

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, **CRIM CASE NOS. SB-16-CRM-**
Plaintiff, **0367 to 0368**

- versus -


*For: Violation of Article 218 of the
Revised Penal Code (Failure of
Accountable Officer to Render
Accounts)*

MARIO S. ROÑO,

Accused.

Present:

HERRERA, JR., Chairperson
MUSNGI, Associate Justice
PAHIMNA, Associate Justice

May 25, 2017
Promulgated 

RESOLUTION

MUSNGI, J.:



This Court resolves the (1) *Motion for Reconsideration (On the Honorable Court's Resolution dated 06 January 2017)*¹ filed by the plaintiff on 26 January 2017; and the (2) *Comment/Opposition*² filed by the accused on 28 March 2017.

On 06 January 2017, this Court granted the *Motion to Dismiss* filed by accused Mario S. Roño praying for the dismissal of his case on the ground of violation of his right to a speedy disposition of cases. This Court ruled that there was inordinate delay when it took the Office of the Ombudsman a total period of **four (4) years, eight (8) months and twenty-six (26) days** to terminate its preliminary investigation counted from the time that its Field Investigation Office (FIO) filed the formal complaint on 26 September 2011, not on 14 February 2014 as the prosecution claims.

In the subject *Motion*, the prosecution moves for the reconsideration of the abovementioned *Resolution* on the ground of apparent error on the part of the Court in the appreciation of facts obtaining in these cases, particularly (1) as to the true date of filing of the FIO complaint for preliminary investigation; and (2) as to the accused's failure to timely assert his alleged right to speedy

¹ *Sandiganbayan Records*, pp. 162-183.

² *Ibid*, pp. 192-194.

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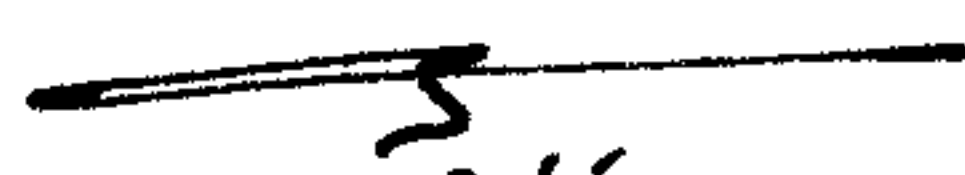
disposition of the subject cases during the preliminary investigation proceeding.

First, the prosecution claims that the FIO complaint was executed and signed on 26 September 2011 by the FIO II, but it was filed and docketed for preliminary investigation as OMB-C-C-14-0038 on 28 January 2014, and then endorsed for preliminary investigation on 14 February 2014. Accordingly, the prosecution argues that the conduct of preliminary investigation only commenced on 14 February 2014, and not on 26 September 2011. Hence, from 14 February 2014 to 22 June 2016 when the cases were filed, the prosecution claims that the Office of the Ombudsman spent **only two (2) years, four (4) months, and four (4) days** to complete its preliminary investigation.

Second, the prosecution argues that the accused waived his right to timely object as regards the alleged violation of his right to speedy disposition of cases when he voluntarily allowed himself to be arraigned and entered his plea without any condition. The prosecution avers that the Rules of Court on Criminal Procedure provides that a motion to dismiss or motion to quash the complaint or information must be filed at any time before an accused enters his plea, otherwise, failure to allege any ground shall be deemed a waiver of any objections. In this case, since the accused only raised the issue of violation of his right to speedy disposition of cases after his arraignment, then he already waived his right to raise the same. Moreover, the prosecution claims that the "right to speedy disposition of cases during the preliminary investigation" is not an exception to the rule on the dismissal of the complaint after arraignment.

In its *Comment/Opposition*, the accused contends that the arguments raised by the prosecution are a mere rehash of the arguments raised in the latter's *Opposition* to the accused's *Motion to Dismiss*. Accused claims that the formal complaint was filed on 26 September 2011 by the FIO II after its fact-finding investigation. This same complaint was the subject of the subpoena dated 18 February 2014 requiring the accused to file his counter-affidavit. Therefore, accused maintains that there was an unreasonable delay in the proceedings of the Office of the Ombudsman.

Moreover, accused asserts that the filing of his *Motion to Dismiss* was timely and proper. Accused alleges that he was surprised when the cases were filed before this Court. He claims that he was on the belief that the cases were already dismissed due to the long and unjustified delay in the resolution thereof, thus, it is the prosecution who should be considered to have lost its right to prosecute the subject cases.



