

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

SPECIAL THIRD DIVISION

PEOPLE
OF THE
PHILIPPINES,

Plaintiff,

- versus -

NEPTALI P. SALCEDO, EDNA
A. PACRIM and ROEL C.
SALCEDO

Accused.

Criminal Cases Nos. SB-13-
CRM-0001-0046

For: Violation of Section
3(e), Republic Act No.
3019


Criminal Cases Nos. SB-13-
CRM-0047-0092

For: Malversation of Public
Funds through
Falsification

Present:

CABOTAJE-TANG, P.J.,
Chairperson
MARTIRES, J.
QUIROZ, J.
LAGOS, J.¹ and
FERNANDEZ,² J.


Promulgated:

FEBRUARY 12, 2016 

X-----X

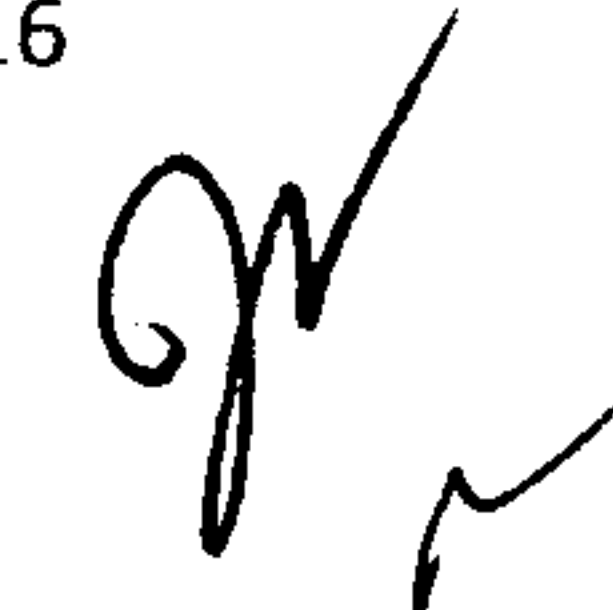
RESOLUTION

CABOTAJE-TANG, PJ:

For resolution are the following: 

¹ Sitting as Special Member per Administrative Order No. 2-C-2016 dated January 4, 2016

² Sitting as Special Member per Administrative Order No. 2-C-2016 dated January 4, 2016





Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-2-

x-----x

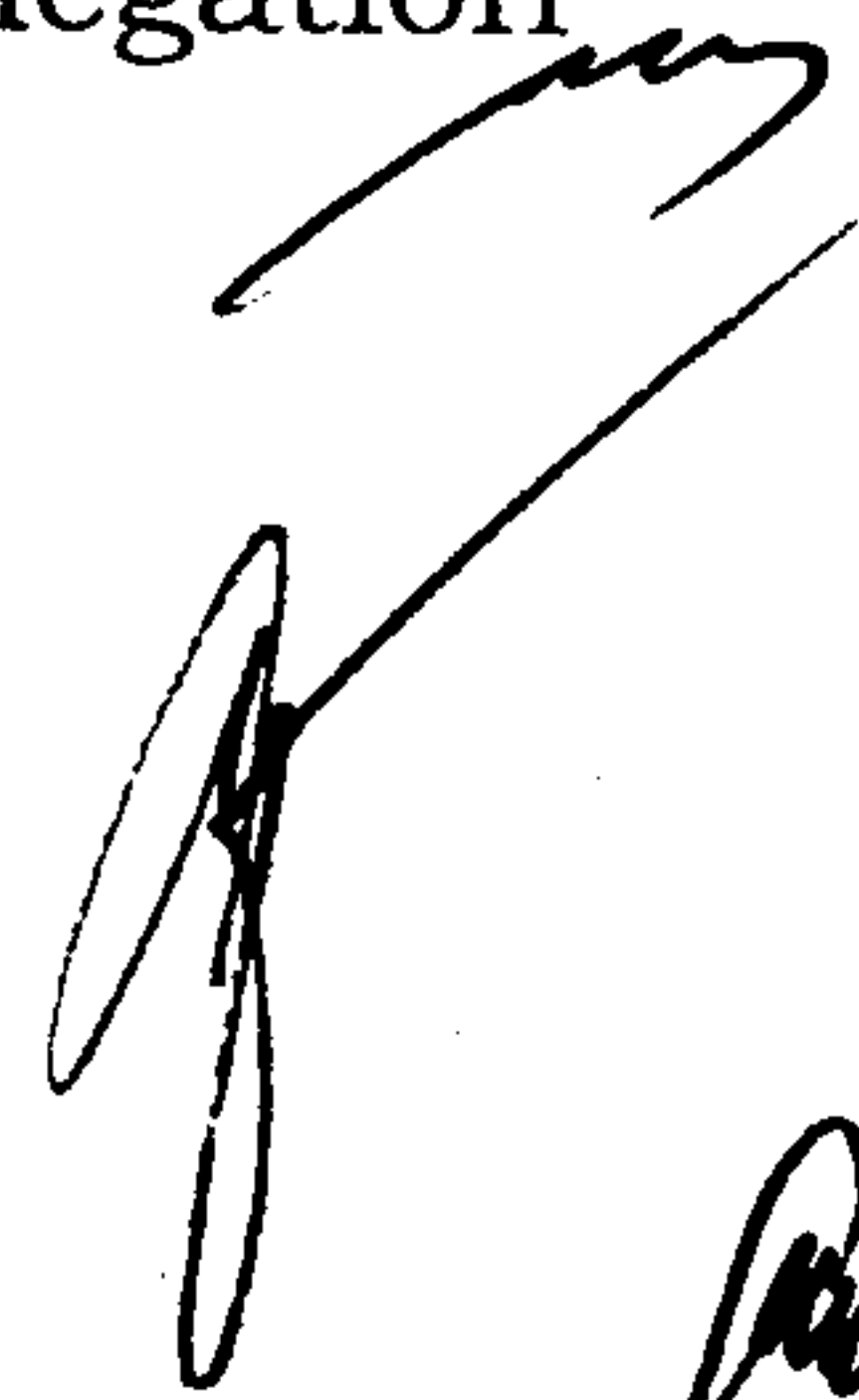
1. Urgent Motion for Reconsideration dated February 17, 2015 filed by accused Neptali P. Salcedo;³ and
2. Omnibus Motion dated February 23, 2015 filed by accused Roel Salcedo and Edna Pacrim.⁴

In his subject motion, accused Salcedo argues that the Court erred in (1) granting the prosecution's motion to amend the Informations and (2) finding that the allegations in the Informations sufficiently charge him with violation of Section 3(e) of Republic Act No. 3019. According to him, the complaint against the accused was filed on October 24, 2008, and the corresponding Informations for violation of Section 3(e) of R. A. No. 3019 on two (2) counts were filed against the accused on June 15, 2011. These were thereafter withdrawn and amended into forty six (46) Informations for malversation through falsification of public documents and forty six (46) Informations for violation of Section 3(e) of R. A. No. 3019 pursuant to the amended resolution of the Office of the Ombudsman. He claims that these circumstances violated his constitutional right to speedy trial because it is tantamount to allowing the prosecution to again amend the Informations after five (5) years of preliminary investigation. Accused Salcedo also argues that the penalty provided under the law for malversation through falsification of public documents is not actually *reclusion perpetua* but *reclusion temporal* in its maximum period to *reclusion perpetua*. Thus, he contends that the exception to the constitutional right to bail does not include the present cases for malversation through falsification of public documents and that the said exception should be applied liberally in favor of the accused.

Accused Salcedo likewise argues that the allegations in the Informations for violation of Section 3 (e) of R. A. No. 3019 are not sufficient to indict him allegedly because the allegation

³ pp. 16-27, Record, Vol. III

⁴ pp. 28-52, Record, Vol. III



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092

People vs. Salcedo, et. al.

-3-

x-----x

that he signed the time book and payroll is not a prohibited act. In addition, he also takes issue with the Informations for malversation through falsification of public documents. Notably, he did not raise this issue in his motion to quash. In his subject motion, he claims that the Informations for malversation through falsification of public documents do not allege that the falsification was a necessary means of committing malversation. Thus, said Informations are insufficient to charge him with the complex crime of malversation through falsification of public documents.⁵

Accused Roel Salcedo and Pacrim filed an omnibus motion praying for a partial reconsideration of the Court's Resolution promulgated on January 23, 2015, insofar as it partially granted their motion to reduce amount of bail. In insisting that they should be allowed to post bail in Criminal Cases Nos. SB-13-CRM-0047 to 0092, they advance the following arguments: the right of the accused to be admitted to bail is constitutional in nature; malversation through falsification is aailable offense because it is not a heinous crime under R.A. No. 7659;⁶ penal laws should be liberally construed in favor of the accused; and, the accused are presumed innocent. Insofar as Criminal Cases Nos. SB-13-0001 to 0046 and SB-13-CRM-0063 are concerned, they insist on the application of the three-fold rule in determining the amount of bail, otherwise, the total amount of bail is clearly excessive. They stress that while they appreciate the decision of the Court in allowing them to post bail in the reduced amount, they still cannot afford to post bail which will be in the total amount of P710,000.00 each.⁷

In addition to their motion for partial reconsideration, accused Roel Salcedo and Pacrim move for the dismissal of the cases against them on the ground of violation of their right to

⁵ pp. 16-29, Record, Vol. III

⁶ An Act to Impose the Death Penalty on certain Heinous Crimes, amending for that purpose the Revised Penal laws, as amended, other Special Penal Laws, and for other purposes

⁷ pp. 28-52, Record, Vol. III



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-4-

x-----x

due process and speedy disposition of cases. According to accused Roel Salcedo and Pacrim, the Office of the Ombudsman cannot explain the need to withdraw the Informations filed in June 2011, amend the resolution, file the corresponding Informations and have it amended again within a span of seven (7) years.⁸

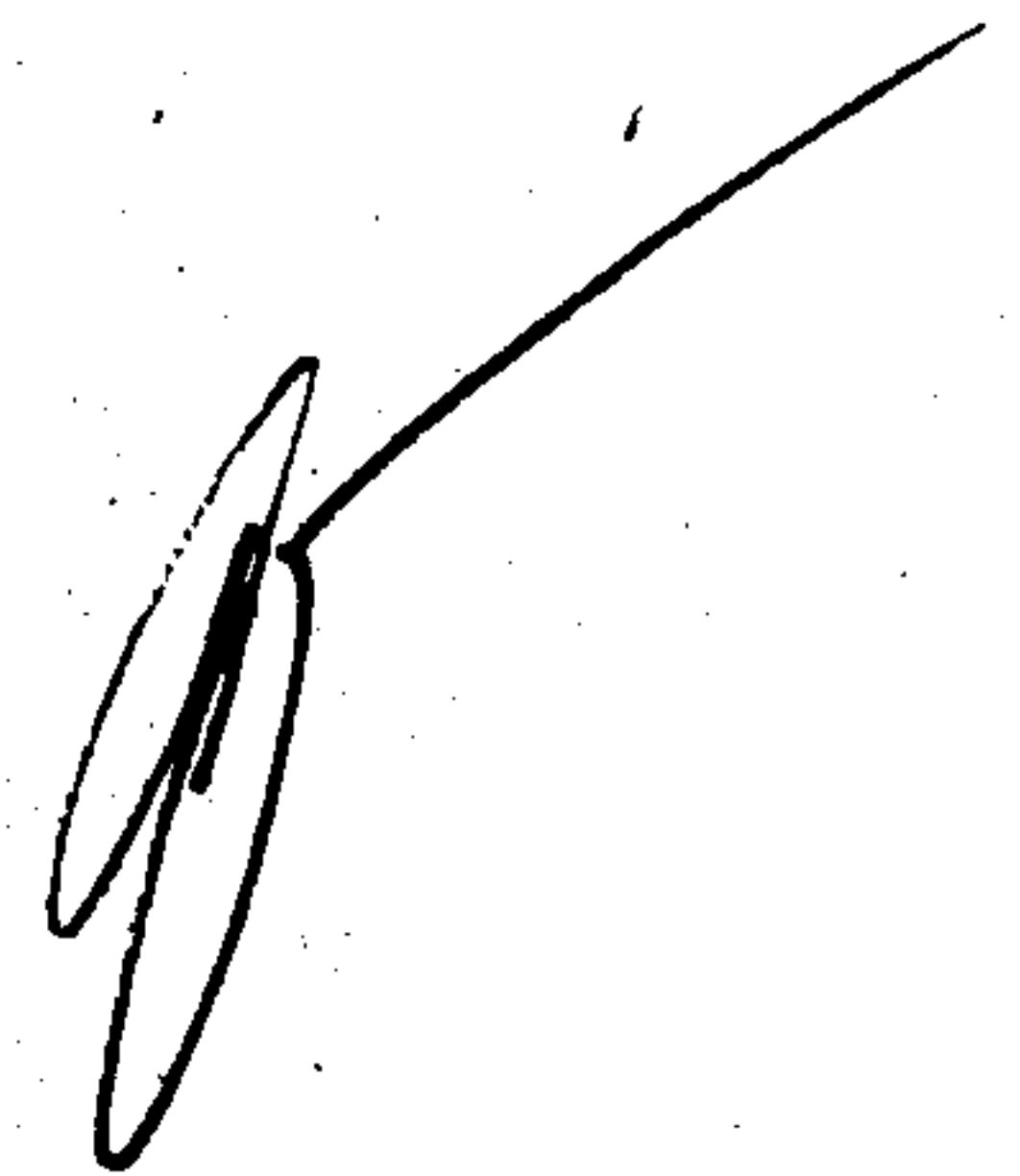
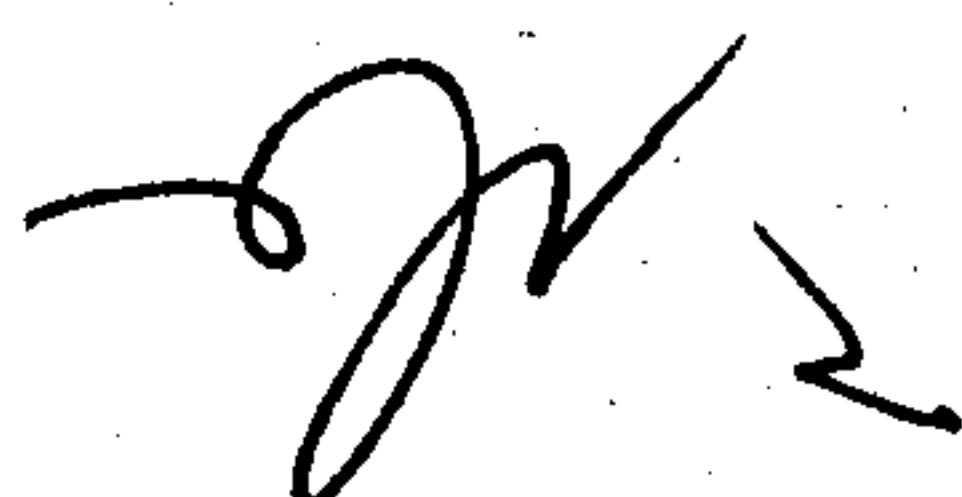
The prosecution filed its joint comment/opposition asserting that the amendment of the Informations does not form part of the preliminary investigation. It claims that "other than the mathematical computation of the totality of the period reckoned from the time the complaint was filed in 2008 up to the amendment of the Information in 2014, all the herein accused failed to specifically identify any capricious or whimsical act that brought about the alleged inordinate delay." On the matter of bail, the prosecution maintains that the findings of the Court is within the purview of the law and settled jurisprudence.⁹

