



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

DOMINGO V. DE GUZMAN III, G.R. No. 255100
Petitioner,

-versus-

PEOPLE OF THE
PHILIPPINES, Respondent.

X-----X

TOMAS PASTOR, G.R. No. 255229
Petitioner,

-versus-

DALIA GUERRERO PASTOR,
Respondent.

X-----X

PEOPLE OF THE G.R. No. 255503
PHILIPPINES, *Petitioner,*

-versus-


DALIA GUERRERO PASTOR
and DOMINGO V. DE
GUZMAN III,
Respondents.

Present:

LEONEN, *SAJ*, Chairperson
 LAZARO-JAVIER,
 LOPEZ, M.,
 LOPEZ, J., and
 KHO, JR., *JJ*.

Promulgated:

FEB 26 2024



X-----X

D E C I S I O N

LAZARO-JAVIER, *J.*:

These Petitions for Review on *Certiorari*¹ assail the following dispositions of the Court of Appeals in CA-G.R. SP No. 142511 titled *Dalia Guerrero Pastor v. Hon. Luisito G. Cortez and the Philippine National Police – Criminal Investigation and Detention Unit*; CA-G.R. SP No. 143618 titled *Domingo V. De Guzman III v. Hon. Luisito G. Cortez and People of the Philippines*; and CA-G.R. SP No. 159571 titled *Domingo V. De Guzman III v. Hon. Edgardo B. Bellosillo, Hon. Juris S. Dilinila-Callanta, and People of the Philippines*:

1. Consolidated Decision² dated February 21, 2020:
 - a. Dismissing Criminal Case No. R-QZN-15-01870-CR for parricide against Dalia Guerrero Pastor (Dalia) for lack of probable cause;
 - b. Nullifying the Order dated March 24, 2015 of the Regional Trial Court-Quezon City, Branch 91 (Branch 91) which directed the issuance of a warrant of arrest on Dalia in Criminal Case No. R-QZN-15-01870-CR;
 - c. Recalling the warrant of arrest and the hold departure order issued on Dalia; and
 - d. Dismissing the petitions for *certiorari* of Domingo V. De Guzman III (De Guzman) docketed as CA-G.R. SP No. 143618 and CA-G.R. SP No. 159571 for lack of merit.

¹ *Rollo* (G.R. No. 255100), pp. 10–49; *Rollo* (G.R. No. 255229), pp. 68–118; *Rollo* (G.R. No. 255503), pp. 17–28.

² *Rollo* (G.R. No. 255229), pp. 12–55. The February 21, 2020 Consolidated Decision was penned by Associate Justice Franchito N. Diamante and concurred in by Associates Justices Germano Francisco D. Legaspi and Tita Marilyn B. Payoyo-Villordon of the Fourteenth Division, Court of Appeals, Manila.

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2. Consolidated Resolution³ dated January 11, 2021 denying the Partial Motion for Reconsideration of the People of the Philippines, Motion for Partial Reconsideration of Tomas Pastor (Tomas), and Motion for Reconsideration of De Guzman.

Antecedents

These consolidated cases arose from the shooting of Ferdinand “Enzo” Salas Pastor (Enzo) which led to his death.

The Prosecution’s Version

Paolo Salazar (Salazar) testified that he was employed by Enzo as a helper and mechanic. Enzo was an award-winning racecar driver.⁴ On June 12, 2014, around 1:00 p.m., he and Enzo left the latter’s house in Magallanes and drove to Batangas to retrieve the NASCAR cars Enzo would be using for a race. Enzo drove a yellow truck on which the racing car was loaded, while Salazar sat beside him. They were able to return to Enzo’s home around 7:00 p.m. where they were greeted by Dalia, Enzo’s wife.⁵

By 9:45 p.m., he and Enzo left the house again and headed to Clark, Pampanga to drop off the car. Again, he took the passenger’s seat as Enzo drove with both windows of the truck rolled down. Dalia called Enzo around five times as they made their way to Clark.⁶

The truck came to a stop at the intersection of Visayas Avenue and Congressional Avenue. A man wearing black clothes with a motorcycle mask and helmet suddenly approached the driver’s side of the truck and fired at them. Enzo instructed him (Salazar) to lay on the floor.⁷ In the midst of the chaos, he was able to see the gunman’s nose, eyes, and forehead, and observed that one of his eyes was “*kirat*.”⁸

As a result of this encounter, Enzo was shot on his left side. He (Salazar) saw blood oozing out of Enzo’s mouth and body. He screamed for help. Minutes later, a UNTV crew arrived but they were brought to separate hospitals.⁹ He survived but Enzo did not.

³ *Id.* at 57–64; The January 11, 2021 Consolidated Resolution was penned by Associate Justice Franchito N. Diamante and concurred in by Associates Justices Germano Francisco D. Legaspi and Tita Marilyn B. Payoyo-Villordon of the Fourteenth Division, Court of Appeals, Manila.

⁴ *Id.* at 489–490.

⁵ *Id.* at 190.

⁶ *Id.* at 191.

⁷ *Id.* As narrated by Salazar, Enzo said “*dapa!*”.

⁸ *Id.* When asked by the trial court to explain how “*kirat*” looks like, Paolo explained that “*bagsak po yung kanyang mata po.*”.

⁹ *Id.*

Meantime, on August 23, 2014, around 1:00 p.m., members of the Philippine National Police (PNP) assigned at the District Anti-Illegal Drugs Special Operations Task Group (DAID-SOTG) of the Quezon City Police District conducted a buy-bust operation along Boni Serrano Road, Brgy. Libis, Quezon City. During this operation, the team arrested Police Officer II Edgar Angel y Ybañez (PO2 Angel).

Bothered by his conscience, PO2 Angel owned up to the killing of Enzo by executing an extrajudicial confession. He said that he came clean because he feared he would be killed next. In his admission, PO2 Angel named Domingo de Guzman III alias Sandy (De Guzman) as the mastermind in the killing of Enzo. Enzo's wife, Dalia conspired with De Guzman and was present when they plotted the killing. PO2 Angel knew De Guzman through the latter's first wife, who was his friend. Around the second week of November 2013, De Guzman called and asked to meet him at Pier One. There, De Guzman engaged him to kill Enzo for PHP 100,000.00. De Guzman told him he pitied Enzo's wife who claimed she was regularly beaten up by Enzo. During that meeting, he and De Guzman did not agree on anything. Thereafter, they met several times, during which, De Guzman tried to convince him to carry out the plan to kill Enzo. During one of those meetings sometime in January 2014, he inquired if De Guzman was having an affair with Enzo's wife, which De Guzman denied.¹⁰

In the last week of February 2014, he asked for proof that Enzo was hurting his wife. De Guzman showed him a photo of a woman, who was later identified as Dalia, whose face and arm were bruised. De Guzman then handed him PHP 50,000.00 cash as down payment. He next heard from De Guzman sometime in the third week of April when the former sent him a text message, saying "*GAME NA*" and that the motorcycle and gun to be used had been prepared. He (PO2 Angel) responded "*basta text ka na lang.*" From then on, De Guzman kept following up with him to carry out the plan.¹¹

On June 11, 2014, around 6:00 p.m., De Guzman called him. They met inside De Guzman's car parked at Pier One. It was then that PO2 Angel met Dalia, whose photos he had previously seen. De Guzman told him to execute the plan. According to him, Enzo would be coming from Batangas and heading to Clark, Pampanga on June 12, 2014 for a race and that PO2 Angel should wait for him at the Shell Gasoline Station. He would be able to recognize Enzo as he would be driving a truck carrying a racecar, with a DHL brand in the front. The following day, De Guzman and he communicated via text and the latter was provided a motorcycle and a gun to carry out the plan. Between 5:00 p.m. and 6:00 p.m. of the same day, PO2 Angel arrived at Rapide, Magallanes where the motorcycle to be used was parked, as promised

¹⁰ *Id.* at 15.

¹¹ *Id.* at 17-18.

by De Guzman. Inside the motorcycle's compartment, he saw a .45 caliber gun.¹²

He waited for Enzo at the Shell Gasoline Station. Due to the volume of people in the area, however, he decided to wait at the Villamor Airbase Golf Course. Around 9:45 p.m. he saw the truck described by De Guzman and he followed it all the way along the stretch of Fort Bonifacio and C-5 until it stopped at the intersection of Congressional and Visayas Avenues. He alighted from the motorcycle and heard the driver of the van shouting at the children begging for alms. Right then and there, he shot the man seated on the driver's seat, which he later confirmed was Enzo. He fled the scene and left the motorcycle under the Magallanes flyover. On June 13, 2014, he met with De Guzman to return the gun and to receive the balance of PHP 50,000.00. De Guzman also told him that he would get a bonus. Since then, he observed that De Guzman had become paranoid as he would frantically call him whenever there was news on Enzo's death.¹³

During the investigation, PO2 Angel also disclosed that he and De Guzman were scheduled to meet on August 26, 2014 so that he could claim his bonus. The Quezon City Police Department-Criminal Investigation and Detection Unit (QCPD-CIDU) then arranged an entrapment operation against De Guzman. He reached out to De Guzman who confirmed their meeting.¹⁴

On August 26, 2014, the QCPD-CIDU accompanied PO2 Angel to the meeting. After De Guzman handed the money to PO2 Angel, the QCPD-CIDU arrested De Guzman and seized the following items: (a) one unit .45 caliber pistol with Serial No. 618427 loaded with 10 live rounds of ammunition; (b) one unit 9 mm caliber pistol Forjas Taurus with Serial No. TFR98500 loaded with 10 live rounds of ammunition; (c) one unit Toyota Corona with plate number UDU 725; and (d) 50 pieces of PHP 1,000.00 peso bills.¹⁵

On August 27, 2014, a certain Alvin Nidua (Nidua), was arrested by the PNP on unrelated charges. He claimed to be a gun-for-hire and stated that De Guzman also tried to engage his services to kill Enzo through his handlers, but he declined it as the contract price was too low.¹⁶

On August 28, 2014, De Guzman underwent inquest proceeding before the Investigating Prosecutor of the Department of Justice (DOJ). During the proceeding, the QCPD-CIDU submitted its Letter-Referral dated August 26, 2014 together with other supporting documents and affidavits pointing to De

¹² *Id.* at 18–19.

¹³ *Id.* at 19–20.

¹⁴ *Id.* at 15.

¹⁵ *Id.*

¹⁶ *Id.* at 76.

Guzman as the alleged mastermind in the killing of Enzo.¹⁷ The QCPD-CIDU consequently filed complaints for murder, and frustrated murder against PO2 Angel and De Guzman; violation of Republic Act No. 10951¹⁸ against De Guzman; and as against Dalia, complaints for parricide and frustrated murder.¹⁹

The following day, the Investigating Prosecutor issued a resolution recommending that: (a) an Information for violation of Republic Act No. 10591 be filed against PO2 Angel and De Guzman; and (b) a regular preliminary investigation on the complaints for murder and frustrated murder under Article 248 of the Revised Penal Code be conducted on De Guzman.²⁰

On September 8, 2014, PO2 Angel filed a counter-affidavit recanting his extrajudicial confession. He claimed that his confession was prepared by the police and he was merely forced to sign it. He also asserted that his arrest was unlawful as no drugs were recovered from him, yet, the police still arrested and detained him.²¹

On September 10, 2014, Tomas Pastor (Tomas), the father of Enzo, filed a reply-affidavit to PO2 Angel's counter-affidavit attaching a compact disk containing PO2 Angel's interview with news anchor Noli De Castro (De Castro) where he narrated the details of how De Guzman planned to kill Enzo and how he shot and killed him.²²

On October 24, 2014, De Guzman also submitted his counter-affidavit denying that an entrapment operation on him took place. He narrated that on August 26, 2014, he was repositioning his car at the open space parking across Unique Auto Shop beside the Seoil Gasoline Station along Sto. Niño Avenue corner National Road, Tunasan, Muntinlupa City (Seoil Gas Station). When he closed the door of his car, a person shoved his companion Riejel D. Ballesteros and forcibly tried to open the door of his car. More men, identified as officers from the PNP-CIDU, arrived and threatened to arrest him at gunpoint.²³ Based on the closed-circuit television (CCTV) footage obtained from nearby establishments (Seoil Gas Station and Sto. Niño Village) it took about only 14 seconds for the arresting officers, together with PO2 Angel, to alight from their vehicles, handcuff him (De Guzman) and board him inside the Toyota Vios.²⁴ From the footage, he had no opportunity to speak to PO2 Angel or give him a bundle of money.²⁵ Further, he should not be indicted for the crimes complained of on the basis of PO2 Angel's extrajudicial confession

¹⁷ *Id.* at 15.

¹⁸ Otherwise known as the Comprehensive Firearms and Ammunition Regulation Act.

