

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 C. RAÑA,
Accused.

Herrera, J., Chairperson

Musngi, J., Associate

Pahimna, J., Associate

September 18, 2017

Promulgated

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RESOLUTION

PAHIMNA, L., J:

Before the Court is a *Motion for Reconsideration*¹ filed by the accused through counsel on July 25, 2017 seeking reconsideration of the Resolution promulgated on July 7, 2017, the dispositive portion of which states:

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

SO ORDERED.²

¹Sandiganbayan record page 164- 172

² Id., Resolution page _____







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In his *Motion for Reconsideration*, the accused-movant contended that the Court erred in relying on the jurisprudence cited as basis of the assailed resolution. He respectfully invoked that cases of RAFAEL COSCOLLUELA vs. SANDIGANBAYAN, G.R. No. 19411 and EDWIN NACIONALES, et.al., G.R. No. 191871, both promulgated by the Supreme Court on July 15, 2013, have overturned those cases.³

Accordingly;

Verily, the Office of the Ombudsman was created under the mantle of the Constitution, mandated to be the “protector of the people” and as such, required to “act promptly on complaints filed in any form or manner against officers and employees of the Government, or of any subdivision, agency or instrumentality thereof, in order to promote efficient service.”²⁵ This great responsibility cannot be simply brushed aside by ineptitude. Precisely, the Office of the Ombudsman has the inherent duty not only to carefully go through the particulars of case but also to resolve the same within the proper length of time. Its dutiful performance should not only be gauged by the quality of the assessment but also by the reasonable promptness of its dispensation. Thus, barring any extraordinary complication, such as the degree of difficulty of the questions involved in the case or any event external thereto that effectively stymied its normal work activity – any of which have not been adequately proven by the prosecution in the case at bar – there appears to be no justifiable basis as to why the Office of the Ombudsman could not have earlier resolved the preliminary investigation proceedings against the petitioners.”⁴

³ Id., Page 165

⁴ RAFAEL L. COSCOLLUELA, et.al. vs. SANDIGANBAYAN, et. al. G.R.

No. 191411, July 15, 2013; EDWIN N. NACIONALES, et. al. vs. SANDIGANBAYAN, et. al. G.R. No. 191871)



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Furthermore, the Office of the Ombudsman and this Court did not cite any justifiable reason why the Field Investigation which was also conducted by the Ombudsman, and considered integral part of the preliminary investigation of the case, lasted very long, when the issue involved in the case is very simple.⁵ This case is only for alleged Violation of Article 218 of the Revised Penal Code, which dealt only on the inability of the accused to submit certain documents because of the sudden, unexpected and unannounced disappearance of the person holding them.⁶

Lastly, the accused-movant averred that she suffered the following damages as a result of the filing of this case:

1. *He has been deprived of his retirement benefits when he was compulsorily retired last July 7, 2016.*
2. *His services were extended by then DENR Secretary Regina Lopez but he did not get remunerated up to this time due to the lack of clearance owing to the pending case.*
3. *He was in fact detailed by the DENR to the Office of the Presidential Adviser for the Peace Process (OPAPP) and even attended the 4th Round of Peace Negotiations with the CPP/NPA/NDF at The Netherlands from April 2-8, 2017 and had to secure permission to travel and pay additional cash bond. The irony is that while helping the Philippine Government he had to spend his own money while not getting any remuneration due to the pending Sandiganbayan case.*
4. *There were several opportunities for his appointment to various government positions in his career as public servant, that were hopelessly lost and did not go through because of the pendency of this case against him.⁷*

The prosecution, by way of the *Comment/Opposition* filed on August 7, 2017 vehemently oppose the motion for lack of merit and for being a mere rehash of accused Raña's arguments in his *Motion to Quash Information and Dismiss the Case*. They posited

