



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

JANET LIM NAPOLES,
Petitioner,

G.R. No. 213529

Present:

CARPIO, *J.*, Chairperson,
BRION,
DEL CASTILLO,
MENDOZA,* and
LEONEN, *JJ.*

-versus-

HON. SECRETARY LEILA DE LIMA, PROSECUTOR GENERAL CLARO ARELLANO, and SENIOR DEPUTY STATE PROSECUTOR THEODORE M. VILLANUEVA, in their capacities as Officers of the Department of Justice, HON. ELMO M. ALAMEDA, in his capacity as Presiding Judge of the Regional Trial Court of Makati, Branch 150, NATIONAL BUREAU OF INVESTIGATION (NBI), ARTURO F. LUY, GERTRUDES K. LUY, ANNABELLE LUY-REARIO, and BENHUR K. LUY,
Respondents.

Promulgated:
13 JUL 2016

* On official leave.

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DECISION

LEONEN, J.:

A decision convicting an accused moots any proceeding that questions the determination of probable cause, either in the filing of the information in court or in the issuance of the warrant of arrest. Guilt beyond reasonable doubt had then been established, and questioning whether a lower quantum of proof exists, i.e., probable cause, would be pointless.

This resolves the Petition for Review on Certiorari with Application for a Temporary Restraining Order and/or Writ of Preliminary Injunction¹ filed by petitioner Janet Lim Napoles (Napoles). She assails the Court of Appeals Decision² dated March 26, 2014 and Resolution³ dated July 8, 2014, which found no grave abuse of discretion in the filing of an information for serious illegal detention against her and the subsequent issuance of a warrant for her arrest.

This case stems from a Joint Sworn Statement⁴ executed by Arturo Francisco Luy, Gertrudes Luy, Arthur Luy, and Annabelle Luy on March 8, 2013. They alleged that a family member, Benhur Luy, had been detained against his will since December 19, 2012, transferred from place to place in a bid to cover up the JLN Group of Companies' anomalous transactions involving the Priority Development Assistance Fund.⁵ Napoles, owner of the JLN Group of Companies, and her brother, Reynald Lim (Lim), allegedly masterminded the "pork barrel scam" and the detention of Benhur Luy.⁶

Acting on the Joint Sworn Statement, Secretary of Justice Leila M. De Lima (Secretary De Lima) directed the National Bureau of Investigation Special Task Force to investigate the matter.⁷ This led to a "rescue operation"⁸ on March 22, 2013 to release Benhur Luy who, at that time, was reportedly detained in a condominium unit at Pacific Plaza Tower, Bonifacio

¹ *Rollo*, pp. 11–57.

² *Id.* at 58–80. The Decision was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Rebecca De Guia-Salvador and Vicente S. E. Veloso of the Special Third Division, Court of Appeals, Manila.

³ *Id.* at 81–82.

⁴ *Id.* at 336–346.

⁵ *Id.* at 342–345.

⁶ *Id.*

⁷ *Id.* at 370, Recommendation dated March 23, 2013.

⁸ *Id.* at 371.

Global City.⁹ Lim, who was with Benhur Luy at the condominium unit, was arrested by operatives of the National Bureau of Investigation.¹⁰

In the March 23, 2013 Recommendation¹¹ addressed to Prosecutor General Claro A. Arellano (Prosecutor General Arellano), National Bureau of Investigation Director Nonnatus Caesar R. Rojas (Director Rojas) requested the prosecution of Lim and Napoles for serious illegal detention.

