



Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE  
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0984 - 1004

For: Violation of Section 3 (e) of  
Republic Act (R.A.) No. 3019 and  
Section 52 (g) of Republic Act (R.A.)  
No. 3019, in relation to Section 6 (b),  
of R.A. No. 8291

-versus-

**ALBERT AMBAGAN, JR. and  
ALONA S. BAYOT,**

Accused,

PRESENT:

PONFERRADA, J., *Chairperson*  
MIRANDA, J, &  
MUSNGI, J.<sup>1</sup>

Promulgated:

SEP 04 2017

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**RESOLUTION**

**MIRANDA, J.:**

This resolves: 1) accused Albert Ambagan, Jr. (Ambagan, Jr.) and Alona S. Bayot's (Bayot) Omnibus Motion to a) Dismiss the Instant Cases for Violation of Accused's Constitutional Rights to Due Process and to Speedy Disposition of the Same Cases; or b) Judicially Determine Probable Cause; and c) Reduce Bail *Ad Cautelam*, with Urgent Prayer to Defer Further Proceedings and the Issuance of Warrants of Arrest dated May 23, 2017

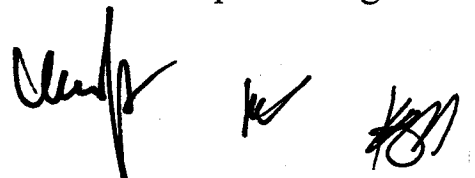
<sup>1</sup> Special Member in view of the vacancy in the Sixth Division, per Administrative Order No. 124-2017 dated April 4, 2017.

*Conf* *per* *[Signature]*

(Omnibus Motion); and 2) the Prosecution's Comment/Opposition (On Omnibus Motion dated May 23, 2017) dated May 31, 2017.

In their Omnibus Motion, Ambagan, Jr. and Bayot pray that the cases against them be dismissed for violation of their constitutional rights to due process and speedy disposition of cases. In particular, Ambagan, Jr. and Bayot allege that: 1) it took the Office of the Ombudsman a total of eleven (11) years and ten and a half (10 1/2) months to conduct the fact-finding investigation and preliminary investigation from June 2005, until the corresponding informations in these cases were filed with this Court on May 16, 2017; 2) the Office of the Ombudsman could have resolved the cases against them based on the complaint and its annexes, and sans their counter-affidavits; 3) there are only two accused involved in these simple cases with few records; 4) they were not aware that a preliminary investigation was being conducted against them since they did not receive the Order dated June 8, 2011, directing them to file their counter-affidavits; 5) failure to assert the expeditious disposition of their cases is not waiver of the said constitutional guarantee; 6) they and their witnesses, if still living, could hardly remember the circumstances and incidents that happened more than eleven years and ten months ago; 7) the cases should be dismissed for lack of probable cause against them since the arrears of the Municipality of Amadeo, Cavite with the Government Service Insurance System (GSIS) were settled pursuant to a Memorandum of Agreement in June 2007; 8) their bail in all the cases be reduced; and 9) the issuance of the warrant of arrest and further proceedings be deferred pending the final resolution of the omnibus motion.

In its comment on the omnibus motion, the Office of the Special Prosecutor (OSP) alleges that: 1) the preliminary investigation started on June 8, 2011 when Director Adoracion Agbada (Agbada) of the Preliminary Investigation, Administrative Adjudication and Monitoring Office (PAMO) of the Office of the Ombudsman issued an order directing Ambagan, Jr. and Bayot to file their respective counter-affidavits; 2) the *one (1) year and three (3) months* spent by Graft Investigator and Prosecution Officer (GIPO) II Jane T. Javier-Garzon (Javier-Garzon) to draft the resolution finding probable cause cannot be considered inordinate delay; 3) the delay in the approval of the resolution was due to various levels of review in the Office of the Ombudsman, other pending resolutions for approval, and administrative matters and functions; 4) Ambagan, Jr. and Bayot did not file their respective counter-affidavits despite receipt of the order directing them to do so; 5) Ambagan, Jr. and Bayot failed to invoke their right to speedy disposition of their cases during the preliminary investigation; 6) the issue on probable cause is already moot as the Court had already determined the existence of probable cause for the purpose of issuing a warrant of arrest in its minute proceedings



held on May 22, 2017; and 7) the issue on the reduction of bail is also moot and academic as the Court already granted it during the May 26, 2017 hearing.