¹⁹ *Rollo* (G.R. No. 255100), p. 15.

²⁰ *Id.* at 16.

²¹ *Rollo* (G.R. No. 255229), p. 21.

²² *Id.*

²³ *Id.* at 13-14.

²⁴ *Id.*

²⁵ *Id.* at 15.

which was given under duress and without the assistance of counsel, hence, inadmissible in evidence. More so, since PO2 Angel already retracted his extrajudicial confession, which in any event should be inadmissible against him pursuant to the principle of *res inter alios acta alteri nocere non debet*. Too, since his arrest was illegal, all items seized from him during the warrantless arrest were likewise inadmissible in evidence against him.²⁶

On January 21, 2015, Dalia filed a manifestation with motion to dismiss complaint pursuant to *People v. Dela Rosa*, contending that since PO2 Angel invoked the illegality of his arrest and the inadmissibility of all the evidence seized and the proceedings that transpired after the illegal arrest, it follows that her implication flows from an inadmissible extrajudicial confession, which is consequently inadmissible even as against her. Hence, she prayed that the case be dismissed insofar as she is concerned. In his Reply dated February 11, 2015, Tomas opposed Dalia's motion.²⁷

By Resolution²⁸ dated February 13, 2015, Assistant State Prosecutor Susan T. Villanueva, with the approval of Senior Deputy State Prosecutor Richard Anthony D. Fadullon and Prosecutor General Claro A. Arellano, recommended the indictment of Dalia and De Guzman for parricide and murder, respectively; and the dismissal of the charge against them for frustrated murder due to insufficiency of evidence. The assistant state prosecutor noted that Dalia did not even file her counter-affidavit. Instead, her counsel filed a memorandum of authorities, a prohibited pleading which does not take the place of a counter-affidavit. With regard to De Guzman, the mere repudiation by PO2 Angel of his extrajudicial confession does not nullify the probability of his guilt for the crime charged. Even with his presentation of the CCTV footages, this evidence would only affect his arrest for illegal possession of firearms and not the murder charge for the killing of Enzo. In any case, the evidence against both De Guzman and Dalia were sufficient to establish probable cause for parricide and murder, respectively. Their motions for reconsideration were subsequently denied by Joint Resolution²⁹ dated April 23, 2015.

The Defense's Version

PO2 Angel testified that he was arrested on August 23, 2014 by Police Officer I Ricky Gacelo for violation of Republic Act No. 9165.³⁰ He insisted that his arrest was illegal as no *shabu* or other illegal drug was confiscated from him and he was shocked to find out that he was charged with violation of Section 5 of Republic Act No. 9165. Ever since his arrest, he got detained by the QCPD-CIDU which forced him to sign an extrajudicial confession

²⁶ *Id.* at 16.

²⁷ *Id.* at 25.

²⁸ *Id.* at 355-366.

²⁹ *Id.* at 432-435.

³⁰ Otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

where he supposedly admitted to the killing of Enzo. The police physically and psychologically tortured him, but he did not file a complaint against them. He also heard the police officers arguing with two lawyers from the Public Attorney's Office who ended up leaving. He was then brought to the Integrated Bar of the Philippines-Quezon City (IBP-QC) where he met Atty. Cecilio C. Lumantao (Atty. Lumantao), who made him sign a piece of paper without explaining its contents to him. Initially, he refused to sign the paper but out of fear, he eventually affixed his signature to the document.³¹

He was later on brought to Muntinlupa where he saw De Guzman being arrested. On September 4, 2014, he got interviewed by De Castro during which he said what the police wanted him to say for fear of being tortured. When asked of his whereabouts on June 12, 2014, he claimed he was at home and did not go out.³² He also clarified that he knew De Guzman through his wife, a high school classmate of De Guzman's wife. Further, he denied that he knew Enzo.³³

Rulings of the Regional Trial Courts of Quezon City

On February 27, 2015, De Guzman filed a motion for judicial determination of probable cause which was opposed by the People of the Philippines. He argued that the DOJ's Resolution dated February 13, 2015 was based on hearsay evidence. Hence, it should not have recommended his indictment for murder. The mere finding of probable cause by the prosecutor should not bind the trial court judge who must independently evaluate the evidence to determine the existence of probable cause. Since PO2 Angel recanted his extrajudicial confession where he implicated De Guzman as the mastermind in the killing of Enzo, there was no probable cause for his indictment. In any case, the extrajudicial confession cannot be used against him pursuant to the principle of *res inter alios acta alteri nocere non debet*. More, his own illegal warrantless arrest showed the persistence of the police officers to implicate him in the killing of Enzo. The CCTV footage of his apprehension would disprove the allegations of the arresting officers that he spoke to PO2 Angel and handed him a bundle of money and that he had a firearm visibly tucked around his right waistline.³⁴

On March 3, 2015, Dalia filed a motion to dismiss allegedly due to: 1) violation of the rule on forum shopping; and 2) lack of judicial probable cause against her.³⁵

³¹ *Rollo* (G.R. No. 255503), pp. 194–198.

³² *Id.* at 197.

³³ *Id.* at 196–198.

³⁴ *Id.* at 245–246.

³⁵ *Rollo* (G.R. No. 255229), p. 24.

On March 15, 2015, the prosecution filed a motion to consolidate the parricide case against Dalia with the murder case against De Guzman and PO2 Angel. Branch 91 granted the motion in its Order dated March 26, 2015. As a consequence, on March 20, 2015, the prosecution filed an omnibus motion seeking: (a) to withdraw the two amended Informations dated February 13, 2015; and (b) for leave of court to admit the attached single substituted Information for parricide against Dalia, and for murder against De Guzman and PO2 Angel.³⁶

Meantime, Branch 91 issued its first assailed Order³⁷ dated March 24, 2015 denying Dalia's motion to dismiss; and directing the issuance of a warrant of arrest on her. The court found that the prosecution did not commit forum shopping when it sought to admit the amended Information before Regional Trial Court, Branch 85 (Branch 85) as there remained to be one charge against her for parricide. After having personally examined the Resolution of the DOJ and its supporting documents, Branch 91 was convinced that the DOJ's finding of probable cause was supported by substantial evidence.³⁸

On April 21, 2015, Dalia filed an omnibus motion questioning the amended Information filed against her for parricide as well as the issuance of a warrant of arrest on her allegedly since the criminal case against her for parricide before Branch 91 had been consolidated with Branch 85.³⁹

Meanwhile, under Joint Resolution dated April 23, 2015, the DOJ denied the respective motions for reconsideration of Dalia and De Guzman. Both then filed their respective petitions for review before the DOJ Secretary; and motions for deferment of the court proceedings.⁴⁰

On April 28, 2015, the prosecution filed an urgent *ex parte* motion for issuance of a hold departure order on Dalia.⁴¹

In its Omnibus Order⁴² dated August 5, 2015, Branch 85 ordained:

WHEREFORE, in light of the foregoing considerations, the Court resolves as follows:

1. **GRANTS** the withdrawal of the of the [*sic*] two (2) informations, both dated February 13, 2015;

³⁶ *Id.* at 25.

³⁷ *Rollo* (G.R. No. 255110), pp. 376–379.

³⁸ *Rollo* (G.R. No. 255229), p. 25.

³⁹ *Id.* at 27.

⁴⁰ *Id.* at 26.

⁴¹ *Id.*

⁴² *Rollo* (G.R. No. 255110), pp. 284–297.

2. **GRANTS** the Motion for Leave of Court to Admit Substituted Amended Information to include Domingo De Guzman III y Villaruel @ "SANDY" as the co-accused for the crime of Murder in the above entitled case;
3. **DENIES** accused Domingo De Guzman III y Villaruel @ "SANDY"'s Motion for Judicial Determination of Probable Cause and Motion to Defer Proceedings for utter lack of merit;
4. **ISSUES** Warrant of Arrest for the apprehension of the accused Domingo De Guzman III y Villaruel @ "SANDY" for the crime of Murder;
5. **DENIES** accused Dalia Guerrero-Pastor's Omnibus Motion and Motion for Partial Deferment of proceedings for utter lack of merit;
6. **GRANTS** the Urgent Ex-parte Motion for Issuance of Hold-Departure Order. Accordingly, pursuant to **Supreme Court Circular No. 39-97**, and subject to the prosecution's submission of clear photograph of accused Dalia Guerrero-Pastor to be furnished to the Bureau of Immigration and Deportation, the Court issues a Hold-Departure Order against the accused with the following particulars:

Full name: DALIA GUERRERO PASTOR
Birth date: 15 September 1985
Citizenship: Filipino
Passport No: EO10553058
Gender: Female
Address: Zen Building 8352 Mayapis St.
San Antonio Village, Makati City

7. **ORDERS** the Bureau of Immigration and Deportation through its Commissioner to place accused DALIA GUERRERO-PASTOR on their hold-departure list and to implement the warrant of arrest for said accused if found thereat until further order from this Court.

Let copies of this Order together with the warrant of arrest be furnished to the Bureau of Immigration and Deportation (BID), the Department of Justice (DOJ) and the Department of Foreign Affairs (DFA) together with a copy of the passport of the accused Dalia Guerrero-Pastor.

In the meantime, the continuation of hearing on the Petition for Bail filed by accused PO2 Edgar Angel y Ybañes set on **August 11 and 25, 2015, both at 2:00 PM** still stands.

SO ORDERED.

5 August 2015, Quezon City, Philippines. (Emphasis in the original)

As regards the withdrawal of the two Informations both dated February 13, 2015 and the motion for leave of court to admit substituted amended Information to include De Guzman as co-accused in the murder charge, Branch 85 held that the amended Information consisting of an additional

avertment pertaining to the inclusion of De Guzman as co-conspirator of accused PO2 Angel did not seek to introduce new and material facts but merely added specifics to eliminate vagueness in the Information.⁴³

On the denial of De Guzman's motion for judicial determination of probable cause, Branch 85 reasoned that it is not within its power to review the existence of probable cause, as determined by the prosecution for the purpose of filing the Information for murder against him. Relevant documents such as the affidavits of witnesses were in fact submitted by the public prosecutor to the trial court for the purpose only of personally evaluating whether there exists probable cause for the issuance of a warrant of arrest on De Guzman.⁴⁴

Anent the denial of Dalia's motion for deferment of proceedings, Branch 85 cited that suspension of court proceedings should not exceed 60 days from the filing of a petition for review with the DOJ. Here, the petition for review was filed on June 2, 2015 and the 60-day period was set to expire on August 2, 2015. Since the aforesaid Omnibus Order was issued after the lapse of the 60-day period, Branch 85 found no basis to further suspend the proceedings.⁴⁵

On the denial of Dalia's motion for reconsideration of the warrant of arrest on her, Branch 85 sustained the argument of the prosecution that the remaining Information against her is for the crime of parricide originally raffled to Branch 91 while the Information against her for murder had been withdrawn by the prosecution per its Motion dated March 20, 2015.⁴⁶ Despite the consolidation of her case for parricide with the case against De Guzman and PO2 Angel for murder before Branch 85, Presiding Judge Lita S. Tolentino-Genilo of Branch 91 continued to have jurisdiction to issue the warrant of arrest on her. At any rate, since this warrant of arrest on her was already issued, her motion for judicial determination of probable cause was thereby rendered moot. Too, the suspension of proceedings arising from the DOJ review only refers to the arraignment and not the entire court proceedings.⁴⁷

As for the urgent *ex parte* motion for issuance of a hold-departure order, it ruled that notwithstanding the warrant of arrest on Dalia, she remained to be at large. The right to travel is not an absolute right but subject to restrictions and every travel abroad requires leave of court.⁴⁸

⁴³ *Id.* at 288–290.

⁴⁴ *Id.* at 290–294.

⁴⁵ *Id.* at 294–295.

⁴⁶ *Id.* at 287.

⁴⁷ *Id.* at 294–295.

⁴⁸ *Id.* at 295–296.

Meantime, a warrant of arrest was likewise issued on De Guzman.⁴⁹

On August 12, 2015, De Guzman filed a motion for reconsideration of the Omnibus Order and recall of the aforesaid warrant of arrest.⁵⁰ Under Order dated December 10, 2015, Branch 85 denied this motion.⁵¹

On December 3, 2015, De Guzman was apprehended by officers of the National Bureau of Investigation (NBI). He was ordered by the trial court to be detained at Camp *Bagong Diwa*.⁵²

On December 7, 2015, De Guzman filed an application for admission to bail *ad cautelam*.⁵³ PO2 Angel likewise filed a petition for admission to bail. During the hearings thereon, the prosecution presented the testimonies of Salazar, Atty. Lumantao, Police Officer II Ramil Langa (PO2 Langa), Nidua, and Rommel Hernaez (Hernaez).

