

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-17-CFM-1180

For: Violation of Section 3 (e)  
of R.A. No. 3019

-versus-

Present:  
Herrera, Jr., J. *Chairperson*  
Musngi, J. &  
Pahimna, J.

Ariel Cadiante Santos,  
Accused.

Promulgated:

August 25, 2017

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**RESOLUTION**

**HERRERA, JR., J:**

This resolves the ***Motion To Quash***<sup>1</sup> dated July 21, 2017, filed by accused Ariel Cadiante Santos (Movant), through counsel, praying for the dismissal of the instant case, on the ground of inordinate delay in the investigation of the case by the Office of the Ombudsman. The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition/Comment (Re: Motion to Quash)***<sup>2</sup> dated August 7, 2017, praying that the ***Motion To Quash*** be denied.

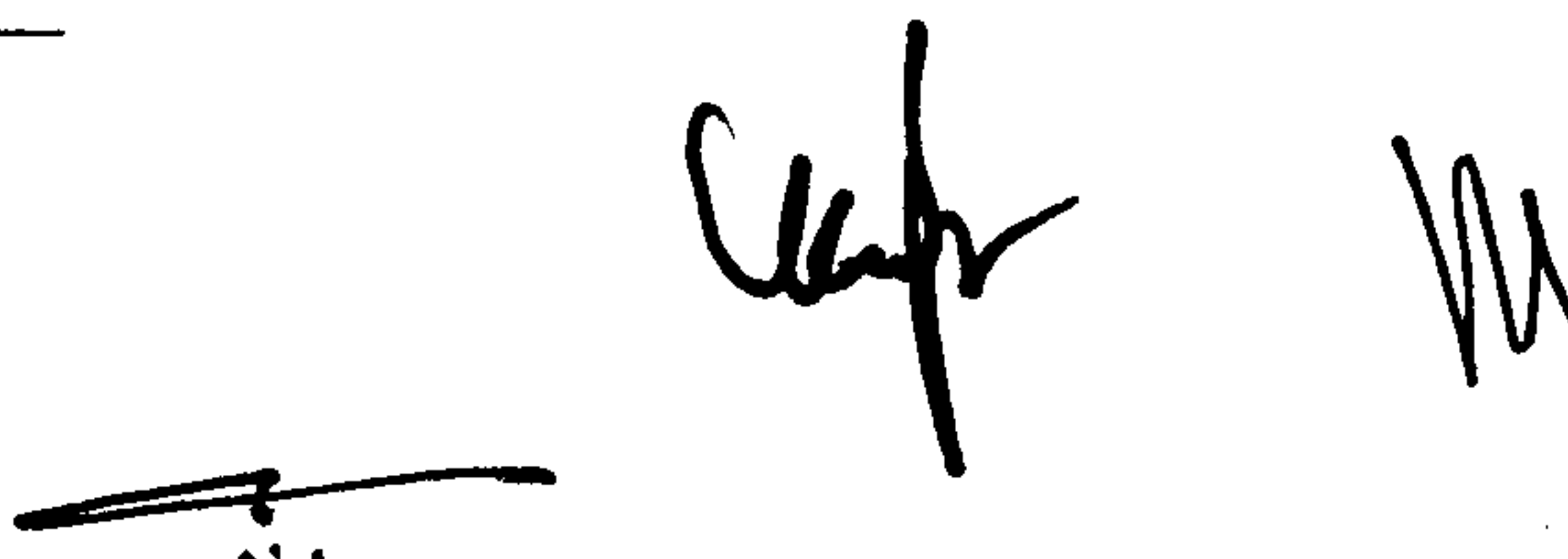
Movant is charged herein with ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, also known as the ***Anti-Graft and Corrupt Practices Act***, under an ***Information***<sup>3</sup> dated September 19, 2016, the accusatory portion of which reads:

“That on or about 2 February 2005, or sometime prior or subsequent thereto, in Quezon City and within the jurisdiction of this Honorable Court, accused ARIEL CADIENTE SANTOS, a high-ranking public officer, being then a Labor Arbiter of the National Labor Relations Commission, in such capacity and taking advantage of his official position, committing the offense in relation to office

<sup>1</sup> Record, pp. 115-116

<sup>2</sup> Id, pp. 154-165

<sup>3</sup> Id, pp. 1-3



acting with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally demand and receive P110,000 from Regalu Bacu and Ronilo Quintinita in consideration of the accused's issuance of an order to release a judgment award causing undue injury to Regalu Bacu and Ronilo Quintinita in the aforementioned amount.