The Court finds the motions devoid of merit.

Other than the allegations of violation of their rights to due process and speedy disposition of the cases and the alleged insufficiency of the Informations for malversation through falsification of public document, which were not raised in the motions resolved by the Court, all other issues raised by the accused are mere reiterations of their arguments which were thoroughly considered and passed upon by the Court in its assailed resolution:

⁸ *ibid.*

⁹ pp. 136-141, Record, Vol. III



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-5-

X-----X

**I. Amendment of the
Informations in Cases Nos.
SB-13-0047 to 0092**

Section 14, Rule 110 of the Revised Rules of Court provides that an Information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea:

Section 14. Amendment or substitution.
— A complaint or information may be amended, in form or in substance, **without leave of court, at any time before the accused enters his plea.** After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.¹⁰

If it appears at any time before judgment that a mistake has been made in charging the proper offense, the court shall dismiss the original complaint or information upon the filing of a new one charging the proper offense in accordance with section 19, Rule 119, provided the accused shall not be placed in double jeopardy. The court may require the witnesses to give bail for their appearance at the trial.

Based on the first paragraph of the afore-quoted provision, amendment of the Information, whether as to form or substance, is a matter of right on the part of the prosecution before arraignment. The prosecution is free

¹⁰ emphasis supplied

Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

-6-

x-----x

to amend the Information without leave of court before arraignment.¹¹

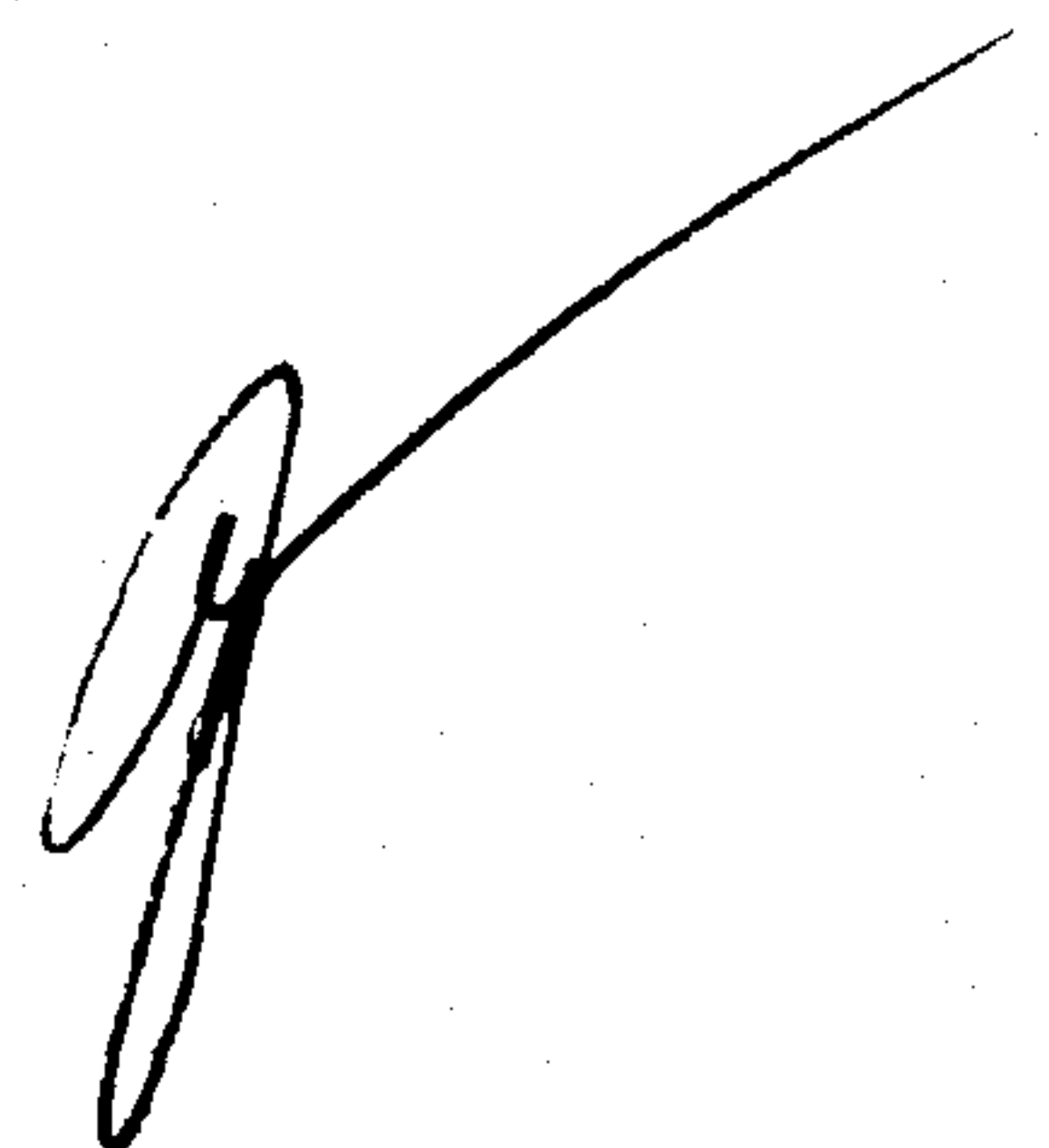
Here, the accused has not yet been arraigned; hence, the Informations in Cases Nos. SB-13-CRM-0047 to 0092 may be amended. To be sure, the intended amendment does not charge an offense different from that charged in the original Informations. It does not alter the theory of the prosecution or affects the defense of the accused. The prosecution merely seeks the amendment of the Information insofar as the recommended bail is concerned from the recommended bail of eighty thousand pesos (P80,000.00) to NO BAIL RECOMMENDED.

Parenthetically, since the accused have not yet been arraigned, they could not even claim violation of their right to bail if the amendment sought is granted. In fact, in **Fronza-Baggao vs. People**,¹² the Supreme Court held that even if the charge has been changed from aailable offense to a non-ailable one, the Information may still be amended if accused has not yet been arraigned:

Petitioner contends that the amendment of the four Informations for illegal recruitment into a single Information for illegal recruitment in large scale violates her substantial rights as this would deprive her of the right to bail which she already availed of. Such contention is misplaced. Obviously, petitioner relies on Section 14 of the same Rule 110 which provides that "after the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused." As stated earlier, petitioner has not yet been arraigned. Hence, she cannot invoke the said provision.

¹¹ *People vs. Dacudao*, 170 SCRA 489 (1989)

¹² 539 SCRA 531 (2007)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

-7-

x-----x

Indeed, except for the Information docketed as Criminal Case No. SB-13-CRM-0063, there is legal basis to amend the Informations for malversation through falsification of public document insofar as the bail recommended is concerned.

II. The accused's right to bail when charged with the complex crime of malversation through falsification of public document

The 1987 Constitution itself stresses the right of an accused to bail with the sole exception of those charged with offenses punishable by *reclusion perpetua* when the evidence of guilt is strong. Thus, Section 13, Article III of the 1987 Constitution provides:

Section 13. All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance 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.

Further, Sections 4 and 7, Rule 114 of the Revised Rules of Court provide:

Sec. 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

Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

x-----x

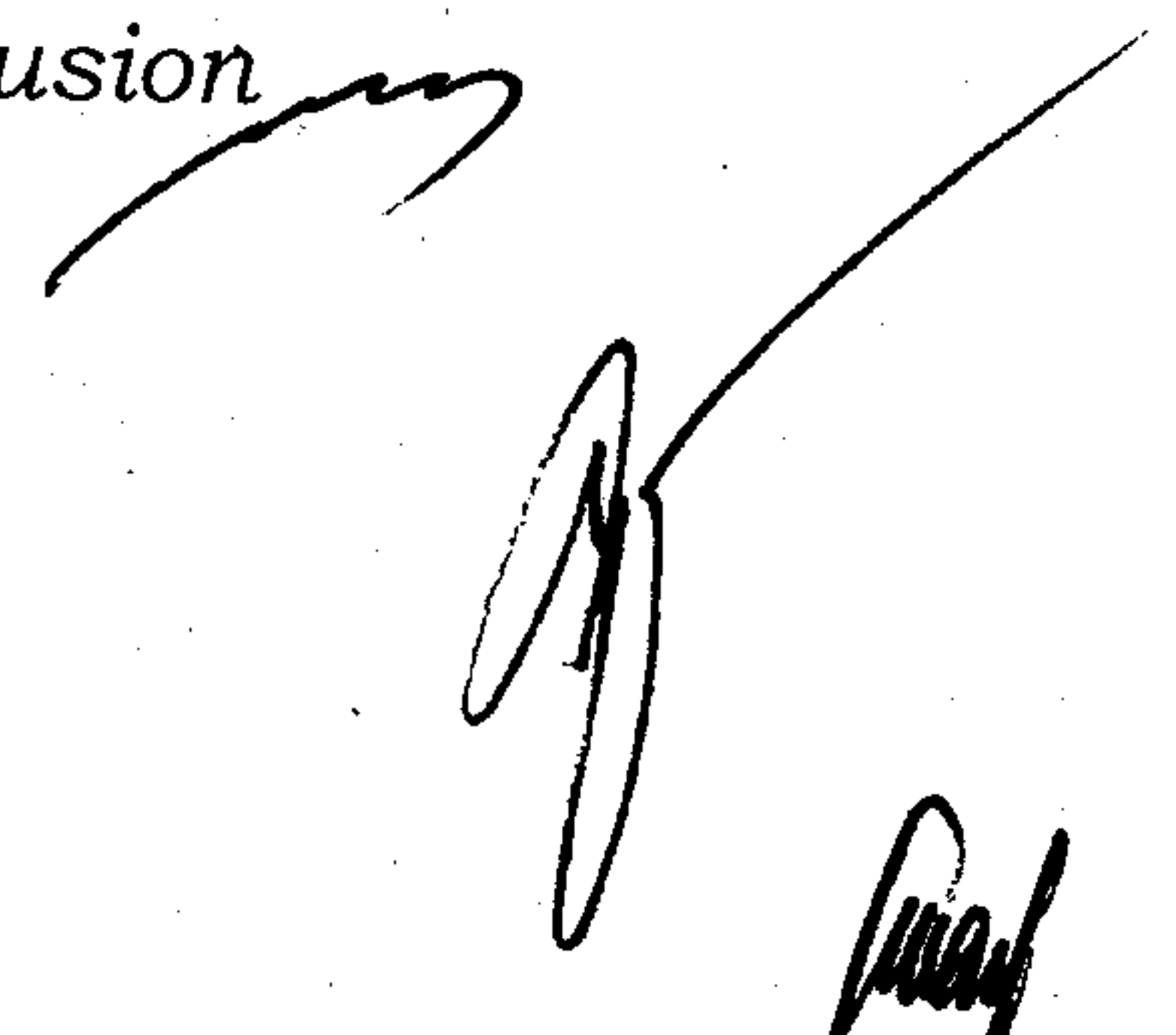
this Rule (a) before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, or Municipal Circuit Trial Court, and (b) before conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua* or life imprisonment.

