

EN BANC

[G.R. No. 213455, August 11, 2015]

JUAN PONCE ENRILE, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. AMPARO M. CABOTAJE-TANG, HON. SAMUEL R. MARTIRES, AND HON. ALEX L. QUIROZ OF THE THIRD DIVISION OF THE SANDIGANBAYAN, RESPONDENTS.

DECISION

BRION, J.:

We resolve the "petition for *certiorari* with prayers (a) for the Court *En Banc* to act on the petition; (b) to expedite the proceedings and to set the case for oral arguments; and (c) to issue a temporary restraining order to the respondents from holding a pre-trial and further proceedings in Criminal Case No. SB-14-CRM-0238"^[1] filed by petitioner Juan Ponce Enrile (Enrile) challenging the July 11, 2014 resolutions^[2] of the Sandiganbayan.

I.

THE ANTECEDENTS

On June 5, 2014, the Office of the Ombudsman filed an Information^[3] for plunder against Enrile, Jessica Lucila Reyes, Janet Lim Napoles, Ronald John Lim, and John Raymund de Asis before the Sandiganbayan.

The Information reads:

x x x x

In 2004 to 2010 or thereabout, 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.

Enrile responded by filing before the Sandiganbayan (1) an *urgent omnibus motion (motion to dismiss for lack of evidence on record to establish probable cause and ad cautelam motion for bail)*,^[4] and (2) a *supplemental opposition to issuance of warrant of arrest and for dismissal of Information*,^[5] on June 10, 2014, and June 16, 2014, respectively. The Sandiganbayan heard both motions on June 20, 2014.

On June 24, 2014, the prosecution filed a consolidated opposition to both motions.

On July 3, 2014, the Sandiganbayan **denied** Enrile's motions and ordered the issuance of warrants of arrest on the plunder case against the accused.^[6]

On July 8, 2014, Enrile received a *notice of hearing*^[7] informing him that his arraignment would be held before the Sandiganbayan's Third Division on July 11, 2014.

On July 10, 2014, **Enrile filed a motion for bill of particulars**^[8] before the Sandiganbayan. On the same date, he filed a *motion for deferment of arraignment*^[9] since he was to undergo medical examination at the Philippine General Hospital (PGH).

On July 11, 2014, Enrile was brought to the Sandiganbayan pursuant to the Sandiganbayan's order and his *motion for bill of particulars* was called for hearing. Atty. Estelito Mendoza (*Atty. Mendoza*), Enrile's counsel, argued the motion orally. Thereafter, Sandiganbayan Presiding Justice (*PJ*) Amparo Cabotaje-Tang (*Cabotaje-Tang*), declared a "10-minute recess" to deliberate on the motion.

When the court session resumed, PJ Cabotaje-Tang announced the Court's **denial** of Enrile's *motion for bill of particulars* essentially on the following grounds:

- (1) ***the details that Enrile desires are "substantial reiterations" of the arguments he raised in his supplemental opposition to the issuance of warrant of arrest and for dismissal of information;*** and
- (2) ***the details sought are evidentiary in nature and are best ventilated during trial.***

Atty. Mendoza asked for time to file a motion for reconsideration, stating that he would orally move to reconsider the Sandiganbayan's denial if he would not be given time to seek a reconsideration. The Sandiganbayan then directed Atty. Mendoza to immediately proceed with his motion for reconsideration.

Atty. Mendoza thus orally presented his arguments for the reconsideration of the denial of Enrile's *motion for bill of particulars*. The Sandiganbayan again declared a recess to deliberate on the motion. After five (5) minutes, PJ Cabotaje-Tang announced the Sandiganbayan's denial of the motion for reconsideration.^[10]

The Sandiganbayan reduced its rulings into writing on Enrile's written and oral motions. The pertinent portion of this ruling reads:

x x x x

In today's consideration of accused Juan Ponce Enrile's Motion for Bill of Particulars, the Court heard the parties on oral arguments in relation thereto. Thereafter, it declared a ten-minute recess to deliberate thereon. After deliberating on the said motion as well as the arguments of the parties, the Court resolves to **DENY** as it hereby **DENIES** the same motion for bill of particulars for the following reasons: (1) the details desired in paragraphs 2 to 5 of the said motion are substantially reiterations of the arguments raised by accused Enrile in his Supplemental Opposition to Issuance of Warrant of Arrest and for Dismissal of Information dated June 16, 2014 x x x.

The Court already upheld the sufficiency of the allegations in the Information charging accused Enrile, among other persons, with the crime of plunder in its Resolution dated July 3, 2014. It finds no cogent reasons to reconsider the said ruling.

Moreover, the “desired details” that accused Enrile would like the prosecution to provide are evidentiary in nature, which need not be alleged in the Information. They are best ventilated during the trial of the case.

Counsel for accused Juan Ponce Enrile orally sought a reconsideration of the denial of his motion for bill of particulars which was opposed by the prosecution. The Court then declared another ten-minute recess to deliberate on the said motion for reconsideration. After deliberation thereon, the Court likewise resolved to **DENY** as it hereby **DENIES** accused Juan Ponce Enrile’s motion for reconsideration there being no new or substantial grounds raised to warrant the grant thereof.

ACCORDINGLY, the scheduled arraignment of accused Juan Ponce Enrile shall now proceed as previously scheduled.

SO ORDERED.^[11]

Atty. Mendoza subsequently moved for the deferment of Enrile’s arraignment. The Sandiganbayan responded by directing the doctors present to determine whether he was physically fit to be arraigned. After he was declared fit, the Sandiganbayan proceeded with Enrile’s arraignment. Enrile entered a “no plea,” prompting the Sandiganbayan to enter a “not guilty” plea on his behalf.

II.

