



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated March 29, 2023 which reads as follows:*

**“G.R. No. 255863 (*Mario Joel T. Reyes v. People of the Philippines*).** — In this Petition for Review on *Certiorari* (Petition),<sup>1</sup> petitioner Mario Joel T. Reyes (petitioner) asks this Court to reverse and set aside the Amended Decision<sup>2</sup> dated 28 November 2019 and the Resolution<sup>3</sup> dated 24 February 2021 of the Court of Appeals (CA) in CA-G.R. SP No. 132847. The CA, in the assailed Amended Decision, **reversed** its earlier Decision<sup>4</sup> dated 04 January 2018 dismissing Criminal Case No. 26839 against petitioner for lack of probable cause and directed the Regional Trial Court (RTC) of Puerto Princesa City, Palawan, to issue a warrant for his arrest and continue with his prosecution.

**Antecedents**

Petitioner is one of the accused in Criminal Case No. 26839 for the murder of Dr. Geraldo “Gerry” Ortega (Dr. Ortega) pending before the RTC in Puerto Princesa City.<sup>5</sup>

Dr. Ortega, a veterinarian and anchor of several radio shows in Palawan, was shot dead in the morning of 24 January 2011. After a brief chase with police officers, shooter Marlon Recamata (Recamata) was

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<sup>1</sup> *Rollo*, Vol. I, pp. 4-62.

<sup>2</sup> *Id.* at 64-80; penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Victoria Isabel A. Paredes, Maria Filomena D. Singh (now a Member of the Court) and Rafael Antonio M. Santos. Associate Justice Danton G. Bueser dissented.

<sup>3</sup> *Id.* at 108-117; penned by Associate Justice Marie Christine Azcarraga-Jacob and concurred in by Associate Justices Victoria Isabel A. Paredes, Maria Filomena D. Singh (now a Member of the Court) and Rafael Antonio M. Santos. Associate Justice Danton Q. Bueser dissented.

\* <sup>4</sup> *Rollo*, Vol. III, pp. 891-914; penned by Associate Justice Normandie B. Pizarro and concurred in by Associate Justices Danton Q. Bueser, and Victoria Isabel A. Paredes. Associate Justices Marie Christine Azcarraga-Jacob and Maria Filomena D. Singh, with dissenting opinion (*Rollo*, Vol. III, pp. 922-928 and pp. 929-946, respectively).

<sup>5</sup> *Rollo*, Vol. I. p. 4.

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arrested. On even date, Recamata executed an extrajudicial confession admitting to shooting Dr. Ortega and implicating Rodolfo Edrad a.k.a. Bumar (Bumar), Dennis C. Aranas (Aranas), and Armando “Salbakota” Noel, Jr. (Salbakota).<sup>6</sup>

On 07 February 2011, then Secretary of Justice Leila M. de Lima (Secretary de Lima) issued Department Order (DO) No. 091 creating a special panel of prosecutors (First Panel) to conduct a preliminary investigation. A week later, Dr. Ortega’s wife, Dr. Patria Gloria Inocencio-Ortega (Dr. Inocencio-Ortega), filed a Supplemental Affidavit-Complaint<sup>7</sup> implicating petitioner, among others, as the mastermind of her husband’s murder. On 08 June 2011, the First Panel dismissed Dr. Inocencio-Ortega’s Supplemental Affidavit-Complaint as against petitioner for insufficiency of evidence.<sup>8</sup>

Subsequently, Dr. Inocencio-Ortega filed: (1) a Motion to Re-Open Preliminary Investigation seeking, among others, the admission of mobile phone communications between petitioner and Bumar; and (2) a Motion for Partial Reconsideration *Ad Cautelam* of the 08 June 2011 Resolution. Both of these motions were denied by the First Panel.<sup>9</sup>

On 07 October 2011, Secretary de Lima, “in the interest of the service and due process,” issued DO No. 710 revoking DO No. 091 (which created the First Panel) and creating a new panel of investigators (Second Panel) to conduct a reinvestigation of the case.<sup>10</sup>