... ..
Sec. 7 *Capital offense or 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.¹³

In this case, the accused stand charged of the complex crime of malversation through falsification of public document. Except for Case No. SB-13-CRM-0063, which involves the amount of P20,000.00 allegedly malversed, all the other Informations involve an amount greater than P22,000.00. Paragraph 4, Article 217 of the Revised Penal Code (RPC) imposes the penalty of *reclusion temporal* in its maximum period to *reclusion perpetua* when the amount malversed is greater than P22,000.00. Pursuant to Article 48 of the RPC, the penalty for the most serious crime shall be imposed in its maximum period. Thus, except for Case No. SB-13-CRM-0063, the charges for malversation through falsification of public document are punishable by *reclusion perpetua*; hence, the recommendation of no bail is proper.

Moreover, under the 2000 Bail Bond Guide of the DOJ, no bail is recommended for malversation through falsification (Article 217 in relation to Article 171 and 48) which carries with it the penalty of *reclusion*

¹³ emphasis supplied



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-9-

x-----x

perpetua if the amount is P22,000.00 and higher. Under the same DOJ circular, when the amount involved is more than P12,000.00 but is less than P22,000.00, the recommended bail is P40,000.00.

While technically not binding upon the courts, the DOJ circular merits attention, being in a sense an expression of policy of the Executive Branch, through the Department of Justice, in the enforcement of criminal laws.¹⁴

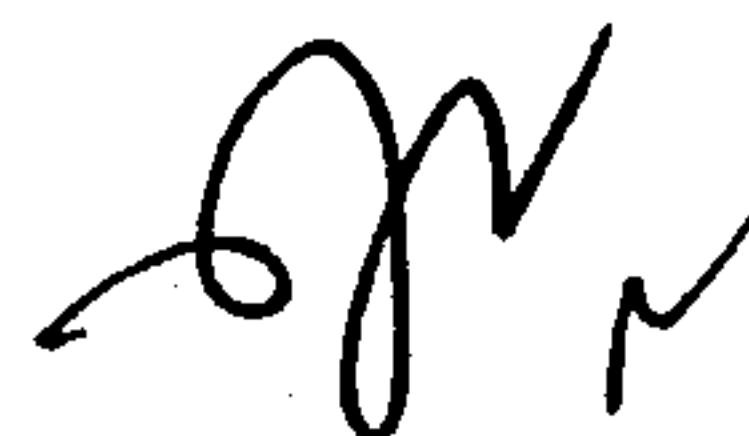
Accordingly, the surety bond posted by accused Neptali Salcedo in Criminal Cases Nos. SB-13-0047 to 0092 is cancelled but he is allowed to post bail in the amount of P40,000.00 for Case No. SB-13-CRM-0063.

III. Accused Roel Salcedo and Pacrim's right to a reduced amount of bail

To begin with, the Supreme Court had held that the three-fold rule, which accused Roel Salcedo and Pacrim invoke, has reference only to the maximum duration of the sentence to be served:

The three-fold rule, on the other hand, has absolutely no bearing on the confiscation of the bond and the amount thereof to be forfeited. It has reference only to the maximum duration of the sentence to be served where three or more offenses have been committed. It has, therefore, no relevance at all when the accused absconds to become a fugitive from justice and makes a mockery of the judicial process, designed to protect society in general and particular members thereof directly offended. Considerations of liberality as have inspired the

¹⁴ *People vs. Resterio-Andrade*, 175 SCRA 782 (1989); *Yap, Jr. vs. Court of Appeals*, 358 SCRA 564 (2001)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-10-

x-----x

rulings relied upon by petitioner cannot be said to equally exist in the case at bar where there is not a mere delay in the presentation of the accused, but a total failure to produce him to be tried and sentenced accordingly if found guilty.¹⁵

Section 20 of Rule 114 of the Revised Rules of Criminal Procedure provides that after the accused shall have been admitted to bail, the court may, "upon good cause shown," either increase or decrease the amount of the same.

It is jurisprudentially settled that the amount of bail should be reasonable at all times. It should be high enough to assure the presence of the accused when required, but no higher than is reasonably calculated to serve this purpose. Excessive bail shall not be required. In implementing this mandate, the accused's financial capability should particularly be considered. What is reasonable to a wealthy person may not be so to a man charged with a like offense. Where the right to bail exists, it should not be rendered nugatory by requiring a sum that is excessive.¹⁶

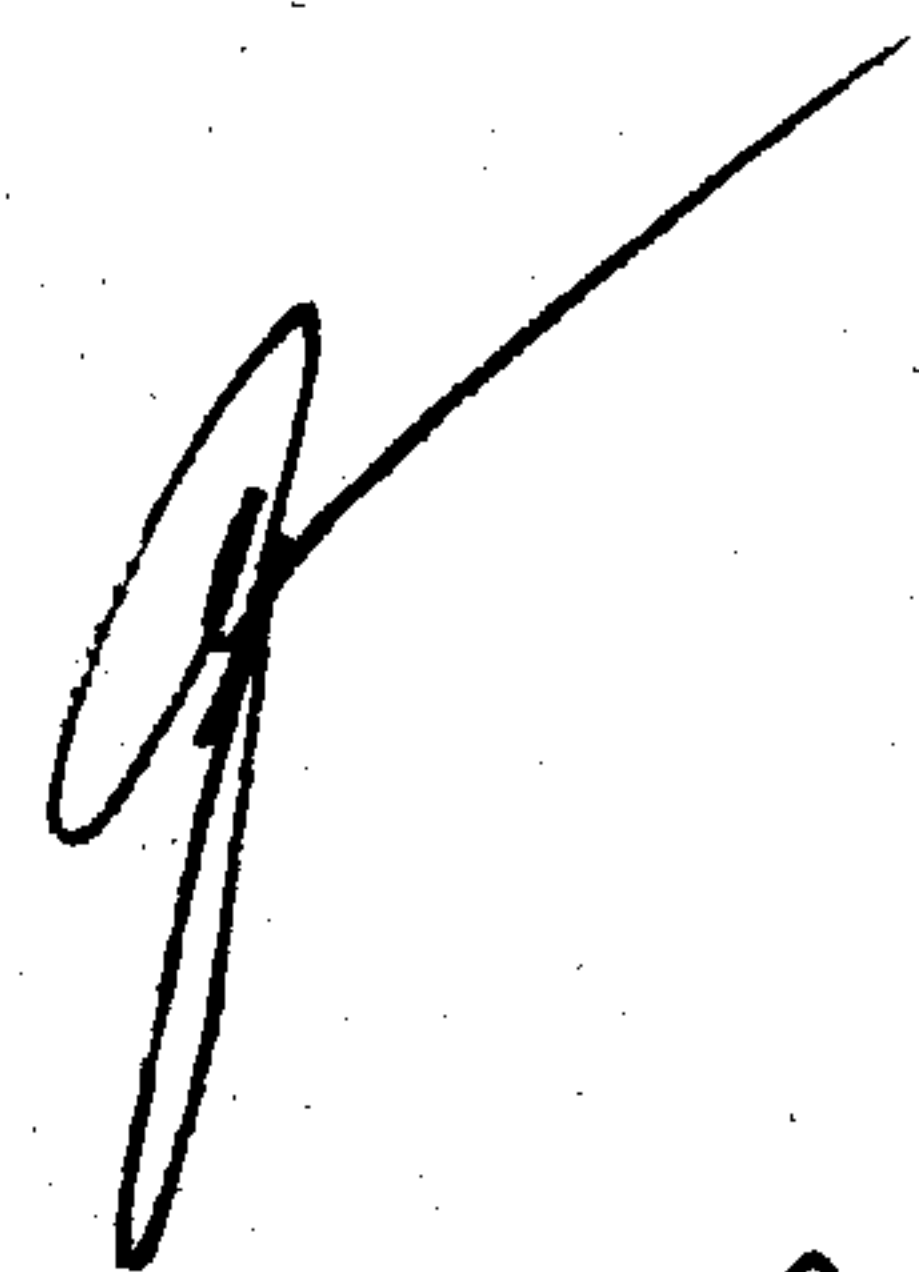
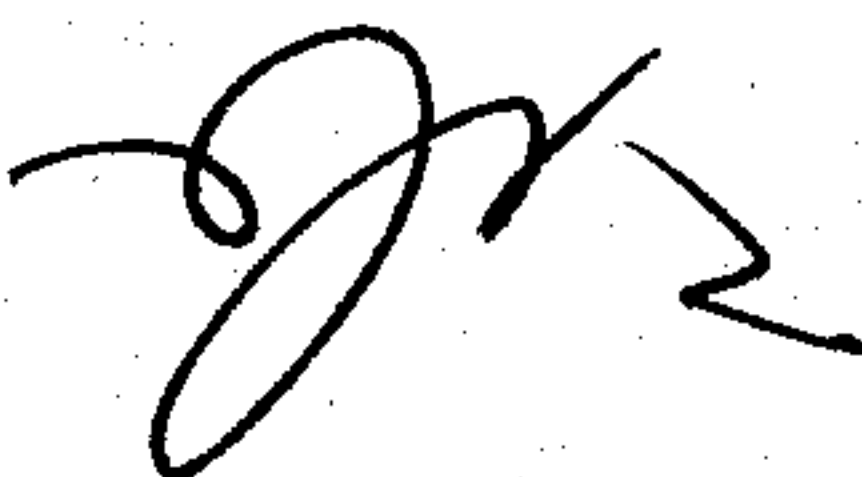
Thus, Section 9, Rule 114 of the Revised Rule of Criminal Procedure enumerates the factors, albeit not exclusive, to be considered in fixing the amount of bail:

SECTION 9. Amount of Bail; Guidelines. —
The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to, the following factors:

- (a) Financial ability of the accused to give bail;
- (b) Nature and circumstances of the offense;

¹⁵ *Communications Insurance Co., Inc. vs. Villaluz, et. al.* 99 SCRA 492 (1980)

¹⁶ *Victory Liner vs. Bellosillo*, 425 SCRA 79 (2004)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

