

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**SECOND DIVISION**

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

**Crim. Case Nos. SB-17-CRM-0525 to 0527**

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

**Crim. Case Nos. SB-17-CRM-0528 to 0530**

*For: Malversation of Public Funds (Article 217 of the Revised Penal Code*

- versus -

**Crim. Case Nos. SB-17-CRM-0531**

*For: Direct Bribery (Article 210 of the Revised Penal Code*

**Present:**

**SALACNIB F. BATERINA, et al.,**  
*Accused.*

HERRERA, Jr., J., Chairperson  
MUSNGI, J., Associate Justice  
PAHIMNA, J., Associate Justice

*September 22, 2017*  
Promulgated *A*

---

**RESOLUTION**

**MUSNGI, J.:**

The Court resolves the following:

1. *Omnibus Motion*<sup>1</sup> filed by accused Salacnib F. Baterina (“**Baterina**”) on 25 May 2017;
2. *Comment/Opposition*<sup>2</sup> filed by the prosecution on 16 June 2017;
3. *Reply*<sup>3</sup> filed by accused Baterina on 03 July 2017;

---

<sup>1</sup> Sandiganbayan Records, Vol. 2, p. 33.

<sup>2</sup> *Ibid*, Vol. 2, p. 376.

<sup>3</sup> *Ibid*, Vol. 2, p. 438.

*Musngi* *M*

4. *Rejoinder*<sup>4</sup> filed by the prosecution on 10 July 2017; and
5. *Sur-Rejoinder*<sup>5</sup> filed by accused Baterina on 28 July 2017.

The *Omnibus Motion* filed by accused Baterina seeks to quash or dismiss the seven (7) criminal *Informations* filed against him for allegedly having been filed in violation of his constitutional right to due process of law. Accused Baterina claims that the preliminary investigations conducted by the Office of the Ombudsman were flawed for the following reasons:

1. The filing of the second complaint (FIO Complaint) cured the defects or deficiencies of the first complaint (NBI-Baligod Complaint) which was already pending resolution at the time the FIO Complaint was filed.
2. The Office of the Ombudsman did not consider the *Counter-Affidavit* to the FIO Complaint filed by the accused in the determination of probable cause. Thus, accused was denied of his right to due process of law.
3. There was inordinate delay in the filing of the *Informations*.

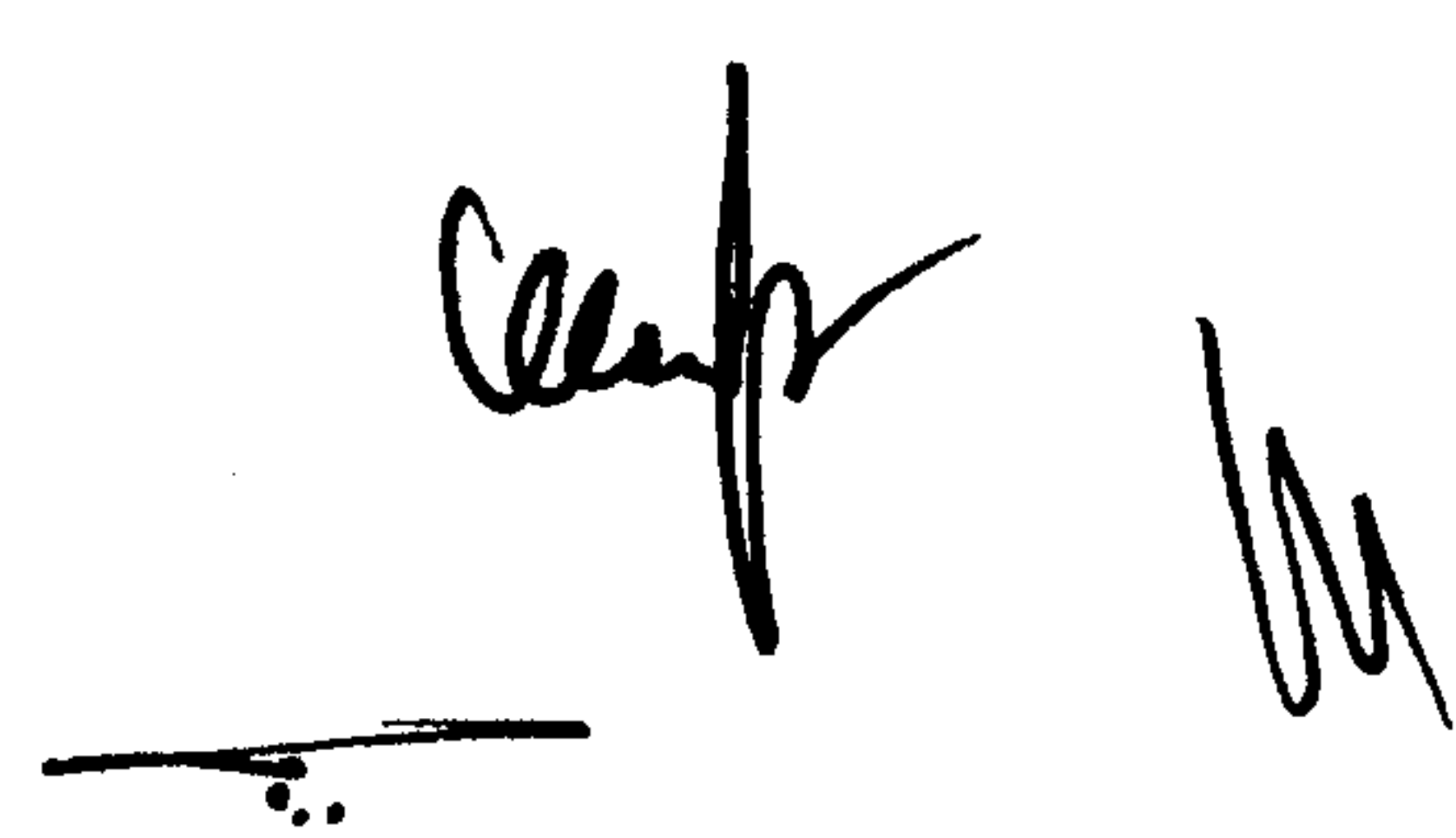
On 29 November 2013, the National Bureau of Investigation (“NBI”) filed a complaint (“NBI-Baligod Complaint”) against the accused on several charges involving the misuse of his Priority Development Assistant Fund (“PDAF”) covering Special Allotment Release Order (“SARO”) No. 07-00710. The accused then filed his *Counter-Affidavit* on 25 July 2014. However, no resolution was issued by the Office of the Ombudsman.

In the meantime, a new investigation was conducted by the Field Investigation Office (“FIO”) of the Office of the Ombudsman, and a complaint was filed on 29 May 2015 covering the same SARO No. 07-00710, and adding SARO Nos. D-07-03368 and ROCS 07-03009 (“FIO Complaint”). The accused alleges that he filed his *Counter-Affidavit* to the FIO Complaint on 21 July 2015. The Office of the Ombudsman then issued a *Joint Resolution* dated 04 May 2016 finding probable cause against the accused for the crimes herein charged.

