

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City  
Second Division


PEOPLE OF THE PHILIPPINES  
Plaintiff,

SB-15-CRM-0127  
For Violation of Article 218  
of the Revised Penal Code

- versus -

JUAN RAÑA  
Accused.

Present:  
Herrera, J., Chairperson  
Musngi, J., Associate  
Pahimna, J., Associate

July 7, 2017  
Promulgated 

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**RESOLUTION**

Pahimna, J:

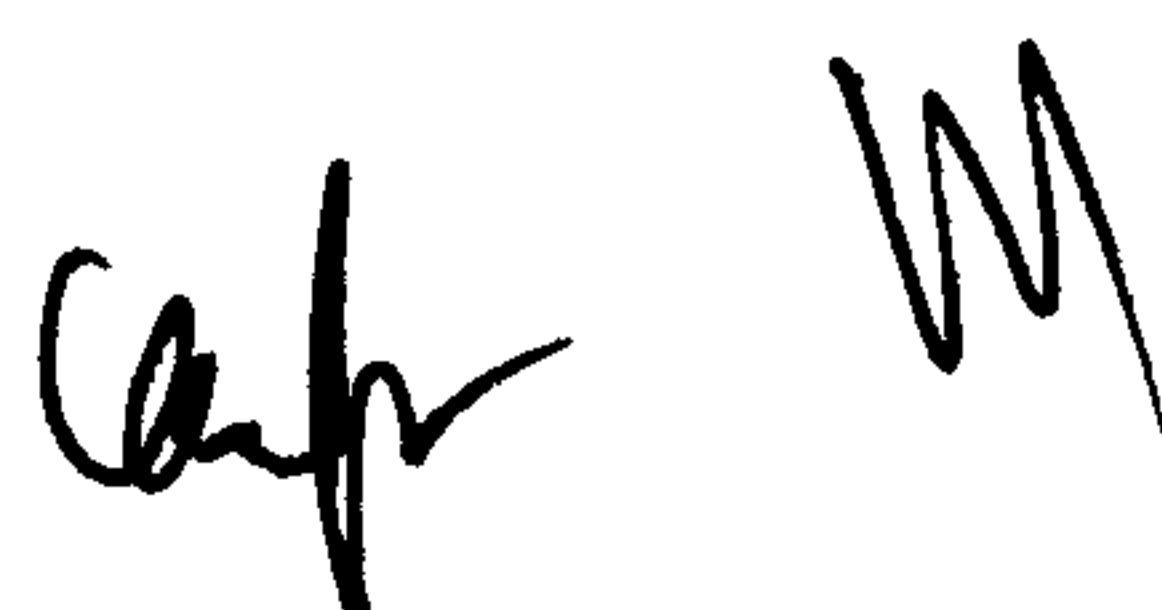
This resolves the **Motion to Quash Information and to Dismiss the Case**<sup>1</sup> filed by the accused, through counsel Atty. Raul Mora, on January 23, 2017 and the **Opposition (on the Motion to Quash Information and to Dismiss the Case)**<sup>2</sup> filed by Assistant Special Prosecutor II Maribel F. Mariano-Beltran on February 6, 2017.

In praying for the dismissal of the instant case, the accused averred that there has been an unjust, unreasonable, oppressive and inexcusable delay in completing the process of the preliminary

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<sup>1</sup> Sandiganbayan records volume 2, pages 29-33

<sup>2</sup> Ibid., pages 37-47



investigation of the case which constitutes violation of Section 16, Article III of the 1987 Constitution:

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

The accused maintained that the act complained of allegedly happened sometime on January 2004. But it took the Field Investigation Office of the Office of the Ombudsman more than eight (8) years in conducting fact finding investigation that culminated in the filing of the complaint before the Office of the Ombudsman on September 13, 2013. Eventually, the Office of the Ombudsman filed the instant criminal case against the accused on February 20, 2015. As a result, the accused suffered serious prejudice and disadvantage.

