



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Petitioner,

SB-18-SCA-0001 to 0015

- versus -

Present

HON. ARMANDO A. YANGA, in
his capacity as Presiding Judge
of the Regional Trial Court,
Branch 173, Manila, and
WALTER F. REYNOSO, SR.
Respondents.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
MENDOZA-ARCEGA,* J.

Promulgated:

APR 24 2018 *my*

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DECISION

FERNANDEZ, SJ, J.

The *Petition for Certiorari*¹ seeks to annul and set aside the *Resolution* dated June 1, 2017² and the *Order* dated September 29, 2017³ of Judge Armando A. Yanga of the Regional Trial Court (RTC), Branch 173, Manila. Said *Resolution* granted the *Motion to Dismiss (On the Ground of Inordinate Delay)*⁴ of respondent Walter F. Reynoso, Sr., while the *Order* denied the prosecution's *Motion for Reconsideration*⁵ of said *Resolution*.

* The petition was submitted for decision on February 20, 2018 (*Resolution* dated January 30, 2018); Sitting as Special Member in view of the vacancy in the Sixth Division (Per Administrative Order No. 072-2018 dated February 1, 2018; *Revised Internal Rules of the Sandiganbayan*, Rule XII, Sec. 3).

¹ Dated December 29, 2017; Record, pp. 1-224

² Record, pp. 37-47

³ Record, pp. 48-55

⁴ Dated March 16, 2017; Record, pp. 209-223

⁵ Dated July 17, 2017; Record, pp. 56-65

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 2 of 17

x-----x

ANTECEDENT FACTS

The *Joint Complaint-Affidavit* dated May 30, 2014 of the Department of Finance – Revenue Integrity Protection Service (DOF-RIPS) was filed with the Office of the Ombudsman on May 30, 2014.⁶ In three (3) separate Orders dated June 20, 2014,⁷ respondent Reynoso was directed to file his counter-affidavit.⁸ He filed his Counter-Affidavit in OMB-C-F-14-0005 on July 21, 2014.⁹ The Resolution dated July 20, 2015,¹⁰ recommending that respondent Reynoso be indicted for fifteen (15) counts each of (a) violation of Sec. 7 of R.A. No. 3019, (b) Falsification, and (c) Perjury; and fourteen (14) counts of violation of Section 8 of R.A. No. 6713 was approved on January 14, 2016. Fifteen (15) Informations¹¹ for Falsification under Art. 171, par. 4 of the Revised Penal Code (RPC) were filed with the RTC in Manila on February 1, 2017.

On March 16, 2017, respondent Reynoso filed his *Motion to Dismiss*,¹² claiming that his right to speedy disposition of cases was violated because it took a period of five (5) years and nine (9) months from the time the DOF-RIPS commenced its investigation before the Informations were filed with the RTC.

In the Resolution dated June 1, 2017,¹³ respondent Judge Yanga granted respondent Reynoso's *Motion* and dismissed Crim. Cases No. 17-332731 to 45. It was held:

To reiterate, accused was charged for fifteen (15) counts of Falsification of Public Documents under Article 171, par. 4, Revised Penal Code allegedly for his failure to file a true, detailed and sworn Statement of Assets, Liabilities and Net Worth (SALNs) for the years 1998-2012.

It should be noted that the case against accused was initiated by DOF-RIPS and it took its fact-finding board approximately THREE (3) YEARS to build their case against said accused. In effect, the entire body of works (i.e. the preliminary investigation and/or

⁶ Record, pp. 69-80; docketed as OMB-C-C-14-0191 (Art. 171, RPC; Art. 183, RPC; Sec. 7, R.A. No. 3019; Sec. 8, R.A. 6713), OMB-C-A-14-0162 (Grave Misconduct, Serious Dishonesty, R.A. 6713) and OMB-C-F-14-0005 (Forfeiture)

