



Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 26, 2023, which reads as follows:

“G.R. No. 263743 (Richie A. Rojas, *Petitioner* vs. Office of the Regional Prosecutor of San Pablo City, Laguna, Isagani Sta. Ana, Geraldo Gianzon, and Khalil Haj, *Respondents*). – Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by petitioner Richie A. Rojas (petitioner) assailing the Decision² dated March 14, 2022, and Resolution³ dated September 29, 2022, of the Court of Appeals (CA) in CA-G.R. SP No. 167139.

In the assailed Decision, the CA affirmed the Resolution⁴ dated September 14, 2020, of the Office of the Regional Prosecutor, Region IV, San Pablo City, Laguna (ORP-Laguna) in Information Sheet No. IV-17-INV-17H-0938 which found no grave abuse of discretion on the part of the Office of the City Prosecutor, Puerto Princesa City, Palawan (OCP-Puerto Princesa City) when it found probable cause for the filing of three (3) separate Informations against petitioner for violation of Section 36(e)(3),⁵ Chapter III, Title III of Republic Act No. (RA) 7277.⁶

The assailed Resolution denied petitioner’s motion for reconsideration of the CA Decision.

¹ *Rollo*, pp. 11–59.

² *Id.* at 64–77. Penned by Associate Justice Ramon A. Cruz as concurred in by Associate Justices Ruben Reynaldo G. Roxas and Alfonso C. Ruiz II.

³ *Id.* at 79–80.

⁴ *Id.* at 127–128. Signed by Regional Prosecutor Ernesto C. Mendoza.

⁵ SECTION 36. *Discrimination on the Use of Public Accommodations.* —

x x x x

e) Prohibitions: For purposes of this Section, the following shall be considered as discriminatory:

x x x x

3) Failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in undue burden[.]

x x x x

⁶ Magna Carta for Disabled Persons, approved on March 24, 1992.

In the petition before the Court, petitioner alleges that the CA and the ORP-Laguna erred in affirming the finding of probable cause by the OCP-Puerto Princesa City⁷ for the filing of the three Informations against petitioner for violation of Section 36(e)(3) of RA 7277.⁸

The Court disagrees.

Probable cause is defined as such facts that are sufficient to engender a well-founded belief in the mind of the prosecutor that a person is probably guilty of a crime.⁹ As such, probable cause only implies a probability of guilt.¹⁰ It is based merely on opinion and reasonable belief and does not import absolute certainty.¹¹

Determination of probable cause, for purposes of filing a criminal information, is executive in nature. Hence, its correctness is a matter that the courts “do not, and may not be compelled to, pass upon.”¹² This judicial policy of non-interference is anchored on the recognition that prosecuting officers are in a better position to assess the evidence for purposes of filing the corresponding information in court.¹³

However, judicial intervention is justified and proper where there is a charge of grave abuse of discretion against the prosecutor in its determination of probable cause. Grave abuse of discretion means such capricious or whimsical exercise of judgment that is “so patent and gross as to amount to an evasion of or a refusal to perform a duty enjoined by law.” It imports an arbitrary and despotic exercise of power.¹⁴

In the case, the Court finds no grave abuse of discretion on the part of the CA when it affirmed the issuances of the Department of Justice that found probable cause to file an Information against petitioner for violation of Section 36(e)(3) of RA 7277.

The OCP-Puerto Princesa City found probable cause after considering the parties’ respective pleadings and arguments during the preliminary investigation so as to engender a reasonable belief that

⁷ See OCP-Puerto Princesa City Resolution dated February 7, 2018; *rollo*, pp. 327–336. Signed by Assistant City Prosecutor Venus I. Gapuz-Taliman and approved by Deputy Provincial Prosecutor (Acting City Prosecutor) Carmelina E. Ceniza-Guevarra.

⁸ *Id.* at 24–25.

⁹ *Navarro v. Cornejo*, G.R. No. 263329, February 8, 2023, citing *Jalandoni v. Ombudsman*, G.R. Nos. 211751, 217212-80, 244467-535 & 245546-614, May 10, 2021, further citing *Dichaves v. Ombudsman*, 802 Phil. 564, 589–590 (2016).