The Ombudsman opposed the motion claiming that there was no inordinate delay in the proceeding. They claim that it was an error to reckon the computation of time from April 20, 2005, the date of demand letter issued by the Commission on Audit for settlement of the accused's unliquidated cash advance amounting to P874,000.00. It was a practice observed and followed by the Commission on Audit during which the Office of the Ombudsman had no knowledge of as the Commission on Audit has yet to inform the Office of the Ombudsman for any appropriate action.

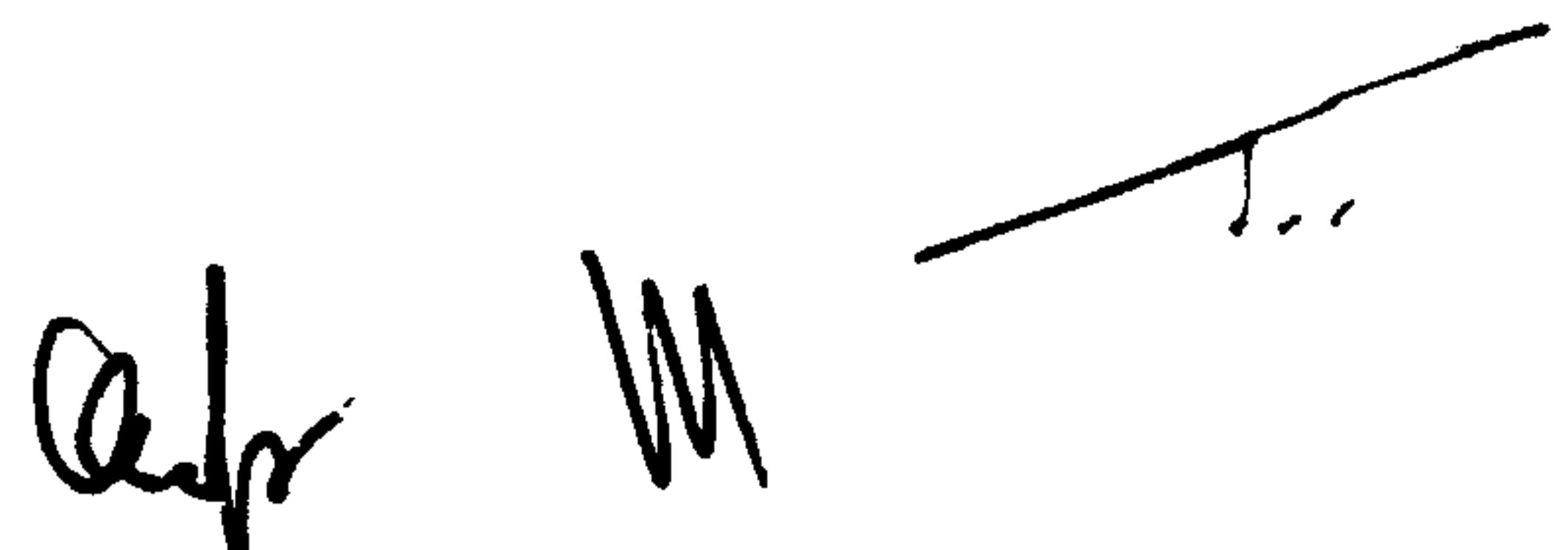
To set the record straight, the Office of the Ombudsman emphasized that the Commission on Audit, as well as the Civil Service Commission, conducted initiatory proceedings and the result of the proceeding was referred to the Office of the Ombudsman through the Field Office Investigator for verification and investigation.

During said verification and investigation, accused was not informed and bothered by the Ombudsman since no formal criminal charge was lodged. The case was endorsed by the Field Investigation Office (FIO) for preliminary investigation on September 13, 2013 docketed as OMB-C-C-13-0340.

The Ombudsman stressed that during the investigation and verification by the Field Investigation Office of the questioned transactions as referred to by the Civil Service Commission, accused Raña was not required to answer on any inquiry, thus he was not bothered, vexed or disturbed. It was only on October 8, 2013, that accused learned of the investigation being conducted by the Office of the Ombudsman when he was directed to file his counter-affidavit. Thus, the mathematical argument of the alleged inordinate delay of ten years is a mere exaggeration, baseless and without merit.