⁷ OMB-C-C-14-0191, OMB-C-A-14-0162 and OMB-C-F-14-0005

⁸ Record, pp. 107-112

⁹ Record, p. 113

¹⁰ Record, pp. 151-163

¹¹ Docketed as Crim. Cases No. 17-332731 to 45

¹² Dated March 16, 2017; Record, pp. 209-223

¹³ Record, pp. 37-47

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DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 3 of 17

x-----x

gathering of evidence, etc.) or the exhaustive tasks of collecting and collating evidence were already accomplished and concluded during its preliminary investigations over the case. Thus, when the case was elevated to the Ombudsman its chief judicial purposed [sic] would be to review the complaints filed in order to determine whether or not probable cause exists. Admittedly, it entails scrutiny of documents, but the documents involved in these cases were only the fifteen (15) Statements of Assets, Liabilities and Net Worth (SALNs) for the years 1998-2012 of the accused. Moreover, all fifteen (15) cases are for "Falsification of Public Documents under Article 171, par. 4 of the Revised Penal Code". Hence, the evidence in each case where [sic] interrelated that the evidence in one case is practically the very evidence for the entire fifteen (15) cases. Taken collectively, it should not take for the Office of the Ombudsman used-up TWENTY (20) MONTHS to come up with a Resolution (dated January 14, 2016) on these cases and worse, another THIRTEEN (13) MONTHS just to have the case filed before this Court.

Verily, State has no sufficient justification for the long delay of nearly three (3) years in proffering the charges against the accused before this Court for such a simple charge of Falsification of Public Documents. In fine, the Office of the Ombudsman transgressed the accused right to due process as well as their right to the speedy disposition of their case.

WHEREFORE, in view of the foregoing premises, the Court is constrained to grant the motion and consequently, hereby renders the above-entitled cases DISMISSED [sic].

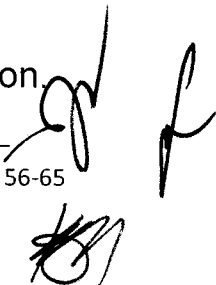
The prosecution, in its *Motion for Reconsideration*,¹⁴ argued that the preliminary investigation necessarily took some time to terminate because the charges against respondent Reynoso were numerous and complex. Moreover, although the DOF-RIPS conducted its investigation, the Office of the Ombudsman must still make its independent evaluation of the evidence to determine probable cause, lest it be accused of conducting rash or impulsive preliminary investigations.

The RTC, in the Order dated September 29, 2017,¹⁵ rejected the prosecution's arguments, holding that the same were mere amplifications of those in its opposition to respondent Reynoso's *Motion to Dismiss*.

Hence, this petition

¹⁴ Dated July 17, 2017, Record, pp. 56-65

¹⁵ Record, pp. 48-55



DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 4 of 17

x-----x

In the Resolution dated January 30, 2018,¹⁶ this Court required respondent Reynoso to file his comment and/or opposition. Respondent Reynoso complied by filing his *Comment/Opposition (To Prosecution's Motion for Reconsideration)*¹⁷ on February 22, 2018.

PETITIONER'S ARGUMENTS

PUBLIC RESPONDENT JUDGE YANGA ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN HE DISMISSED THE CASES BY ITS NIT-PICKING CONSIDERATION OF CIRCUMSTANCES GREATLY FAVORING RESPONDENT REYNOSO WHILE ARBITRARILY REFUSING TO CONSIDER SUCH OTHER FACTORS THAT TEND TO FAVOR THE PEOPLE, IN UTTER DISREGARD OF THE DOCTRINAL RULE OF "BALANCING TEST" IN THE DETERMINATION OF THE ACTUAL VIOLATION OF THE RIGHT TO SPEEDY DISPOSITION OF CASES.

- A. PUBLIC RESPONDENT JUDGE YANGA ARBITRARILY REJECTED THE FACT THAT THE PERIOD THAT LAPSED IN THE PRELIMINARY INVESTIGATION AND THE EVENTUAL FILING OF THE 15 INFORMATIONS FOR FALSIFICATION OF PUBLIC DOCUMENTS AMONG ALL OTHER VARIOUS INFORMATIONS FILED, WAS NECESSITATED BY THE DEMANDS OF DUE PROCESS AND WAS FORCED BY THE SURROUNDING CIRCUMSTANCES OF THE CASE.**
- B. PUBLIC RESPONDENT JUDGE YANGA ARBITRARILY REFUSED TO WEIGH AGAINST THE CLAIM OF RESPONDENT REYNOSO THE UNDISPUTED FACT THAT HE NEITHER ASSERTED HIS RIGHT TO SPEEDY DISPOSITION NOR HAVE SHOWN, BY SOME OVERT ACTS, THAT HE IS NOT ABANDONING SUCH RIGHT, AT ANY TIME DURING THE PRELIMINARY INVESTIGATION OF THE CASE UNTIL THE FILING OF THE CORRESPONDING INFORMATIONS IN COURT.**
- C. PUBLIC RESPONDENT JUDGE YANGA ARBITRARILY REFUSED TO WEIGH AGAINST THE CLAIM OF RESPONDENT REYNOSO THE FACT THAT NO CONCLUSIVE FACTUAL EVIDENCE WAS PRESENTED TO SUBSTANTIATE THEIR CLAIM OF PREJUDICE**