Salazar admitted to executing three *Salaysays* and reiterated that although the gunman's face was covered with a mask, he was familiar with the features of the gunman's face. He signed his statements before the police on July 14, 2014 and August 27, 2014, respectively, at which time, he did not yet tell the police officers that he could recognize the person who shot them. He only saw PO2 Angel again during his televised interview, prompting him to make a statement before the NBI identifying PO2 Angel as the gunman.⁵⁴

Atty. Lumantao testified that he had not previously met PO2 Angel or any of the parties prior to this case. He explained that police officers from Camp *Karingal* came to the IBP-QC office and requested for assistance in the conduct of their custodial investigation. He spoke to PO2 Angel, informed him of his constitutional rights, and asked him why he wanted to confess to the crime which had a corresponding penalty of *reclusion perpetua*. PO2 Angel said that he wanted to tell the truth. Atty. Lumantao also inquired whether PO2 Angel would like his assistance, as he had the right to choose his own counsel, to which he replied "*ikaw na lang, sir.*"⁵⁵ According to Atty. Lumantao, PO2 Angel displayed no signs of coercion. He also inspected the latter's body for signs of trauma. He then gave PO2 Angel five minutes to read the contents of his pre-printed confession which he brought with him to the IBP-QC office. He later on asked PO2 Angel if he had any comments on the contents of the confession. PO2 Angel responded in the negative and proceeded to sign the confession in his presence.⁵⁶

⁴⁹ *Id.* at 304.

⁵⁰ *Id.* at 17-18.

⁵¹ *Id.* at 29.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Rollo* (G.R. No. 255503), p. 192.

⁵⁵ *Id.*

⁵⁶ *Id.* at 193.

Atty. Lumantao emphasized that when he asked PO2 Angel whether he was willing to say something, no police officers were present. But when Police Officer II Alvin Quisumbing (PO2 Quisumbing) asked PO2 Angel questions, he (Atty. Lumantao) was not present. Atty. Lumantao stated that it was the usual practice of police officers from Camp *Karingal* to bring to their office an unsigned document containing the confession of an accused. The contents of this unsigned document are then verified by the accused in the presence of his or her counsel before he or she finally signs it. During his testimony in court, he found out that PO2 Angel had disowned his extrajudicial confession. On re-direct, Atty. Lumantao stressed that when he was presented with the pre-printed document, he again read the contents to the accused and confirmed what had been written on the document. He also propounded questions to PO2 Angel regarding the confession, but the latter did not change his answers.⁵⁷

PO2 Langa testified that he was a member of the QCPD-CIDU and the officer who arrested De Guzman. PO2 Angel confessed to him that he killed Enzo and it was De Guzman who hired him for the job, even promising to give him a bonus of PHP 50,000.00 should he succeed in doing the job. To verify the veracity of this confession, they conducted an entrapment operation on De Guzman. He instructed PO2 Angel to message De Guzman to confirm their meet up on August 26, 2014 around 2:00 p.m. at Sto. Niño, Brgy. Tunasan, Muntinlupa. During their scheduled meet up, PO2 Angel alighted from the car and met with De Guzman. PO2 Langa saw De Guzman hand a bundle of money to PO2 Angel. Thereupon, they closed in and arrested De Guzman. PO2 Langa noticed that De Guzman had a gun tucked in his waist which later turned out to be unlicensed. On cross examination, he admitted that they (QCPD-CIDU) were the ones who brought PO2 Angel to Atty. Lumantao after PO2 Quisumbing explained to him his rights and typed his confession. PO2 Angel told him that he executed his affidavit because he wanted to bargain for his safety and even requested to be placed under the witness protection program.⁵⁸

As its fourth witness, the prosecution presented Nidua who testified that he had been a gun-for-hire for about nine years prior to his detention. He knew Enzo as he himself was a car racing enthusiast. Lieutenant Efren Oco (Lt. Oco) was his handler, who would contact him whenever he (Lt. Oco) had a job for him. Whenever Lt. Oco called him, the job was to kill someone. Lt. Oco set a meeting with him in the second week of May 2014 at 7:00 p.m. in Tribo Uno, Bangkal, Makati. There, he met De Guzman, Dalia, Lt. Oco, and Kapitan Borbie Rivera (Kapitan Borbie) and the job was explained to him. Dalia brought with her a picture of Enzo and two bundles of money amounting to PHP 200,000.00. She pointed to Enzo and said he was "*yung nagbabanta.*" But Nidua did not take the money, because the offer was too low. He later saw De Guzman and Dalia leaving together on board a silver car.⁵⁹

⁵⁷ *Id.*

⁵⁸ *Id.* at 194.

⁵⁹ *Id.* at 194-195.

In the last week of May, Dalia contacted him again. She told him she was the woman he met before. She offered him an additional PHP 50,000.00 to kill Enzo. He told her that he would only agree to do the job for PHP 500,000.00. Since they could not meet his asking price, he declined the job. Weeks later, he heard in the news that Enzo was killed. On cross examination, Nidua claimed he did not know PO2 Angel as he had never heard of his name and that he received a subpoena during his detention at Camp *Bagong Diwa* for charges not related to Enzo's killing.⁶⁰

As its final witness, the prosecution presented Hernaez who worked for ABS-CBN as a news cameraman. He covered the interview of PO2 Angel with De Castro at Camp *Karingal* during which PO2 Angel admitted to the killing of Enzo. He recalled that no police officer was present during the interview which was held inside the CIDU room. Only De Castro, Hernaez, the segment producer and the driver were present. He identified a video copy of this interview in court and explained that the entire interview was filmed and no portion was cut. The edit of the video was confined to simply taking the best shots and sounds. He did not know who edited the video and who transferred the video from his camera to the video disk.⁶¹

On the other hand, the defense presented PO2 Angel who testified that he was coerced into making an extrajudicial confession. He claimed that on June 12, 2014, he was at home and did not go out.⁶²

Per its Order⁶³ dated October 27, 2017, Branch 85 denied the respective applications for bail of PO2 Angel and De Guzman on the ground that based on the evidence thus far adduced, the evidence of guilt is strong against them for the crime of murder. Particularly, it referred to the following pieces of evidence:

1. Salazar who witnessed the killing of Enzo positively identified PO2 Angel as the gunman;
2. Nidua testified that he personally met with Lt. Oco, De Guzman, and Dalia wherein he was offered PHP 200,000.00 to kill Enzo;
3. Nidua further testified that Dalia herself offered him an additional amount of PHP 50,000.00 to kill Enzo after he declined their original proposal.
4. Nidua positively identified De Guzman through the latter's picture attached to the case records as among the three persons who met with him and offered PHP 200,000.00 to kill Enzo;
5. Atty. Lumantao testified that he assisted PO2 Angel before the latter signed the extrajudicial confession; informed PO2 Angel of the consequences of his confession and the impossible penalty for

⁶⁰ *Id.* at 195.

⁶¹ *Id.* at 195-196.

⁶² *Id.* at 196-197.

⁶³ *Id.* at 201-203.

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the crime charged; exerted efforts to ascertain whether PO2 Angel was willing to provide information to the investigating police officers; personally determined that PO2 Angel bore no signs of trauma in his body; together with PO2 Angel, went through the latter's confession and verified with him the veracity of his statements therein; mentioned the practice by police officers at Camp *Bagong Diwa* of bringing pre-printed documents with his (Atty. Lumantao) name written on it, and the fact that at the time PO2 Angel signed his confession, no police officers were present.⁶⁴

Branch 85 found the testimonies of the prosecution's witnesses to be credible, categorical, straightforward, and unwavering despite the grueling cross-examination they were subjected to. From the evidence so far adduced, Branch 85 found that PO2 Angel and De Guzman conspired to kill Enzo.⁶⁵

Thereafter, Branch 85 set the initial presentation of the prosecution's evidence-in-chief on October 30, 2017 in the morning. It also denied the subsequent motions for reconsideration/supplements of PO2 Angel and De Guzman under its Order dated October 25, 2018.⁶⁶

Ruling of the Court of Appeals

Aggrieved, De Guzman went up to the Court of Appeals via a petition for *certiorari* against the Omnibus Order dated August 5, 2015 which denied his motion for determination of probable cause, and the subsequent Order dated December 10, 2015, denying his motion for reconsideration.⁶⁷

On the part of Dalia, she too went up to the Court of Appeals via a separate petition for *certiorari* against Branch 91 for denying her motion to dismiss due to violation of the rule on forum shopping and lack of probable cause, and directing the issuance of a warrant of arrest on her.⁶⁸

On February 24, 2016, De Guzman filed a motion to consolidate his petition with that of Dalia,⁶⁹ albeit there was an earlier opposition filed by Tomas.⁷⁰

⁶⁴ *Id.*

⁶⁵ *Id.* at 204.

⁶⁶ *Rollo* (G.R. No. 255100), p. 73.

⁶⁷ *Rollo* (G.R. No. 255229), p. 29.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

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On March 3, 2016, Dalia filed a motion to expunge this opposition on the ground that Tomas is not a party to the case. The Court of Appeals granted the motion to expunge per its Resolution dated July 5, 2016.⁷¹

In its Comment⁷² dated June 27, 2016, the Office of the Solicitor General (OSG) moved to dismiss De Guzman's petition but agreed to the consolidation of the petitions of De Guzman and Dalia.

On the part of PNP-CIDU, it opposed Dalia's petition for *certiorari* on the ground that being a fugitive from justice, she has no standing to claim any relief from the courts, hence, her petition should be dismissed.⁷³

Meantime, Tomas filed a motion for reconsideration against the grant of Dalia's motion to expunge.⁷⁴

By Resolution dated September 6, 2016, the Court of Appeals reconsidered its expunction of Tomas's opposition. It noted anew Dalia's motion to expunge and Tomas's opposition and subsequent motion for reconsideration; and directed that all pleadings shall remain in the records for whatever purpose they may serve.⁷⁵

In yet another Resolution dated October 7, 2016, the Court of Appeals ordered the consolidation of the petitions for *certiorari*, respectively, filed by Dalia and De Guzman.⁷⁶

Under its subsequent Resolution dated April 12, 2017, the Court of Appeals directed Dalia, among others, to file an amended petition for *certiorari* impleading the People of the Philippines, and for the OSG to file its comment on the amended petition within 10 days from notice.⁷⁷

On May 17, 2017, Dalia filed her amended petition with prayer for issuance of a restraining order and/or writ of preliminary injunction. The OSG filed its Comment dated July 17, 2018.⁷⁸

By Resolution dated September 14, 2017, the Court of Appeals denied Dalia's prayer for issuance of a temporary restraining order and/or writ of preliminary injunction; and under a Resolution dated December 14, 2018,

⁷¹ *Id.* at 28–29.

⁷² *Id.* at 29.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at 30.

considered the consolidated SP Cases Nos. 142511 and 143618 submitted for decision.⁷⁹

Then in its Resolution dated February 26, 2018, the Court of Appeals noted that Dalia did not file her reply to the comment of the OSG on her amended petition for *certiorari*. It then directed all parties to submit their memoranda within 15 days from notice. In its Manifestation dated March 15, 2018, the OSG informed the Court of Appeals that it is adopting as its memorandum its comment on the separate petitions for *certiorari* of Dalia and De Guzman.⁸⁰ On the other hand, Dalia and De Guzman filed their respective memoranda.⁸¹

On February 18, 2019, De Guzman filed another petition for *certiorari* this time to question the denial of his application for bail. The same was opposed by Tomas per his comment/opposition dated July 9, 2019.⁸²

On May 30, 2019, the Court of Appeals directed the parties' counsel to inform it of other pending cases/proceedings involving the same parties before any court of law. De Guzman and the People filed their respective compliances.⁸³

On August 13, 2019, Honorable Court of Appeals Associate Justice Maria Elisa Sempio Diy, to whom CA-G.R. SP Nos. 142511 and 143618 were raffled, recused herself from further acting on the said cases. The cases were thereafter re-raffled to Honorable Court of Appeals Associate Justice Franchito N. Diamante.⁸⁴

Following the consolidation of CA-G.R. SP No. 159571 with CA-G.R. SP Nos. 142511 and 143618, the Court of Appeals rendered its Consolidated Decision⁸⁵ dated February 21, 2020, granting Dalia's petition in CA-G.R. SP No. 142511, but dismissing De Guzman's petitions for *certiorari* in CA-G.R. SP Nos. 143618 and 159571, thus:

WHEREFORE, in view of the foregoing, Petition for *Certiorari* docketed as SP No. G.R. 142511 is **GRANTED**. Parenthetically, **Criminal Case No. R-QZN-15-01970-CR** entitled, "People vs. Dahlia [*sic*] Guerrero Pastor" is **dismissed** for lack of probable cause. The Order dated March 24, 2015 of the Quezon City RTC, Branch 91, in Criminal Case No. R-QZN-15-01870-CR which directed the issuance of a warrant of arrest against

⁷⁹ *Id.* at 32-33.