Accused Baterina filed his *Motion for Reconsideration* on 24 June 2016, which was denied by the Office of the Ombudsman in its *Joint Order* issued on 07 November 2016. Thereafter, the subject *Informations* were filed on 17 March 2017.

<sup>4</sup> Sandiganbayan Records, Vol. 3, p. 33.

<sup>5</sup> *Ibid*, p. 177.



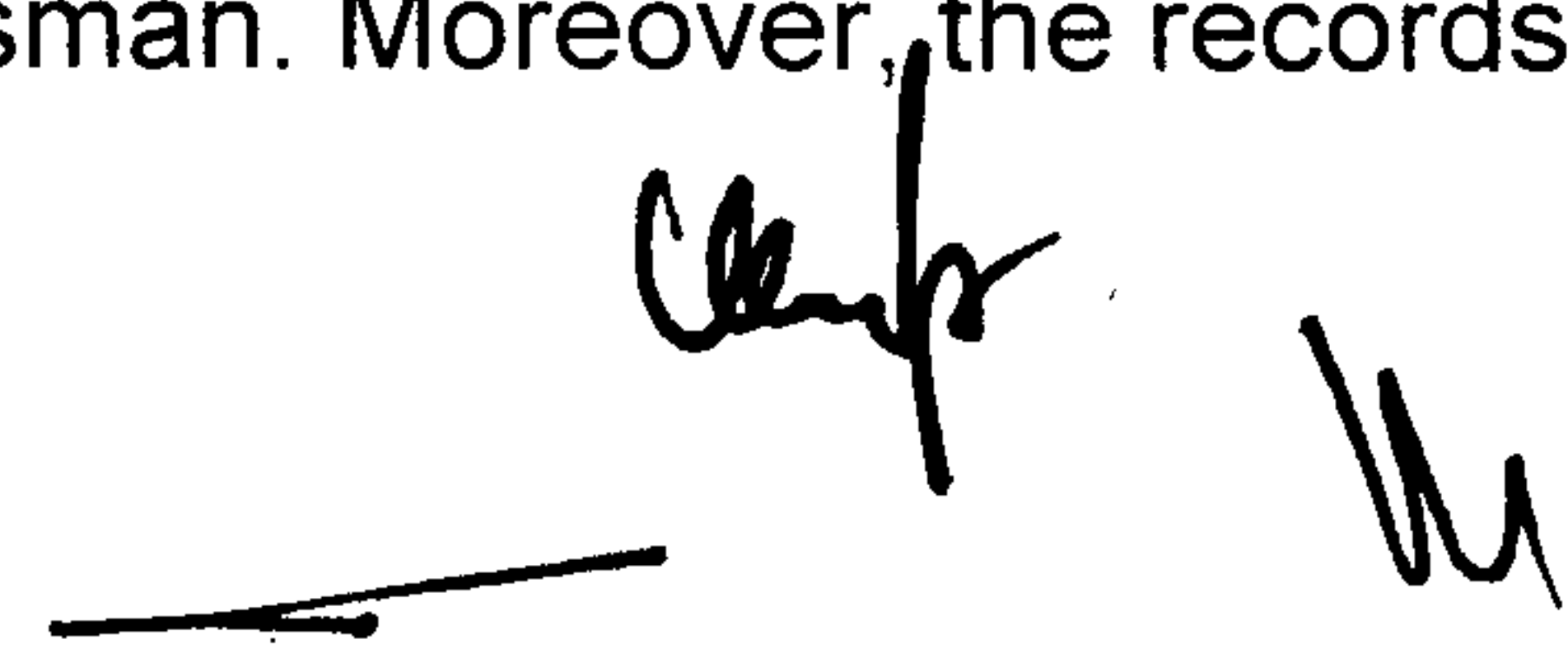
First, accused Baterina claims that the joint investigation was improper because the FIO Complaint was able to cure the defects of the NBI-Baligod Complaint. The new affidavit of Benhur Luy modified the alleged bribe from PhP7,500,000.00 to PhP3,000,000.00 and the term of office of the accused from 2001-2010 to 1998-2007.

Second, accused Baterina avers that he lost his right to be heard because the Office of the Ombudsman claimed that it did not receive his *Counter-Affidavit* to the said complaint. Thus, his defense was allegedly excluded from the determination of probable cause by the Office of the Ombudsman. Accused Baterina then presented Certifications from the Philippine Postal Corporation to show that the mail matter was received by the FIO and the Central Records Office of the Office of the Ombudsman.

Accused Baterina also argues that there was inordinate delay in the filing of the *Informations* against him. He claims that the preliminary investigation took **3 years, 3 months, and 18 days** to complete counted from the filing of the NBI-Baligod Complaint on 29 November 2013 until the filing of the *Informations* before this Court on 17 March 2017. Accused Baterina also points out that he filed his *Counter-Affidavit* to the NBI-Baligod Complaint as early as 25 July 2014. He claims that the Office of the Ombudsman could have decided on the NBI-Baligod Complaint and filed the corresponding information 9 months earlier or sooner after the *Counter-Affidavit* was filed. Instead, the Office of the Ombudsman allegedly deferred resolution of the NBI-Baligod Complaint to await the filing of the FIO Complaint on 23 May 2015 without informing the accused of the reinvestigation. According to the accused, since the proceedings have unquestionably been marred by vexatious, capricious, and oppressive delay, then the cases against him should all be dismissed.

In its *Comment/Opposition*, the prosecution counters that the grounds relied upon by the accused are not proper grounds for a motion to quash. It also emphasizes that the prosecution of offenses committed by public officers is vested in the Office of the Ombudsman. With its plenary investigative powers, the Office of the Ombudsman decides how best to pursue each investigation. Therefore, it is not bound by the findings of the NBI or other government agencies.

With regard to the claim of the accused that the Office of the Ombudsman failed to consider his *Counter-Affidavit* to the FIO Complaint, the prosecution argues that there was no proof that Task Force PDAF received the same. The Certifications presented by the accused indicate mail matter received only by the FIO and the Central Records of the Office of the Ombudsman. Moreover, the records of the

