

### Title: Secretary Leila De Lima et al. vs. Mario Joel T. Reyes

### Facts:

Dr. Gerardo Ortega, a vocal critic of mining operations and known advocate for environmental conservation, was assassinated on January 24, 2011, in Palawan, Philippines. The investigation led to the arrest of Marlon B. Recamata, who confessed to the murder, naming former Governor Mario Joel T. Reyes as the mastermind. A special panel of prosecutors (First Panel) was formed to conduct a preliminary investigation, which was later requested to be reopened by Dr. Ortega's widow to include new evidence linked to Reyes.

Despite the motion to reopen and subsequent motion for reconsideration, the First Panel dismissed the complaint against Reyes and his co-accused for lack of probable cause. Secretary of Justice Leila De Lima then issued Department Order No. 710 to create a Second Panel for reinvestigating the case, citing the need for thorough review and examination of additional evidence initially rejected.

Petitions and counter-petitions were filed by both parties to the Court of Appeals (CA) challenging the formation of the Second Panel and its findings. The CA eventually declared void Department Order No. 710, reinstating the First Panel's decision, a ruling contested by De Lima and the Second Panel through a Petition for Review on Certiorari to the Supreme Court, arguing that the Secretary of Justice has the authority to order a reinvestigation to prevent a miscarriage of justice.

### Issues:

1. Whether the Court of Appeals erred in declaring Department Order No. 710 null and void, leading to the question of whether the Secretary of Justice committed grave abuse of discretion in creating the Second Panel for reinvestigation.
2. Whether the issuance of Department Order No. 710 was within the executive's function beyond judicial review.
3. Whether the Secretary of Justice is authorized, *motu proprio*, to create another panel of prosecutors for the reinvestigation of a case.
4. If the petitions against the regularity of the preliminary investigation were rendered moot following the trial court's issuance of a warrant of arrest.

### Court's Decision:

The Supreme Court held that the Secretary of Justice did not commit grave abuse of discretion in issuing Department Order No. 710 and creating the Second Panel for reinvestigation. It was determined that the actions of the Secretary of Justice are within the scope of her administrative or executive functions, not subject to a petition for certiorari or prohibition. The Court emphasized that the authority includes acting on matters that may cause a probable miscarriage of justice, affirmed by existing laws and jurisprudence.

Furthermore, the Supreme Court clarified that petitions questioning the regularity of the preliminary investigation became moot upon the trial court's determination of probable cause and the issue of the arrest warrant, thereby transferring jurisdiction over the case to the trial court.

### ### Doctrine:

- The Secretary of Justice has the discretion, within administrative or executive functions, to reinvestigate a case upon motion or motu proprio to prevent miscarriages of justice, not circumscribed by petitions for certiorari or prohibition.
- A petition for certiorari questioning the regularity of a preliminary investigation is rendered moot after the trial court's determination of probable cause and issuance of a warrant of arrest.

### ### Class Notes:

1. **\*\*Executive Discretion in Legal Proceedings\*\***: The Secretary of Justice holds discretionary power to order a reinvestigation to ensure fairness and thorough examination of evidence within the bounds of ensuring no probable miscarriage of justice occurs.
2. **\*\*Judicial vs. Executive Assessment of Probable Cause\*\***: Judicial determination of probable cause for issuance of a warrant of arrest is distinct from the executive determination of probable cause in a preliminary investigation, with the former taking precedence upon the filing of information in court.
3. **\*\*Role of Preliminary Investigation\*\***: Mainly inquisitorial, aimed at determining whether there's enough ground to engender a well-founded belief that a crime has been committed and whether the accused is probably guilty thereof.

### ### Historical Background:

In highlighting the tense relationship between environmental advocacy and political

interests in the Philippines, the Ortega murder case underscores the crucial role of justice sector mechanisms in safeguarding not only individual rights but also public interest in environmental conservation against potential abuses of power by political figures. The case illustrates the mechanisms available within the Philippine legal framework for rectifying potential injustices arising from preliminary investigations, emphasizing the balance between executive discretion and judicial review in the pursuit of justice.