On 03 September 2011, petitioner filed before the CA a Petition for *Certiorari* and Prohibition (docketed as CA-G.R. SP No. 121533) assailing the creation of the Second Panel. While this was pending, the Second Panel, on 12 March 2012, issued a Resolution finding probable cause and recommending the filing of criminal Informations against all accused, including petitioner. Accordingly, an Information (docketed as **Criminal Case No. 26839**) was filed. Petitioner moved to suspend the proceedings before the trial court pending the resolution of CA-G.R. SP No. 121533. This, however, was denied by the RTC in an Omnibus Order dated 27 March 2012.<sup>11</sup> Warrants were thereafter issued for the apprehension of petitioner and the other co-accused.<sup>12</sup>

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<sup>6</sup> *Rollo*, Vol. III, p. 892.

<sup>7</sup> *Rollo*, Vol. I, pp. 191-195.

<sup>8</sup> *Id.* at 248-268. The complaint against Gov. Jose Antonio N. Carrion, Mayor Mario T. Reyes, M. Jr., Atty. Romeo Seratubias, Arturo R. Regalado, and Percival B. Lecias was also dismissed for similar reasons.

<sup>9</sup> *Rollo*, Vol. III, 893.

<sup>10</sup> *Id.* at 893-894.

<sup>11</sup> *Rollo*, Vol. II, pp. 792-795. Penned by Presiding Judge Angelo R. Arizala.

<sup>12</sup> *Rollo*, Vol. I, p. 195.

Meanwhile, the CA, in a Special Tenth Division of Five,<sup>13</sup> disposed of CA-G.R. SP No. 121533 in petitioner's favor. It declared DO No. 710 null and void and reinstated the First Panel's Resolutions dated 08 June 2011 and 02 September 2011. Petitioner thus filed a motion with the RTC seeking the immediate implementation of the CA's Decision as well as the recall of the warrant for his arrest.<sup>14</sup>

In its Order dated 29 August 2013,<sup>15</sup> the RTC, however, denied petitioner's motions on the ground that the CA Decision did not tackle the issue regarding probable cause and issuance of warrant of arrest. It likewise held that without a clear mandate from the CA or this Court nullifying or dismissing the proceedings before the RTC, it has "the duty to continue with its exercise of jurisdiction over the case and enforce the legal processes it has issued in the exercise of its jurisdiction."<sup>16</sup>

In the meantime, and after the denial of their respective motions for reconsideration, Secretary de Lima, the Second Panel and Dr. Inocencio-Ortega filed a petition<sup>17</sup> with the Supreme Court to challenge the CA's Decision in CA-G.R. SP No. 121533.<sup>18</sup>

Earlier, however, petitioner filed a special civil action for *certiorari* and prohibition before the CA (docketed as CA-G.R. SP No. 132847) questioning the *Omnibus Order* and subsequent *Order* issued by the RTC and praying that the trial court be enjoined from proceeding with the criminal case, the warrant for his arrest be quashed, and that the criminal case against him be dismissed.<sup>19</sup>

### **Ruling of the CA**

In a Decision dated 04 January 2018, the CA Former Eleventh Division (Special Division of Five) dismissed petitioner's action and upheld Secretary de Lima's authority to create the Second Panel.<sup>20</sup> It found, however, that the RTC gravely abused its discretion when it ruled that there was probable cause for the issuance of a warrant of arrest against petitioner.<sup>21</sup>

<sup>13</sup> Penned by Associate Justice Normandie B. Pizarro and concurred in by Justices Danton Q. Bueser (with Concurring Opinion) and Victoria Isabel A. Paredes. Associate Justice Maria Filomena D. Singh filed her dissent and was joined by Associate Justice Marie Christine Azcarraga-Jacob.

<sup>14</sup> *Rollo*, Vol. II, pp. 896.

<sup>15</sup> *Id.* at 880-889; penned by Presiding Judge Angelo R. Arizala.