**CONTRARY TO LAW.”**

In his instant *Motion, etc.*, movant claims that the **“Letter-Complaint”** against him was filed before the Office of the Ombudsman on February 2, 2005. However, the *Information* dated September 19, 2016 was filed with the Court only on June 13, 2017, or after a period of twelve (12) years, four (4) months and eleven (11) days.

Movant alleges in his *Motion, etc.* that:

“19. In the present case, these critical dates must be emphasized:

18.1. The act supposedly constituting the alleged offense was allegedly committed on 2 February 2005.

18.2. The *“Letter-Complaint”* against the Accused was filed on the same day on 2 February 2005.


18.3. The Office of the Ombudsman found probable cause against the Accused for violation of Section 3(e) of R.A. 3019 on 7 July 2016 or after the lapse of **eleven (11) years, five (5) months, and five (5) days** from the time of the filing of the letter-complaint against the Accused.

18.4. The Office of the Ombudsman filed an *Information* before the Honorable Court for violation of Section 3(e) of R.A. 3019 against the Accused only on 13 June 2017 or after the lapse of **twelve (12) years, four (4) months, and eleven (11) days** from the time of the filing of the *letter-complaint* against the Accused.

20. From the above dates, the *Information* in the instant case was filed **twelve (12) years, four (4) months, and eleven (11) days** from the time of the alleged commission of the act complained of and the filing of the *Letter-Complaint* (as it was done on the same day).<sup>4</sup>

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<sup>4</sup> Id, pp. 123-124

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Movant contends that the length of time it took the Office of the Ombudsman to investigate the case and file the *Information* in Court amounted to vexatious, capricious and oppressive delay which violated his Constitutionally guaranteed right to speedy disposition of cases.

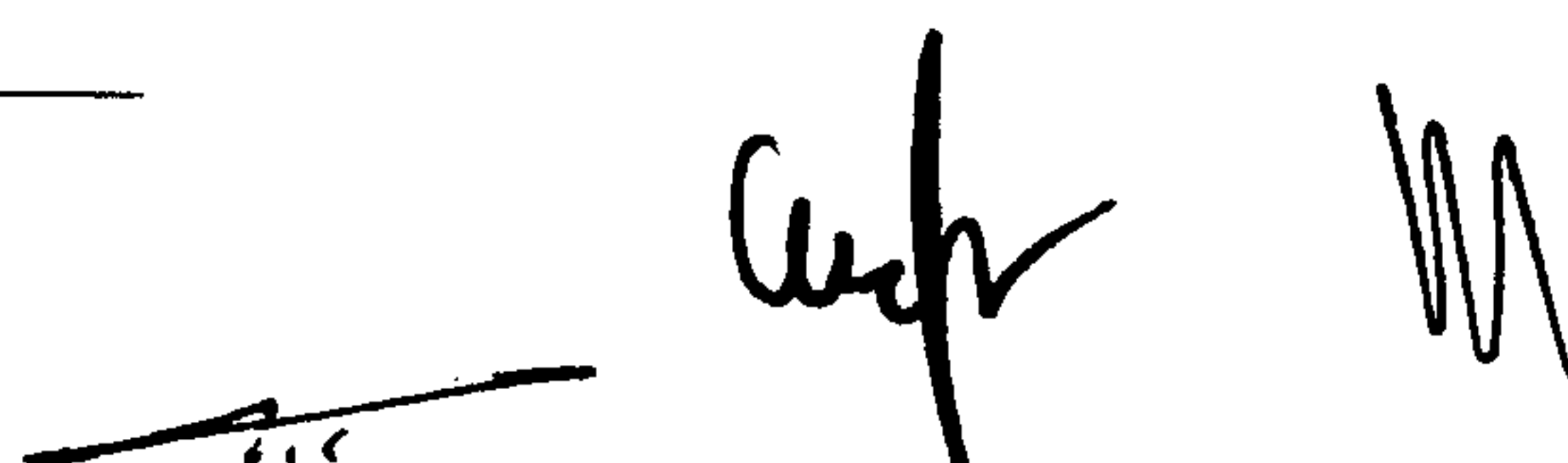
After a careful study, the Court finds the *Motion To Quash* meritorious.