⁵ Id. page. Supra

⁶ Id., page 166

⁷ Id., page 170-171



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that the ruling of the High Tribunal in the *Coscolluela and Nacionales* cases is not applicable in this case because there is no inordinate delay here and that this case has a different factual milieu.⁸

They emphasized that the complaint against the accused in the *Coscolluela and Nacionales* cases was filed in November 2001, which was evaluated and upgraded to a criminal complaint in April 2002 to which the accused filed their respective counter-affidavits. The Ombudsman's *Resolution* finding probable cause for violation of Section 3 (e) of R.A. 3019 was prepared in March 2003, signed for approval by the Deputy Ombudsman for the Visayas, Primo C. Miro, in June 2003. However, it was finally approved by then Acting Ombudsman Orlando C. Casimiro only in May 2009. In June 2009, the Information was filed before the Honorable Sandiganbayan. *Coscolluela and Nacionales* learned about the March 2003 Resolution and **Information** only when they received a copy of the latter shortly after its filing with the Honorable Sandiganbayan.⁹

Compared to the timeline of the instant case, which is supported by the records of this case,¹⁰ it is readily apparent that it only took EIGHT (8) MONTHS for the Office of the Ombudsman to resolve the preliminary investigation proceedings conducted in this case, reckoning from April 23, 2014 – the date of filing of accused Raña's CONSOLIDATED COUNTER-AFFIDAVIT, up to 23 December 2014 – the date the Honorable Ombudsman approved the **Resolution** finding probable cause to indict Accused Raña for violation of Article 218 of the Revised Penal Code.¹¹ It took another SEVEN (7) MONTHS to resolve the motion for reconsideration filed by Accused Raña on 12 March 2015, up to the filing of the Information before the Honorable Court on 15 October 2015. Thus, the full time spent by the Office of the Ombudsman during the preliminary investigation proceedings up to the filing of the case before the Honorable Court is a reasonable and justifiable period of ONE YEAR AND THREE MONTHS.¹²

In *Coscolluela and Nacionales* cases, the accused herein immediately invoked their right to speedy disposition of the cases against them upon filing of the Information; on the other hand, in here, accused Raña was arraigned without any condition.

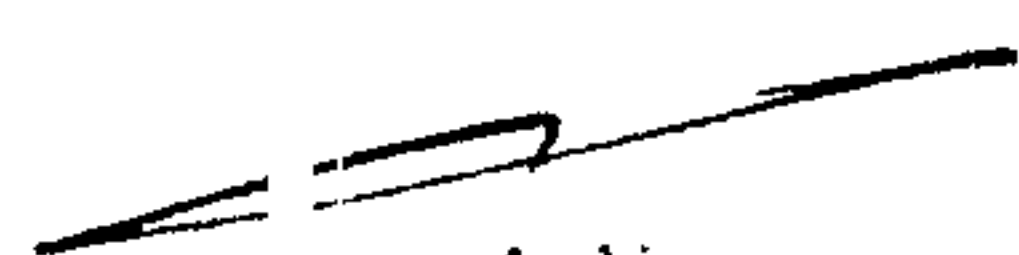
⁸ Id., page 176

⁹ Id.,

¹⁰ Attached as annexes in the Prosecution's *Comment/Opposition (On the Motion to Quash Information and to Dismiss the Case)*

¹¹ Id. Page 177-178, emphasis omitted.

¹² Id.



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He participated during the preliminary conference and interposed his defense of insuperable cause during the Pre-Trial. He even executed his Judicial Affidavit and that of his witness, Victor Corpuz, in compliance to the mandatory application of the Judicial Affidavit Rule. He only interposed a violation of his right to speedy disposition of his case when the prosecution had a ready presented two of its vital witnesses¹³

After careful perusal, the Court finds no justifiable reason to reconsider the *Resolution* dated July 7, 2017. No argument was raised in the present *Motion for Reconsideration* that was not passed upon by this Court in the questioned Resolution. No new irregularities and material evidence was offered for this Court to abandon its previous findings.