-11-

x-----x

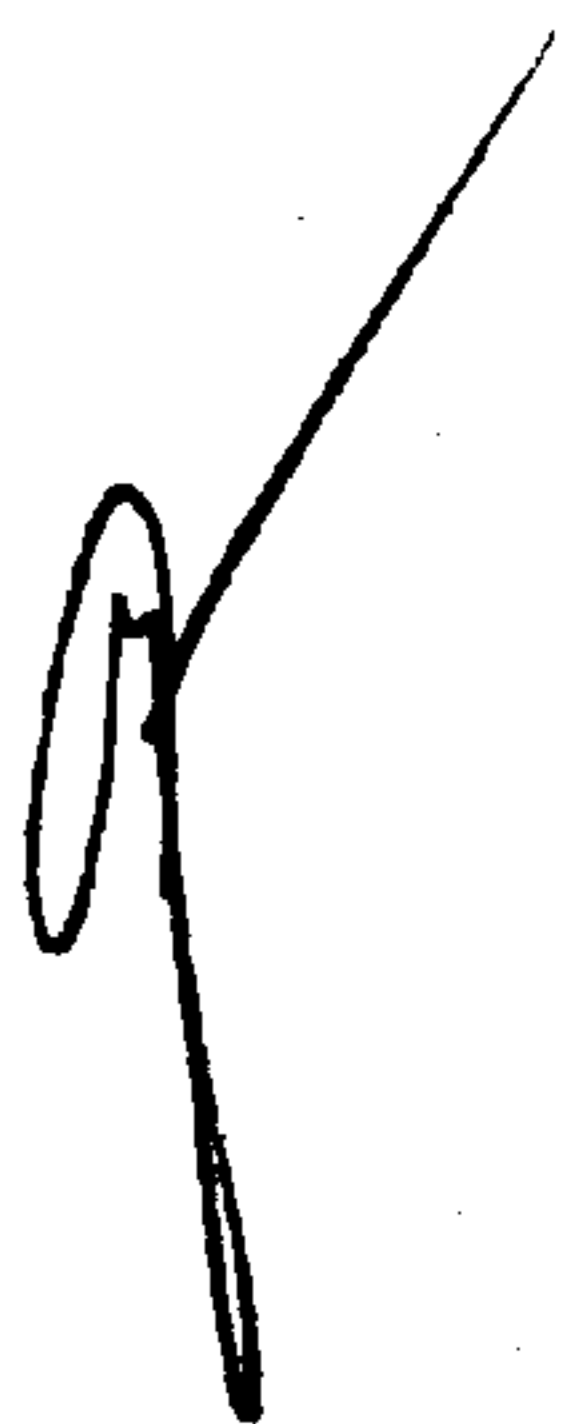
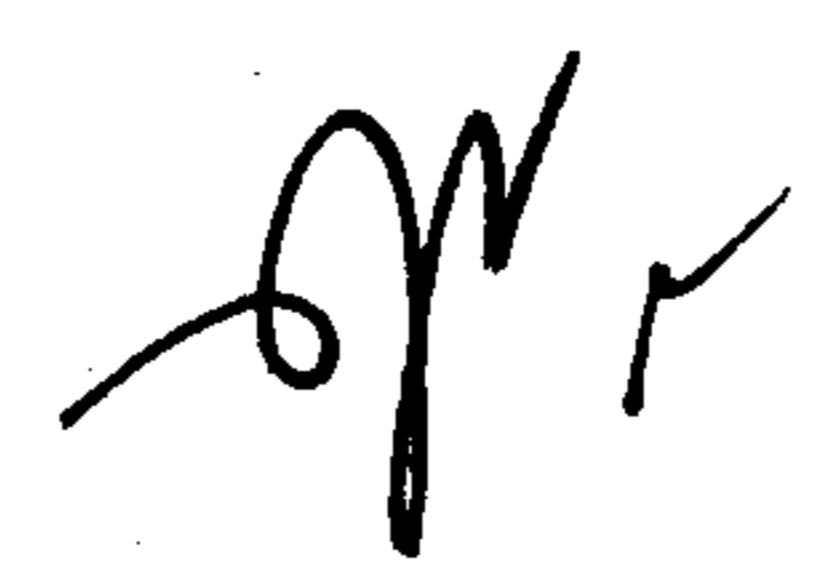
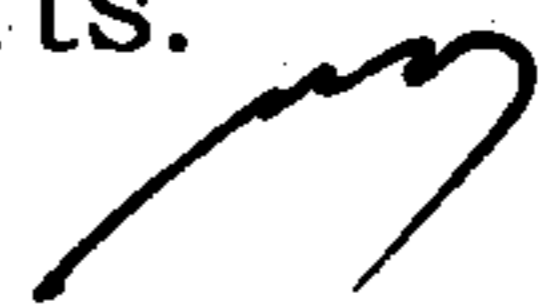
- (c) Penalty for the offense charged;
- (d) Character and reputation of the accused;
- (e) Age and health of the accused;
- (f) Weight of the evidence against the accused;
- (g) Probability of the accused appearing at the trial;
- (h) Forfeiture of other bail;
- (i) The fact that the accused was a fugitive from justice when arrested; and
- (j) Pendency of other cases where the accused is on bail.

Excessive bail shall not be required. (9a)

Considering accused Roel Salcedo and Pacrim's financial circumstances, the Court finds it justifiable to reduce the amount of bail to one-half of the amount of bail recommended in Cases Nos. SB-13-CRM-0001 to 0046 or for violation of Section 3(e), R. A. No. 3019 only. On the other hand, except for Case No. SB-13-CRM-0063, where accused Roel Salcedo and Pacrim are allowed to post bail in the reduced amount of P20,000.00, their motion to reduce the amount of bail in Criminal Cases Nos. SB-13-CRM-0047 to 0062 and 0064 to 0092 for malversation through falsification of public document is denied, the same being a non-bailable offense as earlier discussed.

IV. Accused Neptali Salcedo's motion to quash

In explaining the alleged discrepancy in the number of cases filed against Informations that should have been allegedly filed and the number of payrolls allegedly falsified, the prosecution asserts:



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et al.

-12-

x-----x

3. The attention of the Accused was focused solely on the difference in numbers appearing in the dispositive portion of the Amended Resolution of the Ombudsman dated 08 December 2011. Accused failed to notice that in the body of the said Resolution there was already a matrix of payrolls specifically indicating the nature of the project, location, amount involved and names of payees;

4. The seeming discrepancy between the numbers thirty and forty-six can be best explained by looking at the total number of payrolls and not just the total number of projects since there are instances where one project comprises several payrolls;

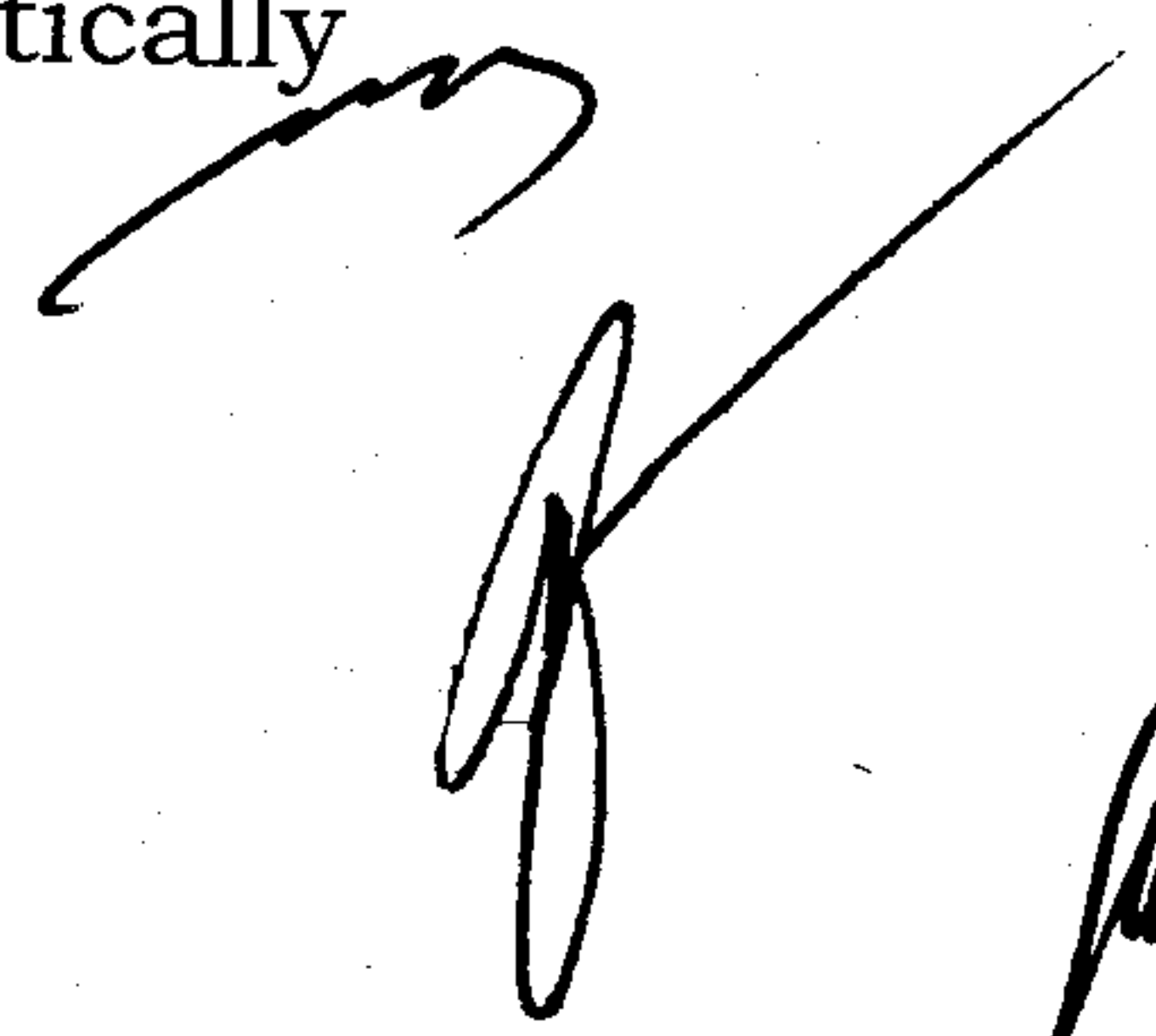
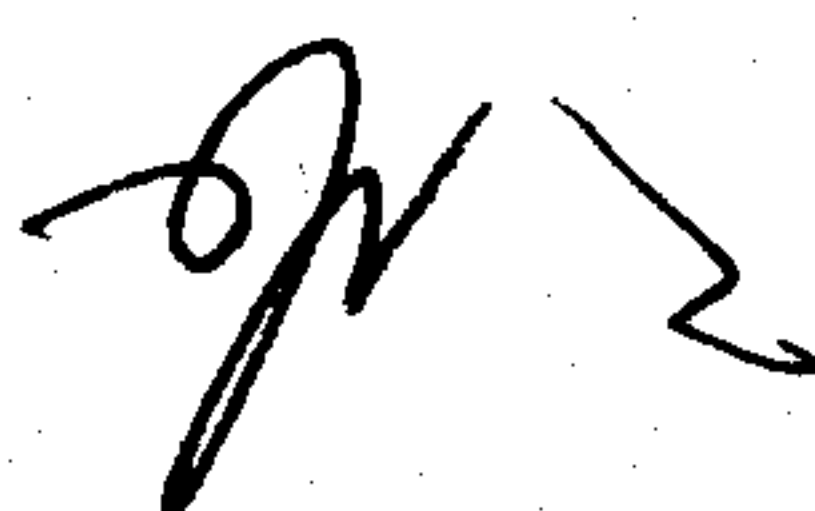
5. As a matter of fact[,] there were actually forty-six payrolls for the thirty (30) projects and each payroll equals one count of malversation through Falsification of Public Document as well as one count of Violation of Section 3(e), R. A. No. 3019 thus, a total of ninety-two Informations were filed in court.

At any rate, whether there should be ninety two (92) or thirty (30) Informations to be filed is not material in determining whether the Informations should be quashed on the ground that the facts charged do not constitute an offense.

The designated purpose of a motion to quash is to assail the validity of the criminal information (or criminal complaint) for defects or defenses apparent on the face of the information.¹⁷

As a general proposition, a motion to quash on the ground that the allegations of the information do not constitute the offense charged, or any offense for that matter, should be resolved on the basis alone of said allegations whose truth and veracity are hypothetically

¹⁷ Galzote y Soriaga vs. Briones, 657 SCRA 535 (2011)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

x-----x

admitted. The fundamental test in reflecting on the viability of a motion to quash under this particular ground is whether or not the facts asseverated, if hypothetically admitted, would establish the essential elements of the crime defined in the law. In this examination, matters *aliunde* are not considered. However, inquiry into facts outside the information may be allowed where the prosecution does not object to the presentation thereof.¹⁸

Accused Neptali Salcedo takes issue only with the Informations for violation of Section 3(e), R. A. No. 3019. He argues that one (1) of the elements of violation of Section 3(e), R. A. No. 3019, *i.e.*, that the public officer committed the prohibited act, is purportedly not present. He argues that his act of signing the time book and payroll fails to satisfy said element.

... ..

The three (3) essential elements of violation of Section 3 (e) of R. A. No. 3019 are as follows: (1) that the accused is a public officer discharging administrative, judicial or official functions; (2) that the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence; and (3) that the accused caused undue injury to any party including the Government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.¹⁹

Tested against the hereinbefore enumerated elements of violation of Section 3(e), R. A. No. 3019, the Court finds that the Informations contain the requisite factual averments of the elements of said offense.

The said Information alleges that (1) all of the accused were public officers, municipal mayor, treasurer and engineer, at the time material to this case; (2) the accused acted with evident bad faith and

¹⁸ Valencia vs. Sandiganbayan, 433 SCRA 88 (2004)

¹⁹ Garcia vs. Sandiganbayan, G.R. No. 197204, March 26, 2014

Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

-14-

x-----x

manifest partiality when they signed the time book and payroll and disbursed the amount of twenty five (25) thousand pesos (P25,000.00) despite questionable and deficient documentation; and (3) the said act caused undue injury to the Municipality of Sara, Iloilo in the amount of twenty five thousand pesos (P25,000.00).