⁸⁰ *Id.* at 31.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.* at 33.

⁸⁵ *Id.* at 12-55. The February 21, 2020 Consolidated Decision was penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Germano Francisco D. Legaspi and Tita Marilyn B. Payoyo-Villordon of the Fourteenth Division, Court of Appeals, Manila.

DALIA GUERRERO PASTOR is **annulled and set aside**. The warrant of arrest and the Hold Departure Order issued against DALIA GUERRERO PASTOR are **recalled**.

On the other hand, Petitions for Certiorari docketed as SP No. 143618 and SP No. 159571 are hereby **DISMISSED** for lack of merit.

SO ORDERED. (Emphasis in the original)

The Court of Appeals found that PO2 Angel did not definitely identify Dalia as the mastermind of the plan to kill Enzo. In fact, the name "Dalia Pastor" was first supplied by PO2 Quisumbing.⁸⁶ Further, even assuming that Dalia was privy to the transaction between PO2 Angel and De Guzman, it did not follow that she was already in conspiracy with them. Nowhere in PO2 Angel's statement was it mentioned that she conversed with him regarding the plan to kill Enzo. Her statement only established that she was present during the meeting between De Guzman and PO2 Angel. His confession likewise did not prove that Dalia supplied him information on Enzo's whereabouts on the night he was shot. Even without Dalia calling Enzo, PO2 Angel already knew where to waylay Enzo since De Guzman had already told PO2 Angel where to do it. PO2 Angel himself was able to trail the truck Enzo was driving. As regards to the instruction to kill Tomas if he was on board the truck, the Court of Appeals found that the instruction was relayed by De Guzman to PO2 Angel at 11:00 a.m. The conversation between Tomas and Enzo, wherein Tomas volunteered to accompany Enzo to Clark, Pampanga happened around an hour before Enzo was shot. Notably, Dalia even witnessed this conversation. From these facts, the Court of Appeals could not conclude that Dalia intentionally supplied the vital information to either De Guzman or PO2 Angel pertaining to the location of Enzo. Further, the Court of Appeals did not give credence to the phone logs showing that De Guzman and Dalia had been talking on the night Enzo was killed as this was not sufficient proof that they were orchestrating Enzo's death or that they even spoke about Enzo at all. In any event, it has not been shown that Dalia committed an overt act in pursuit of the objective of the conspiracy. Thus, the Court of Appeals dismissed the criminal case against her for alleged lack of probable cause.⁸⁷

Anent De Guzman's petition on the finding of probable cause against him for the murder of Enzo, the appellate court found that contrary to De Guzman's claim, the trial court did not rely solely on Nidua's testimony but also on the affidavits of witnesses and other supporting documents which the trial court personally evaluated to determine whether such probable cause did exist. Nidua's statements on De Guzman's involvement were not mere hearsay as he was actually present when De Guzman, Lt. Oco, and Kapitan Borbie plotted the killing of Enzo. It ruled that while Nidua did not shoot

⁸⁶ *Id.* at 35-36.

⁸⁷ *Id.* at 37-43.

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Enzo, the mere fact that De Guzman engaged his services affirmed PO2 Angel's statement that De Guzman hatched a plan to kill Enzo.⁸⁸

Too, the appellate court compared the extrajudicial confession of PO2 Angel and his recantation and found the former to be more believable. It noted PO2 Angel's claim that even though all he told the police was that De Guzman was his friend, the police twisted the facts to suit their own agenda. The appellate court found, however, that it was PO2 Angel who first brought up De Guzman's name and that prior thereto, the police had no suspects in mind yet. At any rate, it was not shown that the police had any ulterior motive to falsely implicate De Guzman as the mastermind in the killing of Enzo. Besides, if it were true that the police merely coerced him into signing the confession which he did not even have the opportunity to read, his interview with the media would have contradicted what he said in his confession, but both interlocked with each other.⁸⁹ In any event, his testimony is still admissible in accordance with *People v. Andan*⁹⁰ and *People v. Domantay*.⁹¹

With regard to De Guzman's claim that PO2 Angel's extrajudicial confession was only admissible against the confessant, the appellate court appreciated the admission by a co-conspirator as an exception to the *res inter alios acta* rule.⁹² More, PO2 Angel was not the only person who identified De Guzman. Before PO2 Angel named De Guzman in his confession, the police did an interview with Chona Domen (Domen), the house help of Enzo and Dalia, and asked her if she knew whether Enzo had enemies. She stated that she did not know if he had enemies, but Enzo always argued with his father-in-law who did not seem to mind and even sided with his daughter who was having an illicit affair. Domen then identified De Guzman as Dalia's lover.⁹³

All in all, the Court of Appeals found sufficient circumstantial evidence pointing to De Guzman as the possible mastermind. He had been identified as Dalia's lover and had motive to kill her husband, an alleged wife beater, to ease her burden. And De Guzman resolved to pursue his plan to kill Enzo – thus, he met up with PO2 Angel and instructed him to execute the plan, he provided the means for execution, and he gave instructions on where to waylay Enzo on the night of the incident.⁹⁴

As regards to the denial of De Guzman's application for bail, the Court of Appeals found that it was similarly anchored on the alleged invalidity of PO2 Angel's extrajudicial confession and Nidua's supposed hearsay testimony. On this score, it held that contrary to De Guzman's assertion,

⁸⁸ *Id.* at 43–44.

⁸⁹ *Id.* at 44–45.

⁹⁰ 336 Phil. 91 (1997) [*Per Curiam, En Banc*].

⁹¹ 366 Phil. 459 (1999) [*Per J. Mendoza, En Banc*].

⁹² *Rollo* (G.R. No. 255229), pp. 44–45.

⁹³ *Id.*

⁹⁴ *Id.* at 46.

Nidua's job as a gun-for-hire was precisely what boosted his credibility as a witness. It was because of the nature of his job that De Guzman got interested to hire him to kill Enzo and for this purpose they came to meet each other face to face.⁹⁵ The Court of Appeals also accorded credence to the respective testimonies of Hernaez that PO2 Angel freely admitted to the killing of Enzo; of Atty. Lumantao that he informed PO2 Angel of his constitutional rights as well as the gravity of the crime charged and its corresponding penalty, but still PO2 Angel insisted he would like to admit the truth, that Atty. Lumantao personally checked if PO2 Angel bore any signs of physical trauma in his body and found none; of PO2 Langa, De Guzman's arresting officer, corroborating PO2 Angel's testimony that PO2 Angel expected to receive a bonus from De Guzman after he executed the plan to kill Enzo. These testimonies further strengthened the prosecution's theory that De Guzman was the brain behind the plot to kill Enzo and that De Guzman is probably guilty of the crime charged. In sum, the Court of Appeals found that insofar as De Guzman is concerned, the trial court did not commit grave abuse of discretion when it denied his application for bail.⁹⁶

By its Consolidated Resolution⁹⁷ dated January 11, 2021, the Court of Appeals denied the motion for reconsideration of De Guzman and the separate partial motions for reconsideration filed by the OSG and Tomas, thus:⁹⁸

Accordingly, the Partial Motion for Reconsideration (of the Consolidated Decision promulgated on February 21, 2020); Motion for Partial Reconsideration [Re: Consolidated Decision dated 21 February 21, 2020]; and Motion for Reconsideration, are **DENIED**.

SO ORDERED. (Emphasis in the original)

The Present Petitions for Review on *Certiorari*

In **G.R. No. 255100**, De Guzman assails the denial of his application for bail allegedly because: (a) it was mainly anchored on the extrajudicial confession of PO2 Angel which was involuntary and uncounseled, and was even recanted, disowned, and repudiated by the supposed confessant himself, aside from the fact that its use as against De Guzman is barred by the principle of *res inter alios acta alteri nocere non debet*;⁹⁹ (b) the Court of Appeals itself found that there was no direct evidence pointing to De Guzman as a direct participant in the killing of Enzo since only PO2 Angel's uncounseled extrajudicial confession establishes a link between him and the death of Enzo;¹⁰⁰ (c) even assuming that he and PO2 Angel conspired to kill Enzo, the

⁹⁵ *Id.* at 46.

⁹⁶ *Id.* at 48-56.

⁹⁷ *Id.* at 57-64. The January 11, 2021 Consolidated Resolution was penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Germano Francisco D. Legaspi and Tita Marilyn B. Payoyo-Villordon of the Fourteenth Division, Court of Appeals, Manila.

⁹⁸ *Id.* at 64.

⁹⁹ *Rollo* (G.R. No. 255100), pp. 33-36

¹⁰⁰ *Id.* at 36.

prosecution's eyewitness Salazar admitted that he could not identify PO2 Angel as the gunman who, at that time was wearing a mask and a helmet,¹⁰¹ it was only when Salazar saw the television report showing the name and face of PO2 Angel that he was able to identify him as the gunman.¹⁰² Salazar also claimed that he saw that one of the eyes of the assailant was "*kiral*" but he did not see the assailant's entire face – the identification of this distinguishing mark was only revealed upon his presentation as a witness and not in any of the affidavits he executed prior to his testimony. Also, the fact that Enzo had instructed him to lie face down on the floor of the vehicle generates further uncertainty as regards the identity of the assailant;¹⁰³ (d) Nidua, who corroborated PO2 Angel's uncounseled extrajudicial confession,¹⁰⁴ is a self-proclaimed gun-for-hire who was arrested after his encounter with the PNP-Crime Investigation and Detection Group, Nidua therefore is not a credible witness. The timing of Nidua's testimony is also suspect for despite his arrest on August 13, 2014, he only named De Guzman as the mastermind on August 27, 2014;¹⁰⁵ and (e) his and PO2 Angel's alleged overt acts do not clearly and convincingly prove the existence of a conspiracy between them since the prosecution failed to establish that PO2 Angel was indeed the assailant and that De Guzman contracted someone to kill Enzo.¹⁰⁶

On the other hand, in **G.R. No. 255229** which Tomas initiated and was adopted by the OSG, the Court of Appeals is likewise faulted for not dismissing Dalia's petition for *certiorari* in CA G.R. SP No. 142511 despite the following alleged circumstances:

- (a) The verification and certification page attached to her petition for *certiorari* was purportedly signed by Dalia and notarized before a certain Atty. Charmaine E. Valentin in Davao City on September 17, 2015, it was likely that Dalia was not even in the Philippines on the date it was notarized as she reportedly fled to Indonesia after Branch 91 ordered her arrest sometime in March 2015. There has since been no word on her whereabouts. In May 2015, members of the PNP went to Indonesia to coordinate with Indonesian Interpol for the arrest and deportation of Dalia. The fact that the law firm representing Dalia was based in Pasig but the verification and certification was allegedly notarized in Davao City lends credence to the argument that Dalia did not personally appear before the notary public, in violation of Section 2 of the 2004 Notarial Rules. In fact, the signature on the verification and certification page may not even be Dalia's at all. A comparison of the purported signature of Dalia on a public document and her signatures on the entry of appearance of her counsel before Branch 91, and the verification and

¹⁰¹ *Id.* at 37.

¹⁰² *Id.* at 40.

¹⁰³ *Id.* at 41–42.

¹⁰⁴ *Id.* at 43.

¹⁰⁵ *Id.* at 44.

¹⁰⁶ *Id.* at 46–47.

certification page shows that these signatures are entirely different from each other. Notably, Dalia did not refute this apparent discrepancy in her opposition to the motion for reconsideration of Tomas before the Court of Appeals;¹⁰⁷

- (b) Branch 85 had already found that the evidence of guilt against her co-conspirators De Guzman and PO2 Angel is strong and that the complicity of Dalia herself was clearly established by the following pieces of evidence: *first*, PO2 Angel identified De Guzman and Dalia as the ones who hired him to kill Enzo. PO2 Angel further stated that the reason he agreed to kill Enzo was because of De Guzman's claim that Enzo was beating up Dalia. PO2 Angel was able to identify Dalia, having seen her pictures and having personally met her during his meeting with her and De Guzman;¹⁰⁸ *second*, Nidua testified that he personally met with Dalia, De Guzman, Lt. Oco, and Kapitan Borbie at Tribo Uno. De Guzman and Dalia tried to engage Nidua's services to kill Enzo. Dalia even brought with her photos of Enzo and bundles of cash as payment for the job. Nidua refused the engagement because the payment offered to him by De Guzman and Dalia was too low. A few weeks later, Dalia called up Nidua. After reminding him that she was the woman Nidua met at Tribo Uno, she offered him a larger sum for the job;¹⁰⁹ *third*, Domen, the house help of Enzo and Dalia, provided evidence that De Guzman and Dalia were having an extra-marital affair. She stated that since 2013, whenever Enzo was away on a trip, De Guzman would often come to the house and stay in the bedroom. She shared this information with Enzo. This sparked arguments between the couple, but Enzo never hurt Dalia;¹¹⁰ *fourth*, in his statement, Salazar averred that it was Dalia who instructed Enzo what route to take in going to Clark, Pampanga, notwithstanding that Enzo did not need directions as he was very much used to plying the road going to Clark;¹¹¹ *fifth*, Tomas testified that an hour before Enzo was killed, he and his wife were at Enzo's house. He suggested to Enzo that they ride together, and this conversation was heard by Dalia. This corroborates PO2 Angel's statement that De Guzman further instructed him to also kill Tomas should Tomas himself happen to be in the company of Enzo in the same car once it reached the designated place and time for the ambush. This information on the possible presence of Tomas in the same car with Enzo could have only come from Dalia;¹¹² *sixth*, based on the phone logs submitted, Dalia, De Guzman, and PO2 Angel were in constant communication on the day and time of the incident;¹¹³ *seventh*, the Court of Appeals

¹⁰⁷ *Rollo* (G.R. No. 255229), pp. 88–91.