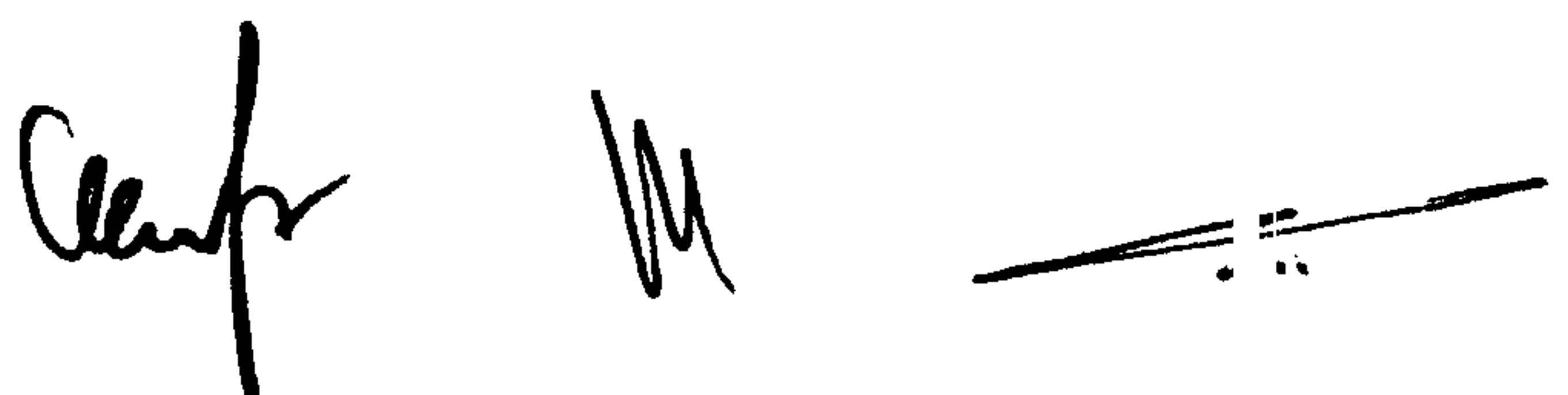
Verily, the sole issue of inordinate delay in completing the process of the preliminary investigation has been exhaustively considered by this Court in the light of the circumstance surrounding the case as it progressed. The court needs to maintain a delicate balance between the demands of due process and the strictures of speedy trial on one hand, and the right of the State to prosecute crimes and rid society of criminals on the other. 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 assertion or non-assertion of his right, and the prejudice to the accused resulting from the delay¹⁴ the court reasonable found 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 elapsed without the party having his case tried¹⁵ which the accused in the instant case failed to established.

¹³ Id.

¹⁴ Federico Miguel Olbes v. Hon. Danilo Buemio, G.R. No. 173319, December 4, 2009 citing Domondon v. Sandiganbayan; citations omitted.

¹⁵ Albert v. Sandiganbayan, G.R. 164015 February 26, 2009, citing the case of Lumantaw v. Peralta Jr. G.R. No. 164953, February 16, 2006

The bottom of the page features three handwritten signatures or initials. From left to right: a signature that appears to be 'Corpuz', a stylized initial 'M', and a signature that appears to be 'Miguel'.

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With regard to the damages allegedly being suffered by the accused by reason of the filing of the instant case, Court cannot validly attribute such perceived impairments as thoughtless measure maliciously conferred upon the accused by the State. It was a permitted implementation of Section 13 of R.A. 3019, that states:

*Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under **Title Seven Book II of the Revised Penal Code** or for any offense involving fraud upon government or public funds or property whether as a simple or a complex offense and in whatever stage of execution and mode of participation, is pending in court shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, **but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.**¹⁶*

No less than the Supreme Court of the Philippines upheld the validity of such provision in a case¹⁷ filed assailing its constitutionality.