### FACTUAL ANTECEDENTS

On July 4, 2005, the Office of the Ombudsman received the letter-complaint dated June 28, 2005, of Chief Legal Counsel Elmer T. Bautista (Bautista) and Assistant Chief Legal Counsel Nelson L. Guerrero (Guerrero), Legal Services Group of the GSIS, informing it of the continuing failure and refusal of Ambagan, Jr. and Bayot, Municipal Mayor and Municipal Accountant, respectively, of the Municipality of Amadeo, Cavite, despite repeated demands, to remit the social insurance contributions and settle related monetary obligations due to the GSIS for the periods 1998 to September 2004. In the same letter-complaint, Chief Legal Counsel Bautista and Assistant Chief Legal Counsel Guerrero also requested the Office of the Ombudsman to conduct criminal proceedings against Ambagan, Jr. and Bayot.<sup>2</sup> The said letter-complaint was docketed for administrative adjudication.<sup>3</sup>

In a Decision dated September 21, 2010 and approved by then Ombudsman Ma. Merceditas Navarro-Gutierrez on January 20, 2011, the Office of the Deputy Ombudsman for Luzon found Bayot guilty of Grave Misconduct and Gross Negligence, and dismissed the administrative case against Ambagan, Jr. In the same decision, the Office of the Deputy Ombudsman for Luzon also recommended that the complaint against Ambagan, Jr. and Bayot be docketed as a criminal complaint for violation of R.A. No. 3019 and Section 52 of R.A. No. 8291, or the GSIS Act of 1997.<sup>4</sup> The complaint was docketed for criminal adjudication on March 31, 2011.<sup>5</sup>

On June 8, 2011, Director Agbada issued an order directing Ambagan, Jr. and Bayot to file their counter-affidavits.<sup>6</sup> The Office of the Deputy Ombudsman for Luzon's Order dated March 6, 2017, stated that Ambagan, Jr. personally received the said order on August 8, 2011 while Bayot received it on August 9, 2011.<sup>7</sup> Ambagan, Jr. and Bayot, however, did not file their counter-affidavits.<sup>8</sup>

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<sup>2</sup> Letter dated June 28, 2005, Records, pp. 33-46.

<sup>3</sup> Resolution dated September 19, 2012, Records, pp. 5-14, 5.

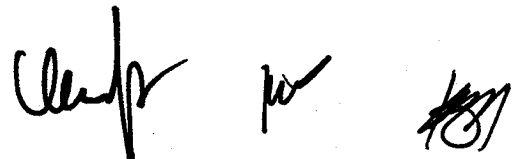
<sup>4</sup> Decision dated September 21, 2010, Records, pp. 24-32.

<sup>5</sup> Resolution dated September 19, 2012, Records, pp. 5-14, 5.

<sup>6</sup> Resolution dated September 19, 2012, Records, pp. 5-14, 6.

<sup>7</sup> Order dated March 6, 2017, Records, pp. 16-22, 19.

<sup>8</sup> Resolution dated September 19, 2012, Records, pp. 5-14, 6.



On September 19, 2012, GIPO II Javier-Garzon drafted a resolution finding probable cause against Ambagan, Jr. and Bayot for violation of Section 3 (e) of R.A. No. 3019 and twenty (20) counts of violation of Section 52 (g), in relation to Section 6 (b), of R.A. No. 8291. On the same day, GIPO II Javier-Garzon also drafted the corresponding twenty-one (21) informations against Ambagan, Jr. and Bayot.

The draft resolution finding probable cause was reviewed by GIPO III Margie G. Fernandez-Calpatura (Fernandez-Calpatura), Head of Zero Backlog Unit, and approved by Deputy Ombudsman for Luzon Gerard A. Mosquera (Mosquera) on January 26, 2017.<sup>9</sup>

On February 20, 2017, Ambagan, Jr. and Bayot sought the reconsideration of the resolution finding probable cause against them.<sup>10</sup>

On March 6, 2017, GIPO II Javier-Garzon drafted an order denying the motion for reconsideration of Ambagan, Jr. and Bayot. Said draft order was reviewed by GIPO III Fernandez-Calpatura, and recommended for approval by Acting Assistant Ombudsman Bayani H. Jacinto (Jacinto) on March 15, 2017. Deputy Ombudsman for Luzon Mosquera approved the said draft order on March 16, 2017.<sup>11</sup>