¹⁰⁸ *Id.* at 92–93.

¹⁰⁹ *Id.* at 94–98.

¹¹⁰ *Id.* at 98–99.

¹¹¹ *Id.* at 99–100.

¹¹² *Id.* at 100–101.

¹¹³ *Id.* at 101–102.

failed to consider that Dalia fled the country as soon as Branch 91 ordered her arrest and has since not been heard of; and¹¹⁴ *finally*, Dalia did not submit any sworn counter-affidavit nor appear during the preliminary investigation, hence, she failed to controvert the allegations against her, which should be deemed as an admission by silence.¹¹⁵

Tomas asserts that the evidence taken together is sufficient for an average person, using common sense, to reasonably infer that Dalia was determined to kill Enzo and she clung to that determination as she conspired with De Guzman and PO2 Angel to go for the kill.¹¹⁶ Further, Branch 85 denied the applications for bail of De Guzman and PO2 Angel having found that the evidence of guilt against them was strong. This order was upheld by the Court of Appeals against De Guzman. It stands to reason therefore that since the evidence against Dalia's co-conspirators is strong, the evidence against her cannot be far behind since in conspiracy, "the act of one is the act of all."¹¹⁷ Tomas emphasizes that for the appellate court to dismiss the criminal case against Dalia but at the same time uphold the sufficiency of the prosecution's bail evidence against De Guzman smacks of a double standard.¹¹⁸

More, Tomas argues that the Court of Appeals gravely erred in granting Dalia's petition for *certiorari* despite its finding that Branch 91 did not commit grave abuse of discretion when it found probable cause for her arrest. To be sure, Branch 91 could not have outrightly dismissed the criminal case against her because under the rules, it is precluded from reviewing the public prosecutor's determination of probable cause for the purpose of filing a criminal case against an accused. Too, based on Branch 91's independent assessment of the evidence, there was probable cause warranting Dalia's arrest. Mere error of judgment imputed to Branch 91 on this score cannot be assailed via a petition for *certiorari* but should be determined only after a full-blown trial.¹¹⁹

On March 26, 2021, the OSG filed a Manifestation and Motion¹²⁰ adopting the Petition for Review on *Certiorari* filed by Tomas.

By Resolution¹²¹ dated March 15, 2021, the Court resolved to consolidate G.R. Nos. 255503, 255100, and 255503.

¹¹⁴ *Id.* at 102.

¹¹⁵ *Id.* at 102-103.

¹¹⁶ *Id.* at 104.

¹¹⁷ *Id.* at 109-111.

¹¹⁸ *Id.* at 113.

¹¹⁹ *Id.* at 115-116.

¹²⁰ *Rollo* (G.R. No. 255229), pp. 26-28.

¹²¹ *Id.* at 8.

On November 12, 2021, Tomas filed an Opposition¹²² to De Guzman's Petition for Review on *Certiorari* arguing that the Court of Appeals did not err in finding probable cause against him.

On November 26, 2021, Dalia filed her comment contending that even based on the evidence on record, the petition of Tomas still fails to establish probable cause against her.¹²³

On June 3, 2022, De Guzman filed an Urgent Manifestation and Motion,¹²⁴ informing the Court that in Criminal Case No. R-QZN-14-08500-CR, the Regional Trial Court–Quezon City, Branch 228, rendered its Decision¹²⁵ dated March 22, 2022, acquitting PO2 Angel of violation of Section 5 of Republic Act No. 9165¹²⁶ involving 96.97 grams of methamphetamine hydrochloride, the crime for which, his warrantless arrest was effected, leading, among others, to his eventual confession to the killing of Enzo. Since PO2 Angel was illegally arrested, it is with more reason that his uncounseled extrajudicial confession, which PO2 Angel had already recanted, should not be given any legal effect, let alone, used to sustain a conviction.¹²⁷

Issues

G.R. No. 255100 (*De Guzman v. People of the Philippines*)

May the Court review the uniform factual findings of the trial court and the appellate court on the sufficiency of the evidence against De Guzman *vis-à-vis* the warrant of arrest issued on him and the denial of his application for bail?

G.R. Nos. 255229 and 255503 (*Tomas Pastor v. Dalia Guerrero Pastor and People of the Philippines v. Dalia Guerrero Pastor and Domingo V. De Guzman III*)

May the Court review the conflicting factual findings of the trial court and the appellate court on the existence of probable cause against Dalia *vis-à-vis* her indictment for parricide and the consequent issuance of a warrant of arrest on her?

¹²² *Id.* at 41–83.

¹²³ *Id.* at 412–456.

¹²⁴ *Id.* at 1789–1797.

¹²⁵ *Id.* at 1801–1820.

¹²⁶ Otherwise known as the Comprehensive Dangerous Drugs Act.

¹²⁷ *Rollo* (G.R. No. 255503), pp. 1792–1793.

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Our Ruling**G.R. No. 255100 (*De Guzman v. People of the Philippines*)**

No exception exists to warrant a review of the uniform factual findings of the trial court and the appellate court on the sufficiency of the evidence against De Guzman *vis-à-vis* the issuance of a warrant of arrest on him and the denial of his application for bail

Section 1 of Rule 45 of the Rules of Court ordains that a petition for review on *certiorari* “shall raise only questions of law which must be distinctly set forth.” The determination of probable cause necessarily entails a review of the facts of the case.¹²⁸ It is generally not the function of the Court to analyze or weigh the evidence which have been considered in the proceedings of the lower courts.¹²⁹

Here, there is no denying that the issues of whether probable cause exists to support the issuance of a warrant of arrest on De Guzman and whether strong evidence exists to warrant the denial of his application for bail are both questions of fact which the Court, not being a trier of facts, will not take cognizance of under a Rule 45 petition.¹³⁰ More, the factual findings of the trial court on these incidents are valid and binding on the Court especially when the same carry the full concurrence of the appellate court as in this case.¹³¹

We are nonetheless aware of the exceptions where we may review the factual findings of the courts below:

When the findings are grounded entirely on speculations, surmises or conjectures; (ii) when the inference made is manifestly mistaken, absurd or impossible; (iii) when there is grave abuse of discretion; (iv) when the judgment is based on a misapprehension of facts; (v) when the findings of fact are conflicting; (vi) when in making its findings[,] the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (vii) when the findings are contrary to that of the trial court; (viii) when the findings are conclusions without citation of specific evidence on which they are based; (ix) when

¹²⁸ *Pfleider v. People*, 811 Phil. 151, 160 (2017) [Per J. Peralta, Special Third Division].

¹²⁹ *Quijano v. People*, G.R. No. 202151, February 10, 2021 [Per J. Gaerlan, First Division].

¹³⁰ *Pfleider v. People*, 811 Phil. 151, 160 (2017) [Per J. Peralta, Special Third Division].

¹³¹ *Castillo v. Court of Appeals*, 329 Phil 150, 159 (1996) [Per J. Panganiban, Third Division].

the facts set forth in the petition[,] as well as in the petitioner's main and reply briefs[,] are not disputed by the respondent; (x) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; [or] (xi) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.¹³²

To be sure, however, none of these exceptions exist in the present case as shall be further discussed below. But even if We do a review of the factual findings of both courts below, We ordain that the evidence on record sufficiently support these factual findings.

The evidence against De Guzman is sufficient to 1) establish probable cause and 2) deny his application for bail.

1) On the existence of probable cause warranting De Guzman's arrest

Upon the filing of a criminal complaint or Information, the trial court may exercise any of three options under Rule 112, Section 5(a) of the Revised Rules on Criminal Procedure (a) dismiss the case if the evidence on record clearly failed to establish probable cause; (b) issue a warrant of arrest if it finds probable cause; or (c) order the prosecutor to present additional evidence within five days from notice in case of doubt on the existence of probable cause. No less than the Constitution mandates that issuing a warrant of arrest, should be based on probable cause "to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce."¹³³ On this score, the Court has decreed:

Probable cause for the purpose of issuing a warrant of arrest pertains to facts and circumstances which would lead a reasonably discreet and prudent person to believe that an offense has been committed by the person sought to be arrested. **In determining probable cause, the average person weighs facts and circumstances without resorting to the calibration of our technical rules of evidence of which his or her knowledge may be nil. Rather, the person relies on the calculus of common sense of which all reasonable persons have an abundance. Thus, the standard used for issuance of a warrant of arrest is less stringent than that used for establishing the guilt of the accused.** So long as the evidence presented shows a *prima facie* case against the accused, the trial court judge has sufficient ground to issue a warrant of arrest against him or her.

¹³² *Quijano v. People*, G.R. No. 202151, February 10, 2021 [Per J. Gaerlan. First Division].

¹³³ CONST., art. III, sec. 2.

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If the trial court decides to issue a warrant of arrest, such warrant must have been issued after compliance with the requirement that probable cause be personally determined by the judge. **At this stage, the judge is tasked to merely determine the probability, not the certainty, of guilt of the accused.** In doing so, the judge need not conduct a *de novo* hearing; he or she only needs to personally review the prosecutor's initial determination and see if it is supported by substantial evidence.¹³⁴

In personally determining whether De Guzman is probably guilty of killing Enzo as a co-principal, the trial court evaluated and gave credence to the following pieces of evidence:

First. The statement of PO2 Angel given during his interview with news anchor De Castro wherein he confessed to have been hired by De Guzman to kill Enzo. He also identified De Guzman to be the brain behind the killing. He narrated how he was convinced by De Guzman to kill Enzo for beating up his wife Dalia. De Guzman first reached out to him in November 2013 and prodded him to accept the job. He was shown pictures of her bruises to persuade him to kill Enzo and was given a down payment to carry out the job. He also met Dalia in person, during which meeting, Dalia instructed him when and where to wait for Enzo's truck on the day he was set to be gunned down.

Second. The affidavit of Nidua, a confessed gun-for-hire, given to the NBI. Nidua stated that he met De Guzman to engage his services to kill Enzo. When he asked why De Guzman wanted Enzo killed, De Guzman replied that since Enzo already threatened to kill De Guzman, he plotted to kill Enzo first. Nidua was physically present during that meeting, so his narration of his conversation with De Guzman is not hearsay. As found by the Court of Appeals, while Nidua eventually did not accept his engagement to kill Enzo because the monetary offer for his service was too low, Nidua's statement on the whole substantially corroborated PO2 Angel's statement that De Guzman did want to kill Enzo, and for this purpose engaged him to do the job which appears to have happened after Nidua earlier declined.¹³⁵ True, Nidua is a self-proclaimed hitman but as keenly noted by the courts below, it was precisely the reason De Guzman first approached him to do the dirty job and the reason he came face to face with Enzo and even Dalia herself.

Third. The testimony of PO2 Langa who together with PO2 Angel hatched a plan to entrap De Guzman on August 26, 2014 at Sto. Niño, Brgy. Tunasan, Muntinlupa and succeeded when De Guzman agreed to meet up with PO2 Angel to receive the bonus coming from De Guzman himself for the

¹³⁴ *Silver v. Daray*, 859 Phil. 408, 422 (2019) [Per J. Lazaro-Javier, Second Division]. (Emphasis in the original) (Citations omitted)

¹³⁵ *Rollo* (G.R. No. 255100), p. 44.

consummated ambush of Enzo. OCPD-CIDU caught De Guzman in the act of handing over the bonus to PO2 Angel.

Further, as noted by the Court of Appeals, De Guzman was identified by Domen, the house help of Enzo and Dalia, as Enzo's potential adversary given that De Guzman was having an affair with Dalia. More, Tomas had also submitted phone logs showing that Dalia, De Guzman, and PO2 Angel had been in constant communication on the night Enzo was killed.