¹⁶ Record, p. 447

¹⁷ Dated February 22, 2018; Record, pp. 455-461

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 5 of 17

X -----X

ARISING FROM THE PERIOD THAT LAPSED AS HE WHIMSICALLY MERELY SUPPOSED THE EXISTENCE OF PREJUDICE BY THE MERE LAPSE OF THE PERIOD INVOLVED.¹⁸

RESPONDENT'S ARGUMENTS

In his *Comment/Opposition*, respondent Reynoso avers that the petition should be denied outright. The assailed Resolution can no longer be modified in accordance with the principle of the immutability of final judgment.

According to respondent Reynoso, the prosecution filed its *Motion for Reconsideration* of the assailed Resolution on July 18, 2017, the last day for filing the same with the RTC. However, such Motion did not include a notice of hearing, and was thus a mere scrap of paper. The filing of the *Supplemental Motion*,¹⁹ setting the *Motion for Reconsideration* for hearing, three (3) days after the expiration of the period for the filing of a motion for reconsideration did not cure the defect in the *Motion for Reconsideration* because at that point, there was no motion for reconsideration to be supplemented. Consequently, the assailed Resolution had become final and unappealable on July 19, 2017, and may no longer be modified.

THE COURT'S RULING

First, the procedural issue. Respondent Reynoso contends that the prosecution's *Motion for Reconsideration*, not having the notice of hearing required under Sec. 4, Rule 15 of the Rules of Court, was a mere scrap of paper. Thus, it was as if it was not filed at all. As a result, the assailed Resolution had already attained finality and can no longer be modified.

This contention is untenable.

In *Laude v. Ginez-Jabalde*,²⁰ it was explained that as a general rule, a motion that fails to comply with the notice requirement under

¹⁸ Record, pp. 7-8 (*Petition for Certiorari*, pp. 7-8)

¹⁹ Dated July 20, 2017; Record, pp. 66-68

²⁰ G.R. No. 217456, November 24, 2015

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 6 of 17

x -----x

Rule 15²¹ is a mere scrap of paper. However, as an exception, the court may act on said motion if doing so will not cause prejudice to, or violate the right to due process of the other party. *Viz.:*

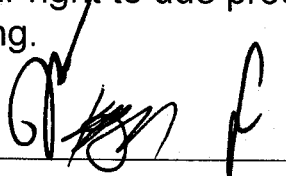
Rule 15, Section 4 of the Rules of Court clearly makes it a mandatory rule that the adverse party be given notice of hearing on the motion at least three days prior.

Failure to comply with this notice requirement renders the motion defective consistent with protecting the adverse party's right to procedural due process. In *Jehan Shipping Corporation*:

As an integral component of procedural due process, ***the three-day notice required by the Rules is not intended for the benefit of the movant. Rather, the requirement is for the purpose of avoiding surprises that may be sprung upon the adverse party, who must be given time to study and meet the requirements in the motion before a resolution by the court.*** Principles of natural justice demand that the right of a party should not be affected without giving it in an opportunity to be heard.

While the general rule is a motion that fails to comply with the minimum requirements of Rule 15 is a mere scrap of paper, an exception may be made and the motion may still be acted upon by the court, provided doing so will neither cause prejudice to the other party nor violate his or her due process rights. The adverse party must be given time to study the motion in order to enable him or her to prepare properly and engage the arguments of the movant. x x x

That the three-day notice rule is not absolute was reiterated in *Republic v. Cortez*.²² There, Secretary Andaya's Motion for Reconsideration failed to state a notice of hearing. However, the Supreme Court held that the exception to the general rule applied, observing that notwithstanding the fact that there was no notice of hearing, the trial court conducted a hearing and resolved the motion on the merits, and that NECU and NEWU did not allege any violation of their right to due process brought about by the lack of said notice of hearing.