Accused Neptali Salcedo's claim that his act is not prohibited is a defense which he must prove during trial. Facts which constitute the defense of the accused against the charge under the information must be proved by them during trial. Such facts or circumstances do not constitute proper grounds for a motion to quash the information on the ground that the material averments do not constitute the offense.²⁰

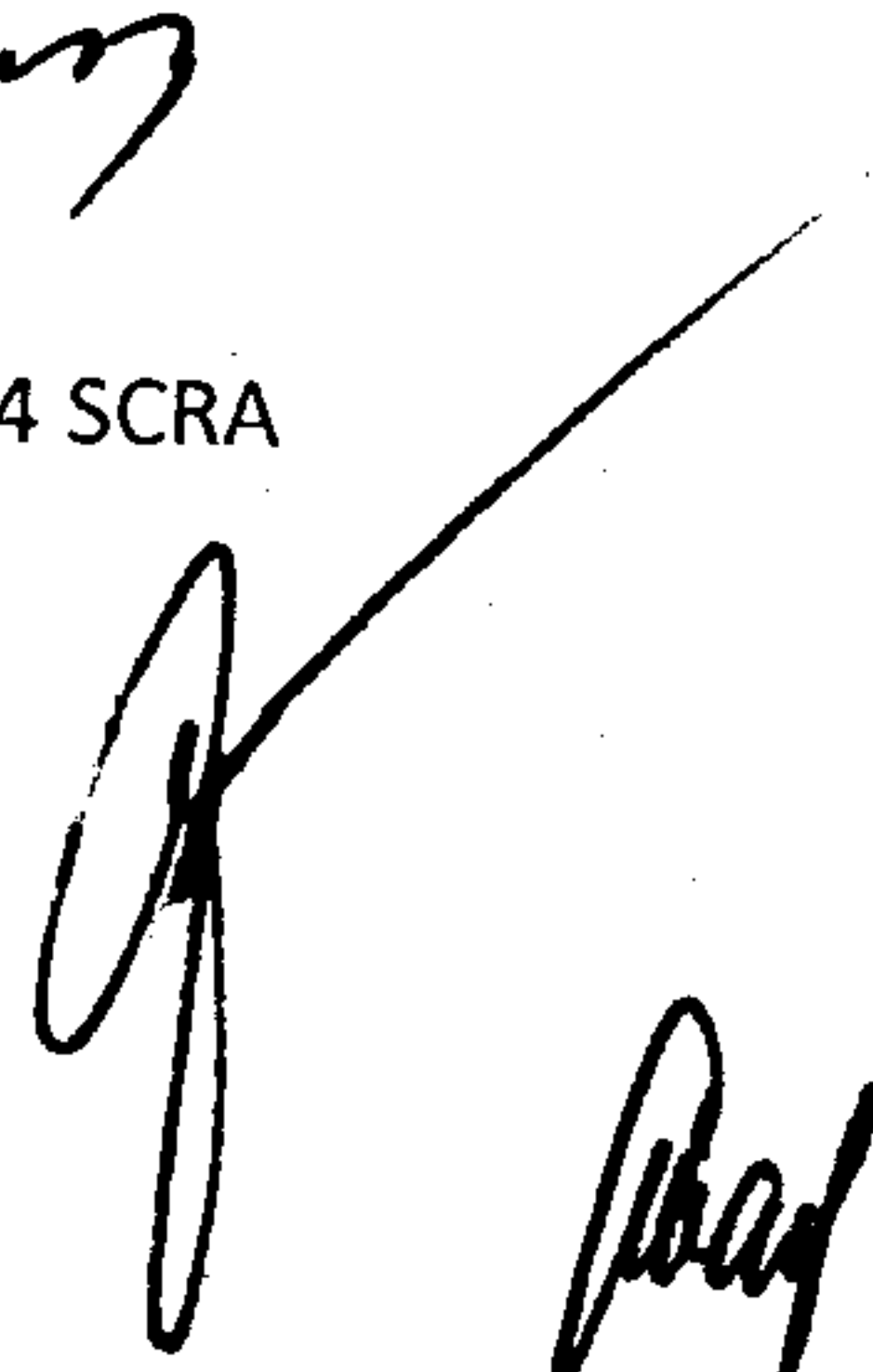
Anent the Informations for malversation through falsification of public documents, suffice it to state that a facial examination of the said Informations shows that the allegations therein sufficiently charge accused Salcedo with malversation through falsification of public documents.

Except for the amount, date, name of the project and payee involved, the Amended Informations for malversation through falsification of public document are similarly worded, thus:

SB-13-CRM-0047

That on or about the 1st day of July 2004, sometime prior or subsequent thereto, at the Municipality of Sara, Province of Iloilo, and within the jurisdiction of this Honorable Court, accused NEPTALI P. SALCEDO, EDNA A. PACRIM, and ROEL C. SALCEDO, public officers, being the Municipal Mayor (SG-27), Municipal Treasurer (SG-24), and Municipal

²⁰ Valencia, et. al. vs. Sandiganbayan, 433 SCRA 88 (2004) citing Torres vs. Garchitorena, et. al. 394 SCRA 494 (2002)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092

People vs. Salcedo, *et. al.*

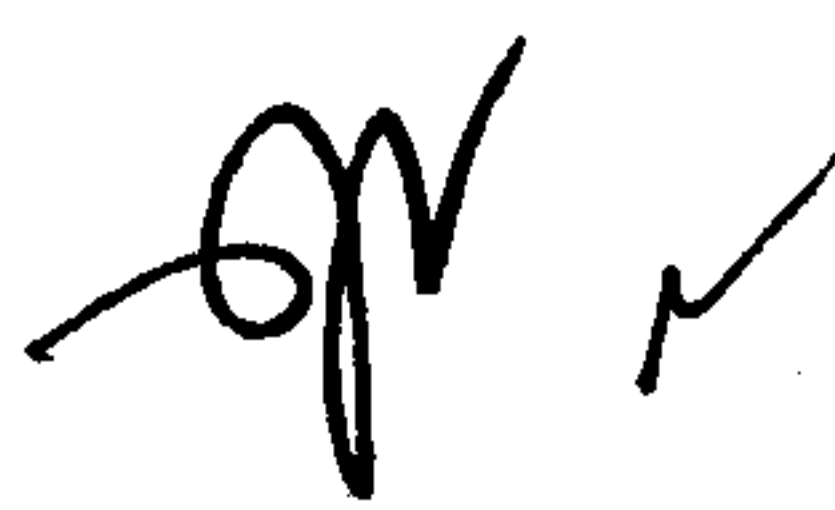
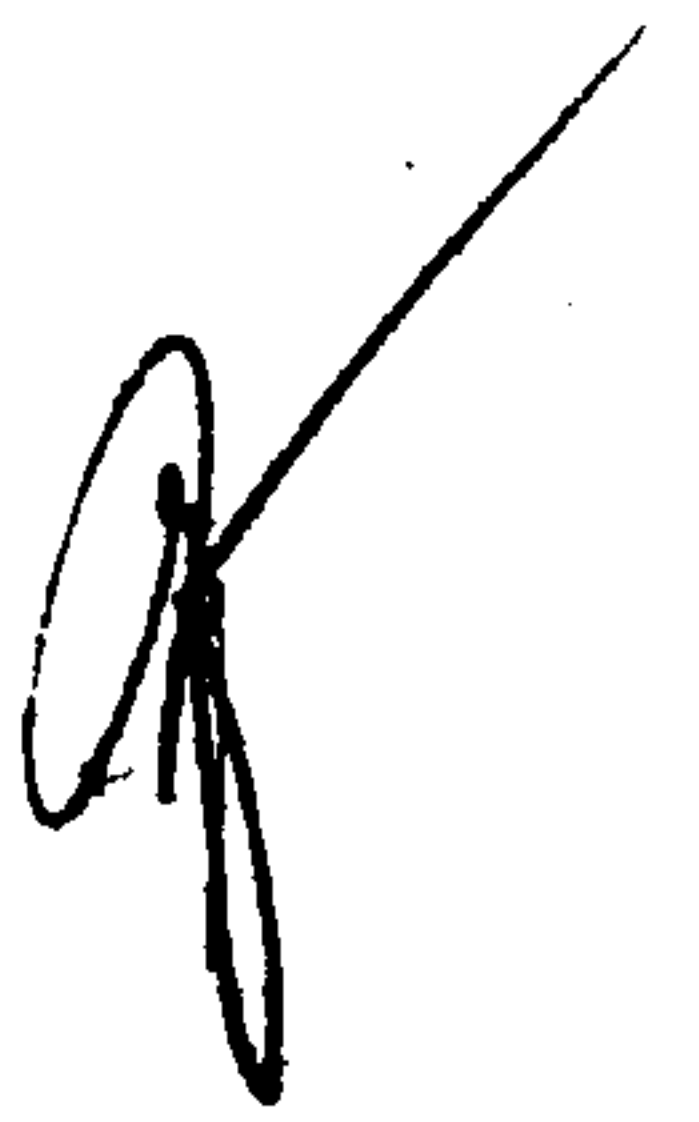
-15-

x-----x

Engineer (SG-24), respectively, of Sara, Iloilo, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping one another, with deliberate intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document consisting of a Time Book and Payroll for labor on the construction of stage at Barangay Improgo, Sara, Iloilo, for the period July 1-15, 2004, by causing to be affixed thereon signatures purportedly signifying receipt of wages by the named payees, including one Joel Hiponia, in the total amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, when in truth and in fact, as accused very well knew, there was no such receipt of wages by all the payees, thereby causing it to appear that persons have participated in an act when they did not in fact so participate, and making untruthful statements in a narration of facts, and that such was a scheme for accused to get hold of the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, representing the total amount of wages payable under the said Time Book and Payroll, and once in possession of said amount of P25,000.00, public funds, for which they were accountable by reason of the nature of their public duties, accused, with deliberate intent of gain, did then and there willfully, unlawfully and feloniously appropriate, take, misappropriate, embezzle, and convert to their own personal use and benefit the said amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, to the damage and prejudice of the government particularly the Municipality of Sara, Iloilo.

CONTRARY TO LAW.

Clearly, the above-quoted Information avers that falsification was a necessary means to commit malversation. It alleges that the accused caused to be affixed on the time book and payroll signature of the named payee when in truth, there was no receipt of said wages. By reason of this



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-16-

x-----x

falsification of time book and payroll, the accused were able to get hold of the amount of wages payable under the time book and payroll. Once in possession of the said amount, fund for which they were accountable by reason of their office, they appropriated it for their personal use and benefit.

V. The accused's constitutional rights to due process and speedy disposition of cases

According to accused Roel Salcedo and Pacrim, the Office of the Ombudsman cannot explain the need to withdraw the Informations it filed in June 2011 which was docketed as Criminal Cases Nos. SB-11-CRM-0226 and 0227, amend its resolution finding probable cause without resolving their motion for reconsideration and instead file the present Informations in 2013 and again, withdraw and amend the same within a span of seven (7) years. These circumstances allegedly violate their rights to due process and speedy disposition of their cases. In addition, accused Salcedo, invoking several cases, argues that it took the Office of the Ombudsman five (5) years to terminate the preliminary investigation in violation of his right to speedy disposition of cases.

The Court finds that there was no violation of the accused's constitutional rights to due process and speedy disposition of their cases.

To begin with, SB-11-CRM-0226 and 0227 referred to by the accused are not the same as the present cases. In both cases, the prosecution filed a motion to withdraw Information on the ground that the accused should have been charged with violation of Section 3 (e) of R. A. No. 3019 on ten (10) counts because the transaction involves ten (10) separate purchase orders (0226) and violation of Section 3(e) of R.A. No.

Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et al.

-17-

x-----x

3019 on thirteen (13) counts because the transaction involves thirteen (13) disbursement vouchers (0227). The said motion to withdraw was granted by the Court in its Resolution dated March 4, 2013 (0226) and Resolution dated April 3, 2013 (0227). Thereafter, Criminal Case No. 0226 was re-filed on April 5, 2013 as SB-13-CRM-0299 to 0308 now pending with the Fourth Division while Criminal Case No. 0227 was re-filed on April 29, 2013 as SB-13-CRM-0582 to 0594 now pending with the First Division.

The accused, however, made it appear in the presentation of the facts that the two (2) Informations filed (0226 and 0227) on June 15, 2011 were withdrawn by the prosecution and were thereafter re-filed pursuant to Office of the Ombudsman's Amended Resolution dated December 8, 2011. The records show otherwise. What were filed with the Court pursuant to the said amended Resolution are these same cases, to wit: Cases Nos. SB-13-CRM-0001-0046 for violation of Section 3(e) of R.A. No. 3019 on forty six (46) counts and Cases Nos. SB-13-CRM-0047-0096 for malversation through falsification of public documents on forty six (46) counts. The accused further falsely represented that instead of resolving their motion for reconsideration of the Resolution dated March 11, 2011, the Ombudsman issued an Amended Resolution dated December 8, 2011, finding probable cause to charge them with forty six (46) counts of malversation through falsification and forty six (46) counts of violation of Section 3(e) of R. A. No. 3019. The records of Criminal Cases Nos. 0226 and 0227 show that the accused's motions for reconsideration of the finding of probable cause were denied by the Office of the Ombudsman although the said Office filed a motion to withdraw Information, which the Court granted in its Resolutions dated March 4, 2013 and April 3, 2013 in Criminal Cases Nos. 0226 and 0227, respectively. Likewise, the motion for reconsideration which accused Neptali Salcedo filed assailing the finding of probable cause in subject cases was also denied by the Office of the Ombudsman in its Resolution dated April 12, 2013.