<sup>16</sup> *Id.* at 883.

<sup>17</sup> *De Lima v. Reyes*, 776 Phil. 623 (2016).

<sup>18</sup> *Rollo*, Vol. III, p. 897.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 891-914; Underscoring supplied.

<sup>21</sup> *Rollo*, Vol. I, pp. 64-80

On 22 January 2018, the Office of the Solicitor General (OSG) filed a Motion for Reconsideration (MR) of the CA's Decision "implor[ing] the [CA] to take a second look into the existence of probable cause for the issuance of a warrant of arrest against petitioner."<sup>22</sup>

After receiving petitioner's Comment to the OSG's motion, the CA Special Former Eleventh Division Special Division of Five,<sup>23</sup> on 28 November 2019, issued an Amended Decision granting the motion filed by the OSG. The dispositive portion of the Amended Decision now reads:

**WHEREFORE**, premises considered, the Court **RESOLVES** to **GRANT**, as it hereby **GRANTS**, the *Motion for Reconsideration* filed by the OSG.

Accordingly, the Decision dated 04 January 2018 is hereby **REVERSED** and **SET ASIDE** and a new one is entered as follows:

- (1) **DENYING** the petition for *certiorari* and prohibition dated 12 November 2013;
- (2) **AFFIRMING** the Omnibus Order dated 27 March 2012 and Order dated 29 August 2013 of the Regional Trial Court, Branch 52, Puerto Princesa City, in Criminal Case No. 26839;
- (3) **REINSTATING** the Information dated 12 March 2012 in Criminal Case No. 26839 as to petitioner Mario Joel T. Reyes; and
- (4) **DIRECTING** the RTC to issue a warrant of arrest against the petitioner and to conduct proceedings in Criminal Case No. 26839 with purposeful dispatch.

**SO ORDERED.**<sup>24</sup>

With the denial<sup>25</sup> of his subsequent Motion for Reconsideration, petitioner filed with this Court a Petition for Review on *Certiorari*<sup>26</sup> under Rule 45 of the Revised Rules of Court.

On 14 June 2021, We issued a Resolution<sup>27</sup> initially denying the Petition on the ground of failure to show that the CA committed reversible error as to warrant Our exercise of our discretionary appellate jurisdiction. Upon petitioner's motion,<sup>28</sup> however, We reinstated the petition and required respondent to file comment thereon within a non-extendible period of ten (10) days from notice. On even date, this Court also issued a temporary restraining

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<sup>22</sup> Id. at 65.

<sup>23</sup> Now with Associate Justice Rafael Antonio M. Santos as fifth member after the retirement of *ponente* and Associate Justice Pizzaro.

<sup>24</sup> *Rollo*, Vol. I, p. 79.

<sup>25</sup> Id. at 8-9.

<sup>26</sup> Id. at 3-62.

<sup>27</sup> *Rollo*, Vol. III, p. 1076.

<sup>28</sup> Id. at 1136-1182.

order (TRO)<sup>29</sup> enjoining the RTC from implementing the warrant of arrest against petitioner and from conducting further proceedings in Crim. Case No. 26839 pending final adjudication of this case.<sup>30</sup>

On 04 May 2022, respondent People of the Philippines, through the OSG, filed its Comment (with Motion to Lift TRO).<sup>31</sup>

### Issue

The Court now resolves whether the CA committed reversible error when it found that the RTC did not gravely abuse its discretion in asserting its jurisdiction over Criminal Case No. 26839.

### Ruling of the Court

We **DENY** the Petition.

We do not find that the CA committed reversible error when it affirmed the trial court's Orders.

*First*, it is a cardinal principle that all criminal actions either commenced by complaint or by information shall be prosecuted under the direction and control of the fiscal. Once a complaint or information is filed in court, however, any disposition of the case rests in the sound discretion of the court. The determination of the case is within its exclusive jurisdiction and competence.<sup>32</sup>

Here, after the Information was filed before it, the trial court in fact merely complied with the duty prescribed to it by the Constitution and the Rules of Court, that is, the judge personally evaluated and determined the existence of probable cause.