²¹ **Sec. 4. Hearing of motion.** – Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.

Sec. 5. Notice of Hearing. – The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.

²² G.R. Nos. 187257 and 187776, February 7, 2017, citing *Laude v. Ginez-Jabalde*

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 7 of 17

x-----x

Here, it appears that the exception to the three-day notice rule also applies. Although the prosecution's *Motion for Reconsideration* did not have a notice of hearing, the RTC acted upon the same, and ruled on its merits. In the assailed Order, it can be seen that respondent Reynoso was given the opportunity to file, and indeed filed, his comment/opposition to the prosecution's Motion.²³

Sec. 4, Rule 65 of the Rules of Court provides for when a petition for certiorari should be filed. To wit:

Sec. 4. When and where to file the petition. – The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

x x x

As previously discussed, the prosecution's *Motion for Reconsideration* was timely filed. Therefore, the 60-day period within which a petition for certiorari may be filed is counted from the notice of the denial of the motion for reconsideration. The instant *Petition for Certiorari* being timely filed, there is no ground for its outright denial.

The Court will now rule on the merits.

The issue to be resolved is whether or not respondent Judge Yanga acted with grave abuse of discretion amounting to lack or excess of jurisdiction when he dismissed the cases on the ground of violation of respondent Reynoso's right to speedy disposition of cases.

In *Malayang Manggagawa ng Stayfast Phils., Inc. v. NLRC*,²⁴ the Supreme Court discussed that an act of a court or tribunal was done with grave abuse of discretion when the same was done in a capricious, whimsical, arbitrary or despotic manner in the exercise of its jurisdiction as to be equivalent to lack of jurisdiction. To wit:

Where a petition for certiorari under Rule 65 of the Rules of Court alleges grave abuse of discretion, the petitioner should establish that the respondent court or tribunal acted in a capricious, whimsical, arbitrary or despotic manner in the exercise of its

²³ Record, p. 49

²⁴ G.R. No. 155306, August 28, 2013

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 8 of 17

x-----x

jurisdiction as to be equivalent to lack of jurisdiction. This is so because "grave abuse of discretion" is well-defined and not an amorphous concept that may easily be manipulated to suit one's purpose. In this connection, *Yu v. Judge Reyes-Carpio* is instructive:

The term "grave abuse of discretion" has a specific meaning. An act of a court or tribunal can only be considered as with grave abuse of discretion when such act is done in a "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." The abuse of discretion must be so patent and gross as to amount to an "evasion of a positive duty or to a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion and hostility." Furthermore, the use of a petition for certiorari is restricted only to "truly extraordinary cases wherein the act of the lower court or quasi-judicial body is wholly void." From the foregoing definition, it is clear that the special civil action of certiorari under Rule 65 can only strike an act down for having been done with grave abuse of discretion if the petitioner could manifestly show that such act was patent and gross. x x x.

This Court finds that respondent Judge Yanga acted with grave abuse of discretion in dismissing the fifteen (15) cases for Falsification under Art. 171, par. 4 of the RPC.

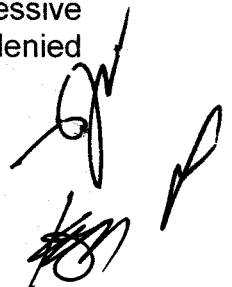
The right to speedy disposition of cases is enshrined in Sec. 16, Art. III of the Constitution, which reads:

Sec. 16. All persons shall have the right to a speedy disposition of their case before all judicial, quasi-judicial, or administrative bodies.

