

EN BANC

[G.R. No. 218232, July 24, 2018]

**RAMON "BONG" B. REVILLA, JR., PETITIONER, VS.
SANDIGANBAYAN (FIRST DIVISION) AND PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

[G.R. No. 218235]

**RICHARD A. CAMBE, PETITIONER, VS. SANDIGANBAYAN (FIRST
DIVISION), PEOPLE OF THE PHILIPPINES, AND OFFICE OF THE
OMBUDSMAN, RESPONDENTS.**

[G.R. No. 218266]

**JANET LIM NAPOLES, PETITIONER, VS. SANDIGANBAYAN (FIRST
DIVISION), CONCHITA CARPIO MORALES, IN HER CAPACITY AS
OMBUDSMAN, AND PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

[G.R. No. 218903]

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS.
SANDIGANBAYAN (FIRST DIVISION), RAMON "BONG" B.
REVILLA, JR., AND RICHARD A. CAMBE, RESPONDENTS.**

[G.R. No. 219162]

**RAMON "BONG" B. REVILLA, JR., PETITIONER, VS.
SANDIGANBAYAN (FIRST DIVISION) AND PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

D E C I S I O N

CARPIO, J.:

The Case

The petitions for certiorari^[1] in G.R. Nos. 218232, 218235, and 218266, filed by petitioners Ramon "Bong" B. Revilla, Jr. (Revilla), Richard A. Cambe (Cambe), and Janet Lim Napoles (Napoles), respectively, assail the Resolution^[2] dated 1 December 2014 of the Sandiganbayan denying them bail and the Resolution^[3] dated 26 March 2015 denying their motion for reconsideration in Criminal Case No. SB-14-CRM-0240.

In G.R. No. 218903, the Office of the Ombudsman assails the Resolution^[4] dated 4 September 2014 of the Sandiganbayan denying the prosecution's motion to transfer

the place of detention of Revilla and Cambe, and the Resolution^[5] dated 20 May 2015 denying the motion for reconsideration. In G.R. No. 219162, Revilla assails the Resolution^[6] dated 5 February 2015 of the Sandiganbayan granting the prosecution's motion for the issuance of a writ of preliminary attachment and the Resolution^[7] dated 28 May 2015 denying his motion for reconsideration.

The Facts

The cases before us stemmed from the Information dated 5 June 2014 filed by the Office of the Ombudsman in the Sandiganbayan charging petitioners Revilla, Cambe, and Napoles, among others, with the crime of Plunder, defined and penalized under Section 2 of Republic Act No. (RA) 7080, as amended. The Amended Information^[8] reads:

In 2006 to 2010, or thereabout, in the Philippines, and within this Honorable Court's jurisdiction, above-named accused RAMON "BONG" BAUTISTA REVILLA, JR., then a Philippine Senator and RICHARD ABDON CAMBE, then DIRECTOR III at the Office of Senator Revilla, Jr., both public officers, committing the offense in relation to their respective offices, conspiring with one another and with JANET LIM NAPOLES, RONALD JOHN B. LIM, and JOHN RAYMUND S. DE ASIS, did then and there willfully, unlawfully, and criminally amass, accumulate and/or acquire ill-gotten wealth amounting to at least TWO HUNDRED TWENTY FOUR MILLION FIVE HUNDRED TWELVE THOUSAND FIVE HUNDRED PESOS (Php224,512,500.00), through a combination or series of overt criminal acts, as follows:

a) by repeatedly receiving from NAPOLES and/or her representatives LIM, DE ASIS, and others, kickbacks or commissions under the following circumstances: before, during and/or after the project identification, NAPOLES gave, and REVILLA, JR. and/or CAMBE received, a percentage of the cost of a project to be funded from REVILLA, JR.'s Priority Development Assistance Fund (PDAF), in consideration of REVILLA, JR.'s endorsement, directly or through CAMBE, to the appropriate government agencies, of NAPOLES' non-government organizations which became the recipients and/or target implementors of REVILLA, JR.'s PDAF projects, which duly-funded projects turned out to be ghosts or fictitious, thus enabling NAPOLES to misappropriate the PDAF proceeds for her personal gain;

b) by taking undue advantage, on several occasions, of their official positions, authority, relationships, connections, and influence to unjustly enrich themselves at the expense and to the damage and prejudice, of the Filipino people and the Republic of the Philippines.

CONTRARY TO LAW.^[9]

Upon arraignment, Napoles and Cambe pleaded not guilty to the charge against them, while petitioner Revilla refused to enter any plea; thus, the Sandiganbayan

entered a plea of not guilty in his behalf pursuant to Section 1(c), Rule 116 of the Rules of Court.^[10]

In a Resolution^[11] dated 19 June 2014, the Sandiganbayan issued warrants of arrest against Revilla, Cambe, and Napoles. On the same day, Revilla voluntarily surrendered to the Philippine National Police (PNP) and filed a Motion to Elect Detention Facilities *Ad Cautelam*^[12] praying for his detention at the PNP Custodial Center in Camp Crame. On 20 June 2014, Cambe also voluntarily surrendered to the Sandiganbayan and filed an Urgent Motion to Commit Accused to Criminal Investigation and Detection Group (CIDG)^[13] pending trial of the case.

In two separate Resolutions^[14] both dated 20 June 2014, the Sandiganbayan ordered the turn over of Revilla and Cambe to the PNP CIDG, Camp Crame, Quezon City for detention at its PNP Custodial Center Barracks.

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Revilla filed a Petition for Bail *Ad Cautelam* dated 20 June 2014; Cambe filed an Application for Bail^[15] dated 23 June 2014; and Napoles filed a Joint Petition for Bail dated 25 June 2014, together with co-accused Ronald John Lim (Lim) and John Raymund De Asis (De Asis).^[16]

Thereafter, the Sandiganbayan conducted the bail hearings for Revilla, Cambe, and Napoles.

