

SECOND DIVISION

[G.R. No. 214300, July 26, 2017]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. MANUEL ESCOBAR, RESPONDENT.

DECISION

LEONEN, J.:

This Rule 45 Petition assails the Court of Appeals Decision to grant the accused's second petition for bail. *Res judicata* applies only in a final judgment in a civil case,^[1] not in an interlocutory order in a criminal case.^[2] An order disposing a petition for bail is interlocutory.^[3] This order does not attain finality when a new matter warrants a second look on the application for bail.

Respondent Manuel Escobar (Escobar) filed a petition for bail (First Bail Petition), which was denied by the Regional Trial Court in the Order^[4] dated October 6, 2008 and by the Court of Appeals in the Decision^[5] dated March 8, 2011. A subsequent development in the accused's case^[6] compelled him to file a second petition for bail (Second Bail Petition). On April 26, 2012, the Regional Trial Court denied^[7] this on the ground of *res judicata*. In the Decision^[8] dated March 24, 2014, the Court of Appeals overturned the Regional Trial Court Order and granted the Second Bail Petition.

Escobar was suspected of conspiring in the kidnap for ransom of Mary Grace Cheng-Rosagas (Mary Grace), daughter of Filipino-Chinese businessman Robert G. Cheng (Robert), and two (2) other victims.^[9] Robert was the owner of Uratex Foam, Philippines,^[10] a manufacturing company of foams and mattresses.^[11]

On June 18, 2001 at 7:40 a.m., Mary Grace, her bodyguard Valentin B. Torres (Torres), and her driver Dionisio F. Burca (Burca) were passing by the front of Malcolm Hall, University of the Philippines, Diliman, Quezon City when a vehicle blocked their way.^[12] Another group of suspects helped as lookouts.^[13]

Clad in police uniform, four (4) armed men forced Mary Grace, Burca, and Torres inside the vehicle.^[14] The incident happened in broad daylight.

Alleged group leader Rolando Villaver (Villaver) and some of the suspects then travelled and detained Mary Grace, Burca, and Torres in an undisclosed location in Batangas.^[15] Afterwards, the group headed to Club Solvento, a resort^[16] in Calamba, Laguna owned by Escobar,^[17] who personally served them food.^[18]

Some of the accused^[19] stayed in Club Solvento to rest or sleep while the others, namely, Villaver, Cesar Olimpiada, a certain Cholo, and Biboy Luginasin, left to

negotiate the price for the victims' release.^[20] Cheng paid the ransom of P15,000,000.00.^[21]

At 7:00 p.m. on the same day, Villaver's group returned to Club Solvento,^[22] followed by co-accused brothers Rolando and Harold Fajardo (the Fajardo brothers), who were alleged advisers of Villaver.^[23] The group then locked themselves in a room where Villaver partitioned the ransom money.^[24] Cancio Cubillas (Cubillas), the group's driver,^[25] confessed to have received a total of P1,250,000.00 for the kidnapping operation.^[26]

At 10:30 p.m. on the same day, Mary Grace, Burca, and Torres were finally released.^[27] They were freed somewhere in Alaminos, Laguna, more than 12 hours since they were abducted.^[28]

Cubillas became a state witness.^[29] On June 3, 2002, he executed an extrajudicial confession and implicated respondent Escobar as an adviser for Villaver.^[30] Cubillas believed that Escobar was involved after he saw Escobar talk to Villaver while they were in Club Solvento.^[31] In his extrajudicial confession, Cubillas also claimed that Escobar received a portion of the ransom money from Villaver.^[32]

On February 17, 2004, an Amended Information was filed before the Regional Trial Court charging Escobar as a co-conspirator^[33] in the kidnapping for ransom.^[34] The charging portion stated:

That on or about June 18, 2001 at around 7:40 in the morning, at Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another and grouping themselves together, with others not present during the actual kidnapping but performing some other peculiarly contributory roles, did, then and there, by force and intimidation, with the use of long firearms and clad in police uniform, willfully, unlawfully and feloniously take, carry away and thereafter detain at some undisclosed place, after having blocked their car in front of Malcolm Hall, Osmena Avenue, UP Campus, Diliman, Quezon City, MARY GRACE CHENG-ROSAGAS, her driver DIONISIO F. BURCA and her bodyguard VALENTIN B. TORRES, against their will and consent thereby depriving them of their liberty for more than twelve (12) hours for the purpose of extorting ransom for their release in the amount of FIFTEEN MILLION PESOS (P15,000,000.00), and which amount was in fact paid by Mary Grace's father, Mr. Robert Cheng, owner of Uratex Foam, Philippines, and have the same delivered at E. Rodriguez Compound, Calamba, Laguna thereby resulting to the release of the kidnap victims somewhere in Alaminos, Laguna at about 10:30 p.m. of the same day all to the damage and prejudice of the three (3) victims and their families in such amount as may be awarded to them and their families under the provisions of the Civil Code.