In *Corpus v. Sandiganbayan*,²⁵ it was explained that this right was designed to prevent oppression by holding criminal prosecution suspended over the citizen for an indefinite time, and to prevent delays in the administration of justice. This right is violated only when the proceedings are attended by vexatious, capricious and oppressive delays. To wit:

The right of the accused to a speedy trial and to a speedy disposition of the case against him was designed to prevent the oppression of the citizen by holding criminal prosecution suspended over him for an indefinite time, and to prevent delays in the administration of justice by mandating the courts to proceed with reasonable dispatch in the trial of criminal cases. Such right to a speedy trial and a speedy disposition of a case is violated only when the proceeding is attended by vexatious, capricious and oppressive delays. The inquiry as to whether or not an accused has been denied

²⁵ G.R. No. 162214, November 11, 2004



DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 9 of 17

x-----x

such right is not susceptible by precise qualification. The concept of a speedy disposition is a relative term and must necessarily be a flexible concept.

While justice is administered with dispatch, the essential ingredient is orderly, expeditious and not mere speed. It cannot be definitely said how long is too long in a system where justice is supposed to be swift, but deliberate. It is consistent with delays and depends upon circumstances. It secures rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne in mind that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons; hence, courts are to give meaning to that intent.

(underscoring supplied)

Contrary to respondent Judge Yanga's pronouncement in the assailed Resolution that "any delay in the administration of justice will always be considered as vexatious, capricious and oppressive," it must be emphasized that the right to speedy disposition of cases is consistent with reasonable delay.²⁶ What is frowned upon is not delay *per se*, but unreasonable delay, or that which can be characterized as vexatious, capricious and oppressive. These terms were defined in *Tai Lim v. Court of Appeals*²⁷ as follows:

x x x. The terms have distinct connotations. Vexatious suggests an act which is willful and without reasonable cause, for the purpose of annoying and embarrassing another or one lacking justification and intended to harass (page 2548, Third Edition, Webster's International Dictionary). Oppressive connotes an unjust or cruel exercise of power or authority. Capricious action, on the other hand, means willful and unreasoning action...

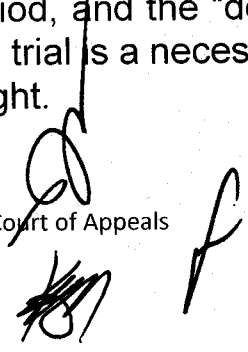
In determining if there is a violation of the right to speedy disposition of cases, courts must apply the balancing test, which takes into consideration the circumstances peculiar to each case. Citing *Barker v. Wingo*,²⁸ the Supreme Court, in *Perez v. People*,²⁹ explained that the "balancing test" was adopted as a middle ground between the "fixed-time period" approach, which requires a criminal defendant to be offered a trial within a specified time period, and the "demand-waiver rule" approach, where prior demand for a trial is a necessary condition to the consideration of the speedy trial right.

²⁶ *Dansal v. Fernandez*, G.R. No. 126814, March 2, 2000

²⁷ G.R. No. 131483, October 26, 1999; citing the ruling of the Court of Appeals

²⁸ 407 US 514, 33 L. Ed. 2d 101, 92 S. Ct. 2182 (1972)

²⁹ G.R. No. 164763, February 12, 2008



DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 10 of 17

x -----x

The balancing test, wherein the conflicting interests of the prosecution and the defendant are weighed, necessarily compels courts to approach speedy trial cases on an *ad hoc* basis. Courts must take the following factors into consideration: (1) length of delay, (2) the reason for the delay, (3) the defendant's assertion of such right; and (4) prejudice to the defendant.

That the factors in the balancing test must be considered together with the relevant circumstances in each case was reiterated in the more recent case of *Remulla v. Sandiganbayan*.³⁰ It was held:

x x x To reiterate, none of the factors in the balancing test is either a necessary or sufficient condition; they are related and must be considered together with other relevant circumstances. x x x

Applying the balancing test, it appears that there was no violation of respondent Reynoso's right to speedy disposition of cases.