WHEREFORE, In view of the foregoing, the Motion for Reconsideration filed on July 25, 2017 is hereby **Denied**.

¹⁶ Emphasis supplied.

¹⁷ IGNACIO R. BUNYE, JAIME D. FRESNEDI, LUCIO B. CONSTANTINO, NOLASCO L. DIAZ, RUFINO J. JOAQUIN, ROGER S. SMITH, ALEJANDRO L. MARTINEZ, and ROMAN E. NIEFES, v. ASSOCIATE JUSTICES ROMELO M. ESCAREAL, JOSE S. BALAJADIA, NARCISO T. ATIENZA, and AUGUSTO M. AMORES in their personalities as members of the Second Division of the SANDIGANBAYAN and THE SECRETARY, DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, G.R. No. 110216 September 10, 1993

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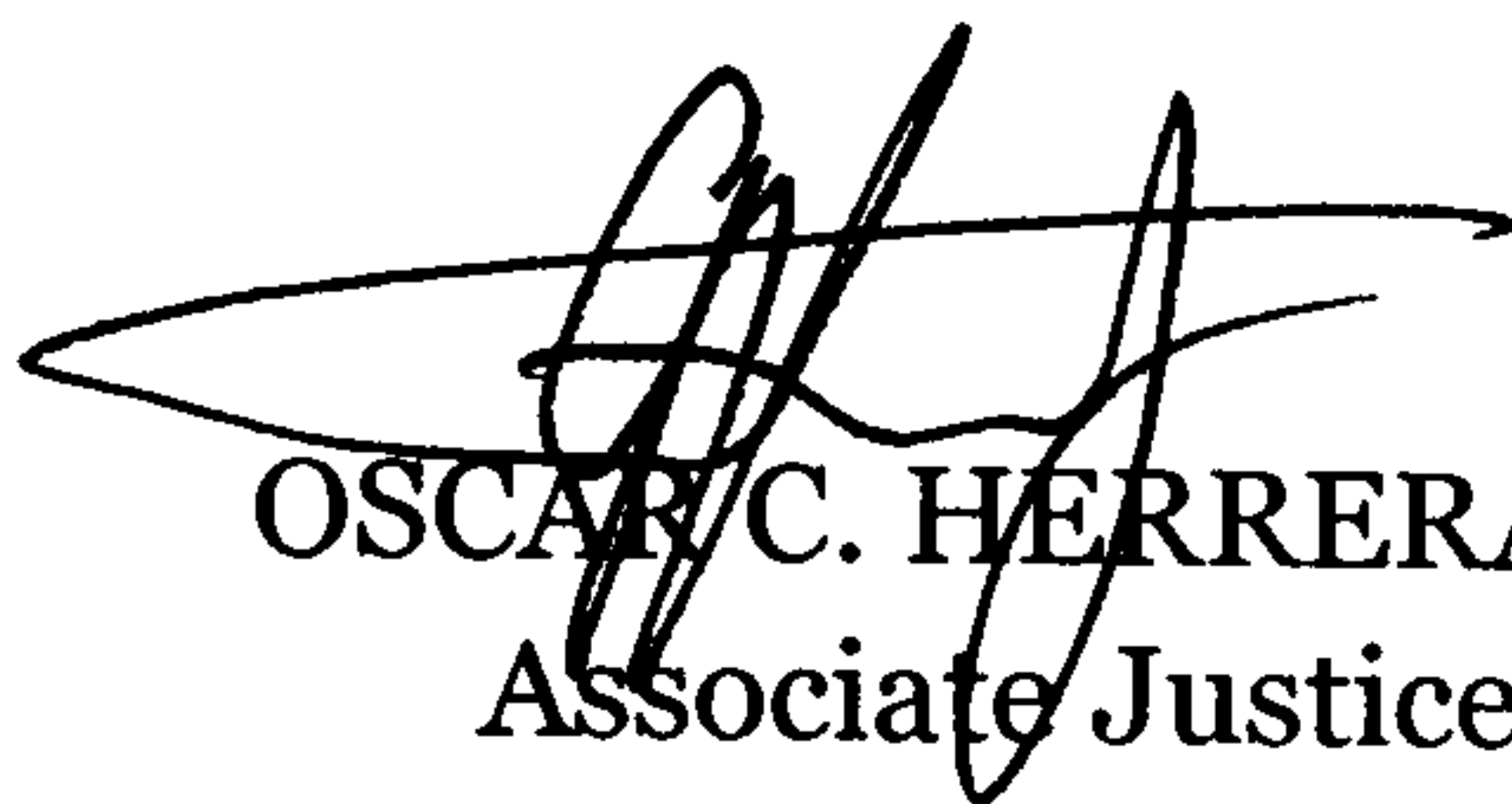
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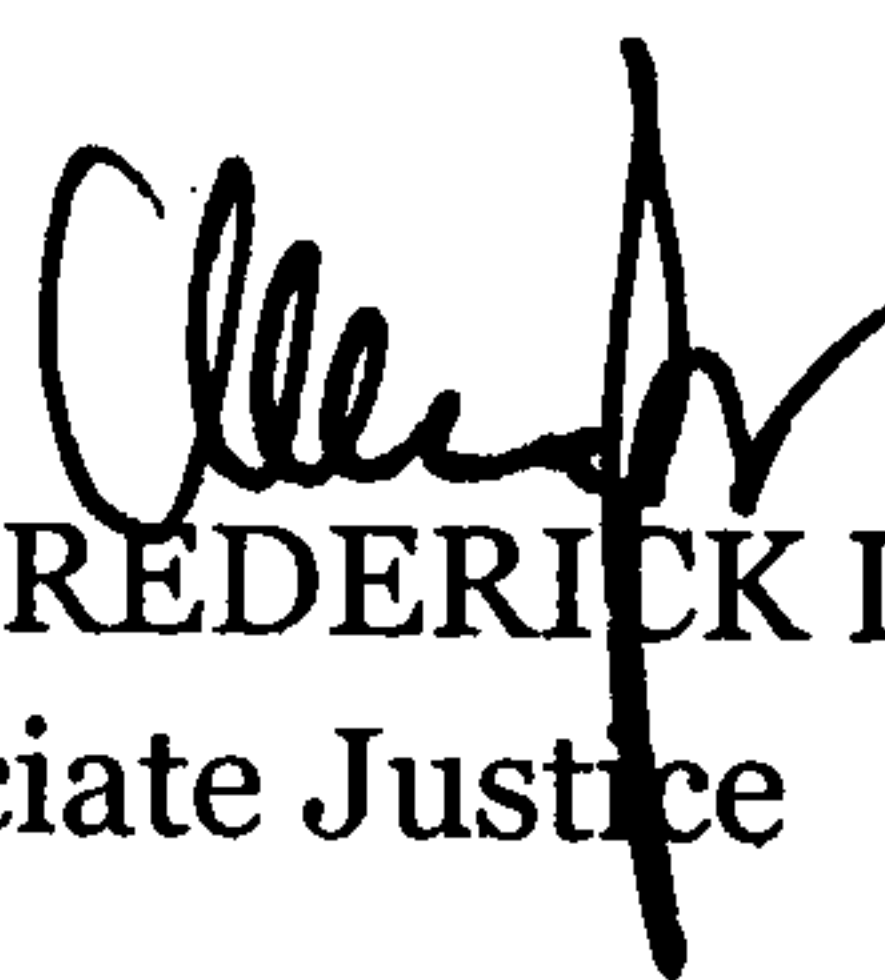


LORIFEL L. PAHIMNA
Associate Justice

WE CONCUR:



OSCAR C. HERRERA, JR.
Associate Justice



MICHAEL FREDERICK L. MUSNGI
Associate Justice