In its *Comment/Opposition, etc.* the plaintiff argues that there was no inordinate delay in the preliminary investigation of the case and gives the following timeline and explanation:

Date	Incidents/Proceedings
27 October 2014	Execution of the Affidavit-Complaint (" <i>Complaint</i> ", for brevity) by Gerhard G. Basco, Associate Graft Investigation Officer II of the Field Investigation Office (FIO) of the Office of the Ombudsman
28 November 2014	Filing of the Complaint for the Preliminary Investigation
22 December 2014	Issuance of an Order by the Office of the Ombudsman for the accused to file counter-affidavit
6 February 2015	Filing of the undated counter affidavit of the accused
6 May 2015	Filing of the Reply dated 5 May 2015 of the FIO
5 July 2016	Date of the Resolution finding probable cause to indict the accused for violation of Section 3(e) of R.A. No. 3019 by Graft Investigation and Prosecution Officer IV Kristine Suzanne G. Fineza
22 August 2016	Filing of the accused Motion for Reconsideration (MR) dated 18 August 2016
16 September 2016	Denial of the MR filed by the accused
13 June 2017	Filing of the Information dated 19 September 2016 against the accused for violation of Section 3(e) of R.A. No. 3019

7. Based from the foregoing, this case was resolved within a justifiable period of ten (10) months time from the filing of the Complaint. Thus, the concept of the accused that the preliminary investigation took twelve (12) years, four (4) months and eleven (11) days is without any factual standing."<sup>5</sup>

<sup>5</sup> Id, p. 156



However, in the same **Opposition/Comment**, the plaintiff itself admits that the complaint was indeed filed with the Field Investigation Office of the Office of the Ombudsman in 2005. The plaintiff thus also avers:

“16. While the Field Investigation Office has taken the sworn statement of the private complainant Mr. Regulo M. Bacu on 30 August 2005 regarding his letter complaint dated 5 February 2005, such conduct was not part of a preliminary investigation but of the fact finding inquiry power of the Office of the Ombudsman, separate and distinct from its power to conduct preliminary investigation.

17. The fact-finding inquiry is distinguished from a preliminary investigation in that the former does not place any person “on edge” since the inquiry pertains to an “unknown subject”. At this stage of the proceedings, anybody who may be involved in the complaint or controversy is considered merely as a “person-in-interest” and has no case to speak of insofar as it concerns any clearance that may be sought from the Office of the Ombudsman.”<sup>6</sup>

The fact that the fact-finding investigation started in 2005 is mentioned in the **Resolution**<sup>7</sup> dated July 5, 2016 of the Office of the Ombudsman in OMB-C-C-14-0656 which was attached to the **Information** filed with the Court. The pertinent portion thereof reads:

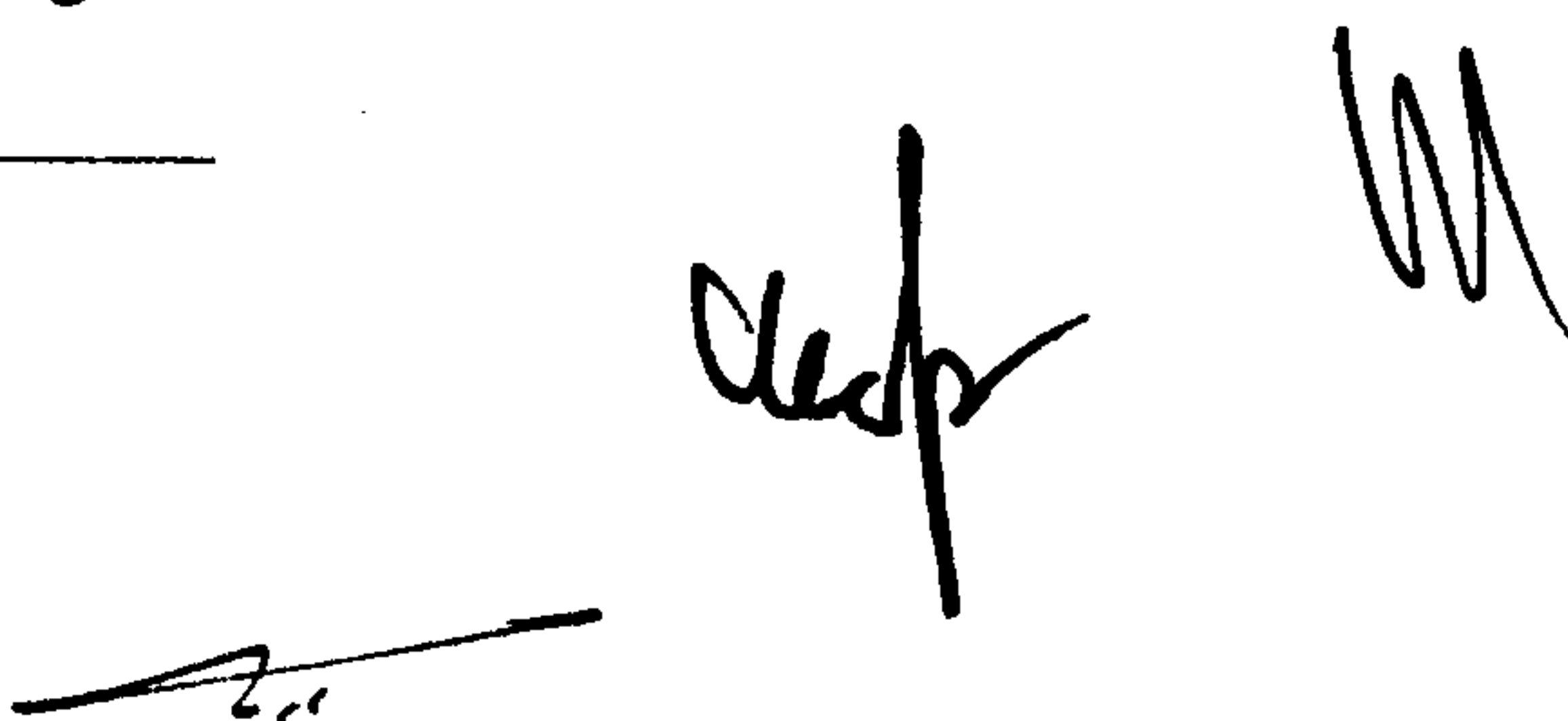
“At the outset, this Office notes that acts complained of were committed and/or discovered in 2005 but because a fact-finding investigation was still conducted, the complaint was only filed in 2014, or nine (9) years thereafter.”<sup>8</sup>

Undoubtedly, nine (9) years was spent on fact-finding investigation and about two (2) and ½ years on preliminary investigation. And counting only the two (2) and ½ years spent on preliminary investigation, plaintiff insists that there was no inordinate delay.

The Court disagrees.

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<sup>6</sup> Id, p. 160  
<sup>7</sup> Id, pp. 5-12  
<sup>8</sup> Id, p. 8

Handwritten signatures and initials at the bottom of the page. There are three distinct marks: a signature that appears to be 'Jesop', a set of initials 'MM', and another signature that is partially obscured and appears to be '2.11'.