A. Length of delay

An examination of the records reveals that the following events transpired from the filing of the *Joint Complaint-Affidavit* dated May 30, 2014 to the filing of the Informations on February 1, 2017:

Complainant's <i>Joint Affidavit-Complaint</i> dated May 30, 2014	Filed on May 30, 2014
Separate Orders ³¹ directing respondent Reynoso to file his counter-affidavit and other controverting evidence	Dated June 20, 2014
Respondent Reynoso's <i>Counter-Affidavit</i> dated July 21, 2014	Filed on July 21, 2014
Complainant's <i>Joint Reply-Affidavit</i> ³²	Dated August 1, 2014
Respondent Reynoso's <i>Rejoinder-Affidavit</i> ³³	Dated September 8, 2014
Office of the Ombudsman's Decision finding respondent Reynoso guilty of Serious Dishonesty, Falsification of	Dated July 20, 2015

³⁰ G.R. No. 218040, April 17, 2017

³¹ OMB-C-A-14-0162, OMB-C-C-14-0191 and OMB-C-F-14-0005

³² Record, p. 154

³³ *Ibid.*

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 11 of 17

x -----x

Public Documents, Violation of Reasonable Rules and Regulations, and of Sec. 8 of R.A. No. 6713	
Office of the Ombudsman's Resolution recommending that respondent Reynoso be indicted for fifteen (15) counts each of (a) violation of Sec. 7 of R.A. No. 3019; (b) Falsification; and (c) Perjury; and fourteen (14) counts of violation of Sec. 8 of R.A. 6713	Dated July 20, 2015 (around 1 year and 2 months from the filing of the <i>Joint Complaint-Affidavit</i>)
Approval of Decision and Resolution, both dated July 20, 2015	January 14, 2016 (almost 6 months from date of Resolution)
Informations docketed as Crim. Cases No. 17-332731 to 45	February 1, 2017 (around 1 year from the approval of the Resolution; around 2 years and 8 months from the filing of the <i>Joint Complaint-Affidavit</i>)

From the filing of the *Joint Complaint-Affidavit* to the filing of the fifteen (15) Informations, a period of around two (2) years and eight (8) months passed.

Indeed, in *Tatad v. Sandiganbayan*,³⁴ it was held that a delay of close to three (3) years cannot be considered reasonable. However, it must be pointed out that the Supreme Court, in that case, did not consider only the length of the delay, but also the other relevant circumstances.

B. Reason for the delay

The length of delay is but one of the factors in the balancing test. Closely related is the reason or justification of the State for such delay.

In *Tatad*, the Supreme Court's pronouncement that "[a] delay of close to three (3) years can not be deemed reasonable or justifiable" was followed by the phrase "in light of the circumstance obtaining in the case at bar." This means that a delay of close to three (3) years is not *ipso facto* unreasonable or unjustifiable. There, the Supreme Court observed that the prosecution was politically motivated, considering

³⁴ G.R. No. 72335-39, March 21, 1988

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 12 of 17

x-----x

the blatant departure from established procedure on the part of the Tanodbayan. *Viz.:*

A painstaking review of the facts can not but leave the impression that political motivations played a vital role in activating and propelling the prosecutorial process in this case. Firstly, the complaint came to life, as it were, only after petitioner Tatad had a falling out with President Marcos. Secondly, departing from established procedures prescribed by law for preliminary investigation, which require the submission of affidavits and counter-affidavits by the complainant and the respondent and their witnesses, the Tanodbayan referred the complaint to the Presidential Security Command for factfinding investigation and report.

In contrast, no such circumstances were shown here. While it is not necessary to show that political motivations, specifically, played a role in the prosecution of a case, it must be shown that the delay is vexatious, capricious and oppressive. There is nothing in respondent Reynoso's *Motion to Dismiss* that would support a conclusion that the delay in the proceedings before the Office of the Ombudsman was for the purpose of harassment, or anything, for that matter, that would make the delay vexatious, capricious and oppressive. He merely claimed that there was a delay of five (5) years and nine (9) months – by tacking on the period within which the DOF-RIPS conducted its investigation, which respondent Judge Yanga correctly excluded in the computation of the length of delay – and averred that such period of five (5) years and nine (9) months is unreasonable.