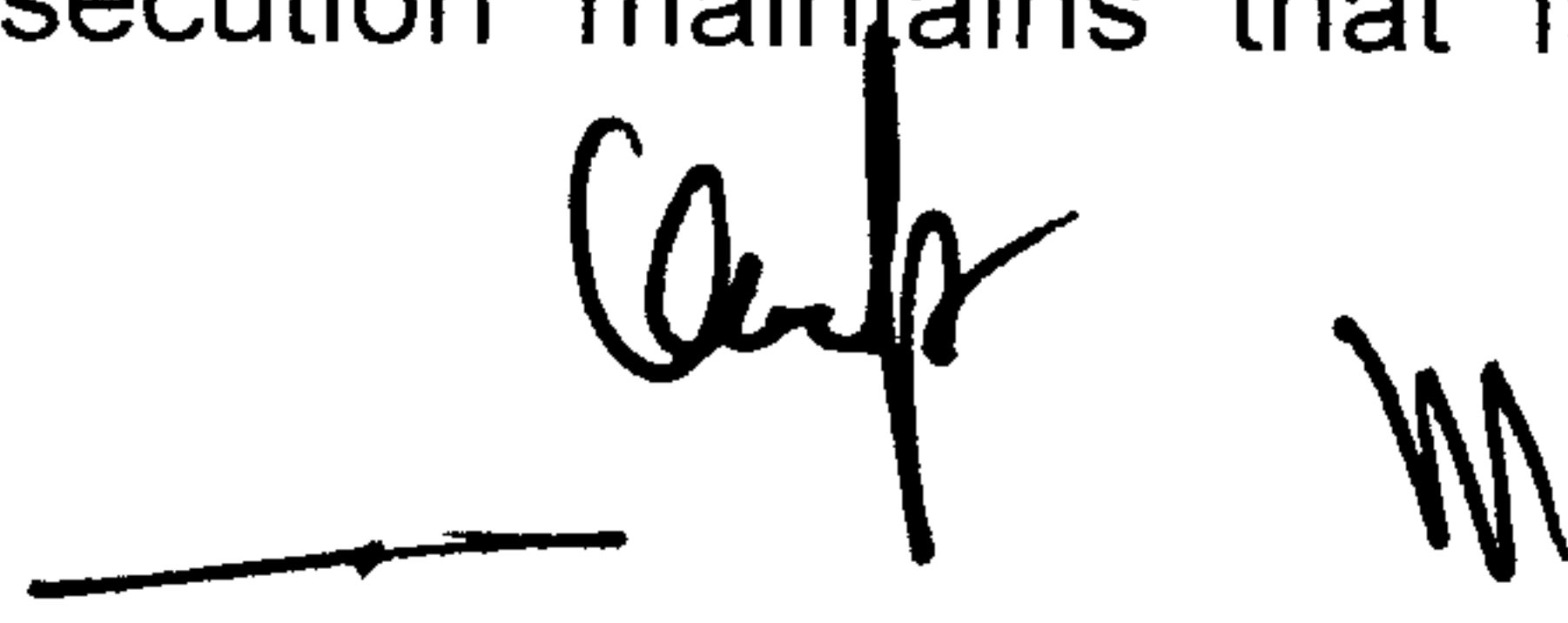


case did not include the said *Counter-Affidavit*. Nonetheless, the prosecution argues that accused Baterina was able to file his *Motion for Reconsideration* dated 24 June 2016 on the *Joint Resolution* of the Office of the Ombudsman wherein he was able to respond to all the issues in both the NBI-Baligod Complaint and the FIO Complaint. The accused also did not allege therein that his *Counter-Affidavit* to the FIO Complaint was not considered in the preliminary investigation. Thus, the prosecution asserts that accused Baterina was not denied of procedural due process since he was given the chance to be heard and was afforded a fair and reasonable opportunity to defend himself.

Concerning the claim of inordinate delay, the prosecution asserts that the transactions subject of these cases involve three SAROs in the total amount of PhP35,000,000.00, implicating around twenty (20) respondents from four (4) government agencies and three (3) non-government organizations, who are all charged for their respective participation for three (3) counts of violation of Section 3 (e) of Republic Act No. 3019 ("**R.A. No. 3019**"), three (3) counts of Malversation, Direct Bribery, and Corruption of Public Officials. The period of 3 years, 3 months, and 18 days in investigating the cases show that the Office of the Ombudsman wasted no time in the resolution of the same.

In his *Reply*, accused Baterina reiterates his arguments in the *Omnibus Motion* claiming that he was not informed of the joint investigation and insisted that the Office of the Ombudsman failed to consider his *Counter-Affidavit*. He claims that the Office of the Ombudsman only set up another investigation to make Benhur Luy change his Sworn Statement dated 26 November 2013. With regard to the delay in the filing of *Informations*, he adds that the said delay was caused by the redundant FIO verifications because it had to write letters to the eleven (11) municipalities of the First District of Ilocos Sur to ascertain whether there was implementation of any of the SAROs when it could have just relied on the COA Report. Lastly, he argues that the Court cannot acquire jurisdiction over this case because the proceedings before the Office of the Ombudsman should be deemed invalid.

In its *Rejoinder*, the prosecution argues that there is no actual discrepancy on the amount of commissions received by accused Baterina as declared by Benhur Luy before the NBI and later with the FIO. The NBI Complaint states that accused Baterina received an aggregate amount of PhP7,500,000.00 as commissions for the project chargeable to his PDAF in 2007, while the FIO Complaint states that he received PhP3,000,000.00 for the project specifically funded under SARO No. ROCS-07-0710. The prosecution claims that even if there was a discrepancy, the same could later on be settled during the full-blown trial of the case. The prosecution maintains that it merely

Handwritten signature and initials at the bottom of the page.

determines whether there is probable cause and whether the accused is probably guilty thereof and should be held for trial.

The prosecution also mentions that while the FIO acknowledged receipt of the *Counter-Affidavit* dated 21 July 2015, the Task Force PDAF did not receive the same. Notwithstanding, the Task Force PDAF received accused Baterina's *Motion for Reconsideration* to the *Joint Resolution* dated 24 June 2016 which is a rehash of the issues raised in the *Counter-Affidavit*. The prosecution reiterates that where an opportunity to be heard is accorded, there is no denial of due process.

With regard to the issue on delay, the prosecution cited Sections 1 and 2, Rule II, of Administrative Order No. 07, otherwise known as the *Rules of Procedure of the Office of the Ombudsman*, which provides that upon evaluating the complaint, the investigating officer shall recommend whether it may be forwarded to the appropriate office or official for fact-finding investigation. Hence, the Office of the Ombudsman is not bound by the complaint or findings of the NBI since it may subject the said complaint for further fact-finding or investigation. The FIO investigation commenced on 18 May 2015 covering the three (3) SAROs. The prosecution asserts that it actually took less than two (2) years for the Task Force PDAF to complete the preliminary investigation of the case.

