

## Title: Brig. Gen. (Ret.) Jose S. Ramiscal, Jr. v. Sandiganbayan and People of the Philippines

## Facts:

In 1998, the Philippine Senate Blue Ribbon Committee and the Committee on National Defense and Security investigated alleged anomalies in the Armed Forces of the Philippines-Philippine Retirement Benefits Systems (AFP-RSBS). They found discrepancies in the acquisition of lots by the AFP-RSBS, involving two deeds of sale: unilateral deeds signed by the seller and bilateral deeds signed by both the seller and the AFP-RSBS, with the latter showing inflated prices. The investigation recommended prosecuting Brigadier General Jose Ramiscal Jr., former AFP-RSBS president, and others for violating anti-graft and falsification laws.

The Office of the Ombudsman conducted a subsequent investigation. Initially, the ombudsman recommended dismissing the charges against Ramiscal, citing a need for further fact-finding. However, upon review, another panel found probable cause to charge him with multiple counts of estafa through falsification of public documents and violation of Section 3(e) of Republic Act (R.A.) No. 3019.

**\*\*Procedural Posture:\*\***

Informations were filed in the Sandiganbayan against Ramiscal and others for five counts each of estafa through falsification of public documents and violation of Section 3(e) of R.A. 3019. In one division, it was resolved to issue arrest warrants after finding probable cause. Ramiscal sought to quash the Informations, alleging lack of jurisdiction and arguing that the offenses formed a single continuing crime. His motions and subsequent appeals to reconsider the findings were denied, prompting him to file a Petition for Certiorari under Rule 65 of the Rules of Court for nullification of the Sandiganbayan's resolutions.

## Issues:

1. Whether the Ombudsman committed grave abuse of discretion in finding probable cause against Ramiscal for estafa through falsification of public documents and violation of Section 3(e) of R.A. 3019.
2. Whether the Sandiganbayan committed grave abuse of discretion in finding probable cause for the issuance of arrest warrants without conducting a hearing.
3. Whether Ramiscal can be validly charged with multiple counts of estafa through falsification of public documents.
4. Whether charging Ramiscal with both estafa through falsification of public documents

and violation of R.A. 3019 violates the rule on double jeopardy.

## ## Court's Decision:

### ### Finding Probable Cause:

The Court held that the determination of probable cause is within the exclusive domain of the Office of the Ombudsman. The Ombudsman's revised findings, contrary to the earlier recommendation, and subsequent issuance of Informations were based on thorough factual analysis and comprehensive evaluation of the evidence. The Court found no grave abuse of discretion in the Ombudsman's decision.

### ### Issuance of Arrest Warrants:

The Court emphasized that the determination of probable cause for issuing arrest warrants under the Revised Rules of Criminal Procedure is summary, ex parte, and non-adversarial. The Sandiganbayan duly followed procedural rules and was not required to conduct a hearing for this determination. The contention that additional evidence was ignored was unsupported by the records.

### ### Multiple Counts of Estafa:

The Court ruled that determining whether multiple transactions constitute a continuous crime or multiple distinct crimes is within the Prosecutor's discretion. The Sandiganbayan correctly held that each act of falsification related to different transactions and sellers, thus constituting separate offenses.

### ### Double Jeopardy:

The Court clarified that filing charges for violation of R.A. No. 3019 in addition to other felonies does not violate the rule on double jeopardy. Violation of the Anti-Graft Law can be prosecuted alongside penal code offenses as they may address different aspects of the unlawful conduct.

## ## Doctrine:

- **Probable Cause Review**: The Ombudsman has discretionary authority in determining probable cause, which courts are generally not authorized to question unless there is a shown grave abuse.
- **Ex-Parte Probable Cause Determination**: The judiciary's role in the initial determination of probable cause for warrants is non-adversarial, according to Rule 112 of the Revised Rules of Criminal Procedure.
- **Multiplicity of Charges**: Separate criminal intents in distinct transactions justify

multiple charges rather than a single continuing offense.

- **Concurrent Prosecutions**: Violations under the Anti-Graft Law may be prosecuted concurrently with related offenses under the Revised Penal Code without constituting double jeopardy.

#### **## Class Notes:**

- **Probable Cause**: Standard is less than clear evidence or proof beyond reasonable doubt; requires likelihood rather than certainty of guilt.
- **Jurisdiction of Sandiganbayan**: Covers offenses by high-ranking officials in government corporations, including AFP-RSBS as a state entity.
- **Double Jeopardy**: Not implicated when multiple statutes criminalize different aspects of the accused's acts.
- **Unitary vs. Multiple Crimes**: Depends on distinct criminal intents and offenses; each transaction with separate intent is a distinct crime.

#### **## Historical Background:**

The case occurs within the context of systemic corruption investigations in the Philippines targeting high-ranking officials in state organizations. The findings by Senate Committees and subsequent rigorous reviews by the Ombudsman reflect ongoing efforts to ensure accountability within military financial systems. This specific case underscores the legislative and judicial mechanisms acting to curb graft and ensure proper administration of public funds.