*Second*, any grave abuse of discretion that may have occurred during the preliminary investigation is generally rendered moot and academic once a judge has made a judicial determination of probable cause.<sup>33</sup> As earlier stated, the trial court, after an independent assessment of the case filed before it, found probable cause for the issuance of a warrant to apprehend petitioner.<sup>34</sup>

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<sup>29</sup> Id. at 1194-1195.

<sup>30</sup> Id.

<sup>31</sup> Id. at 1197-1261.

<sup>32</sup> *Crespo v. Mogul*, 235 Phil. 465, 476 (1987).

<sup>33</sup> *People v. Sandiganbayan*, G.R. No. 185503, 03 May 2021.

<sup>34</sup> *Rollo*, Vol. 1, p. 195.

We thus find no grave abuse of discretion when the trial court ordered the continuation of the trial against petitioner, the decision in CA-G.R. SP No. 121533 notwithstanding.

*Third*, as correctly reasoned by the trial court, the primary issue resolved by the CA Decision in CA-G.R. SP No. 121533 was regarding the authority of the Secretary of Justice to issue DO No. 710 and create a second panel of investigators. It did **not** resolve the specific issue of existence of probable cause as to have any effect on the trial court's own conclusions on the matter.

*Fourth*, the CA Decision invoked by petitioner as basis for the dismissal of Crim. Case No. 26839 was ultimately reversed by this Court. In fact, and in addition to upholding the power of the Secretary of Justice to issue DO No. 710, We held:

The Court of Appeals should have dismissed the Petition for Certiorari filed before them when the trial court issued its warrant of arrest. Since the trial court has already acquired jurisdiction over the case and the existence of probable cause has been judicially determined, a petition for certiorari questioning the conduct of the preliminary investigation ceases to be the "plain, speedy, and adequate remedy" provided by law. Since this Petition for Review is an appeal from a moot Petition for Certiorari, it must also be rendered moot.

**The prudent course of action at this stage would be to proceed to trial.** Respondent, however, is not without remedies. He may still file any appropriate action before the trial court or question any alleged irregularity in the preliminary investigation during pre-trial.

WHEREFORE, the Petition is **DISMISSED** for being moot. Branch 52 of the Regional Trial Court of Palawan is **DIRECTED** to proceed with prosecution of Criminal Case No. 26839.<sup>35</sup> (Emphasis supplied.)

Thus, and considering this Court's own directive to proceed with trial, the CA can hardly be said to have committed reversible error when it affirmed the trial court's decision to continue hearing the criminal case against petitioner.

*Fifth*, the CA,<sup>36</sup> like the trial court, found evidence on record sufficient to support a finding of existence of probable cause against petitioner. These include: Bumar's statement implicating petitioner and others as the persons who masterminded the killing of Dr. Ortega; Arandia's statement that he was

<sup>35</sup> *De Lima v. Reyes*, supra note 17 at 652-653.

<sup>36</sup> Composed of Associate Justices Danton Q. Bueser, Victoria Isabel A. Paredes, Marie Christine Azcarraga-Jacob, Maria Filomena D. Singh (now a Member of this Court) and Rafael Antonio M. Santos (who was assigned Member after the retirement of Associate Justice Pizzaro).

the person initially hired by Bumar to kill Dr. Ortega; Aranas' statement similarly identifying petitioner as the mastermind of the killing of Dr. Ortega; and the admission of gunman Recamata that he was hired by Bumar's boss to kill Dr. Ortega.<sup>37</sup>

*Finally*, this particular stage of the criminal proceeding against petitioner requires neither absolute nor moral certainty; opinion and reasonable belief is already sufficient.<sup>38</sup> His arguments against the admissibility and credibility of the prosecution's evidence are all matters which are, at bottom, factual and evidentiary in nature best threshed out in a full-blown trial on the merits.<sup>39</sup>