**Section 16, Article III of the 1987 Constitution** provides:

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

In *People v. Sandiganbayan*,<sup>9</sup> the Supreme Court explained that the constitutional right to a speedy disposition of cases is not limited to the accused in criminal proceedings but extends to all parties in all cases, including civil and administrative cases, and in all proceedings including judicial and quasi-judicial hearings.

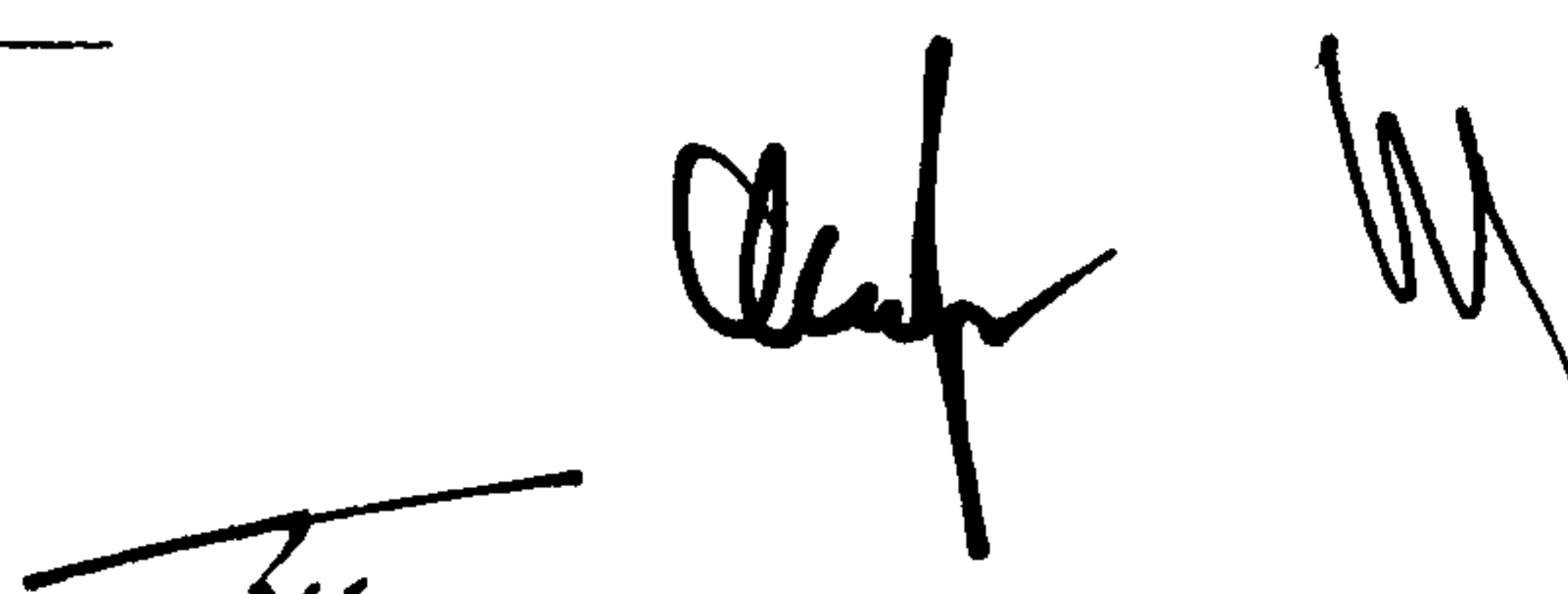
In the case of *Torres v. Sandiganbayan*,<sup>10</sup> the Supreme Court explained the right to speedy disposition of cases covers both fact-finding investigation and preliminary investigation. Said the Court:

“We find it necessary to emphasize that the speedy disposition of cases covers not only the period within which the preliminary investigation was conducted, but also all stages to which the accused is subjected, even including fact-finding investigations conducted prior to the preliminary investigation proper. We explained in *Dansal v. Fernandez Sr.*”