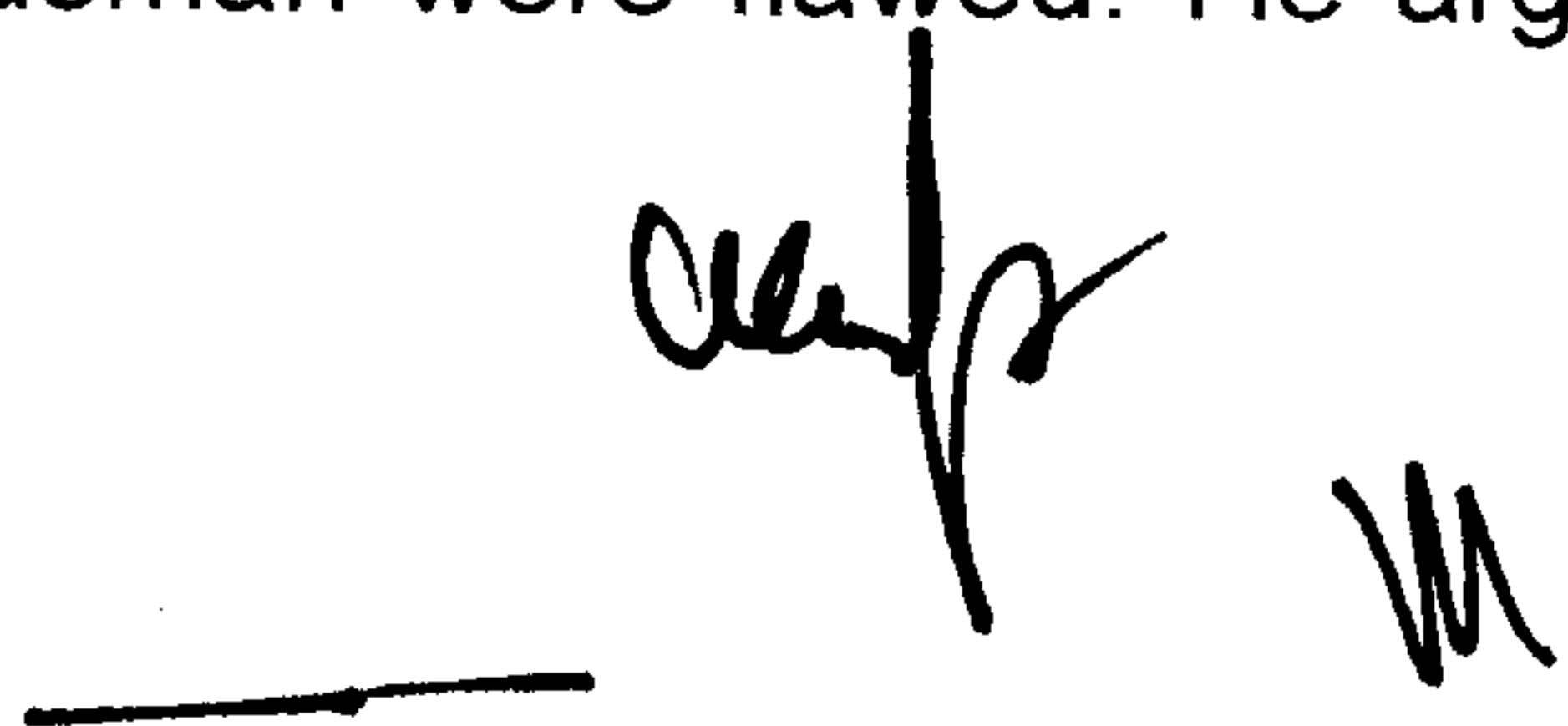
In his *Sur-Rejoinder*, accused Baterina maintains that his *Counter-Affidavit* must be produced and evaluated together with other documents in a fair and just proceeding. He claims that his *Motion for Reconsideration* did not include the ruling on the claimed non-filing of his *Counter-Affidavit* because his name was left on another page while his co-accused's names were listed in another page as those accused who did not file their Counter-Affidavits. Lastly, accused adds that there is no reason to reexamine Benhur Luy in the first place on the pretext that the external hard drive of Benhur Luy is with the NBI when in fact, the Office of the Ombudsman has a print-out of the contents of the external hard drive of Benhur Luy.

### **Ruling**

The *Omnibus Motion* is denied for lack of merit.

#### On the validity of the preliminary investigations

Accused Baterina claims that the preliminary investigations conducted by the Office of the Ombudsman were flawed. He argues

Handwritten signature and initials at the bottom of the page.

that the joint investigation was improper because the FIO Complaint was able to cure the weaknesses of the NBI-Baligod Complaint.

The Court disagrees.

The Office of the Ombudsman exercises plenary and investigative prosecutorial powers. In *Judge Adoracion G. Angeles vs. Ombudsman, et al.*,<sup>6</sup> the Supreme Court held that:

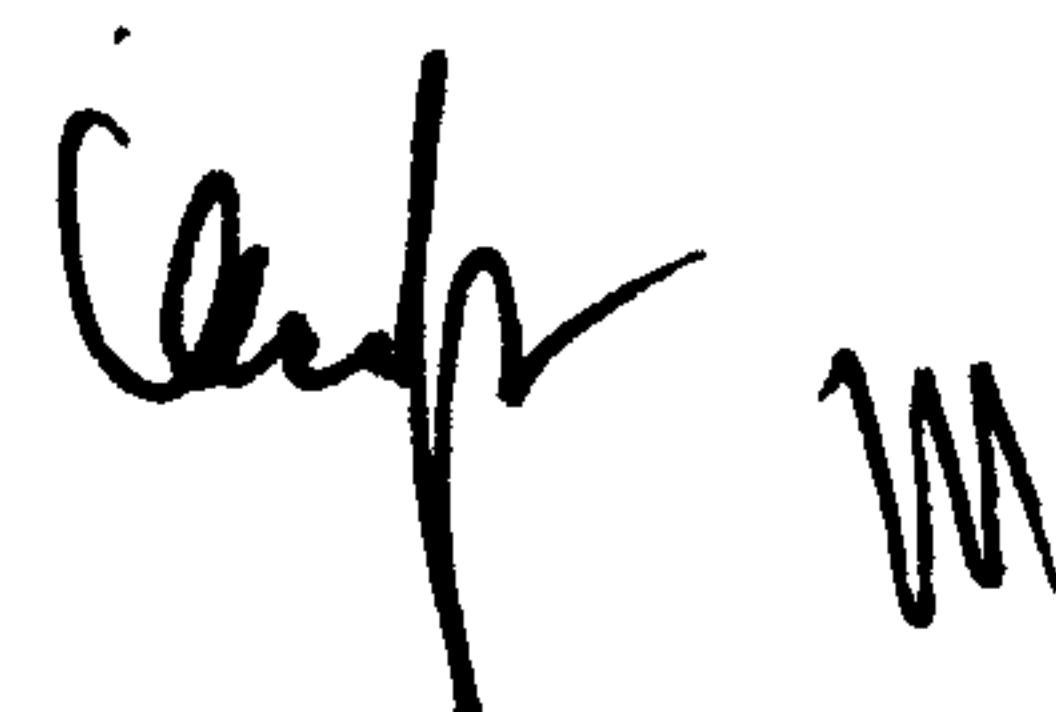
In *Esquivel v. Ombudsman*, we explained thus:

The Ombudsman is empowered to determine whether there exists reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof and, thereafter, to file the corresponding information with the appropriate courts. **Settled is the rule that the Supreme Court will not ordinarily interfere with the Ombudsman's exercise of his investigatory and prosecutory powers without good and compelling reasons to indicate otherwise.** Said exercise of powers is based upon the constitutional mandate and the court will not interfere in its exercise. The rule is based not only upon respect for the investigatory and prosecutory powers granted by the Constitution to the Office of the Ombudsman, but upon practicality as well. Otherwise, innumerable petitions seeking dismissal of investigatory proceedings conducted by the Ombudsman will grievously hamper the functions of the office and the courts, in much the same way that courts will be swamped if they had to review the exercise of discretion on the part of public prosecutors each time they decided to file an information or dismiss a complaint by a private complainant. (Emphasis supplied; citations omitted.)