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-18-

x-----x

Clearly, there was no violation of the accused's right to due process.

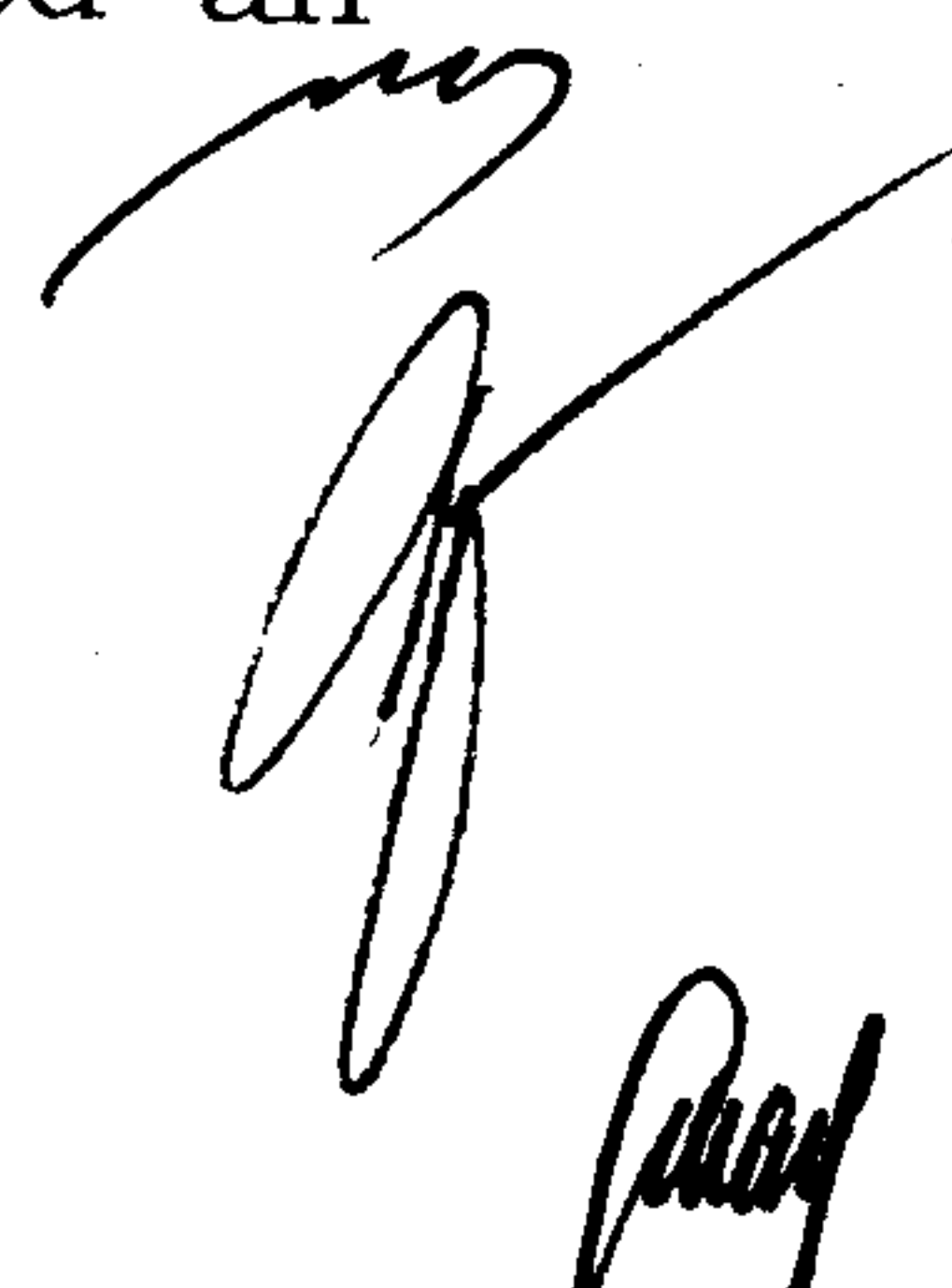
Anent the issue of alleged violation of their right to speedy disposition of cases, it bears stress that this is the first time that the accused raise the said issue. At any rate, the Supreme Court instructs that in the application of the constitutional guarantee of the right to a speedy disposition of cases, particular regard must also be taken of the facts and circumstances peculiar to each case.

Thus, in **Ombudsman vs. Jurado**,²¹ the Supreme Court clarified that although the Constitution guarantees the right to a speedy disposition of cases, such speedy disposition is a flexible concept. To properly define that concept, the facts and circumstances surrounding each case must be evaluated and taken into account. There occurs a violation of the right to a speedy disposition of a case only when the proceedings are attended by vexatious, capricious, and oppressive delays, or when unjustified postponements of the trial are sought and secured, or when, without cause or justifiable motive, a long period of time is allowed to elapse without the party having his case tried. It is cogent to mention that a mere mathematical reckoning of the time involved is not determinant of the concept.²²

In these cases, the records show that there was no deliberate attempt to delay the proceedings before the Office of the Ombudsman. As can be gleaned therefrom, the complaint against the accused was filed on October 24, 2008. On March 11, 2011, or about two (2) years, five (5) months thereafter, the Office of the Ombudsman issued a resolution finding probable cause to charge the accused with malversation of public funds through falsification of public documents on thirty (30) counts and violation of Republic Act (R. A.) No. 3019. The Office of the Ombudsman thereafter issued an

²¹ 561 SCRA 135 (2008)

²² *Spouse Dacudao vs. Gonzales*, 688 SCRA 109 (2013)



Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-19-

x-----x

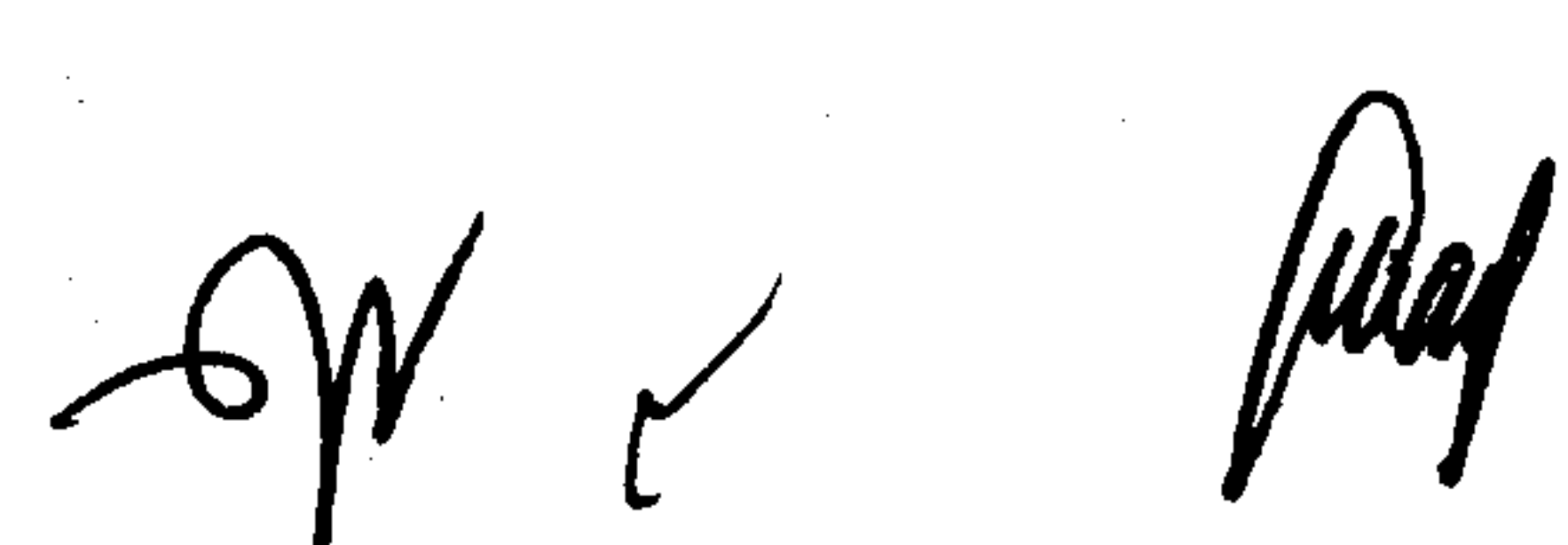
Amended Resolution dated December 8, 2011 detailing the number of projects and payrolls involved, and, consequently, charging the accused with malversation of public funds through falsification of public documents on forty six (46) counts and violation of Section 3(e) of Republic Act (R. A.) No. 3019 on forty six (46) counts instead. The Ombudsman approved the Amended Resolution on December 5, 2012 and the corresponding Informations were filed on January 3, 2013. On April 30, 2014, the prosecution filed a manifestation with omnibus motion praying for the withdrawal of the forty six (46) Informations for malversation through falsification of public document where bail is recommended at P80,000.000 for each case, and, the admission of the Amended Informations recommending no bail therein.

Plainly, it took the Office of the Ombudsman around four (4) years and three (3) months to file the Informations in these cases, January 3, 2013, from the time of the filing of the complaint on October 24, 2008. As aptly pointed out by the prosecution, however, these cases involve three (3) public officials and thirty (30) projects with each project having its own set of payrolls and other relevant documents which needed to be subjected to thorough scrutiny. A reasonable delay was therefore expected. Indeed, speedy disposition of cases is also consistent with reasonable delays.²³

Consequently, the rulings in the cases cited by the accused are inapplicable to these cases because of material differences in their factual milieu. To stress, mere mathematical reckoning of the time involved is not determinant of the concept of speedy disposition of cases. In the application of this constitutional guarantee of the right to a speedy disposition of cases, particular regard must also be taken of the facts and circumstances peculiar to each case.²⁴

²³ *Ong vs. Sandiganbayan*, 440 SCRA 423 (2004)

²⁴ *Tello vs. People*, 588 SCRA 519 (2009)



Resolution

-20-

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

x-----x

In **People vs. Anonas**,²⁵ the Supreme Court ruled that therein respondent's right to due process was violated when it took the City Prosecutor more than four (4) years to terminate the preliminary investigation which prejudiced therein respondent because he was detained during the preliminary investigation. In these cases, the accused were not detained during the preliminary investigation.

In **Tatad vs. Sandiganbayan**,²⁶ the Supreme Court applied the "radical relief" of dismissing the Information/complaint on the ground of "inordinate delay in terminating the preliminary investigation and filing the information" which was tantamount to a violation of the accused's rights to due process and to a speedy disposition of his cases.

It must be stressed, however, that in **Tatad**, there were peculiar circumstances attendant to the three-year delay in terminating the preliminary investigation against him. According to the Supreme Court, "political motivations played a vital role in activating and propelling the prosecutorial process;" there was a departure from the established procedure in conducting the preliminary investigation and the issues involved were simple. Thus, the Supreme Court held that "a delay of almost three (3) years in the conduct of the preliminary investigation constituted a violation of the constitutional rights of the accused to due process and to the speedy disposition of his case." Unlike in **Tatad**, here, there is no imputation of any political motivation in the filing of the present Informations against the accused.

In **Anchangco, Jr. vs. Ombudsman**,²⁷ the Supreme Court similarly held that the delay of more than six (6) years in resolving the complaints against therein petitioner amounted to a violation of the accused's constitutional rights to due process and speedy disposition of cases for two (2) reasons, namely: [1] the administrative aspect of the case had already

²⁵ 513 SCRA 552 (2007)

²⁶ 159 SCRA 70(1988)

²⁷ 268 SCRA 301 (1997)

Resolution

Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, *et. al.*

-21-

x-----x

been dismissed; and [2] petitioner's several motions for early resolution and motion to dismiss remained unacted even at the time of filing of the petition for mandamus before the Supreme Court. Also, unlike in **Anchangco**, the accused in these cases did not file any motion for early resolution of the case.

In **People vs. Sandiganbayan, et. al.**,²⁸ the Supreme Court found insufficient the State's justification that the criminal cases could not be immediately filed in court because of the insufficiency of the evidence to establish probable cause and that it was waiting for the ratification of the Agreement Concerning Mutual Legal Assistance in Criminal Matters with the Hongkong Special Administrative Region (RP-HKSAR Agreement), and the Treaty on Mutual Legal Assistance in Criminal Matters between the Republic of the Philippines and the Swiss Confederation (RP-Swiss MLAT) in order to obtain documents and other evidence. The aforesaid circumstances are not present in these cases.

WHEREFORE, the Court denies the following motions for lack of merit and/or for being *pro forma*:

1. Urgent Motion for Reconsideration dated February 17, 2015 filed by accused Neptali Salcedo; and
2. Omnibus Motion dated February 23, 2015 filed by accused Roel Salcedo and Edna Pacrim.