In the assailed Resolution, respondent Judge Yanga held:

It should be noted that the case against accused was initiated by DOF-RIPS and it took its fact-finding board approximately THREE (3) YEARS to build their case against said accused. In effect, the entire body of works (*i.e. the preliminary investigation and/or gathering of evidence, etc.*) or the exhaustive tasks of collecting and collating evidence were already accomplished and concluded during its preliminary investigations over the case. Thus, when the case was elevated to the Ombudsman its chief judicial purposed [sic] would be to review the complaints filed in order to determine whether or not probable cause exist. Admittedly, it entails scrutiny of documents, but the documents involved in these cases were only the fifteen (15) Statement of Assets, Liabilities and Net Worth (SALNs) for the years 1998-2012 of the accused. Moreover, all fifteen (15) cases are for "*Falsification of Public Documents under Article 171. Par. 4 of the Revised Penal Code*". Hence, the evidence in each case where [sic] interrelated that the evidence in one case is

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 13 of 17

x -----x

practically the very evidence for the entire fifteen (15) cases. Taken collectively, it should not take for the Office of the Ombudsman used-up [sic] TWENTY (20) MONTHS to come up with a Resolution (dated January 14, 2016) on these cases and worse, another THIRTEEN (13) MONTHS just to have the case filed before this Court.³⁵

It appears that respondent Judge Yanga only concerned himself with the cases before him and failed to consider the fact that the *Joint Complaint-Affidavit* of the DOF-RIPS charged respondent Reynoso not only with Falsification under Art. 171 (4) of the RPC, but also with violations of R.A. No. 3019, R.A. No. 6713, and Art. 183 of the RPC. He was also charged with Grave Misconduct, Serious Dishonesty and violation of Rule 10, Section 46 (A)(3) and (A)(1) of the Revised Rules on Administrative Cases in the Civil Service (RRACCS). In addition to these, the DOF-RIPS, in said affidavit, requested the Office of the Ombudsman to look into the matter of the forfeiture of properties allegedly unlawfully accumulated by respondent Reynoso.

To be sure, the charges arose from the same SALNs, and it appears that the issues are relatively simple. However, it is undeniable that, the complexity being the same, numerous charges – both criminal and administrative – will take a longer time to resolve than a charge for a single offense.

Furthermore, respondent Judge Yanga disregarded the fact that the Office of the Ombudsman also handles other administrative and criminal cases – some involving voluminous records and more complex legal and factual issues than the cases before the respondent Judge. This was recognized and considered by the Supreme Court in *Mendoza-Ong v. Sandiganbayan*.³⁶ To wit:

x x x. "Speedy disposition of cases" is consistent with reasonable delays. The Court takes judicial notice of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to lodge freely their complaints against alleged wrongdoing of government personnel. A steady stream of cases reaching the Ombudsman inevitably results. Naturally, disposition of those cases would take some time. x x x

Here, the Decision in the administrative case and the Resolution in the preliminary investigation appear to have been prepared by the same Graft Investigation and Prosecution Officer on July 20, 2015

³⁵ Record, pp. 46-47

³⁶ G.R. Nos. 146368-69, October 18, 2004, citing *Dansal v. Fernandez, Sr.*, G.R. No. 126814, March 2, 2000

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 14 of 17

x-----x

around one (1) year and two (2) months from the time the *Joint Complaint-Affidavit* was filed. It also appears that the same were approved by the Overall Deputy Ombudsman on January 14, 2016, or around six (6) months from July 20, 2015. Combined, the Decision and Resolution were issued around one (1) year and eight (8) months from the filing of the *Joint Complaint-Affidavit*.

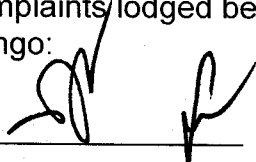
After the issuance of the Resolution finding probable cause to indict respondent Reynoso for various offenses in court, it took another year to file the Information for fifteen (15) counts of Falsification under Art. 171(4) of the RPC. The records do not disclose when respondent Reynoso received a copy of the Resolution of the Office of the Ombudsman, or whether or not he filed his motion for reconsideration of the said Resolution. However, it appears that he was given ample opportunity to file the same.

Considering the foregoing, and absent any evidence showing that the delay in the proceedings were brought about for the purpose of harassing respondent Reynoso, or other similar circumstances, this Court finds that the period of two (2) years and eight (8) months it took the Office of the Ombudsman to issue the Resolution finding probable cause and to file the Informations with the RTC is not unreasonable or overly long.