In *Presidential Commission on Good Government v. Desierto*, we further clarified the plenary powers of the Ombudsman. **We emphasized that if the latter, using professional judgment, finds a case dismissible, the Court shall respect that finding, unless the exercise of such discretionary power was tainted with grave abuse of discretion.**

*The Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto* explained the rationale for the plenary powers of the Ombudsman, which is virtually free from legislative, executive or judicial intervention. **Its plenary powers were constitutionally designed to insulate it from outside pressure and improper influence. Accordingly, the Court has consistently respected and recognized, as we do now in this case, the independence and competence of the Ombudsman, as it acts as the champion of the people and the preserver of the integrity of public service.** (Citations omitted, emphasis added)

<sup>6</sup> G.R. Nos. 189161 and 189173, 21 March 2012.

Handwritten signature and initials in black ink, located at the bottom right of the page.

The Court finds no proof that the Office of the Ombudsman gravely abused its investigative and prosecutorial power when the FIO filed another complaint. As argued by the prosecutor, the Office of the Ombudsman may refer the case for further fact-finding investigation as provided in Sections 1 and 2, Rule II, of Administrative Order No. 07, otherwise known as the *Rules of Procedure of the Office of the Ombudsman*.

Moreover, the Office of the Ombudsman only determined whether probable cause exists. A finding of probable cause “need not be based on clear and convincing evidence of guilt, not on evidence establishing guilt beyond reasonable doubt, and definitely not on evidence establishing absolute certainty of guilt.”<sup>7</sup> The determination of probable cause “does not depend on the validity or merits of a party’s accusation or defense or on the admissibility or veracity of testimonies presented.”<sup>8</sup> The testimonies of Benhur Luy and other evidentiary matters are better ventilated during the trial proper of the case. It is sufficient that the facts and circumstances of these cases engender a well-founded belief that the accused conspired to commit the crimes charged, and that the accused is probably guilty thereof and should be held for trial.

On the violation of accused’s right to due process

The accused insists that he was denied of his right to be heard because his *Counter-Affidavit* to the FIO Complaint was not considered by the Office of the Ombudsman in the determination of probable cause.

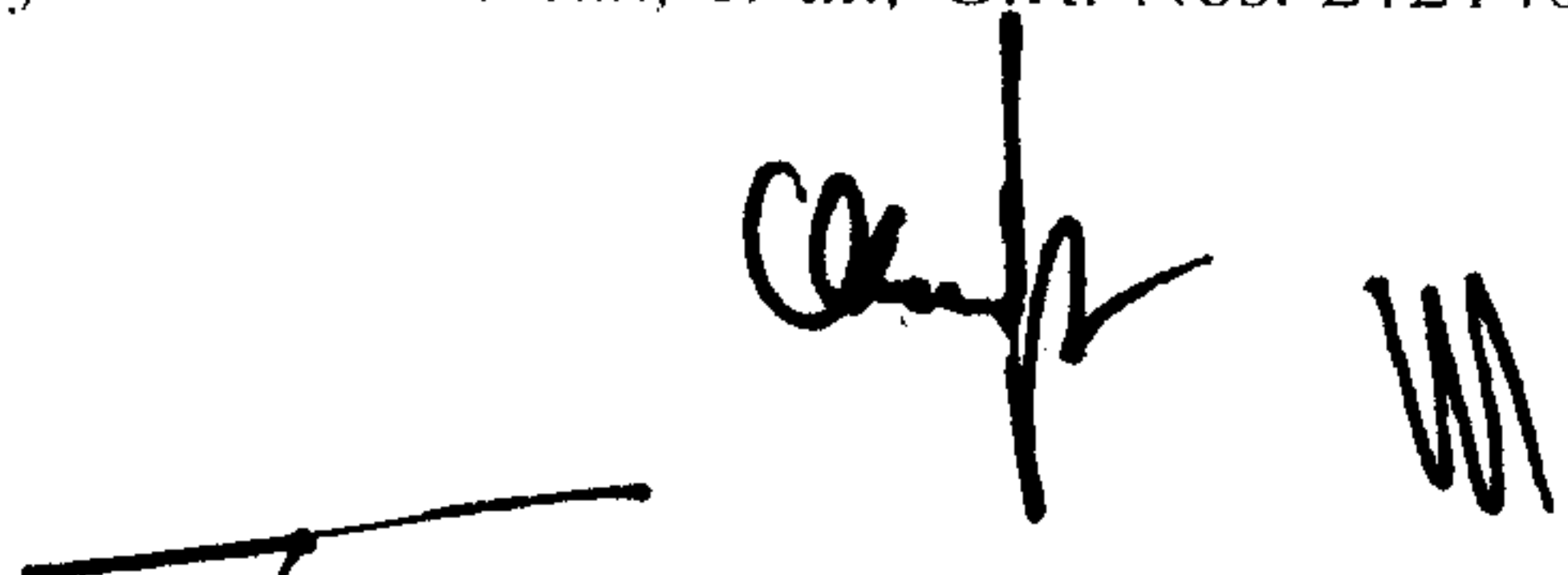
The accused is mistaken.

While it appears that his *Counter-Affidavit* was not taken into account in the determination of probable cause because the same was not received by the Task Force PDAF, accused Baterina did not lose his opportunity to be heard because he was still able to file his *Motion for Reconsideration* on 24 June 2016 on the *Joint Resolution* issued on 04 May 2016. Any defect in procedural due process is cured by the filing of a motion for reconsideration, to wit:

The Court held in *Gonzales v. Civil Service Commission* that **any defect in the observance of due process is cured by the filing of a motion for reconsideration, and that denial of due process cannot be successfully invoked by a party who was afforded the opportunity to be heard.** In *Autencio v. Mañara*, the

<sup>7</sup> *Eliseo v. Aguilar v. Department of Justice, et al.*, G.R. No. 197522, 11 September 2013.

<sup>8</sup> *Senator Jinggoy Ejercito Estrada vs. Office of the Ombudsman, et al.*, G.R. Nos. 212140-41, 21 January 2015.

Handwritten signature and initials in black ink at the bottom right of the page.

Court observed that defects in procedural due process may be cured when the party has been afforded the opportunity to appeal or to seek reconsideration of the action or ruling complained of.<sup>9</sup> (Citations omitted, emphasis added)

Accused Baterina was able to raise his defenses and arguments on both the NBI-Baligod Complaint and the FIO Complaint when he filed his *Motion for Reconsideration* on the *Joint Resolution* of the Office of the Ombudsman. As pointed out by the prosecution, the accused's *Motion for Reconsideration* and *Counter-Affidavit* contain similar issues. Thus, the defenses that the accused claims to have been excluded have already been evaluated and examined by the Office of the Ombudsman when it issued its *Joint Order* dated 07 November 2016 denying the accused's *Motion for Reconsideration*.