Furthermore, the Office of the Ombudsman asserted that the accused waived his right to object as regards the alleged violation of his right to speedy disposition of his case at the preliminary investigation stage. The accused was arraigned on November 23, 2015. He did not enter his plea and did not provide any reason for doing so. Neither did he state that he felt violated by the conduct of preliminary investigation by the Office of the Ombudsman. The accused is asserting his right to speedy disposition of his case at the preliminary investigation at this point, which the Office of the Ombudsman perceived as waiver of his right for failure to timely assert the same considering that the accused invoked it after his arraignment; after the prosecution submitted nine (9) judicial affidavit of its witnesses, two of which had already testified and cross-examined; and after submitting the judicial affidavit of his (accused) witness.

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## RULING

After careful pondering, the Court resolved to deny the motion of the accused entirely based on the alleged violation of his right to speedy disposition of his case.

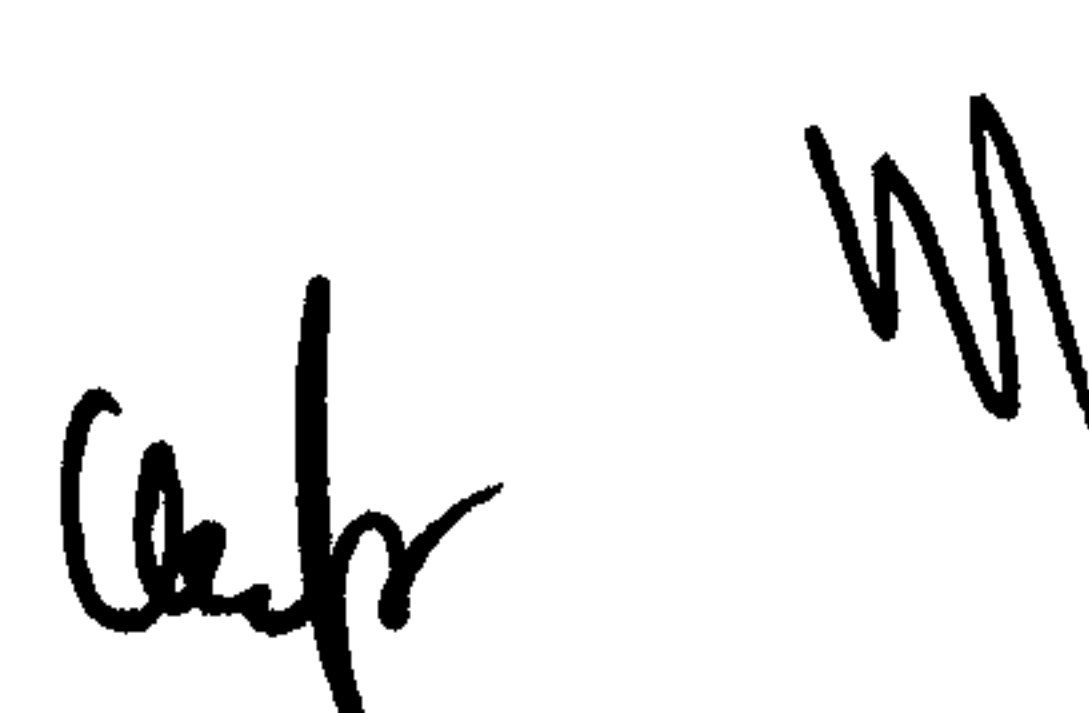
Speed is not the primordial point of trial in any tribunal that the mere allegation of the violation of speedy disposition of a case would warrant immediate dismissal of the information. The doctrine enshrined in the case of *Corpuz vs. Sandiganbayan*<sup>3</sup> is instructive. The Supreme Court held:

*“The right of the accused to a speedy trial and to 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 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 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 the right of the accused, but it does not preclude the right of public justice.*

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<sup>3</sup> G.R. No. 162214, November 11, 2004

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*Also, it must be born 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. xxx*