In their respective Counter-Affidavits, Lim¹² and Napoles¹³ denied illegally detaining Benhur Luy. Both claimed that Benhur Luy loaned ₱5,000,000.00 from Air Materiel Wing Savings and Loan Association, Inc. under the name of Napoles.¹⁴ The loan, allegedly unauthorized, angered Napoles.¹⁵ To obtain Napoles' forgiveness, Benhur Luy voluntarily went on a three-month spiritual retreat at Bahay ni San Jose in Magallanes Village, Makati City beginning December 19, 2012.¹⁶

Finding no probable cause against Lim and Napoles, Assistant State Prosecutor Juan Pedro V. Navera (Prosecutor Navera) recommended the dismissal of the complaint for serious illegal detention in the Resolution¹⁷ dated June 10, 2013. Prosecutor Navera believed that Benhur Luy voluntarily stayed at Bahay ni San Jose for a spiritual retreat, as attested to by Monsignor Josefino Ramirez and the five (5) Chinese priests residing in the retreat house.¹⁸

As to the claim that Benhur Luy was detained to cover up the alleged anomalous transactions of the JLN Group of Companies involving the Priority Development Assistant Fund, Prosecutor Navera said that the claim was "too speculative and not sufficiently established."¹⁹ He added that he did not "dwell too much on . . . [the] alleged diversion of government funds"²⁰ because the case is for serious illegal detention, not for corruption or financial fraud.

Prosecutor Navera's recommendation was initially approved by Prosecutor General Arellano.²¹

⁹ Id.

¹⁰ Id. at 373–375, Joint Affidavit of Arrest.

¹¹ Id. at 369–372.

¹² Id. at 105–132.

¹³ Id. at 290–313.

¹⁴ Id. at 107 and 293.

¹⁵ Id.

¹⁶ Id. at 110–111.

¹⁷ Id. at 160–198.

¹⁸ Id. at 191.

¹⁹ Id.

²⁰ Id.

²¹ Id. at 197.

However, in the Review Resolution²² dated August 6, 2013, Senior Deputy State Prosecutor and Chair of the Task Force on Anti-Kidnapping Theodore M. Villanueva (Prosecutor Villanueva) reversed the June 10, 2013 Resolution and recommended filing an information for serious illegal detention against Lim and Napoles.²³

According to Prosecutor Villanueva, the alleged diversion of government funds to the JLN Group of Company's dummy foundations was necessary to "establish the alleged motive of [Napoles and Lim] in detaining . . . Benhur Luy against his will."²⁴ Moreover, there was probable cause to believe that Benhur Luy was deprived of his liberty, given the allegations in his Sinumpaang Salaysay.²⁵

The Review Resolution was approved by Prosecutor General Arellano,²⁶ and an Information²⁷ for serious illegal detention was filed before the Regional Trial Court of Makati against Napoles and Lim. The accusatory portion of the Information reads:

That from the period of 19 December 2012 up to 22 March 2013, in the City of Makati, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, who are private individuals, conspiring, confederating and mutually aiding one another, without authority of law and by means of intimidation, did, then and there, willfully, unlawfully and feloniously deprive Benhur Luy y Kilapkilap of his liberty, prohibiting him from leaving Bahay San Jose, located at No. 52 Lapulapu Street, Magallanes Village, Makati City, nor contacting any of his relatives without their prior permission, thereby depriving him of his liberty during the aforesaid period of time, which lasted for more than three (3) days, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.²⁸

The case was raffled to Branch 150 presided by Judge Elmo M. Alameda (Judge Alameda).²⁹ Recommending no bail for Napoles and Lim, Judge Alameda issued a warrant for their arrest.³⁰

Napoles filed before the Court of Appeals a Petition for Certiorari³¹ alleging grave abuse of discretion on the part of Secretary De Lima, Prosecutor General Arellano, Prosecutor Villanueva, Director Rojas, and of

²² Id. at 87–104.

²³ Id. at 102.

²⁴ Id. at 88.

²⁵ Id. at 376–378.

²⁶ Id. at 102.

²⁷ Id. at 757–758.

²⁸ Id. at 757.

²⁹ Id. at 86, Order of Arrest dated August 14, 2013.

³⁰ Id.

³¹ Id. at 759–819.