Thereafter, Deputy Ombudsman for Luzon Mosquera approved the twenty-one (21) informations, all dated September 19, 2012, per Office Memorandum dated January 26, 2017. The OSP filed the twenty-one (21) informations on May 16, 2017.<sup>12</sup>

On May 22, 2017, after perusing the informations and evaluating the resolution of the prosecutor, the evidence in support thereof, and the records of the preliminary investigation attached thereto, this Court found sufficient grounds for the finding of probable cause for the purpose of issuing a warrant of arrest against Ambagan, Jr. and Bayot.<sup>13</sup>

On May 23, 2017, Ambagan, Jr. and Bayot filed an Omnibus Motion seeking the dismissal of the cases against them for violation of their rights to due process and speedy disposition of the cases, or the judicial determination

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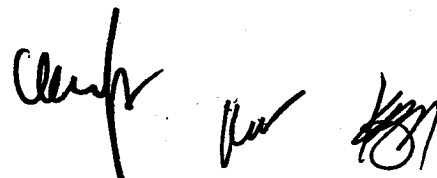
<sup>9</sup> Resolution dated September 19, 2012, Records, pp. 5-14.

<sup>10</sup> Order dated March 6, 2017, Records, pp. 16-22, 21; Comment/Opposition (On Omnibus Motion dated May 23, 2017) dated May 31, 2017, Records, pp. 143-150, 144.

<sup>11</sup> Order dated March 6, 2017, Records, pp. 16-22.

<sup>12</sup> Informations, all dated September 19, 2012, Records, vol. 1, pp. 1-3, and a separate folder for the Informations in SB-17-CRM-0985 - 1004.

<sup>13</sup> Minutes of the Proceedings held on May 22, 2017, Records, p. 104.



of probable cause, and the reduction of their bail with prayer to defer further proceedings and the issuance of warrant of arrest.<sup>14</sup>

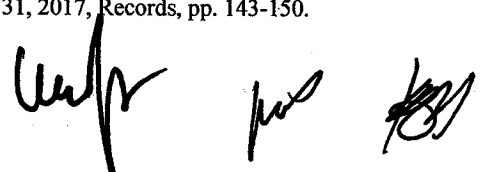
On June 5, 2017, this Court received the OSP's Comment/Opposition (On Omnibus Motion dated May 23, 2017) dated May 31, 2017.<sup>15</sup>

The above-stated incidents can be summarized in a table as follows:

<b>Incidents</b>	<b>Date</b>
The Office of the Ombudsman received the letter-complaint from the GSIS requesting that a criminal investigation be conducted into against Ambagan, Jr. and Bayot's failure to remit the social insurance contributions and settle related monetary obligations of the Municipality of Amadeo, Cavite. The letter-complaint was docketed for administrative adjudication.	July 4, 2005
The Office of the Deputy Ombudsman for Luzon found Bayot guilty of Grave Misconduct and Gross Negligence, and dismissed the administrative case against Ambagan, Jr. It also recommended that the complaint against Ambagan, Jr. and Bayot be docketed as a criminal complaint.	September 21, 2010
Then Ombudsman Navarro-Gutierrez approved the decision in the administrative case.	January 20, 2011
The complaint against Ambagan, Jr. and Bayot was docketed as a criminal complaint.	March 31, 2011
Director Agbada directed Ambagan, Jr. and Bayot to file their counter-affidavits.	June 8, 2011
Ambagan, Jr. received the order directing him to file his counter-affidavit.	August 8, 2011
Bayot received the order directing her to file her counter-affidavit.	August 9, 2011
GIPO II Javier-Garzon drafted the resolution finding probable cause against Ambagan, Jr. and Bayot for violation of Section 3 (e) of R.A. No. 3019 and twenty (20) counts of violation of Section 52 (g) of R.A. No. 8291, and the corresponding twenty-one (21) informations.	September 19, 2012
GIPO III Fernandez-Calpatura reviewed the draft resolution.	undated

<sup>14</sup> Omnibus Motion dated May 23, 2017, Records, pp. 47-102.