*In determining whether the accused has been deprived of his right to speedy disposition of the case and to a speedy trial, four factors must be considered: (a) length of delay; (b) the reason for the delay; (c) the defendants assertion of his right; and (d) prejudice to the defendant." 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. xxx*

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

The record of the case bears witness on how the case progressed. From the docketing of criminal case no. OMB-C-C-13-0340 on September 13, 2013, the accused actively participated and

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filed two motions for extension of period to file counter-affidavit<sup>4</sup> which were favorably acted upon by the Office of the Ombudsman in order not to prejudice the accused.<sup>5</sup>

On April 23, 2014, accused filed his Manifestation/Compliance with attached consolidated Counter-Affidavit. It became the basis, among others, for the Office of the Ombudsman to approve a joint resolution for filing criminal case no. OMB-C-C-13-0340, and the dismissal of administrative case no. OMB-C-A-0324.

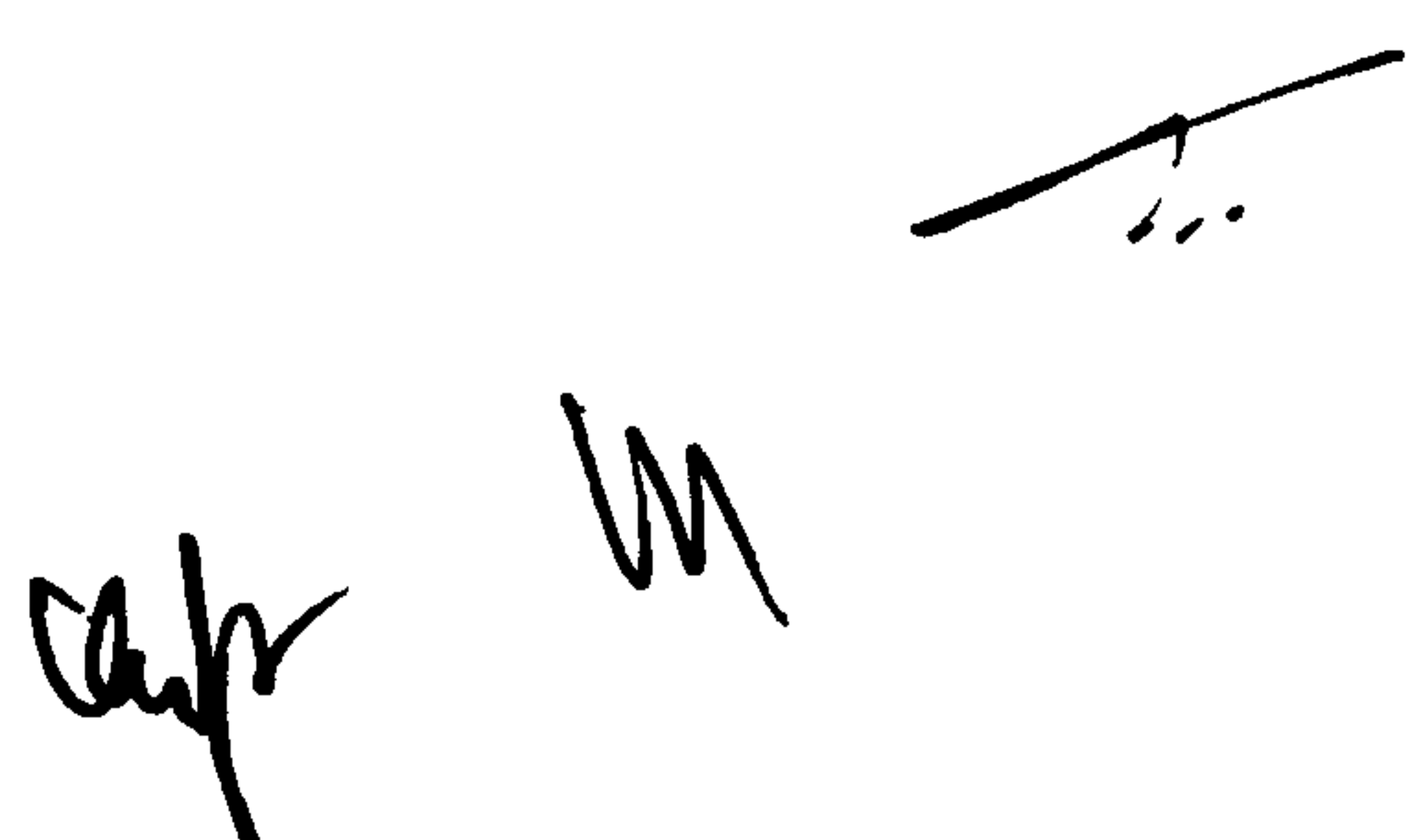
Accused filed a Motion for Partial Reconsideration on March 12, 2015 which was denied by the Ombudsman on April 28, 2015. It paved the way for the filing of the instant case.