In the first place, the purpose of a motion for reconsideration is to point out the findings and conclusions of the decision which in the movant's view, are not supported by law or the evidence. The movant is, therefore, very often confined to the amplification or further discussion of the same issues already passed upon by the court. Otherwise, his remedy would not be a reconsideration of the decision but a new trial or some other remedy. In the case of *Via v. Court of Appeals*, we emphasized the nature of a motion for reconsideration. We held:

X X X Among the ends to which a motion for reconsideration is addressed, one is precisely to convince the court that its ruling is erroneous and improper and contrary to the law or evidence; and in so doing, the movant has to dwell of necessity upon the issues passed upon by the court. X X X.<sup>10</sup> (Citations omitted, emphasis added)

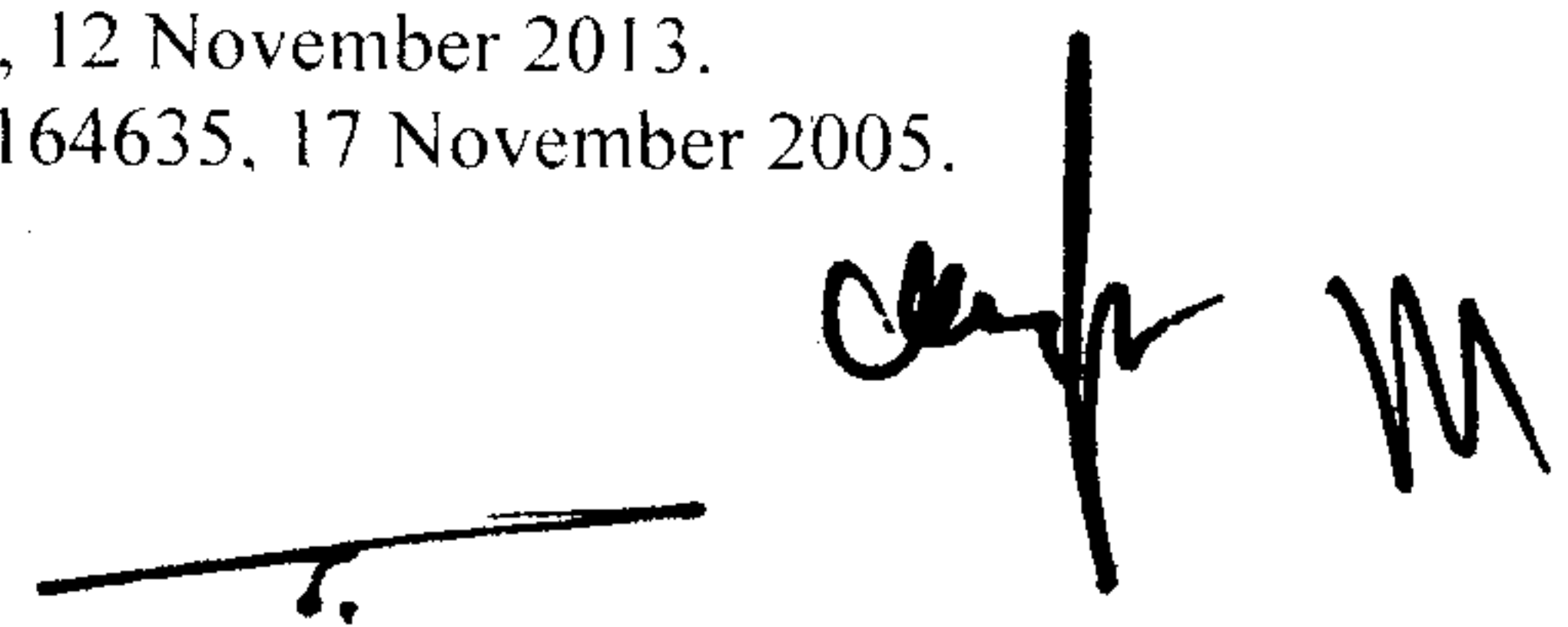
Clearly, the accused was not denied due process of law. The fact that he was able to raise his defenses in the *Motion for Reconsideration* shows that he was given the opportunity to be heard.

Thus, in *Dela Cruz v. Andres*, the Court held that "where a party was given the opportunity to defend his interests in due course, he cannot be said to have been denied due process of law, for this opportunity to be heard is the essence of due process." xxx As elucidated by the Court in said case, to wit:

"The essence of due process is to be found in the reasonable opportunity to be heard and submit any evidence one may have in support of one's defense. X X X Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of due process."

<sup>9</sup> *Ray Peter O. Vivo vs. PAGCOR*, G.R. No. 187854, 12 November 2013.

<sup>10</sup> *Majurine L. Mauricio vs. NLRC, et al.*, G.R. No. 164635, 17 November 2005.





Verily, so long as a party is given the opportunity to advocate her cause or defend her interest in due course, it cannot be said that there was denial of due process. x x  
x<sup>11</sup> (Citations omitted, emphasis added)

On the ground of inordinate delay

Accused Baterina argues that there is a violation of their constitutional right to speedy disposition of cases because the preliminary investigation took **3 years, 3 months, and 18 days** to complete counted from the filing of the NBI-Baligod Complaint on 29 November 2013 until the filing of the *Informations* before this Court on 17 March 2017.

Based on the records of the case, the following dates are uncontroverted:

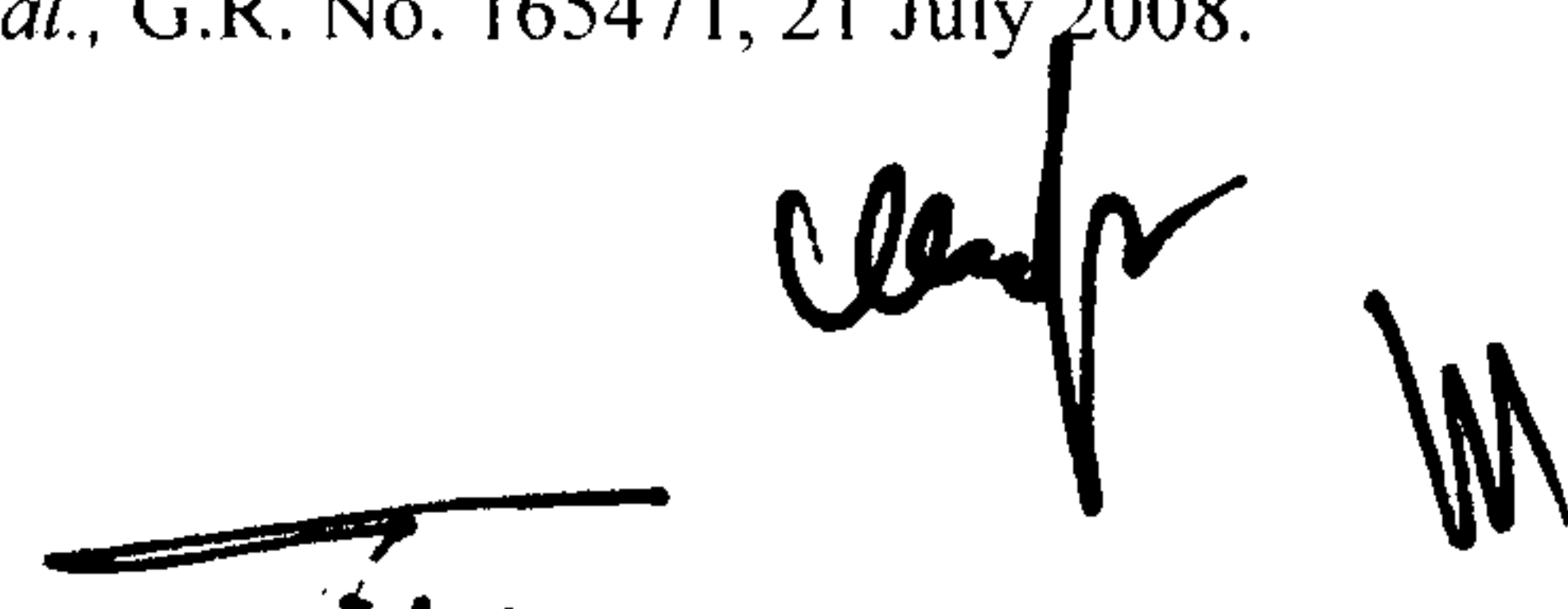
29 November 2013	NBI-Baligod Complaint was filed with the Office of the Ombudsman;
25 July 2014	<i>Counter-Affidavit</i> was filed by accused Baterina;
23 May 2015	FIO Complaint was filed with the Office of the Ombudsman;
04 May 2016	<i>Joint Resolution</i> by the Office of the Ombudsman on the NBI-Baligod Complaint and FIO Complaint
24 June 2016	<i>Motion for Reconsideration</i> was filed by accused Baterina;
07 November 2016	<i>Joint Order on Motion for Reconsideration</i> issued by the Office of the Ombudsman;
17 March 2017	<i>Informations</i> were filed with the Sandiganbayan.

In the case of *Corpuz vs. Sandiganbayan*,<sup>12</sup> the Supreme Court discussed the right of the accused to speedy disposition of cases and the correlative obligation of the Court to protect such right as follows:

“The right of the accused to a speedy trial and to a 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

<sup>11</sup> *Emeterio O. Pasiona, Jr. vs. Court of Appeals, et al.*, G.R. No. 165471, 21 July 2008.

<sup>12</sup> G.R. No. 162214, 11 November 2004.



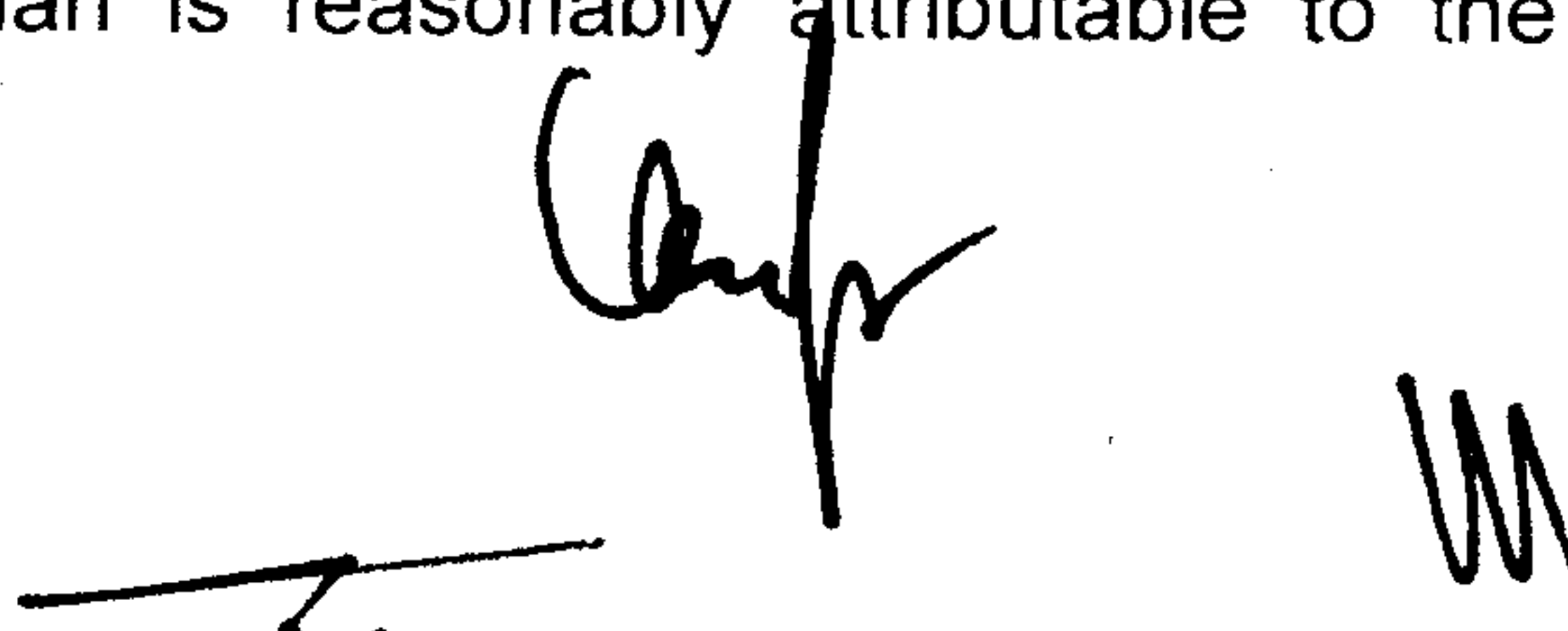
administration of justice by mandating the courts to proceed with reasonable dispatch in the trial of criminal cases. Such right to a speedy trial and a speedy disposition of a case is violated only when the proceeding is attended by vexatious, capricious and oppressive delays. The inquiry as to whether 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 rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne 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.

A balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an *ad hoc* basis.

In determining whether the accused has been deprived of his right to a 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 defendant's 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. Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed, and he is subjected to public obloquy.

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.

Handwritten signature and initials at the bottom of the page. The signature is a cursive name, possibly 'Camp', and the initials are 'W'.