We quote with approval the concurrent findings of the lower courts as borne in the consolidated decision of the Court of Appeals:

A considered scrutiny of the statements of Nidua showed that it corroborated the alleged claim of Angel that De Guzman may have a hand in the killing of Enzo. We note that contrary to De Guzman's assertion that Nidua's statement was pure hearsay, Nidua actually affirmed De Guzman's presence while the killing of Enzo was being planned. . . . [.]

....

Indeed, it was not Nidua who shot Enzo but the mere fact that his services was [*sic*] engaged to kill Enzo would lead one to believe that there is some truth to Angel's earlier statement that De Guzman has motive to hatch a plan to kill Enzo by also contracting his services.

.....

Angel averred that he told the police that he was a friend of De Guzman but the police wanted to twist the facts to suit their own agenda. This led Us to the question of why would he bring up De Guzman's name in the first place or his friendship with the latter for that matter? It must be noted, however, that it was not until Angel was arrested that the name of De Guzman came out. There were no suspects until Angel pointed to De Guzman as the mastermind in the killing of Enzo. Moreover, there was no evidence that the police were actuated with ill-motive in naming De Guzman as the mastermind behind the killing of Enzo. In addition, prior to his recantation, Angel gave an interview to the media and during which he affirmed his narrations in his original testimony. If Angel was not given the chance to read the alleged prepared testimony, his statement to the media would have contradicted his original testimony. Thus, even if Angel recanted, his confession is still admissible as the same is not covered by Sec. 12 (1) and (3) of Article III of the Constitution.

.....

Also, before De Guzman was named by Angel as the mastermind, Chona Domen (Chona), the househelp of Enzo and Dalia Pastor, when asked by the police regarding the death of Enzo and of the latter's possible enemies, answered that she knew nothing about Enzo's enemies only that Enzo always had an argument with his father-in-law because of Pastor's alleged illicit affair with another man but the father-in-law did not seem to

mind and sided with his daughter. When asked if she knew who Pastor's lover is, Chona named De Guzman.¹³⁶

Incidentally, part of the attachments transmitted to the trial court was the sworn statement¹³⁷ of PO2 Angel captioned: MALAYA AT KUSANG LOOB NA SALAYSAY NI EDGAR ANGEL y YBAÑEZ NA BINIGAY KAY PO2 ALVIN QUISUMBING DITO SA LOOB NG OPISINA NG QUEZON CITY Integrated Bar of the Philippines (IBP) OFFICE NGAYON 26 NG AGOSTO GANAP NA ALAS 11:30 NG UMAGA SA HARAP NI ATTY. CECILIO LUMANTAO AT IBANG SAKSI.

Before questions were propounded by PO2 Quisumbing, it appears from the sworn statement that he informed PO2 Angel of his rights, including his right to counsel, and whether he would accept the legal services of Atty. Lumantao. Notably, the subsequent testimony of Atty. Lumantao during the hearing on De Guzman's application for bail triggered questions on the admissibility of this sworn statement.¹³⁸

At this point, however, there is no need for the Court to even pass upon the validity of this sworn statement, lest the trial court be pre-empted from doing so in the course of rendering its final verdict on the merits. After all, what is required here and now is only a judicial determination of probable cause for the purpose of issuing a warrant of arrest. On this score, We emphasize that this sworn statement may be separated from the other attachments heretofore mentioned which by themselves are sufficient to establish probable cause against De Guzman. In *People v. Aringue*,¹³⁹ the Court excluded the confessions of accused-appellants from the body of the evidence, but still found sufficient evidence to support the conviction of accused-appellants, such as the positive identification by the wife and driver of the victim, the admission of culpability given to a radio reporter, and the escape from detention, which the Court considered as evidence of guilt.¹⁴⁰

2) On the bail application of De Guzman vis-à-vis the evidence of guilt against him

Article III, Section 13 of the 1987 Constitution states:

All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilty is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance

¹³⁶ *Rollo* (G.R. No. 255229), pp. 43-46.

¹³⁷ *Id.* at 249-253.

¹³⁸ *Rollo* (G.R. No. 255503), pp. 194-198.

¹³⁹ 347 Phil. 571, 579-580 (1997) [Per J. Puno, Second Division].

¹⁴⁰ *Id.*

as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of *habeas corpus* is suspended. Excessive bail shall not be required.

On this score, Rule 114, Sections 4, 6, 7, and 8 of the Revised Rules on Criminal Procedure provides:

Section 4. *Bail, a matter of right; exception.* — All persons in custody shall be admitted to bail as a matter of right, with sufficient sureties, or released on recognizance as prescribed by law or this Rule (a) before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, or Municipal Circuit Trial Court, and (b) before conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment.

Section 6. *Capital offense defined.* — A capital offense is an offense which, under the law existing at the time of its commission and of the application for admission to bail, may be punished with death.

Section 7. *Capital offense of an offense punishable by reclusion perpetua or life imprisonment, not bailable.* — No person charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment, shall be admitted to bail when evidence of guilt is strong, regardless of the stage of the criminal prosecution.

Section 8. *Burden of proof in bail application.* — At the hearing of an application for bail filed by a person who is in custody for the commission of an offense punishable by death, *reclusion perpetua*, or life imprisonment, the prosecution has the burden of showing that evidence of guilt is strong. The evidence presented during the bail hearing shall be considered automatically reproduced at the trial, but upon motion of either party, the court may recall any witness for additional examination unless the latter is dead, outside the Philippines, or otherwise unable to testify.

De Guzman is charged with a capital offense (murder). Hence, he cannot readily invoke bail as a matter of right. He should file the corresponding application therefore with notice to the prosecution. It bears emphasis that an application for bail not only involves the right of the accused to temporary liberty, but also the equally important right of the State to protect the people and the peace of the community from dangerous elements.¹⁴¹ Hearings must therefore be conducted where the prosecution has the burden of proving that the evidence of guilt of the accused is strong, subject to the right of the defense to cross-examine witnesses and introduce evidence in rebuttal.¹⁴² These hearings are summary in nature, entailing a “brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of the hearing which is **merely to determine the weight of evidence for purposes of bail.**”¹⁴³

¹⁴¹ *People v. Antona*, 426 Phil. 151, 158 (2002) [Per J. Pardo, First Division].

¹⁴² *Revilla, Jr. v. Sandiganbayan (First Division)*, 837 Phil. 17, 43–44, (2018) [Per J. Carpio, *En Banc*].

¹⁴³ *Id.* (Citations omitted)

The judge then decides to grant or deny the application for bail based on its consideration of the summary of the evidence presented. It is only after the pieces of evidence, as contained in the summary, have been weighed that the judge is able to exercise judicial discretion as to whether the evidence of guilt against the accused is strong.¹⁴⁴ Where bail is a matter of judicial discretion, the quantum of proof for the denial of the application is when the evidence of guilt is strong. In *People v. Cabral*,¹⁴⁵ the Court held:

“**Proof evident**” or “**Evident proof**” in this connection has been held to mean *clear, strong evidence which leads a well-guarded dispassionate judgment to the conclusion that the offense has been committed as charged, that accused is the guilty agent, and that he will probably be punished capitally if the law is administered.* “**Presumption great**” exists when the circumstances testified to are such that the *inference of guilt naturally to be drawn therefrom is strong, clear, and convincing to an unbiased judgment and excludes all reasonable probability of any other conclusion.* Even though there is a reasonable doubt as to the guilt of accused, if on an examination of the entire record the presumption is great that accused is guilty of a capital offense, bail should be refused.

In other words, the test is not whether the evidence establishes guilt beyond reasonable doubt but rather whether it shows evident guilt or a great presumption of guilt. As such, the court is ministerially bound to decide which circumstances and factors are present which would show evident guilt or presumption of guilt as defined above.¹⁴⁶

The trial court’s assessment of the evidence presented in a bail hearing is merely provisional as no verdict is yet achieved. Nonetheless, the trial court must still be able to determine whether there is strong evidence of the accused’s guilt. Additional evidence may be received by the court during trial and the evidence presented during these bail hearings are automatically reproduced in the trial.¹⁴⁷ On motion of either party, however, “the court may recall any witness for additional examination unless the latter is dead, outside the Philippines, or otherwise unable to testify.”¹⁴⁸

In ascertaining whether De Guzman’s application for bail should be granted, the trial court heard the testimonies of Salazar, Atty. Lumantao, PO2 Langa, Nidua, and Hernaez and admitted the prosecution’s documentary evidence. Thereafter, it made the following summary of evidence, *viz.*:

SUMMARY OF PROSECUTION EVIDENCE

PAOLO SALAZAR testified that on June 12, 2014, he was with Ferdinand Salas Pastor, also known as “Enzo,” the victim in this case. They

¹⁴⁴ *Id.*

¹⁴⁵ 362 Phil. 697 (1999) [Per J. Romero, Third Division].

¹⁴⁶ *Id.* at 709.

¹⁴⁷ RULES OF COURT, Rule 114, sec. 8.

¹⁴⁸ RULES OF COURT, Rule 114, sec. 8.

both left Enzo's house in Magallanes at [sic] 1:00 o'clock in the afternoon and went straight to Batangas to get the [NASCAR] cars. Enzo drove a yellow truck while Paolo sat beside him. They got home in Magallanes at 7:00 o'clock in the evening. Enzo's wife, Dahlia, was there. Then at 9:45 in the evening of that same date, they both left the house again to go to Clark, Pampanga to drop off the cars. Enzo drove again a truck, with open or rolled down windows at both side [sic] of the driver and the passenger because there was no aircon. While on their way, Enzo's wife called him five (5) times. When their vehicle stopped at a stoplight, a male person wearing black clothes suddenly went beside the driver's side of the truck and fired shots at them. While the shooting incident was happening and when Enzo [sic] could not anymore bear the shots or defend himself, Enzo told him "dapa!" Then they both "*dumapa*" at the same time. He stressed that although the shooting incident happened fast and sudden, he was able to see the face of the gunman, who was wearing a motorcycle mask and a motorcycle helmet. Also, he maintained that he was able to see the gunman's nose, eyes, and forehead which were left uncovered by the mask and the helmet. He vividly recalled that one of his eyes was "*kirat*." He described it to be slightly drooping like it's as if the gunman did not get sleep. When the Court asked him how a "*kirat*" looks like, he explained that "*bagsak po yung kanyang mata po*." Then after, when asked if he could recall the person who fired shots at them, he pointed to the accused PO2 Angel as the man who fired at them.

[Salazar] was shot on his left size. As to Enzo, he saw him with blood coming out of his body and mouth. He shouted for help and the UNTV crew arrived, then they were brought to different hospitals. After the incident he felt scared because the incident was imprinted in his mind.

On cross-examination, [Salazar] admitted executing three (3) *Salaysays*. He further reiterated that he saw the gunman and he is familiar with his face, although it was covered with mask. He described again the gunman wearing black clothes, a helmet and a motorcycle mask. The gunman's mouth and head were covered, hence, he did not see the hair. He further stated that he signed his statements before the police on July 14, 2014 and August 27, 2014. He likewise admitted that although he recognized the accused as the one who shot them, he did not tell that to the policemen at that time when he executed his *Salaysays*. Moreover, he made a statement before the National Bureau of Investigation (NBI) but he has no copy of it.

ATTY. CECILIO C. LUMANTAO testified that before he met accused [PO2] Angel, he does not personally know the parties in this case. He explained that in relation to this case, the police officers from Camp Karingal came to IBP-QC Office and requested for assistance in the conduct of their custodial investigation. The policemen brought accused PO2 Angel and he talked to him. He informed him of his constitutional rights. Then he asked him why he wanted to confess when the penalty is of [sic] the crime charged is *reclusion perpetua* or imprisonment for forty (40) years. PO2 Angel told him that he would like to tell the truth. Also, he asked PO2 Angei if he wanted him to assist him because he has a right to choose his own counsel. Accused told him, "*ikaw na lang, sir*." Likewise, Atty. Lumantao recalled that [PO2] Angel had no sign of physical trauma at that time. He appeared relaxed. He even asked him to remove his clothing and he did not see any mark. Then he gave PO2 Angel five (5) minutes to read the contents

of his confession. PO2 Angel read it and answered, "*Wala na, sir.*" Then Angel signed the document in his presence.

On cross-examination, Atty. Lumantao emphasized that he interviewed PO2 Angel on his willingness to say something. Then, when accused signed the document, no policemen were present.

Moreover, Atty. Lumantao admitted that the policemen went to his office with the accused carrying a pre-printed confession. He added that it was the usual practice of the policemen of Camp Karingal to bring to IBP-QC the pre-printed document with his name written on it. However, he admitted that he was not present when PO2 Quisumbing asked PO2 Angel. Also, he is not aware that the accused disowned his extrajudicial confession. He only learned about it at the time when he testified.