C. *Defendant's assertion of such right*

It does not appear that respondent Reynoso raised the issue of violation of his right to speedy disposition of cases during the proceedings before the Office of the Ombudsman. Nonetheless, he cannot be said to have waived his right thereto since he asserted his right during the proceedings before the RTC. Moreover, as held in *Coscolluela v. Sandiganbayan*,³⁷ it is not the respondent's duty to follow up on the prosecution of the case. *Viz.:*

Being the respondents in the preliminary investigation proceedings, it was not the petitioners' duty to follow up on the prosecution of their case. Conversely, it was the Office of the Ombudsman's responsibility to expedite the same within the bounds of reasonable timeliness in view of its mandate to promptly act on all complaints lodged before it. As pronounced in the case of *Barker v. Wingo*:



³⁷ G.R. Nos. 191411 and 191871, July 15, 2013



DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 15 of 17

x -----x

A defendant has no duty to bring himself to trial; the State has that duty as well as the duty of insuring that the trial is consistent with due process.

D. Prejudice to the defendant

Without doubt, delay in the proceedings may cause prejudice to the respondent. As held in *Corpuz v. Sandiganbayan*:

x x x. Prejudice should be assessed in the light of the interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed, and he is subjected to public obloquy.

But even without delay, a respondent may suffer some prejudice. Anxiety and being subjected to public obloquy may be brought about by the mere filing of a case against a respondent. On the other hand, an accused' defense may be impaired even in the absence of inordinate delay, considering that criminal cases may be instituted at any time before the crime prescribes. Courts must consider the prejudice to the respondent or the accused because such prejudice may be exacerbated by inordinate delay.

Applying the balancing test, the prejudice suffered by the respondent should be weighed against the State's right to prosecute crimes. In *Corpuz*, it was explained:

Delay is a two-edge sword. It is the government that bears the burden of proving its case beyond reasonable doubt. The passage of time may make it difficult or impossible for the government to carry its burden. The Constitution and the Rules do not require impossibilities or extraordinary efforts, diligence or exertion from courts or the prosecutor, nor contemplate that such right shall deprive the State of a reasonable opportunity of fairly prosecuting criminals. As held in Williams v. United States, for the government to sustain its right to try the accused despite a delay, it must show two things: (a) that the accused suffered no serious prejudice beyond that which ensued from the ordinary and inevitable

DECISION

People vs. Yanga, et al.
SB-18-SCA-0001 to 0015

Page 16 of 17

x-----x

delay; and (b) that there was no more delay than is reasonably attributable to the ordinary processes of justice.

(underscoring supplied)

As this Court discussed earlier, the time it took to terminate the preliminary investigation and to file the Informations with the court was not unreasonable. More importantly, it does not appear that respondent Reynoso suffered serious prejudice by reason of inordinate delay in the proceedings.

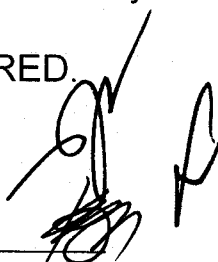
CONCLUSION

The dismissal of a case on the ground of violation of the right to speedy disposition of cases has been referred to as a "radical relief."³⁸ Thus, it must be shown that there are compelling reasons for the grant of such relief. In particular, it must be shown that there was vexatious, capricious and oppressive delay in the proceedings.

Respondent Judge Yanga acted with grave abuse of discretion when he dismissed the cases before him on the ground of violation of respondent Reynoso's right to speedy disposition of cases, on the basis of the length of delay, without considering the other factors in the balancing test, as well as the relevant circumstances in the cases before him. The People of the Philippines should not be deprived of the opportunity to prove its case, there being no violation of respondent Reynoso's right to speedy disposition of cases.

WHEREFORE, the petition is **GRANTED** and the assailed *Resolution* dated June 1, 2017 and *Order* dated September 29, 2017 of the Regional Trial Court, Branch 173, Manila, are hereby **NULLIFIED** and **SET ASIDE**. Criminal Cases No. 17-332731 to 45 are reinstated and the trial court is ordered to conduct further proceedings in said cases immediately.

SO ORDERED.



³⁸ *Tatad v. Sandiganbayan*, G.R. Nos. 72335-39, March 21, 1988; *Dimayacyac v. Court of Appeals*, G.R. No. 136264, May 28, 2004; and *Mendoza-Ong v. Sandiganbayan*, G.R. Nos. 146368-69, October 18, 2004