Ruling

The *Motion for Reconsideration* is without merit.

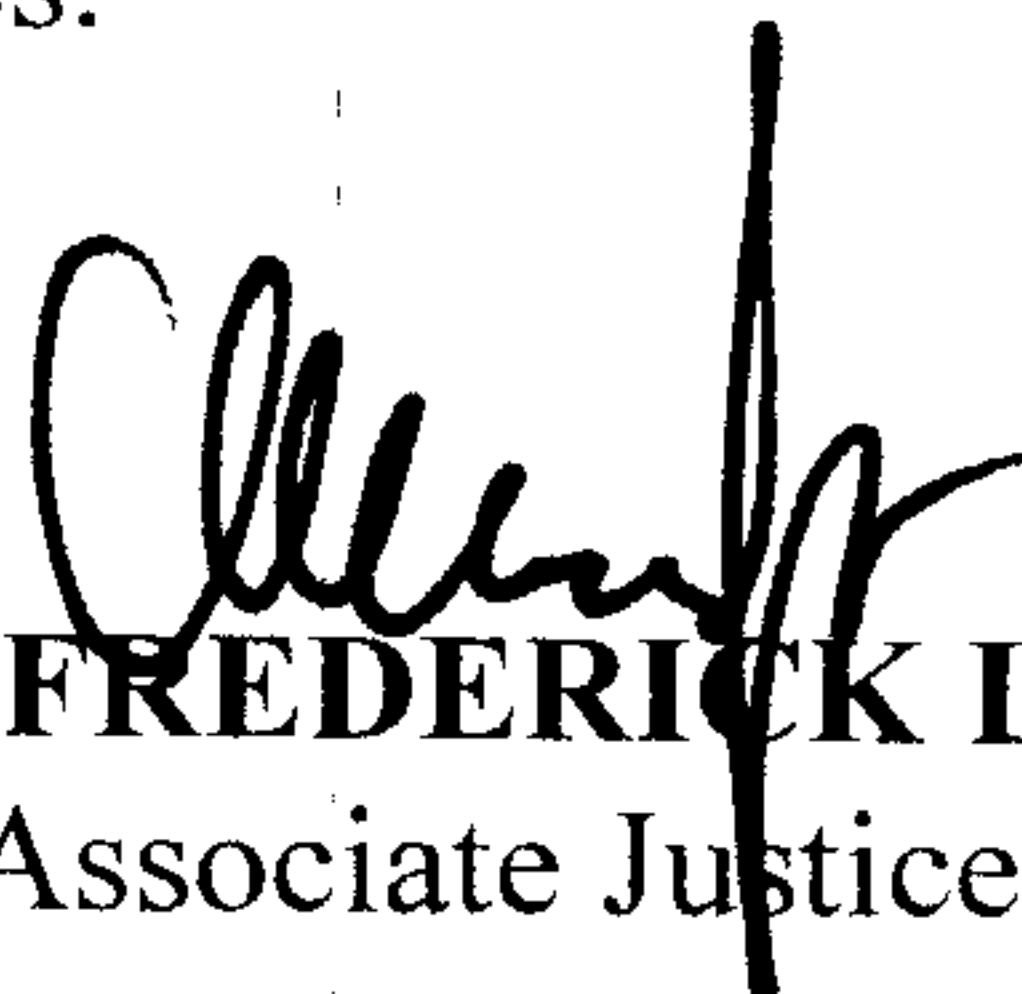
In *Rafael L. Coscolluela vs. Sandiganbayan*,³ the Supreme Court held that an unjustified length of time in the resolution of the case by the Office of the Ombudsman violates the accused's constitutional right to due process and to speedy disposition of cases. Likewise, the Supreme Court also ruled that such pronouncement by the court will result in the acquittal of the accused.

Applying *Coscolluela*, the assailed *Resolution* dismissing the case of the accused on the ground of violation of his right to a speedy disposition of cases amounts to acquittal. Moreover, well-settled is the rule that a judgment of acquittal cannot be reconsidered because it places the accused in double jeopardy.⁴

WHEREFORE, in light of the foregoing, the *Motion for Reconsideration* filed by the plaintiff in Criminal Case Nos. SB-16-CRM-0367 to 0368 is hereby **DENIED** for lack of merit.

SO ORDERED.

Quezon City, Philippines.