SO ORDERED.

Quezon City, Metro Manila

AMPARO M. CABOTAJE-TANG

Presiding Justice
Chairperson

²⁸ 712 SCRA 359 (2013)



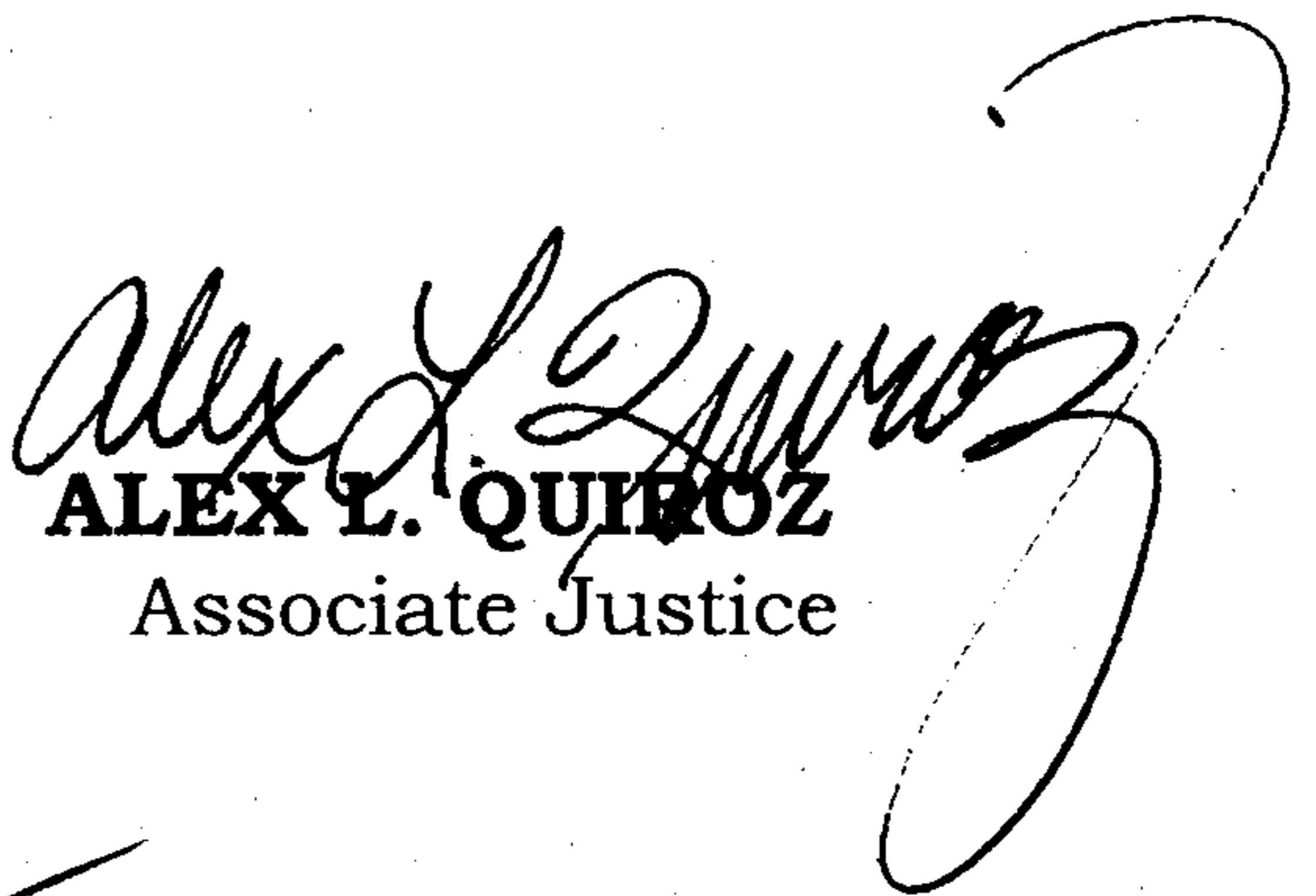
Resolution

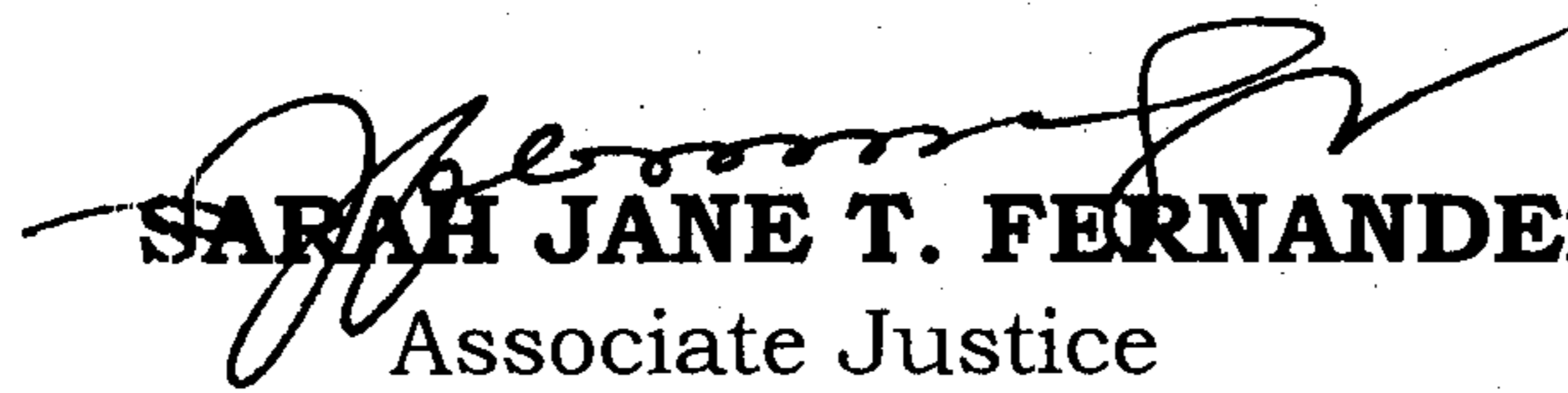
Criminal Cases Nos. SB-13-CRM-0001- 0092
People vs. Salcedo, et. al.

x-----x

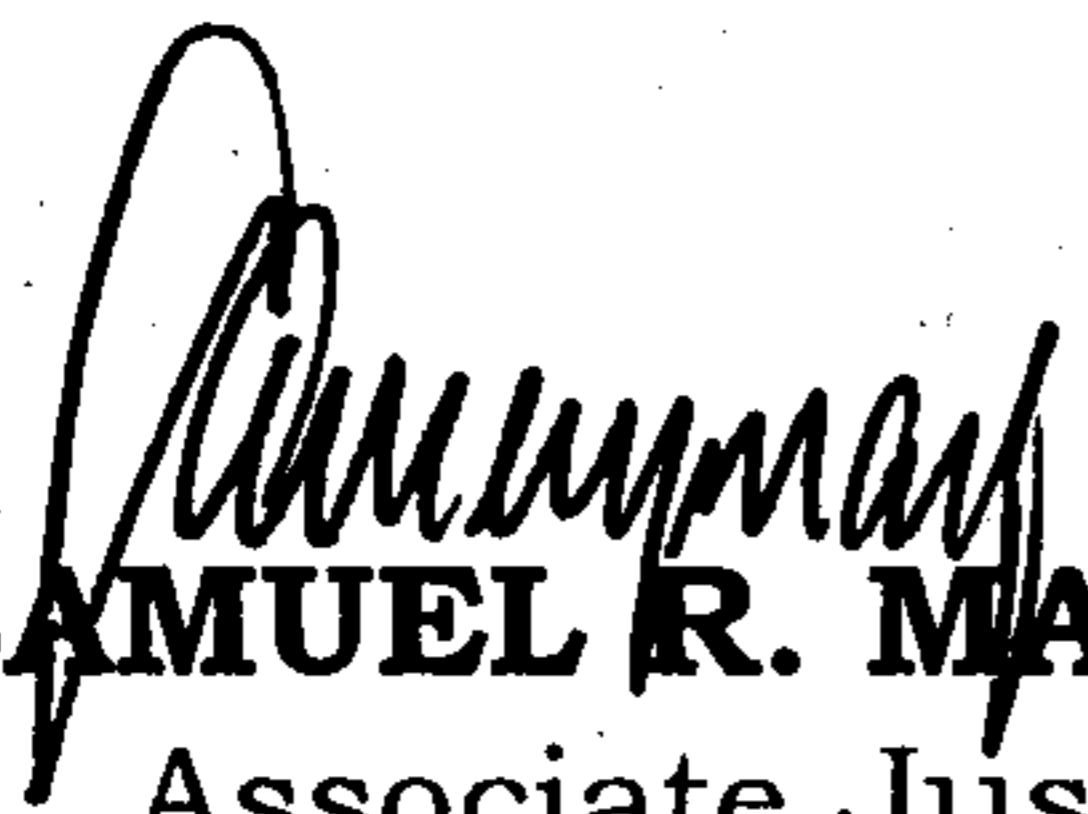
WE CONCUR:


RAFAEL R. LAGOS
Associate Justice


ALEX L. QUIROZ
Associate Justice


SARAH JANE T. FERNANDEZ
Associate Justice

I DISSENT:


SAMUEL R. MARTIRES
Associate Justice



Separate Opinion

Jurisprudence teaches that in the resolution of a criminal complaint, *the reckoning period for determining whether an accused was denied his right to a speedy disposition of his case extends up to the filing of information* in court. The mere issuance of the resolution finding probable cause or the approval of the recommendation to file the information in court does not toll such period. A rule to the contrary is fraught with too many dangers and dreadful implications which shall be explained hereunder.

At bar are the "*Urgent Motion for Reconsideration*"¹ filed by accused Neptali Salcedo and the "*Omnibus Motion*"² filed by accused Roel Salcedo and Edna Pacrim.

The present incident is an offshoot of this Court's *Resolution*, dated 23 January 2015, which, among others, admitted the amended *Informations* for the charge of **Malversation Through Falsification of Public Document** insofar as the recommended bail is concerned. On the theory that the crime of malversation through falsification of public document is a non-bailable offense, the *Prosecution* amended each of the forty-six (46) *Informations* for the said charge by replacing the recommended bail of Php80,000.00 with "NO BAIL RECOMMENDED". Consequently, the Court denied the *Motion for Reduction of Bail*³ of accused Roel Salcedo and Edna Pacrim insofar as the charge of **Malversation Through Falsification of Public Document** in Criminal Cases Nos. SB-13-CRM-0047 to 0062 and 0064 to 0092. However, the Court reduced, as prayed for, the bail in Criminal Cases Nos. SB-13-CRM-0001 to 0046 for **Violation of Sec. 3(e) of R.A. No. 3019** and in Criminal Case No. SB-13-CRM-0063 for **Malversation Through Falsification of Public Document**.

Common in the two motions herein are the allegations that (1) the accused are entitled to bail as a matter of right and (2) the accused were deprived of their right to speedy disposition of cases.

As to the first ground, the accused-movants differ on their reasoning.



¹ Dated 17 February 2015; received by the Court on 23 February 2015; Records, Vol. III, pages 16-27.

² Dated 23 February 2015, Records, Vol. III, pages 28-52.

³ Dated 20 March 2014.

For accused Neptali Salcedo, he concedes that in case of offenses punishable by *reclusion perpetua*, bail is not a matter of right under the exception to the Constitutional guarantee of the right to bail. However, he insists that the charge filed against him for the complex crime of malversation through falsification of public documents is not covered by the exception since the penalty imposed for the graver offense, i.e. malversation in an amount exceeding Php22,000.00, is not *reclusion perpetua* but *reclusion temporal* in its maximum period to *reclusion perpetua*.

On the other hand, accused Roel Salcedo and Edna Pacrim claim that the only non-bailable offenses are the heinous crimes as enumerated under R.A. No. 7659, otherwise known as the "Death Penalty Law". Since malversation through falsification of public document is not included, the accused should be entitled to bail as a matter of right. Additionally, accused Roel Salcedo and Pacrim bewail the ruling of the Court in setting the bail for each of the 46 counts of malversation through falsification of public documents at Php15,000.00 or for a total of Php690,000.00. This, according to them, is unreasonable and runs counter to the proscription in the Constitution against excessive bail.

Anent the second ground, movants are one in alleging inordinate delay of almost seven (7) years in the conduct and termination of the preliminary investigation.

My Submissions

In the abovementioned Court's *Resolution*, dated 23 January 2015, I concurred with the *ponencia* insofar as it allowed the amendment of the *Informations* for malversation through falsification of public document from a recommended bail of Php80,000.00 to "no bail recommended". However, upon closer examination of the allegations in the said *Informations*, I must recant my previous conformity to deny bail to the accused.

