

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Sixth Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-16-CRM-0738

For: Violation of Section 3(e) of
R.A. No. 3019, in rel. to R. A. 9184

-versus-

Present:
Ponferrada, J. *Chairperson*
Herrera, Jr., J. &
Miranda, J.

Clark Cecil P. Tiu, et al.,
Accused.

Promulgated:

MAY 18 2017 *[Signature]*

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RESOLUTION

HERRERA, JR., J:

For resolution of the Court is a ***Motion For Partial Reconsideration (Re: Resolution promulgated on February 2, 2017)***¹ dated February 8, 2017, filed by the plaintiff People of the Philippines, through the Office of the Special Prosecutor, Office of the Ombudsman, praying for reconsideration of the ***Resolution***² promulgated on February 2, 2017, dismissing the case on the ground of inordinate delay.

The accused, through counsel, filed a ***Comment/Objection (To The Motion For Partial Reconsideration)***³ dated March 15, 2017, praying that the plea for reconsideration of plaintiff be denied.

Plaintiff, in its ***Motion, etc.***, contends that there was no inordinate delay in the preliminary investigation and filing of information in court of the instant case. The time spent for preliminary investigation and filing of the case did not prejudice the accused, because it was not vexatious, capricious or oppressive. In fact, the accused themselves did not assert

¹ Record, Vol. 2, pp. 49-56

² Id, pp. 33-42

³ Id, pp. 89-91

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their right to a speedy disposition of their case during the preliminary investigation, and never claimed that they were prejudiced by the delay.

The Court rules that plaintiff's ***Partial Motion For Reconsideration, etc.*** must necessarily be denied.

The arguments invoked by the plaintiff were already addressed in the ***Resolution*** promulgated on February 2, 2017. There, the Court made the following findings and conclusions, *inter alia*:

"The timeline provided by the plaintiff indicates that the complaint was filed on February 4, 2011 and the order directing the accused to submit their counter-affidavits was issued on May 25, 2011, signifying the start of the preliminary investigation. By August 23, 2011, the counter-affidavits of all the accused had been submitted. Yet, the records show that it still took a period of about 4 years and 3 months for the complaint to be resolved through a ***Resolution*** dated November 4, 2015, which was approved by the Ombudsman herself on November 12, 2015. The long period of time to resolve the complaint was compounded by the fact that it still took almost one (1) year to file the ***Information*** in Court on October 3, 2016.

The Court carefully studied the records. The complaint was simply for ***Violation of Section 3(e) of R.A. 3019***, in relation to ***R.A. 9184***. Contrary to the assertion of the plaintiff, the issues for resolution during the preliminary investigation were not complicated and the documents submitted were not voluminous. In fact, the ***Resolution*** of November 4, 2015, which was approved by the Ombudsman herself, consisted only of nine (9) pages. The Court rules that the reasons given by the plaintiff do not justify the period of more than 5 years of preliminary investigation to resolve the complaint and file the case in court.

The accused assert that they suffered from the delay because most of them are of advanced ages, suffering from ailments, and are about to retire from the government service with untarnished records. They say that the lengthy passage of time diminished their ability to adequately prepare their case because it adversely affected them and their witnesses to accurately recall events, to retrieve documents and other pieces of exculpatory evidence. They assert that while they were not imprisoned, they were burdened with restraints on their liberty, financial strain, and constant anxiety. Above all, as public officials, they are all shrouded in mistrust, enmity and disrepute by the public.

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Regardless of the aforementioned assertions of the accused, the Court finds that there was indeed inordinate delay in conducting the preliminary investigation and in filing the Information in court, in violation of the right of the accused to speedy disposition of cases, **Section 16, Article III of the 1987 Constitution** reads:

“Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.”⁴

The Court rules that the aforementioned findings and conclusions stand.

Moreover, the dismissal of a criminal case on the ground of violation of the Constitutional right of the accused to speedy disposition of cases guaranteed under **Section 16, Article III of the 1987 Constitution** is akin to a dismissal based on violation of the right of an accused to speedy trial likewise guaranteed under **Section 14(2) of the same Article III of the Constitution**.

In the case of **Coscolluela v. Sandiganbayan**,⁵ the Supreme Court declared:

“Lest it be misunderstood, the right to speedy disposition of cases is not merely hinged towards the objective of spurring dispatch in the administration of justice but also to prevent the oppression of the citizen by holding a criminal prosecution suspended over him for an indefinite time. **Akin to the right to speedy trial, its “salutary objective” is to assure that an innocent person may be free from the anxiety and expense of litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose.**³⁰ This looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual. In the context of the right to a speedy trial, the *Court in Corpuz v. Sandiganbayan (Corpuz)* illumined:”

Upon the other hand, it is settled that a dismissal based on violation of the right to speedy trial is tantamount to an acquittal that bars an appeal

⁴ Id, pp. 39-40
⁵ 701 SCRA 188

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or a reconsideration as it would amount to a violation of the principle of double jeopardy. The principle applies to a dismissal for violation of the right to speedy disposition of cases

In **Bonsubre, Jr. v. Yerro, et al.**⁶, the Supreme Court held:

“In a long line of cases, we have held that a dismissal on the ground of the denial of the accused’s right to a speedy trial will have the effect of acquittal that would bar further prosecution of the accused for the same offense. Thus, we have held that where after such dismissal the prosecution moved for the reconsideration of the order of dismissal and the court re-set the case for trial, the accused can successfully claim double jeopardy as the said order was actually an acquittal, was final and cannot be reconsidered. x x x.”

Indeed, it is also settled that a judgment of acquittal becomes final immediately after promulgation and cannot be recalled for correction or amendment, because of the doctrine that nobody may be put twice in jeopardy of punishment for the same offense. This is known as the “finality of acquittal rule.”⁷

In **People v. Hernando**,⁸ the Supreme Court explained:

“Notwithstanding, the error committed can no longer be rectified under the cardinal rule on double jeopardy. The judgment of acquittal in favor of an accused necessarily ends the case in which he is prosecuted and the same cannot be appealed nor reopened because of the doctrine that nobody may be put twice in jeopardy for the same offense. Respondents have been formally acquitted by respondent Court, albeit erroneously. That judgment of acquittal is a final verdict. Errors or irregularities, which do not render the proceedings a nullity, will not defeat a plea of *antefois acquit*.”

The aforementioned doctrinal pronouncement was reiterated in the fairly recent case of **Chiok v. People**:⁹

⁶ G.R. No. 205952, Feb. 11, 2015

⁷ People v. Hon. Tirso Velasco, 340 SCRA 207

⁸ 108 SCRA 121

⁹ G.R. No. 176814, Dec. 7, 2015

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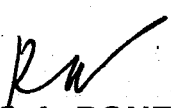
“In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the “finality-of-acquittal” rule.”

WHEREFORE, premises considered, the ***Motion For Partial Reconsideration (Re: Resolution promulgated on February 2, 2017)*** dated February 8, 2017, filed by plaintiff People of the Philippines, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Associate Justice

We concur:


RODOLFO A. PONFERRADA
Chairperson


KARL B. MIRANDA
Associate Justice