CONTRARY TO LAW.^[35]

Escobar was arrested on February 14, 2008.^[36]

On June 3, 2008, Escobar filed the First Bail Petition before the Regional Trial Court.^[37] During the hearing on Escobar's bail application, Cubillas testified that Escobar and the Fajardo brothers were Villaver's advisers.^[38]

In the Order dated October 6, 2008, the Regional Trial Court denied^[39] Escobar's First Bail Petition. The dispositive portion read:

The Petition for Bail filed by accused Manny Escobar is denied for lack of merit considering that state witness Cancio Cubillas positively identified said accused as the owner of Club Solvento located in Calamba, Laguna; that he was the one who served food to the group of Rolando Villaver, Jun Jun Villaver, Ning Ning Villaver, Danny Velasquez, Cholo, Cesar Olimpiada, Mike, Alan Celebre, Biboy Luginasin and witness himself, Cancio Cubillas; that it was also in said Club Solvento where Cancio Cubillas, Jun Jun Villaver, Ning Ning Villaver, Danny Velasquez, Mike and Alan Celebre rested and slept after Rolando Villaver, Cholo, Biboy Luginasin and Cesar Olimpiada left to negotiate for the ransom of kidnap victim Mary Grace Cheng Rosagas, and that on the night of June 18, 2001, Cubillas saw accused Rolando Villaver gave part of the ransom money to him.

SO ORDERED.^[40]

Escobar appealed before the Court of Appeals.^[41] On March 8, 2011, the Court of Appeals affirmed^[42] the denial of the First Bail Petition. It recognized that Cubillas' extrajudicial confession was generally incompetent evidence against his co-accused and was admissible against himself only^[43] for being hearsay and for violating the *res inter alios acta* rule.^[44] Nevertheless, the Court of Appeals invoked an exception to this rule and held that the Regional Trial Court "did not rely solely on the extrajudicial confession of Cubillas"; rather, the trial court also relied on Cubillas' testimony during the bail hearing.^[45]

Escobar moved to reconsider the Court of Appeals March 8, 2011 Decision.^[46]

Pending the proceedings on Escobar's case, the police arrested one (1) of the co-accused Fajardo brothers, Rolando Fajardo (Rolando),^[47] who applied for bail before the Regional Trial Court.^[48] As in Escobar's bail hearing, the prosecution relied solely on Cubillas' statements to establish the strength of Fajardo's guilt.^[49] In an Order dated September 13, 2011, the Regional Trial Court denied Rolando's petition for bail.^[50]

However, in an Order dated October 14, 2011, the Regional Trial Court reversed its previous order and granted Rolando's bail application.^[51] The Regional Trial Court stated:

To summarize, the evidence for the prosecution does *not* establish that accused Rolando Fajardo participated during the actual abduction of

Rosagas, Burca and Torres or that during the actual abduction, accused Rolando Fajardo gave advice or instruction to the other accused herein. The evidence for the prosecution likewise does not establish that accused Rolando Fajardo acted as adviser to accused Rolando Villaver and his group in connection with the kidnapping of the victims herein. There is no testimony as to what advice or instructions were made by accused Rolando Fajardo in connection with the kidnapping of the victims herein. *There is thus a paucity of evidence establishing the participation of accused Rolando Fajardo in the kidnapping of Rosagas, Burca and Torres.*

[52] (Emphasis supplied)

The reversal came about after the trial court considered that, according to Cubillas, "[Rolando] was not present before, during and after the kidnapping." [53] There was paucity of evidence on Rolando's alleged participation. [54]

Meanwhile, on October 27, 2011, the Court of Appeals denied Escobar's motion for reconsideration. [55] He no longer appealed before this Court. [56]

