

## EN BANC

[ G.R. NO. 158754, August 10, 2007 ]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS.  
SANDIGANBAYAN (SPECIAL DIVISION) AND JOSE "JINGGOY"  
ESTRADA, RESPONDENTS.**

### D E C I S I O N

**GARCIA, J.:**

The instant petition for certiorari under Rule 65 of the Rules of Court seeks to reverse and set aside the Resolution<sup>[1]</sup> of herein respondent Sandiganbayan (Special Division) issued on March 6, 2003 in Criminal Case No. 26558, granting bail to private respondent Senator Jose "Jinggoy" Estrada (hereafter "Jinggoy" for brevity), as effectively reiterated in its Resolution<sup>[2]</sup> of May 30, 2003, denying the petitioner's motion for reconsideration.

The factual antecedents which gave rise to this proceeding are set forth in the Court's Decision<sup>[3]</sup> of February 26, 2002, in *G.R. No. 148965*, to wit:

In November 2000, as an offshoot of the impeachment proceedings against Joseph Ejercito Estrada, then President of the Republic of the Philippines, five criminal complaints against the former President and members of his family, his associates, friends and conspirators were filed with the ... Office of the Ombudsman.

On April 4, 2001, the ... Ombudsman issued a Joint Resolution finding probable cause warranting the filing with the Sandiganbayan of several criminal Informations against the former President and the other respondents therein. One of the **Informations was for** the crime of **plunder** under Republic Act [RA] No. 7080 and **among the respondents was herein petitioner Jose "Jinggoy" Estrada**, then mayor of San Juan, Metro Manila.

The Information was amended and filed on April 18, 2001. Docketed as Criminal Case No. 26558, the case was assigned to [the] respondent Third Division of the Sandiganbayan. xxx. (Emphasis added.)

The amended information referred to, like the original, charged respondent Jinggoy, together with the former President and several others, with plunder, defined and penalized under RA No. 7080, as amended by Section 12 of RA No. 7659, allegedly 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, ..., 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 wilfully (sic), 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 AND 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 FILIPINO 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:

(a) by receiving OR collecting, directly or indirectly, on SEVERAL INSTANCES, MONEY IN THE AGGREGATE AMOUNT OF... (P545,000,000.00), MORE OR LESS, FROM ILLEGAL GAMBLING IN THE FORM OF GIFT, SHARE, PERCENTAGE, KICKBACK OR ANY FORM OF PECUNIARY BENEFIT, BY HIMSELF AND/OR in connivance with co-accused ... Jose "Jinggoy" Estrada, ..., [and] JOHN DOES AND JANE DOES, in consideration OF TOLERATION OR PROTECTION OF ILLEGAL GAMBLING;

(b) by DIVERTING, RECEIVING, misappropriating, converting OR misusing DIRECTLY OR INDIRECTLY, for HIS OR THEIR PERSONAL gain and benefit, public funds ... [P130,000,000.00], more or less, representing a portion of the ... [P200,000,000] tobacco excise tax share allocated for the Province of Ilocos Sur under R.A. No. 7171, BY HIMSELF AND/OR in CONNIVANCE with co-accused Charlie 'Atong' Ang, Alma Alfaro, JOHN DOE a.k.a. Eleuterio Tan OR Eleuterio Ramos Tan or Mr. Uy, and Jane Doe a.k.a. Delia Rajas, AND OTHER JOHN DOES AND JANE DOES;

(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 STOCK MORE OR LESS, and the Social Security System (SSS), 329,855,000 SHARES OF STOCK MORE OR LESS, OF THE BELLE CORPORATION IN THE AMOUNT OF MORE OR LESS ... [P744,612,450.00], RESPECTIVELY, OR A TOTAL OF MORE OR LESS ... [P1,847,578,057.50]; AND BY COLLECTING OR RECEIVING, DIRECTLY OR INDIRECTLY, BY HIMSELF AND/OR IN CONNIVANCE WITH JOHN DOES AND JANE DOES, COMMISSIONS OR PERCENTAGES BY REASON OF SAID PURCHASES OF SHARES OF STOCK IN THE AMOUNT ... [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 VELARDE";