Closely related to the length of delay is the reason or justification of the State for such delay. Different weights should be assigned to different reasons or justifications invoked by the State. For instance, a deliberate attempt to delay the trial in order to hamper or prejudice the defense should be weighted heavily against the State. Also, it is improper for the prosecutor to intentionally delay to gain some tactical advantage over the defendant or to harass or prejudice him. On the other hand, the heavy case load of the prosecution or a missing witness should be weighted less heavily against the State. Corollarily, Section 4, Rule 119 of the Revised Rules of Criminal Procedure enumerates the factors for granting a continuance." (Emphasis supplied and citations omitted)

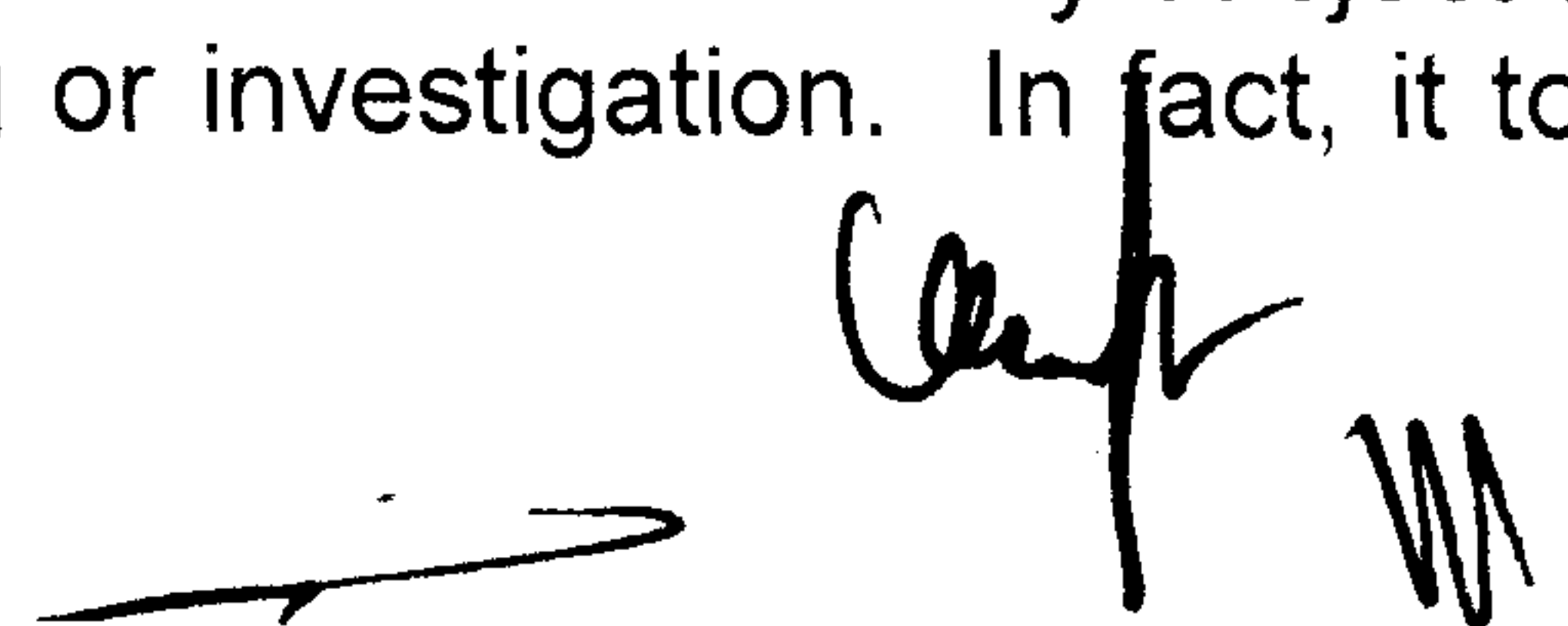
Hence, in determining whether the defendant has been denied of his right to a speedy disposition of a case, the following factors should be taken into account: (1) length of delay; (2) the reason for the delay; (3) the defendant's assertion of his right; and (4) prejudice to the defendant.

Applying the aforesaid factors of delay to this case, the Court holds that the right of accused Baterina to a speedy disposition of criminal case has not been violated.

**First** is the length of delay. As alleged by the accused, it took the Office of the Ombudsman **3 years, 3 months, and 18 days** to complete its preliminary investigation counted from the filing of the NBI-Baligod Complaint on 29 November 2013 until the filing of the *Informations* before this Court on 17 March 2017.

**Second** is the reason for the delay. The prosecution maintains that it wasted no time in the resolution of the cases. The prosecution asserts that the transactions subject of these cases involve three SAROs in the total amount of PhP35,000,000.00, implicating around twenty (20) respondents from four (4) government agencies and three (3) non-government organizations, who are all charged for their respective participation for three (3) counts of violation of Section 3 (e) of R.A. No. 3019, three (3) counts of Malversation, Direct Bribery, and Corruption of Public Officials. The Office of the Ombudsman also wrote letters to the eleven (11) municipalities of the First District of Ilocos Sur to ascertain whether there was implementation of the subject SAROs.

The prosecution also cited Sections 1 and 2, Rule II, of Administrative Order No. 07, otherwise known as the *Rules of Procedure of the Office of the Ombudsman*, which provides that upon evaluating the complaint, the investigating officer shall recommend whether it may be forwarded to the appropriate office or official for fact-finding investigation. Hence, the Office of the Ombudsman is not bound by the complaint or findings of the NBI since it may subject the said complaint for further fact-finding or investigation. In fact, it took

Handwritten signature and initials at the bottom right of the page. The signature appears to be 'Camp' and the initials are 'M'.

the Office of the Ombudsman less than two years to conduct the preliminary investigation counted from the filing of the FIO Complaint covering the three (3) SAROs.

**Third** is the assertion by the accused of their right to speedy disposition of cases. In this case, the accused raised the issue of delay for the first time in this *Omnibus Motion*. This assertion of their right to speedy disposition could have been raised in their *Motion for Reconsideration* before the Office of the Ombudsman.

**Fourth** is the prejudice caused to the accused. Accused Baterina did not specifically allege the prejudice caused to him by the alleged inordinate delay. The passage of time in this case did not necessarily weaken his defenses since he was able to raise the same and his evidence in his *Motion for Reconsideration*.

Based on the foregoing, it is evident that the constitutional rights of the accused to speedy disposition of cases has not been violated due to the alleged inordinate delay in the investigations conducted by the Office of the Ombudsman. There was no inordinate delay. This Court finds that the period of **3 years, 3 months, and 18 days** in the conduct of preliminary investigation is justified considering the complexity of the cases involved. Moreover, unlike the accused, this Court does not find the verification of information by the FIO as redundant. It is the duty of the Office of the Ombudsman to verify the particulars of the case as part of its fact-finding investigation. Hence, this Court finds that the Office of the Ombudsman did not abuse its investigatory powers. Instead, it performed its duty within the proper length of time.

**WHEREFORE**, in light of the foregoing, the *Omnibus Motion* filed by accused SALACNIB F. BATERINA is hereby **DENIED** for lack of merit.

**SO ORDERED.**



**MICHAEL FREDERICK L. MUSNGI**

Associate Justice

**WE CONCUR:**



**OSCAR C. HERRERA, JR.**

Associate Justice

Chairperson



**LORIFEL L. PAHIMNA**

Associate Justice