I hold the view that the crime of malversation through falsification of public document, as alleged in each of the forty-six (46) *Informations*, is bailable. However, this would not matter anymore considering that the circumstances surrounding these cases warrant their immediate dismissal due to inordinate delay in the disposition of cases against the accused.



The right of the accused to speedy disposition of cases was violated.

At the outset, it must be reiterated that the complaint in these cases was filed on **24 October 2008**. Likewise worthy of note is the fact that this is the first time that the accused had raised the issue of inordinate delay in the preliminary investigation of their cases before the Office of the Ombudsman.

The right to the speedy disposition of cases is enshrined in Article III of the Constitution, which declares:

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

A finding of inordinate delay in resolving a criminal complaint, being violative of the constitutionally guaranteed right to due process and to the speedy disposition of cases, warrants the dismissal of the criminal case.⁴

It has long been held that the right to the speedy disposition of a case, like the right to speedy trial, is deemed violated when the proceedings are attended by vexatious, capricious, and oppressive delays. However, the concept of "speedy disposition" is relative and flexible such that a mere mathematical reckoning of the time involved is not sufficient.⁵

I agree with the *Prosecution* that the amendment of the *Informations*, as prayed for in the *Prosecution's Manifestation with Omnibus Motion*, dated 30 April 2014, and which this Court granted in the assailed *Resolution* of 23 January 2015, should not be included in the computation of time for purposes of determining delay in the resolution of the complaint against the accused. Verily, the preliminary investigation before the Office of the Ombudsman had already been terminated at the time the amendment was sought. The Court had already assumed jurisdiction with the filing of the original *Informations* even prior to their amendments. Such jurisdiction is the

⁴ See *People v. Sandiganbayan*, G.R. Nos. 188165 & 189063, 11 December 2013, citing *Angchonco, Jr. v. Ombudsman*, G.R. No. 122728, February 13, 1997, 268 SCRA 301.

⁵ *People v. Sandiganbayan*, supra.

precisely the reason for the *Prosecution* to first seek leave of court to amend the *Informations*.

The foregoing, however, does not lend comfort to the *Prosecution*. For, even if the period of time from the filing of the original *Informations* on **3 January 2013** up to their amendments on **30 April 2014** through the afore-mentioned *Prosecution's Manifestation with Omnibus Motion* were to be excluded, a period of four (4) years, two (2) months and eleven (11) days still elapsed for the conduct of the preliminary investigation that was begun on **24 October 2008**.

Certainly, a mere computation of time is not sufficient to establish the existence of inordinate delay in the conduct of preliminary investigation. Regard must be had on the surrounding circumstances of the case. As held in numerous cases, dismissal is warranted where the delay is "vexatious, capricious and oppressive." On this, attention must now turn to the explanation proffered by the *Prosecution* to dispel the assertion of inordinate delay.

In order to avoid sacrificing substance, the pertinent portion of the *Prosecution's* explanation is herein faithfully reproduced as follows -

"10. It is emphasized that the instant case for the complex crime of Malversation of Public Funds through Falsification of Public Documents together with the case for Violation of Sec. 3(e) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act) involves three (3) public officials with different accountabilities and covers about thirty (30) different projects located in several barangays within the municipality where each of the thirty (30) projects has its own set of payrolls and other relevant documents that needs to be subjected to scrutiny;

11. The Complaint was filed in 2008 and the Office of the Ombudsman resolved the same with reasonable dispatch only after the lapse of about three (3) years despite the presence of the aforementioned particularities on the number of accused and volume of documents involved in this case;

12. The Resolution dated 11 March 2011 and the subsequent Amended Resolution dated 08 December 2011, signed by the Honorable



Ombudsman on 05 December 2012, resolved the Complaint and recommended that all the herein accused be charged in court with forty-six (46) counts of Malversation of Public Funds through Falsification of Public Document and another forty-six (46) counts of Violation of Sec. 3(e) of R.A. No. 3019;

13. Records show that a copy of the aforementioned Amended Resolution was received by all the herein accused on 07 January 2013;

14. On 20 February 2013, accused Neptali P. Salcedo filed a Motion to Defer Proceedings (with Motion to defer the issuance of Warrant of Arrest) alleging among others that on 16 January 2013 he filed with the Office of the Ombudsman-Visayas a Motion for Reconsideration through registered mail;

15. On 19 March 2013, the two other accused, Roel C. Salcedo and Edna Pacrim, also filed a Motion to Defer Proceedings (with Motion to defer the issuance of Warrant of Arrest) stating almost exactly the same allegations as that of accused Neptali P. Salcedo except the date of the filing of their Motion for Reconsideration with the Office of the Ombudsman-Visayas which they made on 12 January 2013;

16. The Third Division of the Sandiganbayan, through a Resolution dated 26 April 2013, denied the Motion to defer Proceedings of accused Neptali P. Salcedo considering that his Motion for Reconsideration was filed way beyond the five (5)-day period while the Motion to Defer Proceedings of accused Roel Salcedo and Pacrim was granted in view of the timeliness of the filing of their Motion for Reconsideration;

17. However, in a letter dated 07 August 2013 addressed to Acting Director Manuel T. Soriano, Jr., Deputy Ombudsman for Visayas Pelagio S. Apostol categorically stated that their office received no other Motion for Reconsideration except the one filed by accused Neptali P. Salcedo through counsel thus on 08 August 2013 the Prosecution filed a Manifestation/Compliance praying that the Motion for Reconsideration of accused Roel C. Salcedo and Edna A. Pacrim be considered not filed;



18. On 14 March 2014 accused Roel Salcedo and Edna Pacrim filed a Motion for Reduction of Bail while accused Neptali P. Salcedo filed a Motion to Quash;

19. In opposing the foregoing Motions, the Prosecution deemed it necessary to amend the Informations only insofar as the recommended bail is concerned, thus, it sought the approval of the Honorable Ombudsman and on 30 April 2014 filed a Manifestation with Omnibus Motion praying, among others, for the cancellation of the surety bond posted by accused Neptali P. Salcedo and the denial of the Motion for Reduction of Bail of accused Roel Salcedo and Edna Pacrim;

20. Evidently, the foregoing incidents does not show any vexatious acts resulting to a delay in the disposition of the instant case by the Office of the Ombudsman;"

As I see it from the foregoing narration, the *Prosecution* hinges its opposition to the claim of inordinate delay on the following four factors: (1) **the complexity of the factual and legal issues**; (2) **the number of persons charged**; (3) **the volume of documents submitted**; all three of which are alleged in paragraph 10 and 11 above; and (4) **the various pleadings filed**, which seem to be alleged in paragraphs 14 up to 19.

As to the allegation that numerous pleadings were filed, the unmistakable insinuation is that these contributed to the length of time to dispose of the complaint filed with the Office of the Ombudsman.

I do not agree.

As appearing in paragraphs 14 to 19 of the *Prosecution's* explanation, *the pleadings or motions alluded to are those submitted to this Court AFTER the filing of the Information*, or after the termination of the preliminary investigation before the Office of the Ombudsman. The various pleadings or motions filed by the accused after the termination of the proceedings before the Office of the Ombudsman, or after the Court had assumed jurisdiction, are not material in the consideration of the issue on whether delay had set in during the conduct of preliminary investigation. In other words, the



period during which the aforementioned pleadings or motions were filed may be excluded in the computation of time for determining delay.

With this, the only material time for consideration is the intervening period between the filing of the complaint (24 October 2008) and the filing of the original *Informations* (3 January 2013), or a period of more than four years.

Still, the aforementioned period is rather long and unreasonable. Tested against the leading cases on inordinate delay in the disposition of cases in *Duterte vs. Sandiganbayan* [G.R. No. 130191, April 27, 1998], *Tatad vs. Sandiganbayan* [159 SCRA 70 (1988)] and *Angchangco, Jr. vs. Ombudsman* [268 SCRA 301 (1997)], the cases herein must fall for violation of the accused's right of speedy disposition of cases. The delay in *Angchangco* was six (6) years; in *Duterte* four (4); and in *Tatad*, an even shorter period of close to three (3) years.

In Duterte and Tatad, the reckoning of the period of delay included the filing of the informations in court. To put it in another way, bearing in mind the rulings in the cases above, the counting of the period for purposes of determining inordinate delay is not tolled by the issuance of the resolution finding probable cause or the approval by the proper authority of the recommendation for filing of the information in court.

It is not difficult to see why this should be the governing principle.

Consider these scenarios:

(a) *The complaint is forthwith resolved by the investigating officer and the recommendation for filing of the information is likewise approved in no time but such information limbered on the desk of the approving officer for a long period of time before it could be filed; and*

(b) *The case is left dormant for years only for the prosecution to reactivate it by subsequently, albeit belatedly, filing the information in court, and antedates the approval of the resolution to make it appear that the complaint was resolved in due time.*



Can not the respondent invoke the right of an accused to speedy disposition of cases and assail the delay for being capricious, vexatious or oppressive?

Surely, the answer is in the negative were we to reckon the determination of inordinate delay up to the issuance of the resolution only, or notice thereof, and not the actual filing of information. In here, the prosecution would not incur any delay by the mere expedient of asserting reasonable dispatch by which the resolution was issued.

But such a set-up would be unfairly prejudicial to the respondent's defense as the passage of time and unexpected mishaps may negatively impact the availability or integrity of the evidences of the respondent. The accused, who may have rightfully assumed lack of interest on the part of the prosecution, is suddenly put in a dire predicament of facing trial with the prospect of conviction more of a certainty than acquittal.

The dynamics would be more dangerous in cases of purely harassment cases. With the lending hand of dishonest and unprincipled investigation and prosecution officers, the filing of informations in court would be unduly delayed despite the prompt resolution of the complaint for the sole intention of securing the conviction of hapless good-intentioned citizens.

By no means am I suggesting that the *Prosecution* in the cases at bench is guilty of such malicious machinations just to gain tactical advantage over the accused. Far from it. But for the sake of orderly dispensation of justice, and in line with the wisdom of the rulings in *Duterte* and *Tatad*, the determination of inordinate delay in the termination of preliminary investigation of the herein cases should include the filing of the *Informations* in court.

By way of review, the records show that from the time of filing the *Complaint*, it took the Office of the Ombudsman more than two (2) years to come up with a *Resolution* finding probable cause; another nine (9) months to issue an *Amended Resolution*; an additional one year for the Ombudsman to approve the *Amended Resolution*; and still another month to file the necessary *Informations* and to furnish the respondents copies of the *Amended Resolution*, or more precisely, a total of four (4) years, two (2) months and eleven (11) days.



Contrary to the claim of the Prosecution, the Office of the Ombudsman had not resolved the complaint '*with reasonable dispatch only after the lapse of about three (3) years*'. As now settled, the complaint is resolved only after the Ombudsman had approved the investigating officer's recommendation. Here, the Ombudsman approved the *Amended Resolution* only after more than four (4) years. It is even a wonder why the Ombudsman took more than a year to approve the *Amended Resolution*.

If in *Tatal* the Supreme Court dismissed the case with only close to three (3) years as the period of delay, there is nothing remotely objectionable if the herein cases, involving more than four years in unjustified delay, are similarly dismissed. There, the Court had rejected, as may also be proper here, the excuse of "many layers of review that the case had to undergo and the meticulous scrutiny it had to entail".

Just to be sure, indulging in mere mathematical computation is not the sole exercise here. Sifting through the reasons for the delay is an equally important consideration. However, I find the *Prosecution's* explanations for the delay lacking in substance.

What the Prosecution had basically and conveniently accomplished was to claim, without more, that the issues involved are complex and the documents are voluminous requiring such meticulous study and review. Other than mentioning about thirty (30) projects in 'several' *barangays*, the Prosecution utterly failed to specify what areas of concern are difficult to ascertain and the legal ramifications of each. Nevertheless, the records belie the excuse given by the *Prosecution*.

The *Prosecution* must be mindful that cases lodged before the Office of the Ombudsman involve certain degrees of difficulty. Perhaps, it would not be amiss at this juncture to remind the *Prosecution* of its bounden duty as explained in *Coscolluela vs. Sandiganbayan*,⁶ thus -

"As the institutional vanguard against corruption and bureaucracy, the Office of the Ombudsman should create a system of accountability

⁶ G.R. No. 191411 and 191371, July 15, 2013.



in order to ensure that cases before it are resolved with reasonable dispatch and to equally expose those who are responsible for its delays, as it ought to determine in this case."

Having disposed of the issue on inordinate delay, and as already intimated above, I find no need discussing all other matters raised in the motions for reconsideration.

Conclusion

For the above reasons, I vote to **GRANT** the "*Urgent Motion for Reconsideration*" filed by accused Neptali Salcedo and the "*Omnibus Motion*" filed by accused Roel Salcedo and Edna Pacrim insofar as they pray for the dismissal of the cases against them on the ground of violation of their right to speedy disposition of cases.


SAMUEL R. MARTIRES
Associate Justice