



Republic of the Philippines  
*Sandiganbayan*  
Quezon City  
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SEVENTH DIVISION

*MINUTES of the proceedings held on October 20, 2017*

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson  
ZALDY V. TRESPESES ----- Associate Justice  
BAYANI H. JACINTO\* ----- Associate Justice

The following resolution was adopted:

**CRIMINAL CASES NO. SB-11-CRM-0302, 0303 & 0441**

**PEOPLE v. AMELIA R. DE PANO, et al.**

Before the Court are the following:

1. Accused Angelito A. Rodriguez and Noel G. Jimenez's "MOTION FOR RECONSIDERATION" dated September 14, 2017 (Records, Vol. 4, pp. 310-322);
2. The Prosecution's "OPPOSITION" dated September 27, 2017 (Records, Vol. 4, pp. 334-336); and
3. Accused Angelito A. Rodriguez and Noel G. Jimenez's "REPLY TO OPPOSITION" dated October 9, 2017 (Records, Vol. 4, pp. 347-355).

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Accused Rodriguez and Jimenez seek a reconsideration of this Court's *Resolution* dated August 18, 2017 denying their separate *Motions to Dismiss* on ground of violation of their right to speedy disposition of cases. Accused De Pano, Dela Torre, Caraig, and Capistrano adopted Rodriguez and Jimenez's *Motion for Reconsideration*.<sup>1</sup>

In their *Motion*, the accused maintained that this Court gravely erred in not applying the same ruling in Crim. Case No. SB-15-CRM-0100 filed against Leonardo B. Roman, et al., where the Second Division of this Court

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\* Per A.O. No. 284-2017 dated August 18, 2017

<sup>1</sup> Order dated September 22, 2017, *Records*, Vol. 4, p. 325

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granted Gov. Roman's Motion to Quash for violation of speedy disposition of cases, to these cases. They averred that being similarly situated as Governor Roman, they were entitled to the same treatment accorded him, *i.e.*, the charges against them should likewise be dismissed on the ground of inordinate delay in the conduct of preliminary investigation. Further, charges should not have been filed against them by the Ombudsman, as it initially excluded Gov. Roman.

The accused took exception to this Court's ruling that they belatedly raised their right to speedy disposition of cases, explaining that they could not have invoked the dismissal of the case against Gov. Roman before it has even happened. They insisted that they did not waive their right to speedy disposition of cases and equal protection of the laws, as they have in fact consistently asserted these rights.

The Prosecution opposed the accused's *Motion*, claiming it was a mere reiteration of their previous arguments, and appeared to be a dilatory tactic.

In their *Reply*, the accused reiterated their arguments in the *Motion for Reconsideration* and *Motions to Dismiss* that the delay in the conduct of preliminary investigation violated their right to speedy disposition of cases.

The *Motion* is bereft of merit.

The *Motion for Reconsideration* substantially echoes the *Motions to Dismiss*, which this Court has already exhaustively considered in the assailed *Resolution*. The accused have not presented any compelling argument to persuade this Court to rule otherwise.

The accused have placed undue reliance in the Resolution of the Second Division of this Court in SB-15-CRM-0100<sup>2</sup> dismissing the case against Gov. Roman for violation of his right to speedy disposition of cases, and fault this Court for not treating them the same way.

A dismissal of these cases solely on the basis of said Resolution in SB-15-CRM-0100 would be a dismissal without basis.

First, the Resolution of the Second Division of this Court in SB-15-CRM-0100 is not binding on this Court. As this Court has already ruled in the assailed *Resolution*, only decisions of the Supreme Court constitute binding precedents, forming part of the Philippine legal system.<sup>3</sup> Such Resolution is not among them.

Second, the accused's reliance on the **equal protection clause** in their insistence to be treated the same way as Gov. Roman, insofar as the dismissal of these cases for the purported violation of their right to speedy disposition of cases, is misplaced.

The accused do not need the Resolution in SB-15-CRM-0100 to support their assertion of their right to equal protection of the law and speedy

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<sup>2</sup> Dated December 14, 2016

<sup>3</sup> *Nippon Express (Philippines) Corporation v. CIR*, G.R. No. 196907, March 13, 2013

disposition of cases. These rights spring from the Constitution. Like Gov. Roman, the accused are entitled, under the Constitution, to both rights.

The crucial distinction is that Gov. Roman **timely** asserted his right to speedy disposition of cases in his Motion to Quash. **The accused did not.** Assertion of the right to speedy disposition of cases is among the factors to consider in determining whether such right has indeed been violated.<sup>4</sup> The accused filed their *Motions to Dismiss* only now, when the cases have since been filed in 2011. While they have filed various other motions, none of them asserted their right to speedy disposition of cases. Thus, contrary to the accused's claim, they are **not** similarly situated as Gov. Roman. Accordingly, they cannot invoke the equal protection clause, which requires that all persons or things **similarly situated** should be treated alike, both as to rights conferred and responsibilities imposed.<sup>5</sup>

This Court is not impressed with the accused's explanation that it was premature at the outset to invoke their right to speedy disposition based on the Resolution dismissing the case against Gov. Roman (SB-15-CRM-0100), since this was resolved much later. To reiterate, their right to speedy disposition of cases does not spring from such Resolution, but the Constitution. The accused could and **should** have asserted their right to speedy disposition of cases at the earliest possible opportunity, but failed to. Clearly, they have waived such right.<sup>6</sup>

WHEREFORE, in view of the foregoing, the accused's *Motion for Reconsideration* is **DENIED** for lack of merit.

Let the Preliminary Conference set on November 27, 2017 at 2:00 p.m. proceed, as scheduled.

SO ORDERED.

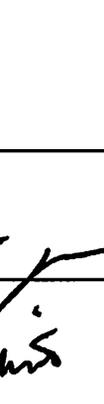
**GOMEZ-ESTOESTA, J., Chairperson**

  
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**TRESPESES, J.**

  
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**JACINTO, J.**

  
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<sup>4</sup> *Dela Peña v. Sandiganbayan*, G. R. No. 144542. June 29, 2001

<sup>5</sup> *Garcia v. Drilon, et al.*, G.R. No. 179267, June 25, 2013

<sup>6</sup> See *Valencia v. Sandiganbayan*, G.R. No. 165996, October 17, 2005