Initially embodied in Section 16, Article IV of the 1973 Constitution, the aforesaid constitutional provision is one of three provisions mandating speedier dispensation of justice. It guarantees the right of all persons to “a speedy disposition of their case”; includes within its contemplation the periods before, during and after trial, and affords broader protection than Section 14(2), which guarantees just the right to a speedy trial. It is more embracing than the protection under Article VII Section 15, which covers only the period after the submission of the case. The present constitutional provision applies to civil, criminal and administrative cases. (citations omitted emphasis supplied)

Considering that the subject transactions were allegedly committed in 1991 and 1992, and the fact-finding and preliminary investigations were ordered to be conducted by Tanodbayan Marcelo in 2004, the length of time which lapsed before the Ombudsman was able to resolve the case and actually file the Informations against petitioner was undeniably long-drawnout.”

<sup>9</sup> 712 SCRA 359, 411  
<sup>10</sup> G.R. No. 221562-69, Oct. 5, 2016



Here, the case is a simple one for **Violation of Section 3(e) of R.A. 3019**. There is nothing complex in the issues to be resolved for the purpose of determining the existence of probable cause to file the case in court. The Court finds that the period of almost 12 years spent in conducting the investigations and filing of the case in court is excessive and unjustified.

In the case of **Coscolluela v. Sandiganbayan**,<sup>11</sup> the Supreme Court explained that:

“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. 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. xxx.

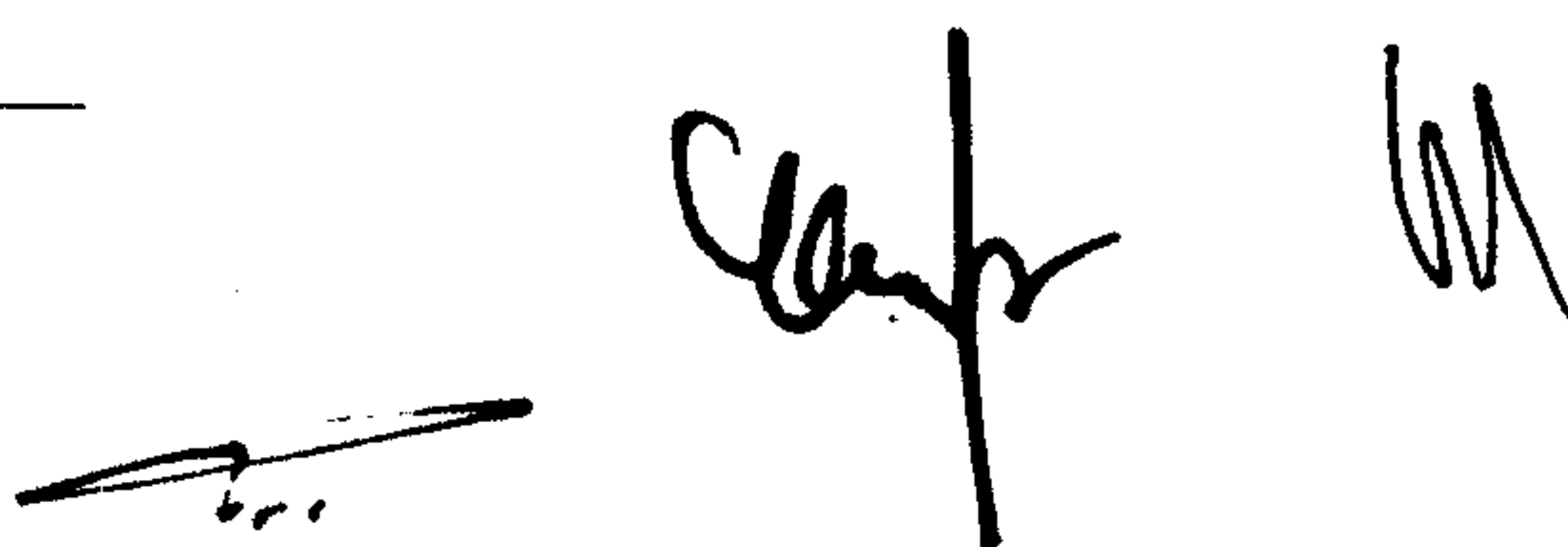
xxx.  
xxx.

