.R. Nos. 212140-41, January 21, 2015, 748 SCRA 1, 46 [Per J. Carpio, En Banc].

[152] Id.

[153] Id. at 45.

[154] Malou Guanzon-Apalisok, Jaime Dichaves uncovered, INQUIRER.NET, APRIL 5, 2012 < <http://newsinfo.inquirer.net/172533/jaime-dichaves-uncovered> > (last visited November 23, 2016).

[155] Rollo, p. 226, Office of the Ombudsman's Memorandum.

[156] Estrada v. Office of the Ombudsman, G.R. Nos. 212140-41, January 21, 2015, 748 SCRA 1, 40 [Per J. Carpio, En Banc].

[157] Atty. Salvador v. Hon. Desierto, 464 Phil. 988, 997 (2004) [Per J. Sandoval-Gutierrez, Third Division].

[158] 633 Phil. 160 (2010) [Per J. Peralta, Third Division].

[159] Id. at 170.

[160] Galario v. Office of the Ombudsman (Mindanao), 554 Phil. 86, 101 (2007) [Per J. Chico-Nazario, Third Division].

[161] Kalalo v. Office of the Ombudsman, et al., 633 Phil. 169-170 (2010) [Per J. Peralta, Third Division].

[162] 273 Phil. 290 (1991) [Per J. Regalado, En Banc].

[163] Id. at 299-300.

[164] Rollo, pp. 32-42, Office of the Ombudsman Joint Resolution.

[165] Id. at 259, Office of the Ombudsman's Memorandum.

[166] Id. at 74, Jaime Dichaves' Motion for Reconsideration.

[167] Reyes v. Hon. Ombudsman GR. Nos. 212593-94, March 15, 2016 < <http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=:/jurisprudence/2016/march2016/212593-94.pdf> > 3 [Per J. Bernabe, En Banc], citing Brinegar v. United States, 338 U.S. 160 (1949).

[168] Rollo, pp. 59-60, Office of the Ombudsman Joint Resolution.

[169] Brig. Gen. (Ret.) Ramiscal, Jr. v. Sandiganbayan, et al., 645 Phil. 69, 82 (2010) [Per J. Carpio, Second Division].

[170] Galario v. Office of the Ombudsman (Mindanao), 554 Phil. 86, 101 (2007) [Per J. Chico-Nazario, Third Division].

[171] Tigas v. Office of the Ombudsman, 706 Phil. 503, 509 (2013) [Per C.J. Sereno, First Division].

[172] Republic v. Ombudsman Desierto, 541 Phil 57, 67 (2007) [Per J. Azcuna, First Division].

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