(d) by unjustly enriching himself FROM COMMISSIONS, GIFTS, SHARES, PERCENTAGES, KICKBACKS, OR ANY FORM OF PECUNIARY BENEFITS, IN CONNIVANCE WITH JOHN DOES AND JANE DOES, in the amount of MORE OR LESS ... [P3,233,104,173.17] AND DEPOSITING THE SAME UNDER HIS ACCOUNT NAME "JOSE VELARDE" AT THE EQUITABLE-PCI BANK.<sup>[4]</sup>

What transpired next are narrated in the same February 26, 2002 Decision in *G.R. No. 148965*, thus:

On April 25, 2001, the respondent court issued a warrant of arrest for [Jinggoy] and his co-accused. On its basis, [Jinggoy] and his co-accused were placed in custody of the law.

On April 30, 2001, [Jinggoy] filed a "Very Urgent Omnibus Motion" alleging that: (1) no probable cause exists to put him on trial and hold him liable for plunder, it appearing that he was only allegedly involved in illegal gambling and not in a "series or combination of overt or criminal acts" as required in *R.A. No. 7080*; and (2) he is entitled to bail as a matter of right. [He] prayed that he be excluded from the Amended Information ... In the alternative, [he] also prayed that he be allowed to post bail ...

On June 28, 2001, [he] filed a "Motion to Resolve Mayor Jose "Jinggoy" Estrada's Motion To Fix Bail On Grounds That An Outgoing Mayor Loses Clout An Incumbent Has And That On Its Face, the Facts Charged In The Information Do Not Make Out A Non-Bailable Offense As To Him."

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On July 9, 2001, respondent Sandiganbayan issued a Resolution denying [Jinggoy's] "Motion to Quash and Suspend" and "Very Urgent Omnibus Motion." [His] alternative prayer to post bail was set for hearing after arraignment of all accused. xxx

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The following day, July 10, 2001, [Jinggoy] moved for reconsideration of the Resolution. **Respondent court denied the motion and proceeded to arraign [him].** [He] refused to make his plea prompting respondent court to enter a plea of "not guilty" for him.<sup>[5]</sup> (Emphasis and words in brackets added)

From the denial action of the Sandiganbayan immediately adverted to, Jinggoy interposed a petition for certiorari before this Court claiming that the respondent Sandiganbayan committed grave abuse of discretion in, *inter alia*, (a) sustaining the charge against him for alleged offenses and with alleged conspirators with whom he is not even connected, and (b) in not fixing bail for him. Pending resolution of this petition, docketed as *G.R. No. 148965*, Jinggoy filed with the Sandiganbayan an "Urgent Second Motion for Bail for Medical Reasons." The Ombudsman opposed the

motion. For three (3) days in September 2001, the Sandiganbayan conducted hearings on the motion for bail, with one Dr. Roberto Anastacio of the Makati Medical Center appearing as sole witness for Jinggoy.<sup>[6]</sup>

On December 18, 2001, Jinggoy filed with the Court an *Urgent Motion* praying for early resolution of his *Petition for Bail on Medical/Humanitarian Considerations*." He reiterated his earlier plea for bail filed with the Sandiganbayan. On the same day, the Court referred the motion to the Sandiganbayan for resolution and directed said court to make a report, not later than 8:30 in the morning of December 21, 2001.<sup>[7]</sup>

The report was submitted as directed. Attached to the *Report* was a copy of the Sandiganbayan's Resolution dated December 20, 2001 denying Jinggoy's motion for bail for "lack of factual basis." According to the graft court, basing its findings on the earlier testimony of Dr. Anastacio, Jinggoy "failed to submit sufficient evidence to convince the court that the medical condition of the accused requires that he be confined at home and for that purpose that he be allowed to post bail." <sup>[8]</sup>

On February 26, 2002, the Court dismissed Jinggoy's petition in *G.R. No. 148965*, on the following rationale:

The constitutional mandate makes the grant or denial of bail in capital offenses hinge on the issue of *whether or not the evidence of guilt of the accused is strong*. This requires that the trial court conduct bail hearings xxx. The burden of proof lies with the prosecution to show strong evidence of guilt.

