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# EN BANC

# [ G.R. No. 224162, February 06, 2018 ]

## JANET LIM NAPOLES, PETITIONER, VS. SANDIGANBAYAN (THIRD DIVISION), RESPONDENT.

## RESOLUTION

**REYES, JR., J:**

On December 20, 2017, petitioner Janet Lim Napoles (Napoles) filed a motion for the reconsideration[1] of the Court's Decision[2] dated November 7, 2017, the dispositive portion of which reads:

> WHEREFORE, premises considered, the petition is DISMISSED. The Resolutions dated October 16, 2015 and March 2, 2016 of the Sandiganbayan in SB-14-CRM-0238 are AFFIRMED, there being no grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Sandiganbayan.
>
> SO ORDERED.[3]

The assailed decision of this Court upheld the Sandiganbayan's Resolutions dated October 16, 2015 and March 2, 2016 denying Napoles' application for bail, there being no grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Sandiganbayan.

Napoles now invokes the ruling in *Macapagal-Arroyo v. People*,[4] which was promulgated on July 19, 2016. The Court in that case reversed the Sandiganbayan's denial of the demurrer to evidence in the plunder case against former President Gloria Macapagal-Arroyo (GMA) based on the prosecution's failure to specify the identity of the main plunderer, for whose benefit the ill-gotten wealth was amassed, accumulated, and acquired. According to Napoles, the ruling in *Macapagal-Arroyo* should have been applied to her case.[5]

The Court finds this argument unmeritorious.

In a demurrer to evidence, as in the case of Macapagal-Arroyo, the accused imposes a challenge on the sufficiency of the prosecution's entire evidence. This involves a determination of whether the evidence presented by the prosecution has established the guilt of the accused beyond reasonable doubt. Should the trial court find the prosecution's evidence insufficient in this regard, the rant of the demurrer to evidence is equivalent to the acquittal of the accused.[6]

The stage at which the accused may demur to the sufficiency of the prosecution's evidence is during the trial on the merits itself-particularly, after the prosecution has rested its case.[7] This should be distinguished from the hearing for the petition for

bail, in which the trial court does not sit to try the merits of the main case. Neither does it speculate on the ultimate outcome of the criminal charge.[8] The Court has judiciously explained in *Atty. Serapio v. Sandiganbayan*[9] the difference between the preliminary determination of the guilt of the accused in a petition for bail, and the proceedings during the trial proper, *viz.*:

> It must be borne in mind that in *Ocampo vs. Bernabe*, this Court held that in a petition for bail hearing, the court is to conduct only a summary hearing, meaning such brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of the hearing which is merely to determine the weight of evidence for purposes of bail. The court does not try the merits or enter into any inquiry as to the weight that ought to be given to the evidence against the accused, nor will it speculate on the outcome of the trial or on what further evidence may be offered therein. **It may confine itself to receiving such evidence as has reference to substantial matters, avoiding unnecessary thoroughness in the examination and cross-examination of witnesses, and reducing to a reasonable minimum the amount of corroboration particularly on details that are not essential to the purpose of the hearing.**
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> A joint hearing of two separate petitions for bail by two accused will of course avoid duplication of time and effort of both the prosecution and the courts and minimizes the prejudice to the accused, especially so if both movants for bail are charged of having conspired in the commission of the same crime and the prosecution adduces essentially the same evident against them. However, in the cases at bar, the joinder of the hearings of the petition for bail of petitioner with the trial of the case against former President Joseph E. Estrada is an entirely different matter For, with the participation of the former president in the hearing of petitioner's petition for bail, the proceeding assumes a completely different dimension. The proceedings will no longer be summary. As against former President Joseph E. Estrada, **the proceedings will be a full-blown trial which is antithetical to the nature of a bail hearing**. x x x With the joinder of the hearing of petitioner's petition for bail and the trial of the former President, the latter will have the right to cross-examine intensively and extensively the witnesses for the prosecution in opposition to the petition for bail of petitioner. If petitioner will adduce evidence in support of his petition after the prosecution shall have concluded its evidence, the former President may insist on cross-examining petitioner and his witnesses. The joinder of the hearing of petitioner's bail petition with the trial of former President Joseph E. Estrada will be prejudicial to petitioner as it will unduly delay the determination of the issue of the right of petitioner to obtain provisional liberty and seek relief from this Court if his petition is denied by the respondent court. x x x[10] (Citations omitted and emphasis Ours)

The Court has previously discussed in our Decision dated November 7, 2017 that the trial court is required to conduct a hearing on the petition for bail whenever the accused is charged with a capital offense. While mandatory, the hearing may be summary and the trial court may deny the bail application on the basis of evidence less than that necessary to establish the guilt of an accused beyond reasonable