¹⁰ *Montero v. Office of the Ombudsman*, G.R. No. 239827, July 27, 2022, citing *Casing v. Ombudsman*, 687 Phil. 468, 476–477 (2017).

¹¹ *Bureau of Internal Revenue v. Cagang*, G.R. No. 230104, March 16, 2022, citing *Unilever Philippines, Inc. v. Tan*, 725 Phil. 486, 498 (2014).

¹² *Navarro v. Cornejo*, *supra*, citing *Rural Bank of Mabitac, Laguna, Inc. v. Canon*, 834 Phil. 346, 365 (2018), further citing *Aguilar v. Department of Justice*, 717 Phil. 789, 798 (2013).

¹³ *Navarro v. Cornejo*, *supra*, citing *Republic v. Desierto*, 541 Phil. 57, 67–68 (2007).

¹⁴ *Republic v. Desierto*, G.R. No. 136506, January 16, 2023, citing *Presidential Commission on Good Government v. Office of the Ombudsman*, 781 Phil. 643, 654–655 (2016), further citing *Unilever Philippines, Inc. v. Tan*, *supra* at 493–494.

petitioner is probably guilty of the offense charged.¹⁵ In other words, the OCP-Puerto Princesa City laid out a probability of guilt based on substantial evidence.

In affirming the OCP-Puerto Princesa's determination of probable cause, the ORP-Laguna opted to review and consider the issues raised by petitioner and found that OCP-Puerto Princesa did not commit either a reversible error or grave abuse of discretion in arriving at its Resolution.¹⁶

Also, in dismissing the petition of petitioner, the CA ruled in this wise:

In this case, Rojas failed to discharge her burden of convincingly showing that the resolution finding probable cause against her for violating the provisions of the Magna Carta for Disabled Persons was issued with grave abuse of discretion. There was nothing arbitrary, capricious, despotic[,] or whimsical in the City Prosecutor's exercise of judgment. On the contrary, the City Prosecutor painstakingly analyzed the actions of Rojas in relation to the purported policy of Air Asia as appearing in its Operation Manual and the pertinent provisions of the Magna Carta for Disabled Persons. It was only after this assiduous investigation into the facts and the law that the City Prosecutor arrived at the conclusion finding probable cause against Rojas. Surely, there was nothing arbitrary or whimsical in such thorough analysis that would necessitate the extraordinary remedy of certiorari.¹⁷

To emphasize, "the question of whether or not to dismiss a criminal complaint is necessarily dependent on the sound discretion of the investigating prosecutor."¹⁸ Moreover, the investigating prosecutor's finding of probable cause "does not require an inquiry into whether there is sufficient evidence to procure a conviction," precisely because there is a trial for the presentation of evidence in support of the crime charged. It is enough that there is an engendered belief in the investigating prosecutor that the acts complained of constitute the crime charged.¹⁹

WHEREFORE, the petition is **DENIED**. The Decision dated March 14, 2022, and the Resolution dated September 29, 2022, of the Court of Appeals in CA-G.R. SP No. 167139 are **AFFIRMED**.

¹⁵ See OCP-Puerto Princesa City Resolution dated February 7, 2018; *rollo*, pp. 327–336.

¹⁶ *Id.* at 127.

¹⁷ *Id.* at 74.

¹⁸ *PCGG Chairman Elma v. Jacobi*, 689 Phil. 307, 341 (2012), citing *Aguirre v. Secretary of the Department of Justice*, 571 Phil. 138, 161 (2008), *First Women's Credit Corporation v. Baybay*, 542 Phil. 607, 614–615 (2007), and *D.M. Consunji v. Esguerra*, 328 Phil. 1168, 1184 (1996).

¹⁹ *Bureau of Internal Revenue v. Cagang*, supra note 11, citing *Unilever Philippines, Inc. v. Tan*, supra note 11.

SO ORDERED.”

By authority of the Court:

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