<sup>15</sup> Comment/Opposition (On Omnibus Motion dated May 23, 2017) dated May 31, 2017, Records, pp. 143-150.



<b>Incidents</b>	<b>Date</b>
Deputy Ombudsman for Luzon Mosquera approved the draft resolution.	January 26, 2017
Ambagan, Jr. and Bayot sought the reconsideration of the resolution finding probable cause against them.	February 20, 2017
GIPO II Javier-Garzon drafted an order denying the motion for reconsideration.	March 6, 2017
Acting Director Fernandez-Calpatura reviewed the draft order.	undated
Acting Assistant Ombudsman Jacinto recommended the draft order for approval.	March 15, 2017
Deputy Ombudsman for Luzon Mosquera approved the draft order.	March 16, 2017
Deputy Ombudsman for Luzon Mosquera approved the twenty-one (21) informations.	undated
The OSP filed the twenty-one (21) informations with the Sandiganbayan.	May 16, 2017
The Court found probable cause for the issuance of a warrant of arrest against Ambagan, Jr. and Bayot.	May 22, 2017
Ambagan, Jr. and Bayot sought the dismissal of the cases against them for violation of their rights to due process and speedy disposition of their cases, or the judicial determination of probable cause, and the reduction of their bail with prayer to defer further proceedings and the issuance of warrant of arrest.	May 23, 2017
The OSP filed its comment/opposition.	June 5, 2017

### **DISCUSSION AND RULING**

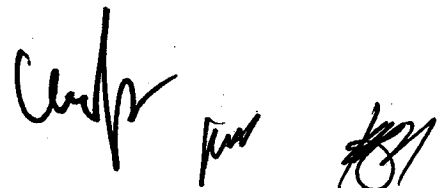
*Each case must be decided upon the facts peculiar to it.<sup>16</sup> A mere mathematical reckoning of time involved would not be sufficient.<sup>17</sup>*

The Court, after a thorough review of the case, holds that the time it took the Office of the Deputy Ombudsman for Luzon to investigate the complaint against Ambagan, Jr. and Bayot, and file the necessary informations against them was without valid reasons. Accordingly, the motion to dismiss should be granted.

Article III, Section 16 of the Constitution provides that, *all persons shall have the right to a speedy disposition of their cases before all judicial,*

<sup>16</sup> Benares v. Lim, G.R. No. 173421, December 14, 2006.

<sup>17</sup> Bernat v. Sandiganbayan, G.R. No. 158018, May 20, 2004.



*quasi-judicial, or administrative bodies.* 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. Hence, under the Constitution, any party to a case may demand expeditious action from all officials who are tasked with the administration of justice.<sup>18</sup>

Due regard must be given to the facts and circumstances surrounding each case. The right to a speedy disposition of a case, like the right to speedy trial, is deemed violated only when the proceedings are attended by vexatious, capricious, and oppressive delays, or when unjustified postponements of the trial are asked for and secured, or when without cause or justifiable motive, a long time is allowed to elapse without the party having his case tried. Just like the constitutional guarantee of speedy trial, speedy disposition of cases is a flexible concept. It is consistent with delays and depends upon the circumstances. What the Constitution prohibits are unreasonable, arbitrary and oppressive delays which render rights nugatory.<sup>19</sup>

The conduct of both the prosecution and the defense, the length of the delay, the reasons for such delay, the assertion or failure to assert such right by the accused, and the prejudice caused by the delay are the factors to consider and balance.<sup>20</sup>

Hence, the doctrinal rule is that in the determination of whether that right has been violated, the following factors **may** be considered and balanced: (1) the **length** of delay; (2) the **reasons** for the delay; (3) the **assertion or failure** to assert such right by the accused; and (4) the **prejudice** caused by the delay.<sup>21</sup>

The fact-finding investigation of the Office of the Deputy Ombudsman for Luzon, which lasted from the filing of the letter-complaint by the GSIS on July 4, 2005 to the docketing of the said letter-complaint for criminal adjudication on March 31, 2011, or *five (5) years, eight (8) months, and twenty-seven (27) days*, is entirely attributed to the Office of the Deputy Ombudsman for Luzon. Records indicate that during this period, the Office of the Deputy Ombudsman for Luzon conducted its administrative investigation and recommended that the letter-complaint be also docketed for criminal adjudication. This shows that the Office of the Deputy Ombudsman for Luzon conducted a fact-finding investigation before the preliminary investigation.