On re-direct examination, Atty. Lumantao stressed that when the pre-printed document was presented to him, he read again to accused PO2 Angel the questions on it, as well as the answers thereto. Then, PO2 Angel confirmed to him what has been written in the document. He also propounded questions to PO2 Angel but the accused did not change his Answer.

On re-cross examination, he reiterated that he read the contents of the document to PO2 Angel. He even asked the accused to verify and confirm his answers, which PO2 Angel did.

PO2 RAMIL LANGA is the investigator in the instant case and the arresting officer of accused Sandy De Guzman. He narrated that accused PO2 Angel executed an Affidavit admitting the killing of Enzo. Also, PO2 Angel told him that accused De Guzman promised to give him a bonus for killing Enzo in the amount of P50,000.00. In order verify the veracity of the statement of accused PO2 Angel, they conducted an entrapment operation against accused De Guzman. He explained that accused PO2 Angel texted accused De Guzman to meet him at Sto. Nino, Brgy, Tunasan Muntinlupa on August 26, 2014 at 2:00 in the afternoon. On the said time and date, accused De Guzman arrived. When PO2 Angel alighted from the car, he saw accused De Guzman gave [*sic*] PO2 Angel a bundle of money. Hence, they effected De Guzman's arrest and introduced himself as a policeman. Together with him were SPO1 Rommel Merino, SPO2 Jonathan Caranza, PO3 Felices, PO2 Randy Gandinco and PO2 Quisumbing. Thereafter, he told accused De Guzman his rights.

PO2 Langa further testified that during the arrest, he saw a gun tucked at accused De Guzman's front waistline. When he asked him for a gun permit, accused De Guzman was not able to produce any. The money recovered was in the custody of SPO2 Caranza.

On cross-examination, PO2 Langa explained that he is not the investigator of the case but a member of the Criminal Investigation Detention Unit (CIDU). They were the ones who brought PO2 Angel to the Integrated Bar of the Philippines (IBP), Quezon City to have his affidavit notarized. The affidavit of PO2 Angel was typed by PO2 Quisumbing who explained to him his rights. He added that PO2 Angel executed his affidavit

because he wanted to make a bargain for his safety and even asked to be put under the Witness Protection Program.

Further, PO2 Langa admitted that the entrapment operation against accused De Guzman was made without a warrant. Also, he denied seeing a video of the arrest of De Guzman. Later on, however, he admitted having knowledge of the CCTV but does not know where it came from.

ALVIN NIDUA testified that he was a gun for hire or "*pumapatay sa tamang halaga.*" He had been such for nine (9) years before he was detained. He knew the victim Enzo because he was also a car racing enthusiast. As a gun for hire, his handler was Lt. Efren Oco. Meaning to say, Lt. Oco was the one who would contact him "*kapag may ipapatrabaho o mayroong ipapatay.*"

In connection with this case, he received a call from his handler Lt. Oco, who set up a meeting with him on the 2nd week of May 2014, at Tribo, located in Bangkal, Makati, at 7:00 o'clock in the evening. They agreed to meet there because "*may ipapatrabaho.*" Hence, on the given date and time, he arrived at Tribo where he saw Lt. Oco, Borbie Rivera who is also their friend outside (*sa labas*), accused De Guzman and Dahlia [*sic*]. These four persons were already seated in one table. After he sat down, they all talked to each other about the "*trabaho.*" He clarified that when Lt. Oco called him, their job is to kill ("*Pag tumawag sa akin si Lt. Oco, for killing po ang trabaho po namin.*")

During their meeting at Tribo, Dahlia [*sic*] brought a picture of Enzo and gave it to Lt. Oco. Dahlia [*sic*] also brought two (2) bundles of money in the amount of P200,000.00. When Dahlia [*sic*] was holding the money, she was mentioning in Taglish "*Ito yung nagbabanta*" while referring to the picture of Enzo. Nidua did not accept the job because the offer was too low. He explained in this wise: "*Tatanggapin ko yung trabaho, eh yung presyo ko mataas kami sumingil eh.*" Then he first went outside, followed by Lt. Oco, Borbi [*sic*], accused De Guzman and Dahlia [*sic*] who both rode in a silver car. He identified accused De Guzman through his picture attached to the record of the case on page 101 thereof.

By the last week of May, he received a call from Dahlia [*sic*] who offered an additional P50,000.00 to do the job of killing Enzo. In turn, he asked Dahlia [*sic*] to make it P500,000.00 for him to accept the job. Dahlia [*sic*] replied "*May kakausapin pa siya. Tapos sabi niya Ganun lang... ganun lang.*" In short, he declined to accept the job because they could not give the amount he wanted. Nidua was sure that it was Dahlia who called him because she identified herself as the one he met in Tribu [*sic*] on the 2nd week of May. Nidua was also certain that it was Dahlia he's speaking with over the phone because she was the only he met that month. He added that he had no other pending offer at that that [*sic*] time. Then he just heard in the news that Enzo was killed ("*tinimbangan*") on the 12th.

On cross-examination, Nidua described Dahlia [*sic*] as the one who looks like a foreigner. He denied knowing accused PO2 Angel because he had never heard his name from their group. The witness further narrated that he received a subpoena in Camp Bagong Diwa, where he was detained.

ROMMEL HERNANDEZ testified that he works for ABS-CBN as news cameraman. When he received a call to cover the story with Noli de Castro (Kabayan), regarding the killing of Enzo, he went to Camp Karingal with their Executive Producer. He confirmed that he was present when Kabayan conducted the interview and when accused PO2 Angel admitted the killing of Enzo. He also confirmed that the admission of PO2 Angel was recorded and shown on television. While he was recording the interview, PO2 Angel and Kabayan looked like as *[sic]* they were just talking. He even took a close up shot of accused PO2 Angel. After the recording, he watched the interview of accused PO2 Angel on television. He further explained that when he recorded the whole interview, no portion of it was cut. Then when they got back to the office, he indorsed the CF Card to the library and NMR Division. The said Division is a place where the editors and executive producers of ABS-CBN would edit and read the videos they submitted. When the video was shown to the witness at the stand, he identified it to be the program that he had watched on television.

On cross-examination, he explained that the librarian registers all their video feeds and indicate *[sic]* the name of the reporter and the date it was taken. After, the librarian turns over the video to the NMR, who in turn ingests and saves the video, putting a password for access. Subsequently, the editor edits the video by taking only the best shots and the sounds.

He described that during the interview with accused PO2 Angel, they were brought inside the room of CIDU at Camp Karingal. There was no policeman present during the interview but only him, Kabayan, their executive producer and driver. In covering the interview, he used a Sony Ikigami camera by turning it on, using the CF Card and pressing the recording button in front *[sic]*. However, he admitted that the video aired on television was edited by a different person. When asked if he knows why PO2 Angel killed Enzo, he replied that he does not know the reason. Also, he admitted that he was not the one who transferred the CF card to the video disk.¹⁴⁹

The summary of evidence speaks for itself. It supports the indubitable conclusion that the evidence of guilt against De Guzman as the alleged mastermind in the killing of Enzo is strong. The Court has held that it is only after the court weighs the pieces of evidence as contained in the summary of evidence that the judge will be equipped to formulate his or her own conclusion as to whether the evidence of guilt against the accused is strong.¹⁵⁰ Such determination, therefore, is a product of the judge's discretion based on his assessment of the evidence adduced. "[J]udicial discretion is not unbridled but must be supported by a finding of the facts relied upon to form an opinion on the issue before the court. It must be exercised regularly, legally and within the confines of procedural due process, that is, after evaluation of the evidence submitted by the prosecution."¹⁵¹

¹⁴⁹ *Rollo* (G.R. No. 255229), pp. 903-909. (Citations omitted)

¹⁵⁰ *Revilla, Jr. v. Sandiganbayan (First Division)*, 837 Phil. 17, 44 (2018) [Per J. Carpio, *En Banc*].

¹⁵¹ *Id.*

There is no showing here that the trial court deviated from this procedure, much less, committed grave abuse of discretion in drawing its conclusion that the evidence of guilt against De Guzman is strong. De Guzman's application for bail thus was correctly denied by the trial court, as affirmed by the appellate court. Absent any compelling circumstances or indications of arbitrariness, the Court will not disturb the factual findings and assessment of both lower courts on the issue of bail.

De Guzman, nonetheless, zeroes in on PO2 Angel's subsequent recantation of the confession given to the police which allegedly weakened the evidence of guilt against him.¹⁵²

Again, even if We exclude from the summary of evidence PO2 Angel's confession given under custodial investigation for being allegedly infirm, We find that based on the remaining inculpatory evidence on record, strong evidence of guilt against De Guzman still subsists based on the interlocking circumstantial evidence on record, as hereinafter shown.

We focus on PO2 Angel's statement during his television interview with newscaster De Castro wherein he admitted to have been engaged by De Guzman to kill Enzo for a fee and that in accordance with this engagement, waylaid and gunned down Enzo at the designated time and place. De Guzman does not argue nor does the evidence show that PO2 Angel was forced to confess during that television interview or that De Castro was otherwise prompted by the police officers to elicit incriminating information from PO2 Angel at that time. It has not been alleged nor proved that PO2 Angel's confession during the interview was made under a coercive atmosphere. On the contrary, cameraman Hernaez testified that only he, De Castro, the executive producer and their driver were inside the room during the interview.

As correctly found by the Court of Appeals, the confession given by PO2 Angel in his interview with De Castro is admissible in evidence. The Court has held that public admissions of culpability, such as in a televised interview, are admissible in evidence as they have not been extracted under custodial investigation.¹⁵³ The prohibitions under Article III, Section 12 of the 1987 Constitution pertain to the State and its agents in a custodial investigation.¹⁵⁴ The Bill of Rights is limited to governing relationships between the individual and the State – it does not extend to regulating relations between and among private individuals.¹⁵⁵

¹⁵² Rollo (G.R. No. 255100), p. 21.

¹⁵³ *People v. Vizcarra*, 201 Phil. 326 (1982) [Per Curiam, En Banc]; *People v. Andan*, 336 Phil. 91 (1997) [Per Curiam, En Banc]; *People v. Aringue*, 347 Phil. 571 (1997) [Per J. Puno, Second Division]; *People v. Cabiles*, 348 Phil. 220 (1998) [Per J. Melo, Third Division]; and *People v. Dacanay*, 798, Phil. 132 (2016) [Per J. Caguioa, First Division].

¹⁵⁴ *People v. Andan*, 336 Phil. 91, 105-106 (1997) [Per Curiam, En Banc].

¹⁵⁵ *Id.* at 113.

In *People v. Andan*,¹⁵⁶ accused-appellant asked for forgiveness from the Mayor and confessed that he killed the victim. Accused-appellant disclosed how he killed the victim and volunteered to show them where he hid her bags. The confession was captured on videotape and covered by the media nationwide. Over the next two days, he was again interviewed and each time, he affirmed his confession to the mayor and reenacted the crime. The Court therein decreed:

Appellant's confessions to the media were likewise properly admitted. The confessions were made in response to questions by news reporters, not by the police or any other investigating officer. We have held that statements spontaneously made by a suspect to news reporters on a televised interview are deemed voluntary and are admissible in evidence.

....

Clearly, appellant's confessions to the news reporters were given free from any undue influence from the police authorities. The news reporters acted as news reporters when they interviewed appellant. They were not acting under the direction and control of the police. They were there to check appellant's confession to the mayor. They did not force appellant to grant them an interview and reenact the commission of the crime. In fact, they asked his permission before interviewing him. They interviewed him on separate days not once did appellant protest his innocence. Instead, he repeatedly confessed his guilt to them. He even supplied all the details in the commission of the crime, and consented to its reenactment. All his confessions to the news reporters were witnessed by his family and other relatives. There was no coercive atmosphere in the interview of appellant by the news reporters.¹⁵⁷

In *People v. Dacanay*,¹⁵⁸ accused-appellant was convicted of parricide after the Court gave weight to his extrajudicial confession given during his interview with news reporters. The Court therein ruled:

At this juncture, it bears stressing that during the separate occasions that Antonio was interviewed by the news reporters, there was no indication of the presence of any police officers within the proximity who could have possibly exerted undue pressure or influence. As recounted by both reporters during their testimonies, Antonio voluntarily narrated how he perpetrated the crime in a candid and straightforward manner, "with no trace of fear, intimidation or coercion in him[.]"

Meanwhile, in the questioned Decision, the CA further observed:

When the accused was interviewed on separate occasions by Nestor Etolle of Philippine Star and Juan Adsuara of Tanod Diyaryo ng Bayan, the media men where [*sic*] outside the detention cell. In both instances, there was no indication of any presence of police officers within the proximity of the accused who can possibly exert undue pressure or influence.

¹⁵⁶ *Id.* at 91.