The accused asseverated that the substantial delay attended the field investigation and preliminary investigation of the office of the Ombudsman for which he was severely prejudiced. Assuming without conceding, that there was inordinate delay and concomitant prejudice upon the person of the accused during the field investigation and preliminary investigation, accused should have invoked his right to speedy disposition of his case promptly at the opportune time with the proper tribunal or administrative bodies like the Civil Service Commission who conducted the initiatory proceeding. But taking into consideration the assertion of the Office of the Ombudsman that the accused has no knowledge of such initiatory proceeding and investigation conducted prior to Office of the Ombudsman taking cognizance of his case, accused cannot faithfully claim that he was indeed prejudiced.

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<sup>4</sup> Annex "D" and "E" of the Opposition

<sup>5</sup> Annex "F", Supra

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The State, like any other litigant, is entitled to its day in court, and to a reasonable opportunity to present its case. A hasty dismissal, instead of unclogging dockets, has actually increased the workloads of the justice system and unwittingly prolonged the litigation.<sup>6</sup>

Reiterating the Supreme Court pronouncement in *Solar Team Entertainment, Inc. and People of the Philippines v. Hon. Rolando How*<sup>7</sup> that speedy trial is a relative term and must necessarily be a flexible concept, *Lumanlaw v. Peralta, Jr.*<sup>8</sup> summons the courts to maintain a delicate balance between the demands of due process and the strictures of speedy trial, on the one hand; and, on the other, the right of the State to prosecute crimes and rid society of criminals.

Applying the balancing test for determining whether an accused has been denied his constitutional right to a speedy trial, or a speedy disposition of his case, taking into account several factors such as the length and reason for the delay, the accused's assertion or non-assertion of his right, and the prejudice to the accused resulting from the delay<sup>9</sup> the court reasonably finds the accused to have not been unduly and excessively prejudiced by the delay in the proceeding.

The right of the accused to speedy disposition of his case is deemed violated only when the proceeding is attended by vexatious, capricious, and oppressive delays; or when unjustified postponement of the trial are asked for and secured; or when without cause or justifiable motive a long period of time is allowed to elapse without the

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<sup>6</sup> *People v. Leviste* as cited in *Dante Tan v. People of the Philippines*, G.R. No. 173637

<sup>7</sup> G.R. No. 140863, August 22, 2000

<sup>8</sup> G.R. No. 164953, February 13, 2006

<sup>9</sup> *Federico Miguel Olbes v. Hon. Danilo Buemio*, G.R. No. 173319, December 4, 2009 citing *Domondon v. Sandiganbayan*; citations omitted.

*Olbes*

*WM*

*J.S.*

party having his case tried<sup>10</sup> which the accused in the instant case failed to establish.

**WHEREFORE**, the Motion to Quash Information and to Dismiss the Case is hereby **DENIED** for lack of merit.

**SO ORDERED.**

  
**LORIFEL L. PAHIMNA**  
Associate Justice

WE CONCUR:

  
**OSCAR C. HERRERA, JR.**  
Associate Justice  
Chairperson

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

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<sup>10</sup> Ramon Albert v. Sandiganbayan. G.R. 164015, February 26, 2009 citing the case of Lumanlaw v. Peralta