A special civil action under Rule 65 of the Revised Rules of Court is limited to the correction of errors of jurisdiction or grave abuse of discretion amounting to lack or excess of jurisdiction. Its principal office is to keep the inferior court within the parameters of its jurisdiction or to prevent it from committing such a grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>40</sup> To amount to grave abuse of discretion, the challenged act must be so patent and gross tantamount to an evasion of a positive duty or to a virtual refusal to carry out an obligation that the law requires, as where power is exercised arbitrarily by reason of one's hostility and passion.<sup>41</sup> Case law, in turn, shows us that there is grave abuse of discretion when an act: (a) is done contrary to the Constitution, the law or jurisprudence, or executed whimsically, capriciously or arbitrarily, out of malice, ill will, or personal bias,<sup>42</sup> or (b) manifestly disregards basic rules or procedures.<sup>43</sup>

Petitioner failed to present any convincing evidence to show how the RTC abused, or acted in capricious and whimsical exercise of judgment amounting to lack or excess of jurisdiction in denying the motions filed by petitioner and ordering the continuation of the criminal proceedings against him. There is likewise no showing that the trial court's power was exercised in an arbitrary and despotic manner. Petitioner's disagreement with the conclusions reached by the trial court, *without more*, is not sufficient to warrant the issuance of the extraordinary writ of *certiorari*. Such writ will issue only to correct errors of jurisdiction, not errors in the findings or conclusions of the lower court.<sup>44</sup>

<sup>37</sup> It appears that Recamata was later convicted by the RTC in a Decision dated 17 April 2013.

<sup>38</sup> See *Dichaves v. Office of the Ombudsman*, 802 Phil. 564, 597(2016), citing *Galario v. Office of the Ombudsman (Mindanao)*, 554 Phil. 86, 101 (2007); see also *Sales v. Adapon*, 796 Phil. 368, 379 (2016).

<sup>39</sup> *Estrada v. Office of the Ombudsman*, 837 Phil. 913, 942 (2018); *Relampagos v. Sandiganbayan (Second Division)*, G.R. No. 235480, 27 January 2021.

<sup>40</sup> *Lagon v. Velasco*, 826 Phil. 75, 82 (2018), citing *Tan v. Spouses Antazo*, 659 Phil. 400, 403 (2011).

<sup>41</sup> *Oliveros v. Court of Appeals*, G.R. No. 240084, 16 September 2020.

<sup>42</sup> See *Freedom from Debt Coalition v. Energy Regulatory Commission*, 476 Phil. 134, 215 (2004); see also *Commissioner of Internal Revenue v. Court of Tax Appeals*, 843 Phil. 178, 191 (2018), citing *Air Transportation Office v. Court of Appeals*, 737 Phil. 61, 84 (2014).

<sup>43</sup> *Pillars Property Corporation v. Century Communities Corporation*, G.R. 201021, 04 March 2021.

<sup>44</sup> See *Department of Health, Represented by its Secretary v. Nestle Philippines, Inc.*, G.R. No. 244242, 14 September 2020.


Unfortunately for petitioner, the record thus far shows that the RTC acted well within its jurisdiction. This, in turn, belies petitioner's claim that the CA committed reversible error in sustaining the trial court's decision to proceed with the criminal trial.

**WHEREFORE**, premises considered, the Petition is **DENIED**. The Amended Decision dated 28 November 2019 and Resolution dated 24 February 2021 of the Court of Appeals (CA) Special Former Eleventh Division Special Division of Five in CA-G.R. SP No. 132847 are **AFFIRMED** and the Temporary Restraining Order dated 23 March 2022 is **LIFTED**.

Accordingly, the Regional Trial Court, Branch 52, Puerto Princesa City, Palawan, is hereby **ORDERED** to (1) cause the **immediate re-arrest and detention** of petitioner **MARIO JOEL T. REYES**; and (2) **continue with the proceedings** in Criminal Case No. 26839 with utmost dispatch.

**SO ORDERED."**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court<sub>rn-7lr</sub>

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

160

JUL 12 2023

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