During the bail hearings, the prosecution presented nine witnesses, namely: Commission on Audit (COA) Assistant Commissioner in the Special Services Sector Susan P. Garcia; Department of Budget and Management (DBM) Directors Carmencita N. Delantar and Lorenzo C. Drapete; the whistleblowers Benhur K. Luy (Luy), Merlina P. Suñas (Suñas), Marina C. Sula (Sula), and Mary Arlene Joyce B. Baltazar (Baltazar); National Bureau of Investigation (NBI) Special Investigator III Joey I. Narciso (Narciso); and Anti-Money Laundering Council (AMLC) Bank Officer II Atty. Leigh Vhon Santos (Santos).

The Sandiganbayan summarized the prosecution's evidence as follows:

From 2007 to 2009, accused Revilla was allocated and utilized [Priority Development Assistance Fund (PDAF)] in the total amount of P517,000,000.00, covered by twelve (12) [Special Allotment Release Orders (SAROs)], for livelihood and agricultural projects. He named the [Technology Livelihood Resource Center (TLRC), National Agri-Business Corporation (NABCOR), and National Livelihood Development Corporation (NLDC)] to be the [implementing agencies (IAs)], and endorsed five (5) of Napoles' [non-governmental organization (NGOs)], *i.e.*, [Agri & Economic Program for Farmers Foundation, Inc. (**AEPFFI**), Philippine Social Development Foundation, Inc. (**PSDFI**), Masaganang Ani Para sa Magsasaka Foundation, Inc. (**MAMFI**), Social Development Program for Farmers Foundation, Inc. (**SDPFFI**), and Agricultura Para Sa Magbubukid Foundation, Inc. (**APMFI**),] as project partners. Of the 12 SAROs, Luy identified six (6) SAROs in his Summary of Rebates, showing how he came up with the supposed P224,512,500.00

rebates/commissions/kickbacks mentioned in the Information. The six (6) SAROs with their corresponding amounts, beneficiary NGOs, IAs, and the amount of commissions received by Revilla, through Cambe, mentioned in Luy's Summary are shown in the table below:

TABLE A

SARO	Amount (Php)	IA	NGO	Rebates Received (Php)	Date Received
1. ROCS-07-05486	25 million	TLRC	AEPFFI	7.5 million	March 27, 2007
2. ROCS-08-05254	65 million	NABCOR	MAMFI/SDPFFI	10 million 17,250,000.00	June 24, 2008 July 3, 2008
3. ROCS-08-05660	15 million	NABCOR	MAMFI	7,750,000.00	July 23, 2008
4. D-08-9558	40 million	TLRC	SDPFFI	17 million	Dec. 5, 2008
5. ROCS-08-09789	40 million	TLRC	SDPFFI	2 million 18 million	Dec. 12, 2008 Dec. 15, 2008
6. G-09-07065	80 million	NLDC	AEPFFI and APMFI	9 million 9 million 2 million 12 million 8 million	Oct. 6, 2009 Oct. 6, 2009 Oct. 6, 2009 Oct. 22, 2009 Oct. 22, 2009
TOTAL	Php 265 million			Php119,500,000.00	

Other commissions without corresponding SARO numbers lifted from Luy's Summary are shown hereunder.

TABLE B

Date Received	IA/Particulars	Rebates Received (Php)
April 6, 2006	PDAF-DA 2006	5 million
June 6, 2006	DA - 2006	5 million
April 12, 2007	DA - 50 M	9.5 million
April 19, 2007	PDAF-DA 50 M and	3 million

	TLRC 50 M 2007	
August 2, 2007		2 million
August 10, 2007		3 million
October 16, 2007	PDAF 82 M	5 million
October 25, 2007	PDAF 82 M	2 million
November 15, 2007	PDAF DA and TLRC 82 M 2007 project	5 million
November 23, 2007	PDAF 82 M project	3.5 million
December 21, 2007	PDAF 82 M project	10 million
December 26, 2007	PDAF 82 M project	10.5 million
May 9, 2008	PDAF 80 M	5 million
October 24, 2008	PDAF 50 M	3 million
March 17, 2010		28,512,500.00
April 28, 2010		5 million
TOTAL		Php105,012,500.00
Total Rebates Received	Table A + Table B	Php224,512,500.00

Accused Revilla's commissions represented 50% of the project cost, 25% percent of which was released by accused Napoles upon showing that the DBM already received accused Revilla's endorsement letter with project listings. The other 25% was released upon issuance of the SARO. On the other hand, accused Cambe's share was 5% of the project cost.

But there were instances that, prior to the issuance of the SARO and preempting its release, accused Revilla advanced money from accused Napoles. There were also times that his share was given to him in tranches until the full amount was paid. Thus, there appear entries in Luy's Summary of Rebates without corresponding SARO numbers, and in amounts less than 25% or 50% of the amount of the SARO. Accused Cambe got his commission either together with that of accused Revilla or separately. To acknowledge receipt of the rebates for himself or that for accused Revilla, accused Napoles' office had accused Cambe sign JLN vouchers which, however, were already shredded upon the instruction of accused Napoles.

Upon release of the SARO, documents like letters signed by accused Revilla indorsing accused Napoles' NGO, MOAs signed by accused Cambe, project proposal, and foundation profile, were submitted to the IA.

Subsequently, the IA, after deducting a 3% management fee, released a check in the name of the NGO endorsed by accused Revilla. Accused Napoles had either the president of the payee NGO or anybody from his trusted employees receive the check. Accused Napoles' representative signed the IA voucher and, in return, issued a receipt to the IA in the name of the foundation.

The check was then deposited to the account of the payee foundation.