¹⁵⁷ *Id.* at 112. (Citations omitted)

¹⁵⁸ 798 Phil. 132, 141 (2016) [Per J. Caguioa, First Division].

Necessarily, while accused was physically restrained by the cold bars of steel, he was at liberty to remain mute. Yet, he opted to respond to inquiries from the media, and in the process, he practically threw caution to the wind and spilled the beans, so to speak, when he conceded the killing of his wife and recognized his culpability therefor. As observed by both reporters, accused-appellant voluntarily narrated how he perpetrated the crime.

.....

Following this Court's ruling in *People v. Jerez*, the details surrounding the commission of the crime, which could be supplied only by the accused, and the spontaneity and coherence exhibited by him during his interviews, belie any insinuation of duress that would render his confession inadmissible.¹⁵⁹

De Guzman's claim that PO2 Angel's confession on television is hearsay, hence, inadmissible as against him must fail. For while as a rule, an extrajudicial confession is only binding upon the person who made it, but inadmissible against a co-conspirator; one exception, however, is when "the confession is used as circumstantial evidence to show the probability of participation by the co-conspirator, that confession is receivable as evidence against a co-accused."¹⁶⁰ On this point, We quote with approval the relevant disquisition of the Court of Appeals, *viz.*:

While there is no direct evidence that would point to De Guzman as a direct participant, there is interlocking circumstantial evidence that would point to him as the possible mastermind in the killing of Enzo: *First*: even before Angel implicated De Guzman and Pastor, Chona (Spouses Enzo and Dalia Pastor's housemaid) had already executed an affidavit detailing about the illicit relationship of De Guzman and Pastor. There is motive then on the part of De Guzman to kill Enzo and this was confirmed by Angel that he was contracted by De Guzman to kill Enzo because the latter constantly beats his wife and that De Guzman wants to relieve Pastor of this burden. Apart from Angel's statement, there is also that of Nidua. *Second*. De Guzman decided to pursue with the plan when he met with Angel, at Pier 1 on June 11, 2014 and told him to execute it the following day. *Third*. De Guzman provided the means for the execution. *Fourth*. De Guzman also gave the instruction where to wait for Enzo on the night of the incident. Therefore, aside from the confession of Angel, there is still the foregoing circumstances, which taken together would establish that De Guzman is probably guilty of the offense.¹⁶¹

So must it be.

G.R. Nos. 255229 and 255503 (*Tomas Pastor v. Dalia Guerrero Pastor and People of the Philippines v. Dalia Guerrero Pastor and Domingo V. De Guzman III*)

¹⁵⁹ *Id.*

¹⁶⁰ *People v. Alvarez*, 278 Phil. 378 (1991) [Per J. Melecio-Herrera, Second Division].

¹⁶¹ *Rollo* (G.R. No. 255229), p. 46.

**There is probable cause
against Dalia for parricide**

The Court of Appeals nullified the indictment of Dalia for parricide for alleged lack of probable cause. According to the appellate court, PO2 Angel did not definitely identify her as the person who was in the company of De Guzman when he met with them. Instead, PO2 Angel kept on referring to her as “*babae*” and her name was only subsequently supplied to him by PO2 Quisumbing. Even assuming that she was privy to the transaction between De Guzman and PO2 Angel, mere knowledge does not equate to conspiracy. Further, even supposing Dalia and De Guzman were indeed having an affair and that she was the source of some vital information which aided in the killing of Enzo, this alone is not proof that she was in conspiracy with De Guzman and PO2 Angel absent any showing that she also acted in furtherance of the plot to kill Enzo. Aside from having been introduced by De Guzman to PO2 Angel as “boss,” PO2 Angel never mentioned in his confession that he directly spoke to Dalia regarding the plan to kill Enzo.¹⁶²

To reiterate, “a finding of probable cause needs only to rest on evidence showing that *more likely than not* a crime has been committed and was committed by the suspects.”¹⁶³ It is not a pronouncement of guilt, rather it merely binds the suspect to stand trial.¹⁶⁴ Verily, the evidence required to establish probable cause does not need to amount to guilt beyond reasonable doubt.

The Court holds that contrary to the pronouncements of the appellate court, there is ample evidence on record clearly identifying Dalia as a co-conspirator and detailing her participation therein, thus:

First. Domen, the house help of Enzo and Dalia who had been in Enzo’s service for eight years, stated that based on her observations, De Guzman appeared to be Dalia’s lover. She attested that on several occasions, she witnessed how Dalia carried out her extramarital affair with De Guzman, albeit she had been married to Enzo since 2013. De Guzman would frequently visit Dalia in the conjugal home she shared with Enzo during times when Enzo was away. Domen witnessed Enzo confront Dalia many times about her illicit affair with De Guzman but she merely denied it. Out of anger, Enzo broke several items in their room but Domen claimed that he never hurt Dalia. On one occasion, Dalia summoned her parents to their home and Domen overheard Dalia’s mother tell Enzo not to hurt her daughter. She also heard Dalia’s mother tell Enzo to get a knife and challenged him to a fight — “*patayan na lang tayo.*” Enzo then fell silent. When asked by Dalia’s father

¹⁶² *Rollo* (G.R. No. 255229), pp. 37–38.

¹⁶³ *Webb v. De Leon*, 317 Phil. 758, 789 (1995) [Per J. Puno, Second Division].

¹⁶⁴ *Id.*

why they had been fighting, Enzo explained Dalia's affair. It appeared to Domen that Dalia's father merely tolerated his daughter's affair.¹⁶⁵

Second. During his interview with news anchor De Castro, PO2 Angel admitted that he considered De Guzman to be a close friend. De Guzman first approached him in November 2013 to ask him to do a favor for his "friend" who was being beaten up by her husband. De Guzman asked him "*kung puwede bang ipatumba*" and he would bring proof that his "friend" had been battered. PO2 Angel was later presented with pictures of Dalia covered in bruises. On another occasion, he personally met Dalia who was then in the company of De Guzman. They talked inside De Guzman's car. He then observed that De Guzman's hand was laid on Dalia's thigh the whole time.¹⁶⁶

Third. Nidua, the self-proclaimed gun-for-hire, testified that he met Dalia and De Guzman when they tried to engage his services to kill Enzo. He narrated that sometime during the second week of May 2014, his handler, Lt. Oco, called him with a prospective job. He went to Tribo where he met with Lt. Oco, Kapitan Borbie, De Guzman, and Dalia. Dalia brought with her cash amounting to PHP 200,000.00 and a picture of Enzo, identifying him as the target of the operation. But he refused to take on the job because the price offer was too low. During the last week of May, Dalia called him (Nidua) and introduced herself as the woman he met at Tribo a few weeks earlier. Dalia offered an additional PHP 50,000.00 for him to carry out the job. He made a counteroffer of PHP 500,000.00, but Dalia could not meet this price, so he rejected it.¹⁶⁷

Fourth. Salazar, who accompanied Enzo to transport the race car to Clark, Pampanga, testified that Dalia called Enzo multiple times to track their location.¹⁶⁸

Fifth. Dalia remains at large to this date. She has not personally come forward to submit herself to the jurisdiction of the court, much less, refute the damaging pieces of evidence against her thus far adduced by the People.¹⁶⁹

As shown by the foregoing pieces of evidence, Dalia has been positively identified by both PO2 Angel and Nidua as the woman who, together with De Guzman, met them on separate dates during which their services as guns-for-hire were sought to kill Enzo. It was Dalia who handed Nidua a picture of Enzo as the target. It was Dalia who later on called Nidua to offer him a higher compensation for the job. It was Dalia who PO2 Angel pointed to as the one who instructed him where and when he should waylay

¹⁶⁵ *Rollo* (G.R. No. 255229), pp. 270-271.

¹⁶⁶ *Rollo* (G.R. No. 255100), p. 21.

¹⁶⁷ *Rollo* (G.R. No. 255229), pp. 341-383.

¹⁶⁸ *Rollo* (G.R. No. 255100), p. 64.

¹⁶⁹ *Rollo* (G.R. No. 255503), pp. 295-296.

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and gun down Enzo. It was Dalia, who, prior to the ambush, gave Enzo what route to take in going to Clark, Pampanga. It was also Dalia who constantly monitored and called Enzo for his exact location while en route to Clark on the night he was killed. It was Dalia who was identified to have been in an illicit relationship with her co-accused De Guzman. According to both PO2 Angel and Nidua, the reason they were hired to kill Enzo, as relayed to them by De Guzman, was because Enzo was beating up his wife Dalia, De Guzman's alleged lover. The evidence adduced so far shows that not only was Dalia present during the meetings with PO2 Angel and Nidua on separate occasions, but she also overtly participated in ensuring and facilitating the ambush of her own husband Enzo.

Article 8 of the Revised Penal Code provides that “[a] conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.” The existence of a conspiracy may be proved “by direct or circumstantial evidence consisting of acts, words, or conduct of the alleged conspirators before, during and after the commission of the felony to achieve a common design or purpose.”¹⁷⁰

Dalia's acts, as stated above, show that she not only served as a strong motivation to carry out the plan, but she had an active hand in planning the ambush of Enzo. Too, her abrupt absence right after a warrant of arrest was issued on her lends credence to the prosecution's case that she is probably guilty of the offense charged.¹⁷¹

A final word. The right of the accused to be presumed innocent is not violated by the mere finding of probable cause against him or her. As stated, the mere existence of probable cause does not equate to a conviction. In the face of several claims involving multiple parties and in light of the atrocious offense resulting in the death of Enzo, the ends of justice are better served by giving the trial court an opportunity to fairly determine the truth through a full-blown trial on the merits.

ACCORDINGLY, in G.R. No. 255100, the Petition for Review on *Certiorari* of Domingo V. De Guzman III is **DENIED** for lack of merit. The Consolidated Decision dated February 21, 2020 and Consolidated Resolution dated January 11, 2021 in CA-G.R. SP Nos. 142511, 143618, and 159571 are **AFFIRMED** insofar as they, respectively, sustained the finding of probable cause against Domingo V. De Guzman III and the denial of his application for bail.

The *Certiorari* of Tomas Pastor and the People of the Philippines are **GRANTED**.

¹⁷⁰ *Asetre v. Asetre*, 602 Phil. 840, 865 (2009) [Per J. Quisumbing, Second Division].

¹⁷¹ *People v. Garcia*, 284-A Phil. 614 (1992) [Per J. Davide, Jr., Third Division].

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The Consolidated Decision dated February 21, 2020 and Consolidated Resolution dated January 11, 2021 in CA-G.R. SP Nos. 142511, 143618, and 159571 are **PARTIALLY REVERSED** insofar as the same dismissed Criminal Case No. R-QZN-15-01870-CR against Dalia Guerrero Pastor. In lieu thereof, the Order dated March 24, 2015 of the Regional Trial Court of Quezon City Branch 91 directing the issuance of a warrant of arrest and hold departure order on Dalia Guerrero Pastor in Criminal Case No. R-QZN-15-01870-CR is reinstated.

SO ORDERED.

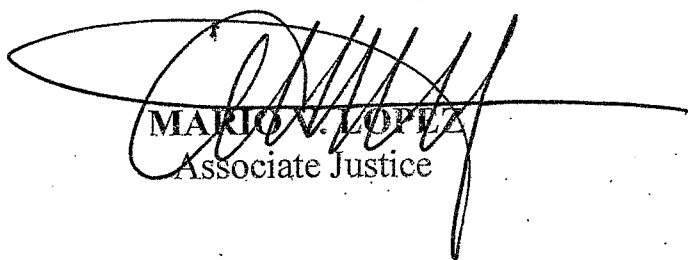


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



MARIO V. LOPEZ
Associate Justice



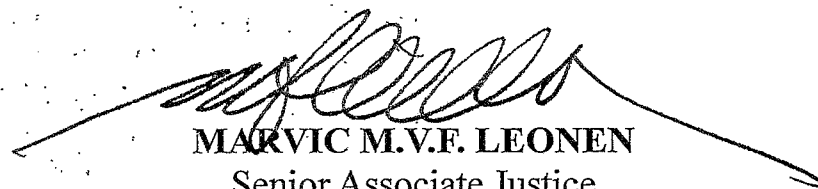
JHOSEP Y. LOPEZ
Associate Justice



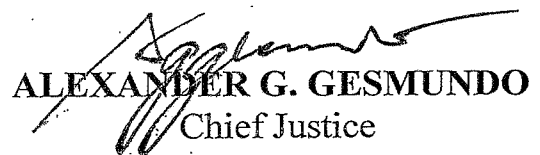
ANTONIO T. KHO, JR.
Associate Justice

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.

**MARVIC M.V.F. LEONEN**Senior Associate Justice
Chairperson**CERTIFICATION**

Pursuant to Article VIII, Section 13 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.

**ALEXANDER G. GESMUNDO**

Chief Justice

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