This Court is not in a position to grant bail to [Jinggoy] as the matter requires evidentiary hearing that should be conducted by the Sandiganbayan. The hearings on which respondent court based its Resolution of December 20, 2001 involved the reception of medical evidence only and which evidence was given in September 2001, five months ago. The records do not show that evidence on petitioner's guilt was presented before the lower court.

Upon proper motion of [Jinggoy], respondent Sandiganbayan should conduct hearings to determine if the evidence of [Jinggoy's] guilt is strong as to warrant the granting of bail to [him].<sup>[9]</sup> (Underscoring and words in brackets added).

On April 17, 2002, Jinggoy filed before the Sandiganbayan an *Omnibus Application for Bail* <sup>[10]</sup> against which the prosecution filed its comment and opposition. Bail hearings were then conducted, followed by the submission by the parties of their respective memoranda.

In the herein assailed Resolution<sup>[11]</sup> of March 6, 2003, respondent Sandiganbayan (Special Division) granted the omnibus application for bail, disposing as follows:

WHEREFORE, in light of all the facts and applicable law and jurisprudence, JOSE "JINGGOY" ESTRADA's "OMNIBUS APPLICATION FOR BAIL" dated April 16, 2002 is GRANTED. Bail for accused-movant is fixed at Five Hundred Thousand Pesos (Php500,000.00) to be paid in cash and

his release is ordered upon the posting thereof and its approval, unless movant is being held for some other legal cause.

This resolution is immediately executory.

SO ORDERED.

Petitioner filed a motion for reconsideration thereto which the respondent court denied *via* the herein equally assailed May 30, 2003 Resolution,<sup>[12]</sup> the dispositive part of which reads:

WHEREFORE, for lack of merit, the prosecution's "MOTION FOR RECONSIDERATION [RE: GRANT OF JOSE "JINGGOY" ESTRADA'S PETITION FOR BAIL] dated 13 March 2003 is DENIED.

SO ORDERED.

Hence, the present petition on the submission<sup>[13]</sup> that respondent Special Division of the Sandiganbayan acted with grave abuse of discretion amounting to lack or excess of jurisdiction -

I.

IN GRANTING BAIL TO RESPONDENT JINGGOY ESTRADA,... [CONSIDERING] THE WELL-ESTABLISHED THEORY OF OVERLAPPING CONSPIRACIES AND, THUS, GRIEVOUSLY DISREGARDED THE APPLICATION OF ACCEPTED CRIMINAL LAW PRECEPTS AND THEREBY SET A DANGEROUS PRECEDENT.

II.

xxx WHEN IT GRANTED BAIL TO RESPONDENT JINGGOY ESTRADA WHEN IT FAILED TO RECOGNIZE THAT THE CONDUCT OF RESPONDENT JINGGOY ESTRADA POINTED TO A CONCURRENCE OF SENTIMENT OR CRIMINAL DESIGN INDICATING THE EXISTENCE OF A CONSPIRACY BETWEEN ACCUSED JOSEPH ESTRADA AND JINGGOY ESTRADA.

III.

xxx WHEN IT GRANTED BAIL TO RESPONDENT JINGGOY ESTRADA CONSIDERING THAT THE UNDISPUTED FACT CLEARLY EVIDENCES THAT RESPONDENT JINGGOY ESTRADA, EVEN WITHOUT A FINDING OF CONSPIRACY, IS EQUALLY GUILTY AND LIABLE AS ACCUSED JOSEPH ESTRADA HIMSELF BY HIS INDISPENSABLE COOPERATION AND/OR DIRECT PARTICIPATION IN THE COMMISSION OF THE CRIME OF PLUNDER.

IV.

xxx WHEN IT LIMITED THE CONSIDERATION OF THE EVIDENCE, AS WELL AS THE POTENTIAL [LIABILITY] OF RESPONDENT JINGGOY ESTRADA, TO SUBPARAGRAPH "A" OF THE AMENDED INFORMATION.