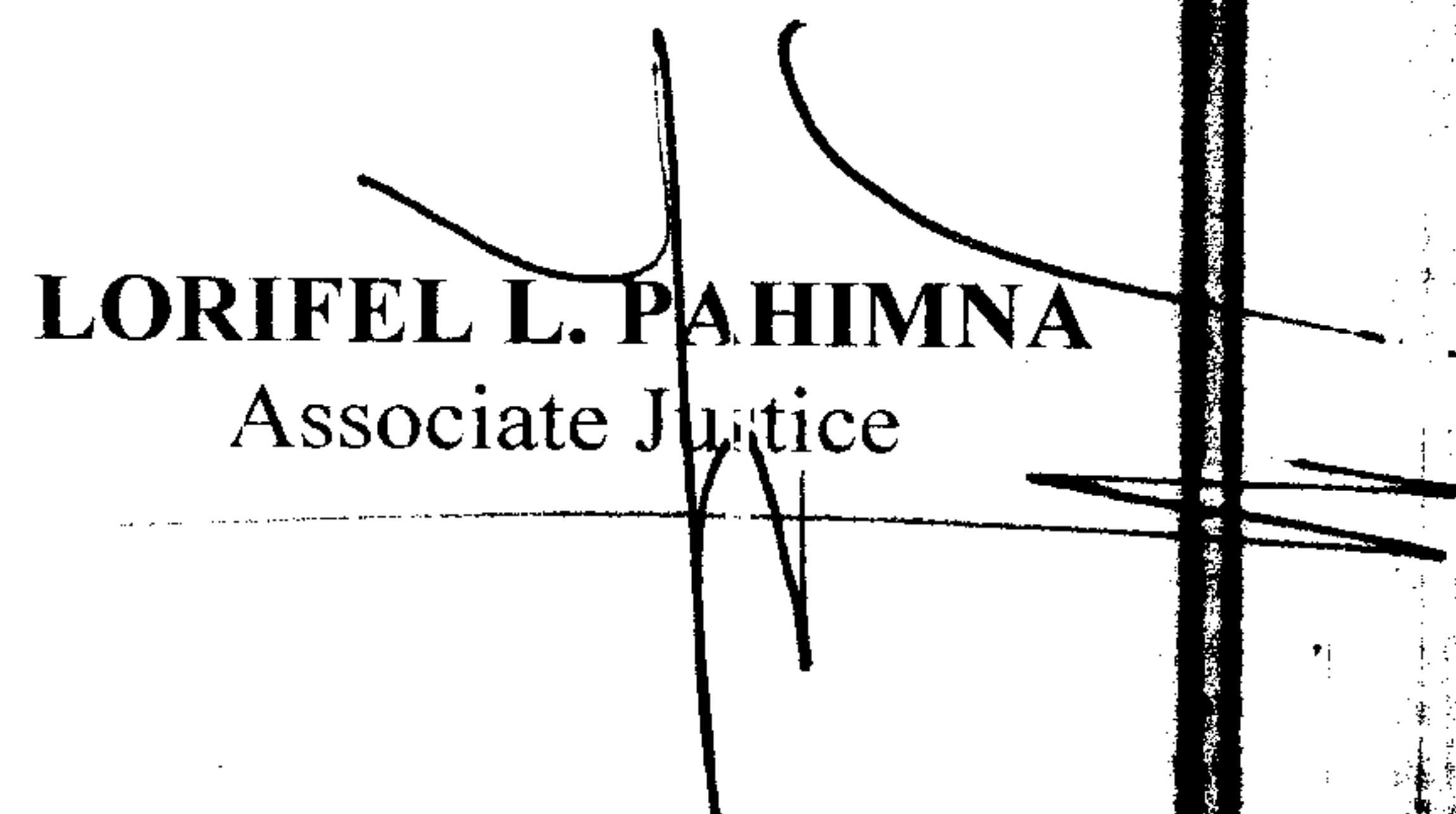


MICHAEL FREDERICK L. MUSNGI
Associate Justice

WE CONCUR:



OSCAR S. HERRERA, JR.
Associate Justice
Chairperson



LORIFEL L. PAHIMNA
Associate Justice

³ *Rafael L. Coscolluela vs. Sandiganbayan*, G.R. No. 191411, 15 July 2013., citing *Dansal v. Fernandez*, 383 Phil. 897 (2000).

⁴ *People v. Webb*, G.R. No. 176389, 18 January 2011.