By January 2012, only Escobar was left in detention pending the final judgment on the merits of the case as all the other accused who had active participation in the kidnapping had been granted bail. [57] Escobar saw Rolando's release on bail as a new "development which warrant[ed] a different view" on his own bail application. [58]

Thus, on January 27, 2012, Escobar filed another petition for bail (Second Bail Petition) before the Regional Trial Court. [59] He noted that Cubillas could not explain how either Rolando or Escobar advised Villaver and that both Rolando and Escobar were absent before, during, and after the kidnapping. [60] Hence, if Rolando's petition for bail was granted based on the unreliability of Cubillas' testimony, Escobar reasoned that the trial court should likewise grant him provisional release. [61]

On April 26, 2012, the Regional Trial Court denied [62] Escobar's Second Bail Petition on the ground of *res judicata*, [63] reasoning thus: "[i]n deference to the Decision of the Court of Appeals which has already attained finality, accused's Petition for Bail which is actually a second petition for bail[,] must be necessarily denied." [64]

Escobar moved for reconsideration but this was denied by the Regional Trial Court. [65] On January 14, 2013, he appealed before the Court of Appeals via Rule 65, arguing that the trial court committed grave abuse of discretion in denying his Second Bail Petition. [66]

In the Decision dated March 24, 2014, the Court of Appeals granted [67] the petition for certiorari and ordered the Regional Trial Court to determine the appropriate bail for Escobar's provisional liberty. The dispositive portion read:

WHEREFORE, the petition is **GRANTED**. The April 26, 2012, September 14, 2012, September 17, 2012 and November 6, 2012 Orders, are **SET ASIDE**. The trial court is directed to determine the appropriate bail for the provisional liberty of the petitioner, Manuel Escobar, with dispatch.

SO ORDERED.^[68]

The Court of Appeals denied the prosecution's Motion for Reconsideration.^[69] According to the Court of Appeals, Escobar's Second Bail Petition was not barred by *res judicata*, which applies only if the former judgment is a final order or judgment and not an interlocutory order.^[70] An order denying a petition for bail is interlocutory in nature.^[71]

On April 4, 2014, the Regional Trial Court fixed^[72] Escobar's bail at P300,000.00. The dispositive portion read:

In view of the Decision rendered by the Court of Appeals on 24 March 2014, the bail for the provisional liberty of accused Manuel Escobar is hereby fixed at Three Hundred Thousand Pesos (Php300,000.00).

SO ORDERED.^[73]

In the Resolution dated September 11, 2014, the Court of Appeals denied^[74] the prosecution's Motion for Reconsideration.

On November 6, 2014, the prosecution, through the Office of the Solicitor General, filed a Petition for Review^[75] via Rule 45 before this Court. In its Petition, the prosecution does not pray for the issuance of a temporary restraining order of the Court of Appeals Decision;^[76] rather, in assailing the grant of Escobar's Second Bail Petition, the prosecution avers that the doctrine of *res judicata* must be respected.^[77]

On October 19, 2015, Escobar filed his Comment,^[78] arguing that *res judicata* did not apply here,^[79] that there was no strong evidence of his guilt,^[80] and that the Court of Appeals could rectify errors of judgment in the greater interest of justice.^[81] According to Escobar:

13. Due to this sudden development of the grant of bail to his co-accused, [Rolando], and considering that both [Rolando] and [Escobar]'s alleged participation in the crime are based on the same court-declared unreliable "speculations" of the state witness Cubillas, who even admitted he was lying when questioned during [Escobar]'s own bail hearings, it was in the interest of justice and fairness to re-open the matter of bail with respect to [Escobar] and thereby grant the same. And the Honorable Court of Appeals agreed.^[82]

This Court's program to decongest holding jails led City Jail Warden Randel H. Latoza (City Jail Warden Latoza) to review Escobar's case.^[83] In his manifestation dated August 18, 2016, City Jail Warden Latoza informed this Court that there was no temporary restraining order against the Regional Trial Court April 4, 2014 Order, which fixed Escobar's provisional liberty at P300,000.00. He also acknowledged the Court of Appeals March 24, 2014 Decision granting Escobar the right to bail.^[84] He mentioned that Escobar had posted the P300,000.00 bail, as ordered by the trial court.^[85] Thus, he moved to allow Escobar's provisional release on bail.^[86]