THE PETITION FOR CERTIORARI

Enrile claims in this petition that the Sandiganbayan acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it denied his *motion for bill of particulars* despite the ambiguity and insufficiency of the Information filed against him. Enrile maintains that the denial was a serious violation of his constitutional right to be informed of the nature and cause of the accusation against him.

Enrile further alleges that he was left to speculate on what his specific participation in the crime of plunder had been. He posits that the Information should have stated the details of the particular acts that allegedly constituted the imputed series or combination of overt acts that led to the charge of plunder. Enrile essentially reiterates the “details desired” that he sought in his motion for bill of particulars, as follows:

Allegations of Information	Details Desired
“x x x 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 acts, x x x.”	a. Who among the accused acquired the alleged “ill-gotten wealth amounting to at least ONE HUNDRED SEVENTY TWO MILLION EIGHT HUNDRED THIRTY FOUR THOUSAND FIVE HUNDRED PESOS (Php172,834,500.00)”? One of them, two of them or all of them? Kindly specify.
	b. The allegation “through a combination or series of overt criminal acts” is a conclusion of fact or of law. What are the

	particular overt acts which constitute the " <i>combination</i> "? What are the particular overt acts which constitute the " <i>series</i> "? Who committed those acts?
x x x 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 implementers 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;	a. What was "repeatedly" received? If sums of money, the particular amount. If on several occasions and in different amounts, specify the amount on each occasion and the corresponding date of receipt.
	b. Name the specific person(s) who delivered the amount of Php172,834,500.00 and the specific person(s) who received the amount; or if not in lump sum, the various amounts totaling Php172,834,500.00. x x x Specify particularly the person who delivered the amount, Napoles or Lim or De Asis, and who particularly are "the others."
	c. To <i>whom</i> was the money given? To Enrile or Reyes? State the amount given on each occasion, the <i>date</i> when and the <i>place</i> where the amount was given.
	d. x x x <i>Describe</i> each project allegedly identified, <i>how</i> , and <i>by whom</i> was the project identified, the <i>nature</i> of each project, where it is located and the cost of each project.
	e. For each of the years 2004-2010, under <i>what law</i> or <i>official document</i> is a portion of the "Priority Development Assistance Fund" identified as that of a member of Congress, in this instance, as ENRILE's, to be found? In what <i>amount</i> for each year is ENRILE's Priority Development Assistance Fund? When, and to whom, did Enrile endorse the projects in favor of "Napoles non-government organizations which became the recipients and/or target implementers of ENRILE's PDAF projects?" <i>Name</i> Napoles non-government organizations which became the recipients and/or target implementers of ENRILE's PDAF projects. <i>Who paid</i> Napoles, <i>from whom</i> did Napoles collect the fund for the projects which turned out to be ghosts or fictitious? <i>Who authorized</i> the payments for each project?
	f. x x x what COA audits or field

	investigations were conducted which validated the findings that each of Enrile's PDAF projects in the years 2004-2010 were ghosts or spurious projects?
x x x 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.	a. Provide the details of how Enrile took undue advantage, on several occasions, of his official positions, authority, relationships, connections, and influence to unjustly enrich himself at the expense and to the damage and prejudice, of the Filipino people and the Republic of the Philippines. Was this because he <i>received</i> any <i>money</i> from the government? <i>From whom</i> and <i>for what</i> reason did he receive any money or property from the government through which he "unjustly enriched himself"? State the details from whom each <i>amount</i> was received, the <i>place</i> and the <i>time</i> .

Enrile posits that his 'desired details' are not evidentiary in nature; they are material facts that should be clearly alleged in the Information so that he may be fully informed of the charges against him and be prepared to meet the issues at the trial.

Enrile adds that the grounds raised in his *motion for bill of particulars* are cited in a context different from his opposition to the issuance of a warrant of arrest. He maintains that the resolution of the probable cause issue was interlocutory and did "not bar the submission of the same issue in subsequent proceedings especially in the context of a different proceeding."

Enrile thus prays that: "(a) the Court *en banc* act on the present petition; (b) by way of an interim measure, the Court issue a TRO or writ of preliminary injunction enjoining the Sandiganbayan from holding the pre-trial and subsequent proceedings against him in Criminal Case No. SB-14-CRM-0238 during the pendency of the present petition; (c) the Court expedite the proceedings and set the case for oral arguments; and (d) at the conclusion of the proceedings, the Court annul and set aside the Sandiganbayan's July 11, 2014 resolution and his arraignment."

A. The People's Comment

In its Comment,^[12] the People of the Philippines^[13] counters that the Sandiganbayan did not exercise its discretionary power in an arbitrary or despotic manner. Even assuming that the Sandiganbayan's denial of Enrile's motion for bill of particulars was erroneous, the error did not amount to lack or excess or jurisdiction. It further maintains that the assailed Sandiganbayan rulings were arrived at based on the procedures prescribed under Section 2, Rule VII of the Revised Internal Rules of the Sandiganbayan.

The *People* also argues that the Information already contained the ultimate facts; matters of evidence do not need to be averred.

B. Enrile's Reply

In his Reply, Enrile essentially claims that the right to move for a bill of particulars is "ancillary to and in implementation" of an accused's rights to due process, to be heard, and to be informed of the nature and cause of the accusation against him. He maintains that the Sandiganbayan's denial of his motion for bill of particulars is not "a mere denial of a procedural right under the Rules of Court, but of rights vested in an accused under the Constitution to ensure fairness in the trial of the offense charged." Enrile also adds that there could only be a fair trial if he could properly plead to the Information and prepare for trial.

Enrile further argues that the People's Comment did not dispute the relevance of the details sought in the motion for bill of particulars. He likewise claims that ***the "desired details" could not be***