Thus, in view of the unjustified length of time miring the Office of the Ombudsman’s resolution of the case as well as the concomitant prejudice that the delay in this case has caused, it is undeniable that petitioners’ constitutional right to due process and speedy disposition of cases had been violated. As the institutional vanguard against corruption and bureaucracy, the Office of the Ombudsman should create a system of accountability 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.”

WHEREFORE, premises considered, the **Motion To Quash** dated July 21, 2017, filed by accused Ariel Cadiente Santos, through counsel, is granted.

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<sup>11</sup> 701 SCRA 188

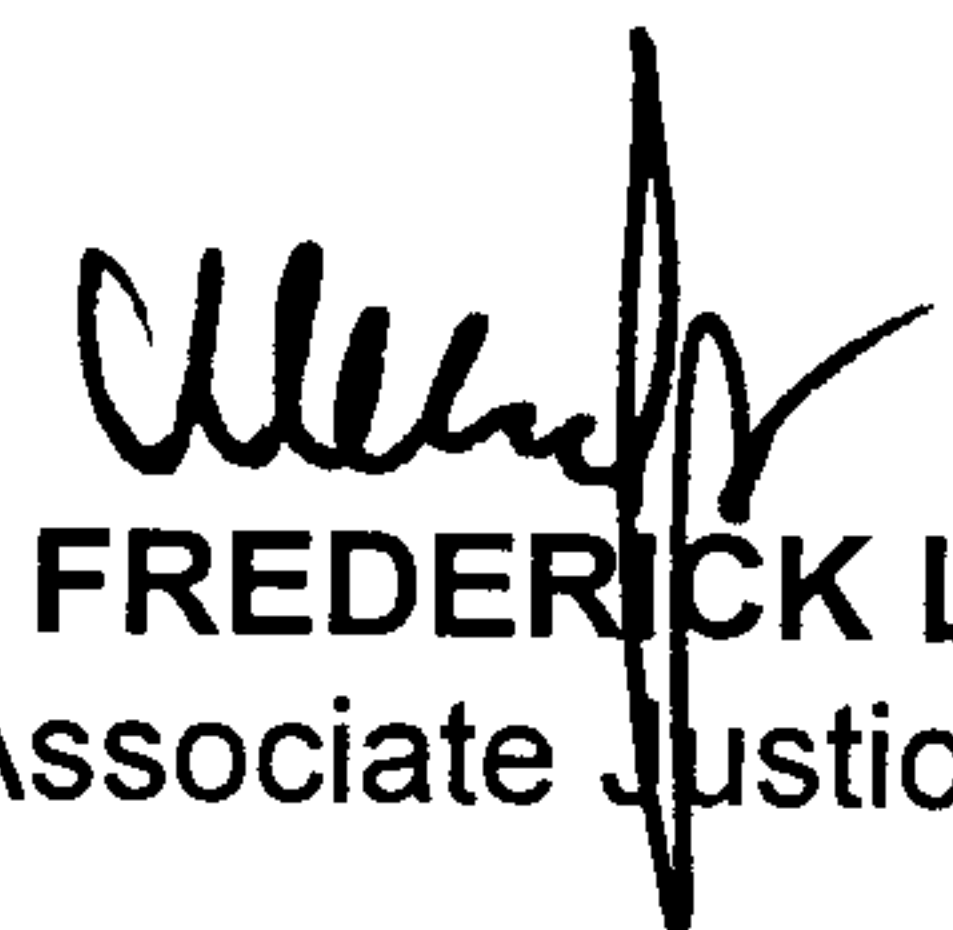


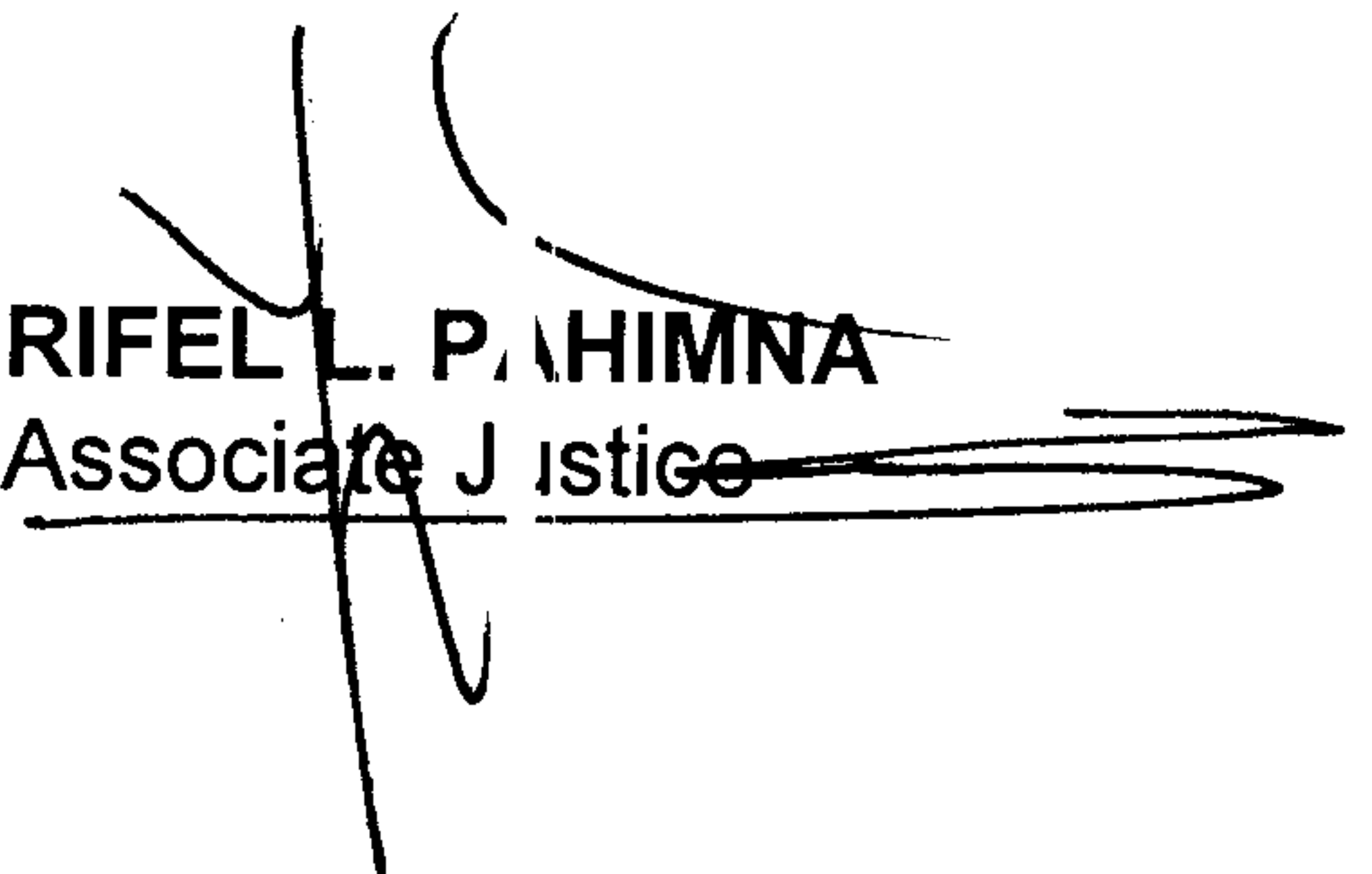
This case is hereby dismissed for violation of the Constitutional right of accused Santos to speedy disposition of cases.

SO ORDERED.

  
OSCAR C. HERRERA, JR.  
Chairperson

*We concur:*

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. PAHIMNA  
Associate Justice