



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

**CRIM. CASE No. SB-16-
CRM-0253**

-versus-

**For: Violation of Sec. 3(e),
R.A. No. 3019, as amended**

FEDERICO H. CAROLINO, SR.,
et al.,

Present:

Accused.

Lagos, J., Chairperson,
Mendoza-Arcega, J., and
Cruz, J. *

Promulgated:

August 08, 2017 *led*

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RESOLUTION

MENDOZA-ARCEGA, J.:

Posed for resolution is the Manifestation with Motion for Reconsideration (On the Resolution dated February 28, 2017)¹ filed by the prosecution on March 6, 2017.

The prosecution averred that the prosecution received a copy of the Resolution² dated February 28, 2017 granting accused Frumencio P. Juntilla's ("Juntilla") Motion to Quash Information³ dated February 1, 2017 on the

*As per Administrative Order No. 025-2017 dated February 1, 2017.

¹ Records, Volume 3, pp. 210-212.

² Ibid., pp. 195-204.

³ Ibid., pp. 125-140.

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ground of violation of his constitutional rights to due process and speedy disposition of cases due to the inordinate delay in the filing of the instant case.

The prosecution moved to reconsider the said resolution and adopted its previous Motion for Reconsideration⁴ dated February 3, 2017. It mainly contended that the Court erred in dismissing the case against Juntilla as there was no inordinate delay in resolving the same. The period when Emeterio Tañala (“Tañala”) sent his letter dated September 26, 2011 to the filing of the complaint by the Public Assistance and Corruption Prevention Office (“PACPO”) on March 14, 2012 was still a part of the fact-finding stage and not of the preliminary investigation; hence, it should be excluded in determining whether there is inordinate delay.

The prosecution added that the Office of the Ombudsman is not precluded from engaging in a fact-finding type of investigation in aid of its preliminary investigation and that the Resolution dated September 15, 2014 prepared by the investigating prosecution officer had to undergo several layers of review.

For his part,⁵ Juntilla asseverated that the filing of the present motion for reconsideration violates his constitutional right against double jeopardy. Furthermore, the fact-finding investigation conducted by the Office of the Ombudsman is a part of the preliminary investigation. The layers of review do not justify the delay in the resolution of the case. The several motions to resolve filed by complainants Tañala and the PACPO are indicia of delay. Lastly, the filing of rejoinders by the accused does not justify the delay in the resolution of the case.

THE COURT’S RULING

After weighing the parties’ contrasting arguments and after a close scrutiny of the records, the Court discerns no compelling reason to depart from its earlier ruling.

It is the prosecution’s submission that there is no inordinate delay in the resolution of the instant case since the fact-finding stage is not a part of the preliminary investigation. Specifically, the time when Tañala wrote a letter to the Office of the Ombudsman should be excluded in determining whether there is inordinate delay in the resolution of the present case.⁶

⁴ Ibid., pp. 142-153.

⁵ Ibid., pp. 260-272.

⁶ Ibid., p. 143.

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The stand of the prosecution is unmeritorious.

In one case,⁷ the Supreme Court ruled in this wise:

“The State further argues that the fact-finding investigation should not be considered a part of the preliminary investigation because the former was only preparatory in relation to the latter; and that the period spent in the former should not be factored in the computation of the period devoted to the preliminary investigation.

The argument cannot pass fair scrutiny.

The guarantee of speedy disposition under Section 16 of Article III of the Constitution applies to *all* cases pending before *all* judicial, quasi-judicial or administrative bodies. The guarantee would be defeated or rendered inutile if the hair-splitting distinction by the State is accepted. **Whether or not the fact-finding investigation was separate from the preliminary investigation conducted by the Office of the Ombudsman should not matter for purposes of determining if the respondents’ right to the speedy disposition of their cases had been violated.**” (Emphasis supplied.)

Likewise, it is noteworthy that the prosecution did not raise new and substantial matters. Thus, it is no longer necessary to address the other issues raised by the prosecution as the same have been extensively discussed in Our Resolution⁸ dated February 28, 2017.

IN VIEW OF ALL THE FOREGOING, the *Motion for Reconsideration* filed by the prosecution on March 6, 2017 is **DENIED** for utter lack of merit.

Consequently, the Resolution dated February 28, 2017 hereby **STANDS**.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

⁷ People v. Sandiganbayan, et al. , G.R. No. 188165, December 11, 2013.

⁸ Supra note 2.

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WE CONCUR:



RAFAEL R. LAGOS

Associate Justice

Chairperson



REYNALDO P. CRUZ

Associate Justice