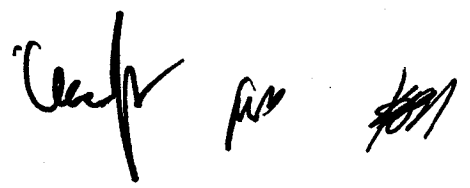
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<sup>18</sup> The Ombudsman v. Jurado, G.R. No. 154155, August 6, 2008.

<sup>19</sup> The Ombudsman v. Jurado, G.R. No. 154155, August 6, 2008.

<sup>20</sup> Ty-Dazo v. Sandiganbayan, G.R. Nos. 143885-86, January 21, 2002.

<sup>21</sup> Roquero v. Chancellor of UP Manila, et al., G.R. No. 181851, March 9, 2010.



To the mind of this Court, the Prosecution failed to justify the delay of the Office of the Deputy Ombudsman for Luzon in terminating the fact-finding investigation and formally charging Ambagan, Jr. and Bayot. This Court cannot find any justification why the fact-finding investigation alone lasted *five (5) years, eight (8) months, and twenty-seven (27) days* when the case involves the simple non-remittance of social insurance contributions to the GSIS.

In determining whether inordinate delay exists, the period allotted by the Office of the Deputy Ombudsman for Luzon for fact-finding investigation is included.

In *People v. Sandiganbayan*,<sup>22</sup> the Supreme Court held that the fact-finding investigation should not be deemed separate from the preliminary investigation conducted by the Office of the Ombudsman if the aggregate time spent for both constitutes inordinate and oppressive delay in the disposition of any case. In the said case, the Supreme Court said:

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.

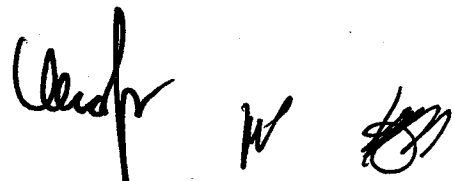
The guarantee of speedy disposition under Section 16 of Article III of the Constitution applies to all cases pending before all judicial, quasi-judicial or administrative bodies. The guarantee would be defeated or rendered inutility if the hair-splitting distinction by the State is accepted. Whether 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.

The preliminary investigation which lasted from March 31, 2011 to January 26, 2017, or *five (5) years, nine (9) months, and twenty-six (26) days*, is mostly attributed to the Office of the Deputy Ombudsman for Luzon.

After Ambagan, Jr. and Bayot were formally charged on March 31, 2011, it took the Office of the Deputy Ombudsman for Luzon *two (2) months*

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<sup>22</sup> G.R. Nos. 188165 and 189063, December 11, 2013.

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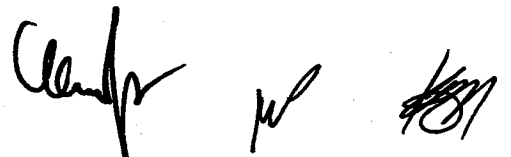


*and eight (8) days*, or until June 8, 2011, to direct Ambagan, Jr. and Bayot to submit their counter-affidavits. This period is attributable to the Office of the Deputy Ombudsman for Luzon.

The period from June 8, 2011 to September 19, 2012, or *one (1) year, three (3) months, and eleven (11) days*, is attributed to the Office of the Deputy Ombudsman for Luzon. This period, however, is reasonable because the Office of the Deputy Ombudsman for Luzon evaluated the records to check whether there was indeed probable cause to charge Ambagan, Jr. and Bayot in Court. Moreover, the Office of the Ombudsman wanted to resolve the case on the merits. It waited for the counter-affidavits of Ambagan, Jr. and Bayot to get the complete facts of the case and their defenses. The Office of the Deputy Ombudsman for Luzon's actions were put on hold pending the compliance of Ambagan, Jr. and Bayot with the order directing them to file their counter-affidavits. Thus, this undetermined time can be excluded from this period because of the failure of Ambagan, Jr. and Bayot to file their counter-affidavits. This Court, however, ascribed the said time to the Office of the Deputy Ombudsman for Luzon because it cannot be determined and measured. The said time cannot also be separated from the period of drafting of the resolution finding probable cause.

Although the OSP failed to attach the receiving copy of the order directing Ambagan, Jr. and Bayot to file their counter-affidavits in its comment, this does not change the fact that they received the said order per Order dated March 6, 2017.

The period from September 19, 2012 to January 26, 2017, or *four (4) years, four (4) months, and seven (7) days*, is attributable to the Office of the Deputy Ombudsman for Luzon. This Court, however, cannot see any valid reason why it took more than four (4) years for GIPO III Fernandez-Calpatura and the Deputy Ombudsman for Luzon to review and approve, respectively, the draft resolution finding probable cause. To repeat, this is only a simple case of violation of Section 3(e) of R.A. No. 3019 and Section 52 (g) of R.A. No. 8291. The fact that there are twenty (20) counts of violation of Section 52 (g) of R.A. No. 8291 is immaterial because these twenty (20) counts pertain only to the number of times that Ambagan, Jr. and Bayot failed to remit the social insurance contributions of the employees of the Municipality of Amadeo, Cavite to the GSIS from February 2003 to September 2004. These matters can easily be verified from the records and documents provided by the GSIS. The issues for resolution were not complicated and the documents were not voluminous. In fact, the Resolution dated September 19, 2012 consists only of ten (10) pages. This Court cannot also understand why the review process took longer than the investigation of GIPO II Javier-Garzon.



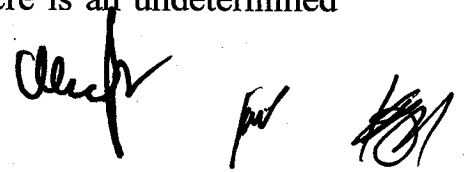
The period from January 26, 2017 to February 20, 2017, or *twenty-five (25) days*, is attributed to Ambagan, Jr. and Bayot because of the exercise of their right to procedural due process. This was the time when they sought a reconsideration of the resolution finding probable cause against them.

The period from the filing of the motion for reconsideration on February 20, 2017 to the drafting of the order denying the motion for reconsideration on March 6, 2017, or *fourteen (14) days*, is attributable to the Office of the Deputy Ombudsman for Luzon. This period is reasonable because GIPO II Javier-Garzon resolved the motion for reconsideration of Ambagan, Jr. and Bayot and drafted the order denying it within fourteen (14) days. Moreover, the draft order was reviewed and recommended for approval with relative dispatch by GIPO III Fernandez-Calpatura and then Acting Assistant Ombudsman Bayani H. Jacinto, respectively, on March 15, 2017, or after *nine (9) days*. Deputy Ombudsman for Luzon Mosquera approved the said draft order on March 16, 2017, or after *one (1) day*.

The period from the approval of the draft order denying the motion for reconsideration on March 16, 2017 to the filing of the informations with this Court on May 16, 2017, or *two (2) months*, is attributed to the Office of the Deputy Ombudsman for Luzon. Although GIPO II Javier-Garzon drafted the informations on September 19, 2012, the said informations cannot be approved until the motion for reconsideration of Ambagan, Jr. and Bayot had been resolved. Considering that the motion for reconsideration was promptly approved by Deputy Ombudsman for Luzon Mosquera on March 16, 2017, the OSP promptly filed the twenty-one (21) informations on May 16, 2017, or in just *two (2) months*.

In sum, the total period of *twenty-five (25) days* is attributed to Ambagan, Jr. and Bayot which should be excluded from the time spent by the Office of the Deputy Ombudsman for Luzon to terminate the preliminary investigation, and for the OSP to file the corresponding informations in this Court. Again, this is because of the exercise of their rights to procedural due process.

Subtracting the period attributable to Ambagan, Jr. and Bayot, the total period it took the Office of the Deputy Ombudsman for Luzon to finish its fact-finding investigation and preliminary investigation, and for the OSP to file the corresponding informations in Court is *eleven (11) years, nine (9) months, and seventeen (17) days*. Under the circumstances and as previously discussed, the total period is clearly unjustified, unacceptable, capricious, vexatious, and oppressive. Moreover, Ambagan, Jr. and Bayot were obviously prejudiced by the lapse of this long period before they were charged in this Court as they may have forgotten the events that transpired more than eleven (11) years ago. This notwithstanding the fact that there is an undetermined



period caused by the failure of Ambagan, Jr. and Bayot to file their counter-affidavits.

This Court is not unmindful of the duty of the Ombudsman under the Constitution and R.A. No. 6770 to act promptly on complaints brought before it. Such duty, however, should not be mistaken with a hasty resolution of cases at the expense of thoroughness and correctness.<sup>23</sup> Judicial notice should be taken of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to freely lodge their complaints against wrongdoings of government personnel. A steady stream of cases reaching the Ombudsman inevitably results. Naturally, disposition of those cases would take some time.<sup>24</sup>

However, these are only simple cases involving the violation of Section 3 (e) of R.A. No. 3019 and Section 52 (g) of R.A. No. 8291 by Ambagan, Jr. and Bayot, who, in conspiracy with each other to commit the crime in relation to their duties and take advantage of their official positions, through evident bad faith, manifest partiality, or gross inexcusable negligence, caused undue injury to the employees of the Municipality of Amadeo, Cavite and the government after they failed to remit to the GSIS the premium payments of municipal employees, despite deduction from the employees' compensation, in the total amount of Two Million Seven Hundred Sixty-Three Thousand One Hundred Twenty-Five Pesos and 82/100 (PhP2,763,125.82) with interest within the prescribed period.

Being simple alleged violations of different laws where the elements of the crime can be readily determined from the records, this Court cannot see any reason why the Office of the Deputy Ombudsman for Luzon took a total of *eleven (11) years, nine (9) months and seventeen (17) days* to finish its fact-finding investigation, preliminary investigation and to file the corresponding informations in Court.

This is despite the fact that it was not the duty of Ambagan, Jr. and Bayot to follow-up the prosecution of their cases. Rather, it was the responsibility of the Office of the Deputy Ombudsman for Luzon to expedite the same within the bounds of reasonable timeliness in view of its mandate to promptly act on all complaints lodged before it. It is not the duty of the accused to bring themselves to trial. The State has that duty as well as the duty of insuring that the trial is consistent with due process.<sup>25</sup>

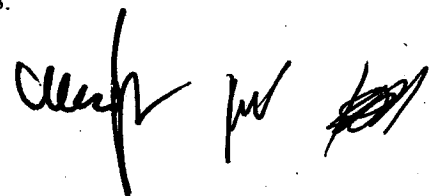
It is understandable that the approval of the Deputy Ombudsman for Luzon would take some time because of the internal review process within the

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<sup>23</sup> Roquero v. Chancellor of UP Manila, et al., G.R. No. 181851, March 9, 2010.

<sup>24</sup> Mendoza-Ong v. Sandiganbayan and People, G.R. No. 146368-69, October 23, 2003.

<sup>25</sup> Coscolluela v. Sandiganbayan, G.R. Nos. 191411, July 15, 2013.




Office of the Ombudsman. This, however, does not excuse the Office of the Deputy Ombudsman for Luzon to complete its internal review process within a reasonable period and without any unreasonable delay.

Ambagan, Jr. and Bayot's alternative motion for judicial determination of probable cause and prayers for the reduction of bail, and deferment of further proceedings and issuance of warrant of arrest is already moot. The Court had already determined probable cause for the purpose of issuing a warrant of arrest in a minute proceeding held on May 22, 2017, and reduced the bail of Ambagan, Jr. and Bayot in the May 26, 2017 hearing.


**WHEREFORE**, the Omnibus Motion dated May 23, 2017, of accused Albert Ambagan, Jr. and Alona S. Bayot is **GRANTED**. The case against them is hereby ordered **DISMISSED** for violation of their right to speedy disposition of their cases.

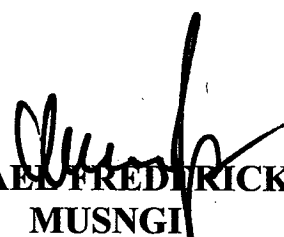
The hold departure order issued against accused Albert Ambagan, Jr. and Alona S. Bayot is hereby **LIFTED**, and the bonds separately posted by them are hereby **RELEASED**, subject to the usual accounting and auditing procedures.

**SO ORDERED.**

  
**KARL B. MIRANDA**  
Associate Justice

WE CONCUR:

  
**RODOLFO A. PONFERRADA**  
Associate Justice  
Chairperson

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice