



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **23 June 2021** which reads as follows:*

“G.R. Nos. 246184-87 (Mark Vergel De Dios, Victor Jose Vergel De Dios, and John Christopher Dee v. Ramon Amerto V. Besa and People of the Philippines). – The Court NOTES:

1. the manifestation and compliance dated May 6, 2021 by the Office of the Solicitor General with the Resolution dated January 25, 2021, submitting a copy of the e-mail of its comment on the amended petition and submitting the proof of service thereof to other parties; and
2. aforesaid comment dated April 5, 2021 in compliance with the Resolution dated January 25, 2021.

The petition must fail, there being no sufficient showing that the Court of Appeals committed reversible error when it rendered the assailed dispositions as to warrant the exercise of this Court’s discretionary appellate jurisdiction. Consider:

FIRST. While the public prosecutor did not sign the appeal memorandum initially filed by the prosecution before the Regional Trial Court (RTC), the fact that she signed the subsequent pleading or pleadings of the prosecution on appeal should be deemed to have cured whatever deficiency there was, if at all, in the appeal memorandum. That the appeal memorandum was filed, *sans* her signature thereon was obviously

unintended or a product of sheer inadvertence that was never meant to abandon her direction and control over the case. The indubitable fact is that the People, through the public prosecutor, filed and pursued the appeal to the end.

SECOND. On the determination of probable cause, while it is within the trial court's discretion to make an independent assessment of the evidence on hand, it is only for the purpose of determining whether a warrant of arrest should be issued.¹ On the other hand, insofar as the determination of probable cause for the filing an indictment in court is concerned, it is the public prosecutor who is imbued with a wide latitude of discretion on the matter. The trial court therefore must accord respect to the determination made by the public prosecutor thereon in the absence of any clear showing of grave abuse of discretion imputable on the latter.

THIRD. As it was, the Metropolitan Trial Court (MeTC) peremptorily overturned the finding of probable cause by the Department of Justice (DOJ) against petitioners Mark Vergel De Dios, Victor Jose Vergel De Dios, and John Christopher Dee for serious physical injuries. Thus, it dismissed the Information based on its own determination that the private respondent Ramon Amerto V. Besa was allegedly not a credible witness and could not have been able to accurately identify his real assailants. This smacks of grave abuse of discretion. For one, the issue of credibility should be threshed out not during the preliminary investigation but during the trial proper itself. For another, it is hornbook doctrine that the purpose of preliminary investigation is merely to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and that accused is probably guilty thereof, and should be held for trial, and not to decide whether the evidence thus far adduced prove beyond reasonable doubt the guilt of the person charged.² We also reiterate that since the determination of probable cause for the filing an indictment in court is within the primary domain of the public prosecutor, the trial court must accord respect to such determination in the absence of any clear showing of grave abuse of discretion imputable on the latter, as in this case.

All told, the RTC correctly reversed the ruling of the MeTC and sustained the finding of probable cause for Serious Physical Injuries against petitioners by the DOJ. The Court of Appeals, too, judiciously acted when it gave its full concurrence to the dispositions of the RTC in this regard.

WHEREFORE, the petition is **DENIED.** The Decision dated October 3, 2018 and Resolution dated March 26, 2019 of the Court of Appeals in CA-G.R. CR Nos. 38353, 38357, and 38358, and CA-G.R. SP No. 144606 are **AFFIRMED.**

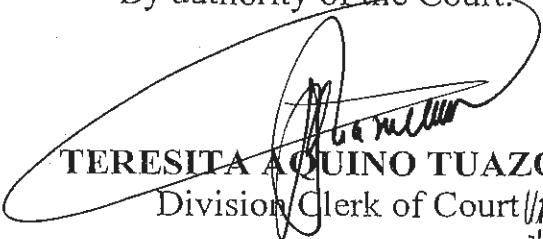
¹ See *Mendoza v. People*, 733 Phil. 603, 611 (2014).

² See *Presidential Commission on Good Government v. Desierto*, 445 Phil. 154, 185 (2003).

The Metropolitan Trial Court-Pasig City, Branch 70 is directed to immediately resume and resolve, with utmost dispatch the criminal proceedings for serious physical injuries against petitioners MARK VERGEL DE DIOS, VICTOR JOSE VERGEL DE DIOS, and JOHN CHRISTOPHER DEE in Criminal Case No. 125820.

SO ORDERED." (J. Lopez, J., designated additional member per Special Order No. 2822 dated April 7, 2021)

By authority of the Court:


TERESITA AQUINO TUAZON
 Division Clerk of Court *TTA*
 22 JUL 2021 *7/22*

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HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 155
 Pasig City
 (Crim. Case No. 155112)

HON. PRESIDING JUDGE (reg)
 Metropolitan Trial Court, Branch 70
 Pasig City (San Juan City Station)
 (Crim. Case No. 125820)

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Please notify the Court of any change in your address.
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