Judge Alameda.³² She contended that there was no probable cause to charge her with serious illegal detention, and that Judge Alameda erred in issuing the arrest warrant despite the pendency of her Motion for Judicial Determination of Probable Cause.³³

In deciding Napoles' Petition for Certiorari, the Court of Appeals said that "full discretionary authority in the determination of probable cause during a preliminary investigation has been delegated to the executive branch, particularly at the first instance to the public prosecutor, and ultimately to the [Department of Justice]."³⁴ Hence, absent any grave abuse of discretion, courts will not disturb the public prosecutor's finding of probable cause.³⁵

The Court of Appeals observed that the Review Resolution "show[ed] the reasons for the course of action [the prosecution] had taken which were thoroughly and sufficiently discussed therein."³⁶ Moreover, the prosecution "painstakingly went over the pieces of evidence adduced by the parties and thereafter resolved the issues by applying the precepts of the law on evidence."³⁷

With respect to the issuance of the arrest warrant, the Court of Appeals noted Napoles' "attempt to quash the warrant of arrest issued against her by way of . . . petition for certiorari."³⁸ Moreover, since Napoles failed to attach copies of the arrest warrant in her Petition for Certiorari, the Court of Appeals refused to squarely rule on the issue of whether there was grave abuse of discretion in its issuance.³⁹

Finding no grave abuse of discretion in the filing of the information in court and the issuance of the arrest warrant, the Court of Appeals dismissed Napoles' Petition for Certiorari in its March 26, 2014 Decision.⁴⁰

Napoles moved for reconsideration,⁴¹ but the Court of Appeals denied the Motion in its July 8, 2014 Resolution.⁴²

On September 11, 2014, Napoles filed before this Court her Petition for Review on Certiorari with Application for a Temporary Restraining

³² Id. at 801.

³³ Id. at 803.

³⁴ Id. at 74.

³⁵ Id.

³⁶ Id. at 75.

³⁷ Id.

³⁸ Id. at 79.

³⁹ Id.

⁴⁰ Id. at 58–80.

⁴¹ Id. at 607–626.

⁴² Id. at 81–82.

Order and/or Writ of Preliminary Injunction.⁴³ Respondents Secretary De Lima, Prosecutor General Arellano, Prosecutor Villanueva, Director Rojas, and Judge Alameda, through the Office of the Solicitor General, filed a Comment,⁴⁴ to which Napoles filed a Reply.⁴⁵

In her Petition for Review on Certiorari, Napoles maintains that respondents whimsically and arbitrarily found probable cause against her.⁴⁶ She emphasizes that, without introduction of additional evidence, the Department of Justice reversed its initial Resolution dismissing the complaint for serious illegal detention.⁴⁷ In Napoles' view, the Review Resolution was issued not because Benhur Luy was illegally detained but because the government "need[ed] to get hold of [her] in connection with the allegations of Benhur Luy on the misuse of [the Priority Development Assistance Fund] by legislators[.]"⁴⁸

Napoles adds that under Rule 112, Section 6⁴⁹ of the 2000 Revised Rules of Criminal Procedure, Judge Alameda had 10 days from the filing of the information to personally evaluate the prosecutor's Resolution and its supporting evidence. Yet, Judge Alameda issued the arrest warrant the very day the records of the case were transmitted to Branch 150.⁵⁰ This allegedly showed the hastiness with which Judge Alameda issued the warrant for her arrest. Judge Alameda allegedly "succumbed to the extraneous pressure and influence from the mass and social media to appease the growing public clamor of crucifying [Napoles] for her alleged involvement in the [pork barrel] scam."⁵¹

In their Comment, respondents point out how Napoles failed to exhaust administrative remedies by failing to file a petition for review before the Secretary of Justice.⁵² The present Petition is also dismissible,

⁴³ Id. at 11–57.

⁴⁴ Id. at 639–687.

⁴⁵ Id. at 880–889.

⁴⁶ Id. at 30.

⁴⁷ Id. at 29.

⁴⁸ Id.

⁴⁹ RULES OF COURT, Rule 112, sec. 6(a) provides:

Section 6. *When warrant of arrest may issue.* — (a) *By the Regional Trial Court.* — Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation or when the complaint or information was filed pursuant to section 7 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.

⁵⁰ Id. at 32.

⁵¹ Id. at 31.

⁵² Id. at 647–653.

respondents claim, because Napoles failed to implead an indispensable party: the People of the Philippines.⁵³

Respondents echo the Court of Appeals' pronouncement and argue that the determination of probable cause for filing an information in court is an executive function.⁵⁴ Absent grave abuse of discretion, as in this case, courts of justice may not interfere with that finding.⁵⁵

Neither was Judge Alameda's issuance of the arrest warrant attended with grave abuse of discretion, according to respondents. For them, "what is essential is . . . that [Judge Alameda] was able to review the [prosecutor's finding] and, on the basis thereof, affirm[ed] the prosecutor's determination of probable cause."⁵⁶

The issue for our resolution is whether the Court of Appeals erred in finding no grave abuse of discretion: first, in filing an information for serious illegal detention against Napoles; and, second, in the issuance of a warrant for her arrest.

This Petition must be denied for being moot and academic. In any case, the Court of Appeals did not err in dismissing the Petition for Certiorari. There was no grave abuse of discretion either in the filing of information in court or in the issuance of the arrest warrant against Napoles.

I

Even before the filing of this Petition questioning the Review Resolution, an Information for serious illegal detention has been filed against Napoles. Therefore, with the filing of the Information before the trial court, this Petition has become moot and academic.⁵⁷ The trial court has then acquired *exclusive* jurisdiction over the case, and the determination of the accused's guilt or innocence rests within the sole and sound discretion of the trial court. As explained in *Crespo v. Mogul*:⁵⁸

The filing of a complaint or information in Court initiates a criminal action. The Court thereby acquires jurisdiction over the case, which is the authority to hear and determine the case. When after the filing of the complaint or information a warrant for the arrest of the

⁵³ Id. at 653–656.

⁵⁴ Id. at 669–671.

⁵⁵ Id. at 670.

⁵⁶ Id. at 676.

⁵⁷ See *Secretary De Lima v. Reyes*, G.R. No. 209330, January 11, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/january2016/209330.pdf>> [Per J. Leonen, Second Division].

⁵⁸ 235 Phil. 465 (1987) [Per J. Gancayco, En Banc].

accused is issued by the trial court and the accused either voluntarily submitted himself to the Court or was duly arrested, the Court thereby acquired jurisdiction over the person of the accused.

The preliminary investigation conducted by the fiscal for the purpose of determining whether a *prima facie* case exists warranting the prosecution of the accused is terminated upon the filing of the information in the proper court. In turn, as above stated, the filing of said information sets in motion the criminal action against the accused in Court. Should the fiscal find it proper to conduct a reinvestigation of the case, at such stage, the permission of the Court must be secured. After such reinvestigation the finding and recommendations of the fiscal should be submitted to the Court for appropriate action. While it is true that the fiscal has the *quasi-judicial* discretion to determine whether or not a criminal case should be filed in court or not, once the case had already been brought to Court whatever disposition the fiscal may feel should be proper in the case thereafter should be addressed for the consideration of the Court. The only qualification is that the action of the Court must not impair the substantial rights of the accused. [sic] or the right of the People to due process of law.

....

The rule therefore in this jurisdiction is that once a complaint or information is filed in Court any disposition of the case as its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court. Although the fiscal retains the direction and control of the prosecution of criminal cases even while the case is already in Court he cannot impose his opinion on the trial court. The Court is the best and sole judge on what to do with the case before it. The determination of the case is within its exclusive jurisdiction and competence[.]⁵⁹ (Citations omitted)

It is true that the Constitution allows the exercise of the power of judicial review in cases where grave abuse of discretion exists.⁶⁰ In this case, however, a petition for certiorari before this Court was not the “plain, speedy, and adequate remedy in the ordinary course of law”⁶¹ because, as

⁵⁹ Id. at 474–476.

⁶⁰ CONST., art. VIII, sec. 1 provides:

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

⁶¹ RULES OF COURT, Rule 65, sec. 1 provides:

SECTION 1. *Petition for certiorari.* - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a

discussed, the trial court already acquired jurisdiction over the case. The proper remedy for Napoles was to proceed to trial and allow the exhaustive presentation of evidence by the parties.

During the pendency of this Petition, the main case from which the Petition for Certiorari stemmed was decided by the trial court. In its April 14, 2015 Decision,⁶² Branch 150 of the Regional Trial Court of Makati City found Napoles guilty beyond reasonable doubt of serious illegal detention, punished under Article 267⁶³ of the Revised Penal Code. She was sentenced to suffer the penalty of *reclusion perpetua* and was ordered to pay Benhur Luy ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages.⁶⁴

All the more should this Petition be dismissed. Napoles has been found guilty of serious illegal detention with proof beyond reasonable doubt, a quantum of evidence higher than probable cause.⁶⁵ Resolving whether there was probable cause in the filing of information before the trial court and in the issuance of an arrest warrant would be “of no practical use and value.”⁶⁶

In any case, despite the mootness of this Petition, we proceed with resolving the issues presented by the parties for the guidance of the bench and the bar.⁶⁷

II

Resolving this Petition requires an examination of the concept of probable cause. During preliminary investigation, the prosecutor determines the existence of probable cause for filing an information in court or dismissing the criminal complaint. As worded in the Rules of Court, the prosecutor determines during preliminary investigation whether “there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial.”⁶⁸ At this stage, the determination of probable cause is an

sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.

⁶² *Rollo*, pp. 899–924.

⁶³ REV. PEN. CODE, art. 267 provides:

Art. 267. *Kidnapping and serious illegal detention*. — Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of *reclusion perpetua* to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer[.]

⁶⁴ *Rollo*, p. 924, Regional Trial Court Decision.

⁶⁵ *Leviste v. Hon. Alameda*, 640 Phil. 620, 630 (2010) [Per J. Carpio Morales, Third Division].

⁶⁶ *Id.* at 633.

⁶⁷ *Id.*

⁶⁸ RULES OF COURT, Rule 112, sec. 1 provides:

executive function.⁶⁹ Absent grave abuse of discretion, this determination cannot be interfered with by the courts. This is consistent with the doctrine of separation of powers.⁷⁰

On the other hand, if done to issue an arrest warrant, the determination of probable cause is a judicial function.⁷¹ No less than the Constitution commands that “no . . . warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce[.]”⁷² This requirement of personal evaluation by the judge is reaffirmed in Rule 112, Section 5(a) of the Rules on Criminal Procedure:⁷³

SEC. 5. *When warrant of arrest may issue.* —

(a) *By the Regional Trial Court.* — Within ten (10) days from the filing of the complaint or information, *the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence.* He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order when the complaint or information was filed pursuant to section 6 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information. (Emphasis supplied)

Therefore, the determination of probable cause for filing an information in court and that for issuance of an arrest warrant are different. Once the information is filed in court, the trial court acquires jurisdiction and “any disposition of the case as to its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court.”⁷⁴

II. A.

There was no grave abuse of discretion in the filing of Information against Napoles. The Review Resolution sufficiently explained that during

SECTION 1. *Preliminary investigation defined; when required.* — Preliminary investigation is an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and the respondent is probably guilty thereof, and should be held for trial[.]

⁶⁹ *People v. Castillo and Mejia*, 607 Phil. 754, 764 (2009) [Per J. Quisumbing, Second Division].

⁷⁰ *Alberto v. Court of Appeals*, 711 Phil. 530, 550 (2013) [Per J. Perlas-Bernabe, Second Division].

⁷¹ *People v. Castillo and Mejia*, 607 Phil. 754, 765 (2009) [Per J. Quisumbing, Second Division].

⁷² CONST., art. III, sec. 2 provides:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

⁷³ As amended by A.M. No. 05-8-26-SC (2005).

⁷⁴ *Crespo v. Mogul*, 235 Phil. 465, 476 (1987) [Per J. Gancayco, En Banc].

the preliminary investigation stage, there was probable cause to believe that Napoles and Lim, her brother, illegally deprived Benhur Luy of his liberty:

[T]he undersigned hereby rules that there is probable cause that respondents committed the crime of Serious Illegal Detention and should be held for trial. Relative thereto, it should be noted that the crime of Serious Illegal Detention has the following elements:

- (1) the offender is a private individual;
- (2) he kidnaps or detains another or in any other manner deprives the latter of his liberty;
- (3) the act of detention or kidnapping is illegal; and
- (4) in the commission of the offense, any of the following circumstances are present: (a) the kidnapping or detention lasts more than 3 days; or (b) it is committed by simulating public authority; or (c) any serious physical injuries are inflicted upon the person kidnapped or detained or threats to kill him are made; or (d) the person kidnapped or detained is a minor, female, or a public officer.

....

Relative to the instant case, there is no question regarding the *first element*, as both respondents are private individuals. There is no allegation to the contrary that respondents [Reynald] Lim and Janet Lim Napoles are private indiv[i]duals.

The issue in this case actually revolves around the *second element* of the crime, which is the question of whether complainant Benhur Luy was actually deprived of his liberty. . . .

....

[I]t appears that there is sufficient evidence to establish that complainant Benhur Luy was actually deprived of his liberty.

First of all, it is an undisputed fact that complainant Benhur Luy executed an affidavit which detailed the deprivation of his liberty. His elaboration of the deprivation of his liberty should be given weight vis-a-vis the allegations of respondents. . . .

....

Second, the undersigned also finds the claim that complainant Benhur Luy went on a “spiritual retreat” at Bahay San Jose as contrary to human nature (to say the least). The records would show that respondent Janet Lim Napoles was extremely mad at complainant Benhur Luy for obtaining unauthorized loans in her behalf. With the anger of respondent Janet Lim Napoles, the undersigned finds it difficult to believe that complainant Benhur Luy would choose to have a spiritual retreat with priests that are closely associated with respondent Janet Lim Napoles. Why

would complainant Benhur Luy choose to stay in an establishment that has close ties with respondent Janet Lim Napoles if the latter was already hell bent on filing a criminal case against him?

....

Sixth, an examination of the facts and circumstances of the instant case leads us to conclude that respondents had motive to deprive complainant Benhur Luy of his liberty. Respondent Janet Lim Napoles averred that she discovered that complainant Benhur Luy illegally obtained two (2) loans in her behalf. This, in turn, angered respondent Janet Lim Napoles, and the latter even threatened to file a criminal case against him.

However, complainant Benhur Luy's alleged knowledge of the anomalous transactions of JLN Group of Companies would place respondent Janet Lim Napoles in a compromising position. If complainant Benhur Luy is sued, then the latter would not have any choice but to reveal his knowledge on the involvement of JLN in the PDAF, Malampaya and the Fertilizer scams. To avoid this, respondents restrained his liberty, thereupon forcing complainant Benhur Luy's silence.

Obviously, fishing into the motives of the perpetrators of this crime is an ardent task. However, the undersigned finds that the above-captioned proposition makes more sense than the one proffered by respondents. While the undersigned does not deny that there is evidence that complainant Benhur Luy committed the crime of qualified theft, their defense that he went on a spiritual retreat, [i]n a house with close ties with respondent Janet Lim Napoles, is simply unfathomable to believe.

Moreover, even if the alleged knowledge of complainant Benhur Luy on the anomalies involving JLN group of companies is disregarded, it is still logical to conclude that the qualified theft committed by the latter created a motive on the part of respondents to detain him.

....

With regard to the *third element*, and considering our above conclusion, it is crystal clear that the act of depriving Benhur Luy's liberty is illegal. Both respondents had no authority and/or justifiable reason to detain and deprive complainant Benhur Luy of his liberty.

As to the *fourth element*, it is undisputed that complainant Benhur Luy was deprived of his liberty for more than three (3) days. In fact, it lasted for months starting December 2012 up to March 2013, when complainant Benhur Luy was rescued by the NBI.

Lastly, with regard to the participation of respondent Janet Lim Napoles, it is evident that she was greatly involved in the deprivation of liberty of complainant Benhur Luy. The statements made by Merlita Suñas and Maria Flor Villanueva clearly manifest respondent Janet Lim Napoles' knowledge of the crime.

Moreover, Benhur Luy's detention at Bahay San Jose, which has close ties with respondent Janet Lim Napoles, is indicative that she had personal knowledge of what was happening. As earlier ruled, it would be highly illogical for Benhur Luy to have his retreat in a house that has very close ties to Janet Napoles. In our mind, complainant Benhur Luy's confinement at Bahay San Jose was caused by respondent Janet Lim Napoles.

....

The most damning link between the crime and respondent Janet Lim Napoles is the motive behind complainant Benhur Luy's deprivation of liberty. Consistent with our earlier finding that the deprivation was undertaken in order to prevent complainant Benhur Luy from divulging information on JLN group of companies' involvement in the Fertilizer Fund, Malampaya and PDAF scams, it is clear that respondent Janet Lim Napoles authored and/or orchestrated this unlawful three (3) month detention.⁷⁵ (Citations omitted)

It is true that the Review Resolution reversed the initial finding of lack of probable cause against Napoles and Lim. However, this in itself does not show grave abuse of discretion.

The very purpose of a motion for reconsideration is to give the prosecutor a chance to correct any errors that he or she may have committed in issuing the resolution ordering the filing of an information in court or dismissing the complaint. "Reception of new evidence is not within the office of a Motion for Reconsideration."⁷⁶ A reversal may result if a piece of evidence that might have yielded a different resolution was inadvertently overlooked.

In initially dismissing the criminal complaint filed by Benhur Luy's family, the prosecutor disregarded the purported *motive* behind Benhur Luy's detention. According to the initial Resolution, whether Napoles and Lim detained Benhur Luy to prevent him from exposing the anomalous transactions of the JLN Group of Companies involving the Priority Development Assistance Fund would spawn an entirely different proceeding; hence, the issue is irrelevant in the proceedings involving the serious illegal detention charge.⁷⁷

Although motive is not an element of a crime, it is a "prospectant circumstantial evidence"⁷⁸ that may help establish intent. In this case, the Review Resolution sufficiently explained why it was "contrary to human nature"⁷⁹ for Benhur Luy to go on a three (3)-month spiritual retreat with

⁷⁵ *Rollo*, pp. 90–100.

⁷⁶ *Ferrer v. Carganillo*, 634 Phil. 557, 590 (2010) [Per J. Del Castillo, Second Division].

⁷⁷ *Rollo*, p. 191, Resolution of the prosecutor.

⁷⁸ *See People v. Madrigal-Gonzales*, 117 Phil. 956, 963 (1963) [Per J. Paredes, En Banc].

⁷⁹ *Rollo*, p. 94.

priests that have close ties with Napoles; and, instead, Benhur Luy had been detained at Bahay ni San Jose, transferred from place to place until he was rescued in Pacific Plaza because he knew first-hand of Napoles' involvement in the pork barrel scam.

II. B.

Neither was there grave abuse of discretion in the issuance of the arrest warrant against Napoles. That Judge Alameda issued the arrest warrant within the day he received the records of the case from the prosecutor does not mean that the warrant was hastily issued. "Speed in the conduct of proceedings by a judicial or quasi-judicial officer cannot *per se* be instantly attributed to an injudicious performance of functions. For one's prompt dispatch may be another's undue haste."⁸⁰

Judge Alameda was under no obligation to review the entire case record as Napoles insists. All that is required is that a judge personally evaluates the evidence and decides, independent of the finding of the prosecutor, that probable cause exists so as to justify the issuance of an arrest warrant. As explained in *Ho v. People*:⁸¹

[I]t is not required that the complete or entire records of the case during the preliminary investigation be submitted to and examined by the judge. We do not intend to unduly burden trial courts by obliging them to examine the complete records of every case all the time simply for the purpose of ordering the arrest of an accused. *What is required, rather, is that the judge must have sufficient supporting documents (such as the complaint, affidavits, counter-affidavits, sworn statements of witnesses or transcripts of stenographic notes, if any) upon which to make his independent judgment or, at the very least, upon which to verify the findings of the prosecutor as to the existence of probable cause.*⁸² (Emphasis supplied)

In his August 14, 2013 Order,⁸³ Judge Alameda declared that he personally evaluated the records of the case, including the Review Resolution and the Sworn Statements of the witnesses; and that based on the records, he found probable cause to issue an arrest warrant against Napoles:

After personally evaluating the Review Resolution issued by Senior Deputy State Prosecutor Theodore M. Villanueva, Chairman-Task Force on Anti-Kidnapping and approved by Prosecutor General Claro A. Arellano, together with the Sworn Statements of the complainants and other evidence on record, the undersigned finds the Review Resolution to

⁸⁰ *Santos-Concio v. Department of Justice*, 567 Phil. 70, 89 (2008) [Per J. Carpio Morales, Second Division].

⁸¹ 345 Phil. 597 (1997) [Per J. Panganiban, En Banc].

⁸² *Id.* at 612.

⁸³ *Rollo*, pp. 83–85.

have factual and legal basis. Likewise, the undersigned after personally reviewing the finding of Senior Deputy State Prosecutor Theodore M. Villanueva based on the evidence on record, finds probable cause for the issuance of Warrant of Arrest against the accused for the crime of Serious Illegal Detention under Article 267 of the Revised Penal Code there being probable cause to believe that the crime of Serious Illegal Detention has been committed by the accused.⁸⁴

We find this declaration sufficient compliance with the constitutional requirement of personal evaluation.

Moreover, Judge Alameda did not gravely abuse his discretion in issuing the arrest warrant despite the pendency of the Motions for Judicial Determination of Probable Cause filed by Napoles and Lim. Hearing these Motions would be a

mere superfluity, for with or without such motion[s], the judge is duty-bound to personally evaluate the resolution of the public prosecutor and the supporting evidence. In fact, the task of the presiding judge when the Information is filed with the court is first and foremost to determine the existence or non-existence of probable cause for the arrest of the accused.⁸⁵

We afford respondents the presumption of regularity in the performance of their duties.⁸⁶ Napoles failed to show capriciousness, whimsicality, arbitrariness, or any despotic exercise of judgment by reason of passion and hostility on the part of respondents.

WHEREFORE, the Petition for Review on Certiorari is **DENIED**.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

⁸⁴ Id. at 84.

⁸⁵ *Leviste v. Alameda*, 640 Phil. 620, 648–649 (2010) [Per J. Carpio Morales, Third Division].

⁸⁶ RULES OF COURT, Rule 131, sec. 3 provides:

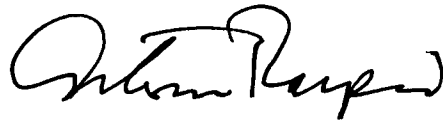
Section 3. *Disputable presumptions*. — The following presumptions are satisfactory if uncontradicted, but may be contradicted and overcome by other evidence:

....

(m) That official duty has been regularly performed[.]

See *Santos-Concio v. Department of Justice*, 567 Phil. 70, 89 (2008) [Per J. Carpio Morales, Second Division].

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice

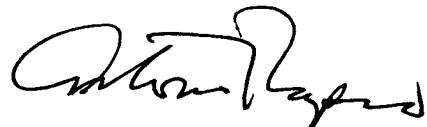


MARIANO C. DEL CASTILLO
Associate Justice

On Official Leave
JOSE CATRAL MENDOZA
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice