

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,

Plaintiff,

Crim. Case No. SB-17-CRM-0170 &
SB-17-CRM-0171

*For: Violation of Section 3(e) of
R.A. 3019*

-versus-

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

Romeo M. Estrella, et al.,
Accused.

Promulgated:
October 25, 2017

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RESOLUTION

HERRERA, JR., J.:

This resolves the ***Motion To Quash***¹ dated September 4, 2017, filed by the accused Romeo M. Estrella, Sonia V. Estrella and Renita Viceo Domingo (the Movants for short), through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman filed a ***Comment/Opposition (Re: Motion to Quash dated September 4, 2017)***.²

The movants are charged with two (2) offenses under two (2) separate ***Informations***³ both dated November 29, 2016. In Criminal Case No. SB-17-CRM-0170, the charge is for ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, also known as the ***Anti-Graft and Corrupt Practices Act***. In Criminal Case No. SB-17-CRM-0171, the charge is for ***Violation of Section 3(h) of R.A. 3019***.

¹ Record, Vol. 1, pp. 430-455

² Id, pp. 460-467

³ Id, pp. 1-3; Record of Crim. Case No. SB-17-CRM-0171, pp. 1-3

Chair
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2.

The movants pray for the quashal of the *Informations* in these cases, on the ground of alleged inordinate delay in the preliminary investigation conducted by the Office of the Ombudsman thereby violating their right to speedy disposition of cases guaranteed under **Section 16, Article III of the 1987 Constitution**.

In their **Motion To Quash**, the movants gave the following timeline:

1.0 ON MARCH 31, 2014, Private Complainant Antonio M. Halina ("Complainant") filed a COMPLAINT AFFIDAVIT against the Accused, thus –

xxx.

1.01 UNDER DATE OF AUGUST 8, 2014, Accused Romeo M. Estrella filed his COUNTER-AFFIDAVIT.

1.02 UNDER DATE OF AUGUST 15, 2014, Accused Sonia V. Estrella and Renita V. Domingo filed their respective COUNTER-AFFIDAVITS.

1.03 UNDER DATE OF SEPTEMBER 1, 2014, Private Complainant filed his REPLY-AFFIDAVIT.

1.04 UNDER DATE OF JUNE 18, 2015, a *Consolidated Resolution* was rendered by the Office of the Ombudsman, the *Dispositive Portion* of which states that:

xxx.

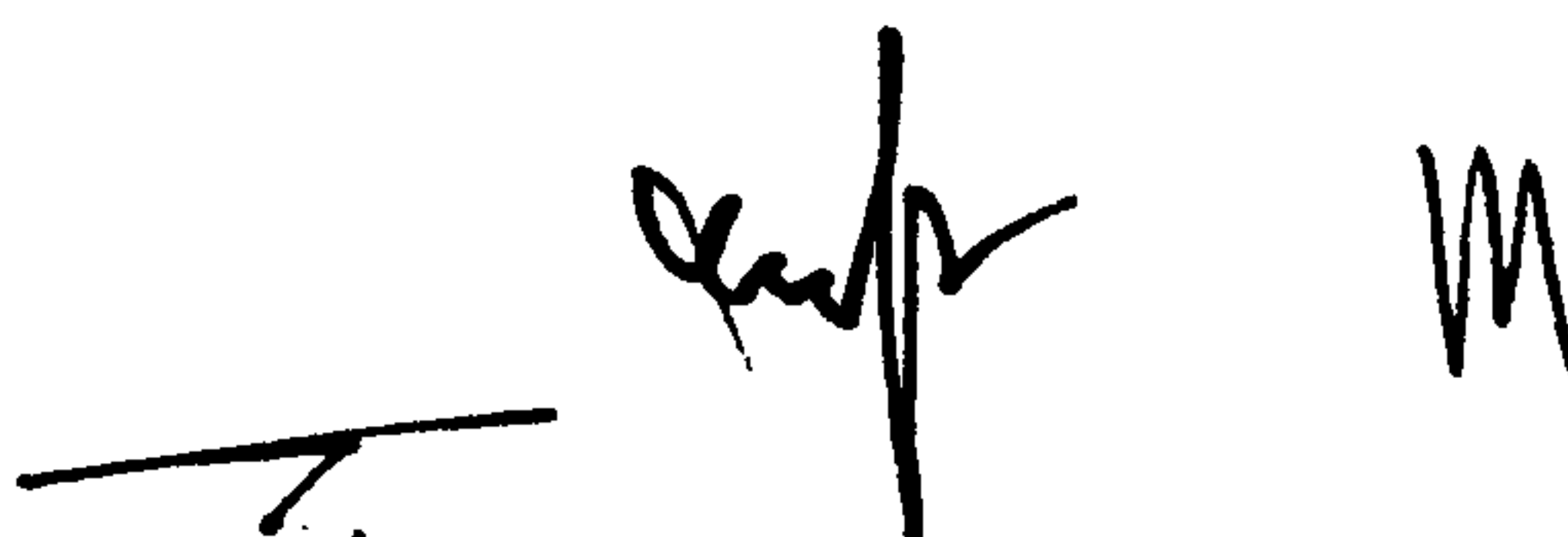
1.05 Accused Romeo M. Estrella, Sonia V. Estrella and Renita V. Domingo's Motion for Reconsideration of the said Consolidated Resolution was denied **only on AUGUST 7, 2017**.

1.06 However, from the start of the investigations on March 31, 2014, it took **TWO (2) YEARS AND TEN (10) MONTHS** for the Ombudsman to file the *Informations* on **FEBRUARY 3, 2017**.⁴

In its **Comment/Opposition, etc.** the prosecution contends that there was no inordinate delay in the investigation and explains that:

"9. Here, the instant cases stemmed from six (6) consolidated complaints filed on **March 3, 2014**. After the accused-movants filed their respective Counter-Affidavits,

⁴ Record, Vol. 1, pp. 431-436



the Office of the Ombudsman ("Office") rendered a *Consolidated Resolution* dated June 18, 2015 recommending for the filing of the instant cases. Consequently, the appropriate *Informations* were filed with this Honorable Court on **February 03, 2017**.

10. Evidently, it took only two (2) years and ten (10) months, more or less, for the Office to resolve the consolidated complaints. Such period in conducting the preliminary investigation **cannot** be said to have been attended with vexatious, capricious, or oppressive delay. There was no proof on record to support the accused-movants' contention that the preliminary investigation of these cases was attended by "inordinate delay". What appears, to be sure, is that the Office exercised extreme care in verifying, evaluating and assessing the charges against all the accused-movants before making a finding of probable cause."⁵

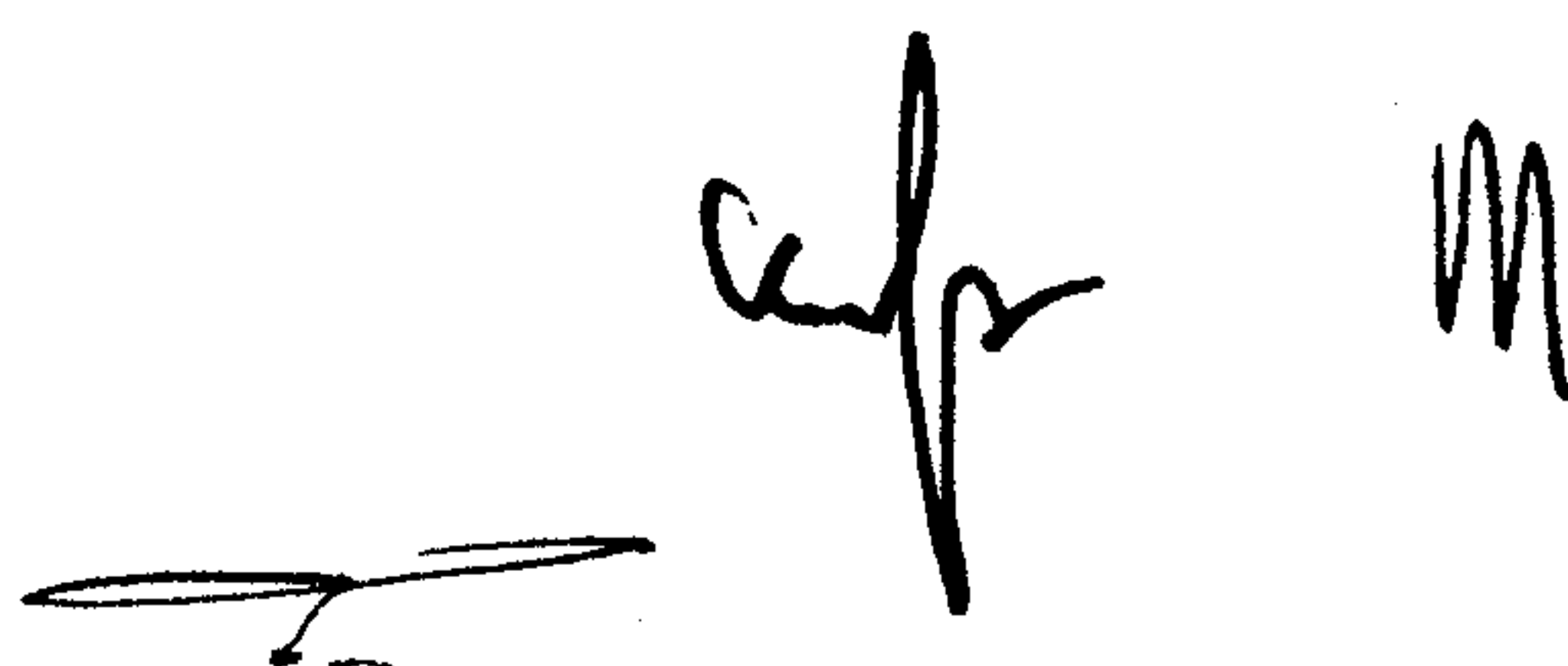
After a careful study, the Court finds satisfactory and acceptable the explanation given by the prosecution regarding the time spent by the Office of the Ombudsman in conducting the preliminary investigation. The period of two (2) years and ten (10) months spent for the preliminary investigation cannot be characterized as one attended by inordinate delay, or that which is vexatious, capricious and oppressive.

The Court notes that the movants were given time to submit counter-affidavits. When a resolution was issued finding probable cause to charge them in court, the movants filed a motion for reconsideration which was eventually denied. These demonstrated that the movants were accorded due process and given all the opportunity to be heard during the investigation.

The Supreme Court has laid down the guiding principles in determining whether the right of an accused to speedy disposition of cases has been violated.

In *Dansal, et. al. v. Fernandez, et. al.*,⁶ the Supreme Court explained:

⁵ Id, p. 463
⁶ 327 SCRA 145



“In the determination of whether or not the constitutional right invoked by petitioners has been violated, the factors to consider and balance are the duration of the delay, reason thereof, assertion of the right or failure to assert it and the prejudice caused by such delay. The desideratum of a speedy disposition of cases should not, if at all possible, result in the precipitate loss of a party’s right to present evidence....”

*A mere mathematical reckoning of the time involved, therefore would not be sufficient. **In the application of the constitutional guarantee of the right to a speedy disposition of cases, particular regard must also be taken of the facts and circumstances peculiar to each case.**”*

In *Dela Peña, et al. v. Sandiganbayan*,⁷ reiterated in *Coscolluela v. Sandiganbayan*,⁸ the High Court declared:

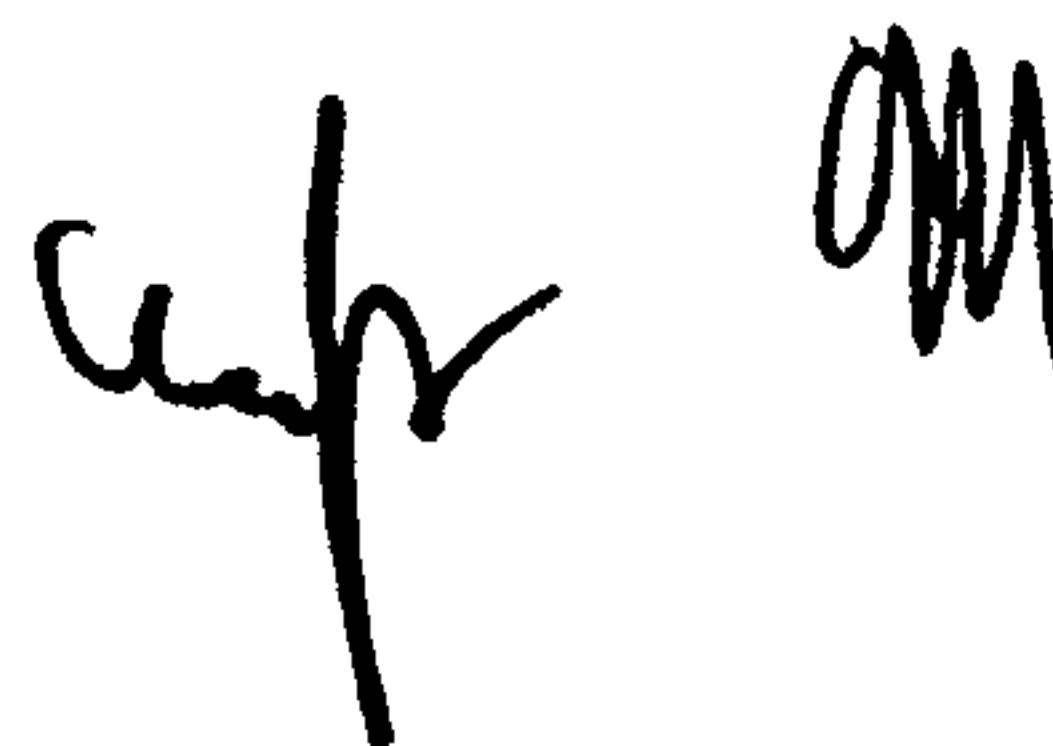
*“The right to “a speedy disposition of cases” is guaranteed by the Constitution. Section 16 of Article III thereof provides: All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies. This right, however, like the right to a speedy trial, **is deemed violated only when the proceedings is attended by vexatious, capricious and oppressive delays.**”*

Here, the movants only made a mathematical reckoning of the time involved in the preliminary investigation, and then summarily concluded that there was a violation of their right to speedy disposition of cases. There is no specific allegation of prejudice caused to them by the time spent in the investigation that would warrant a characterization that it was vexatious, capricious and oppressive.

WHEREFORE, the ***Motion To Quash*** dated September 4, 2017, filed by the accused, through counsel, is hereby denied.

SO ORDERED.

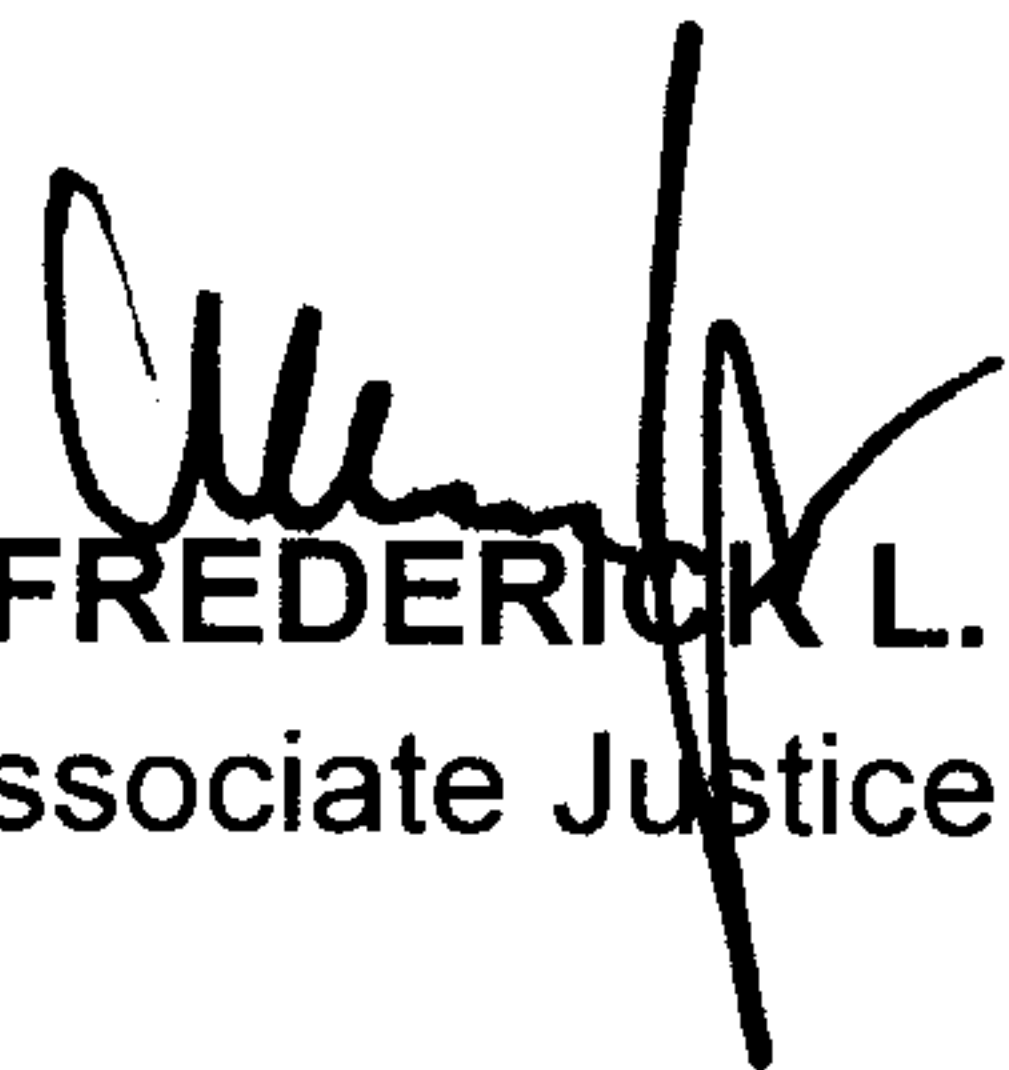
⁷ 360 SCRA 484, 485
⁸ 701 SCRA 188



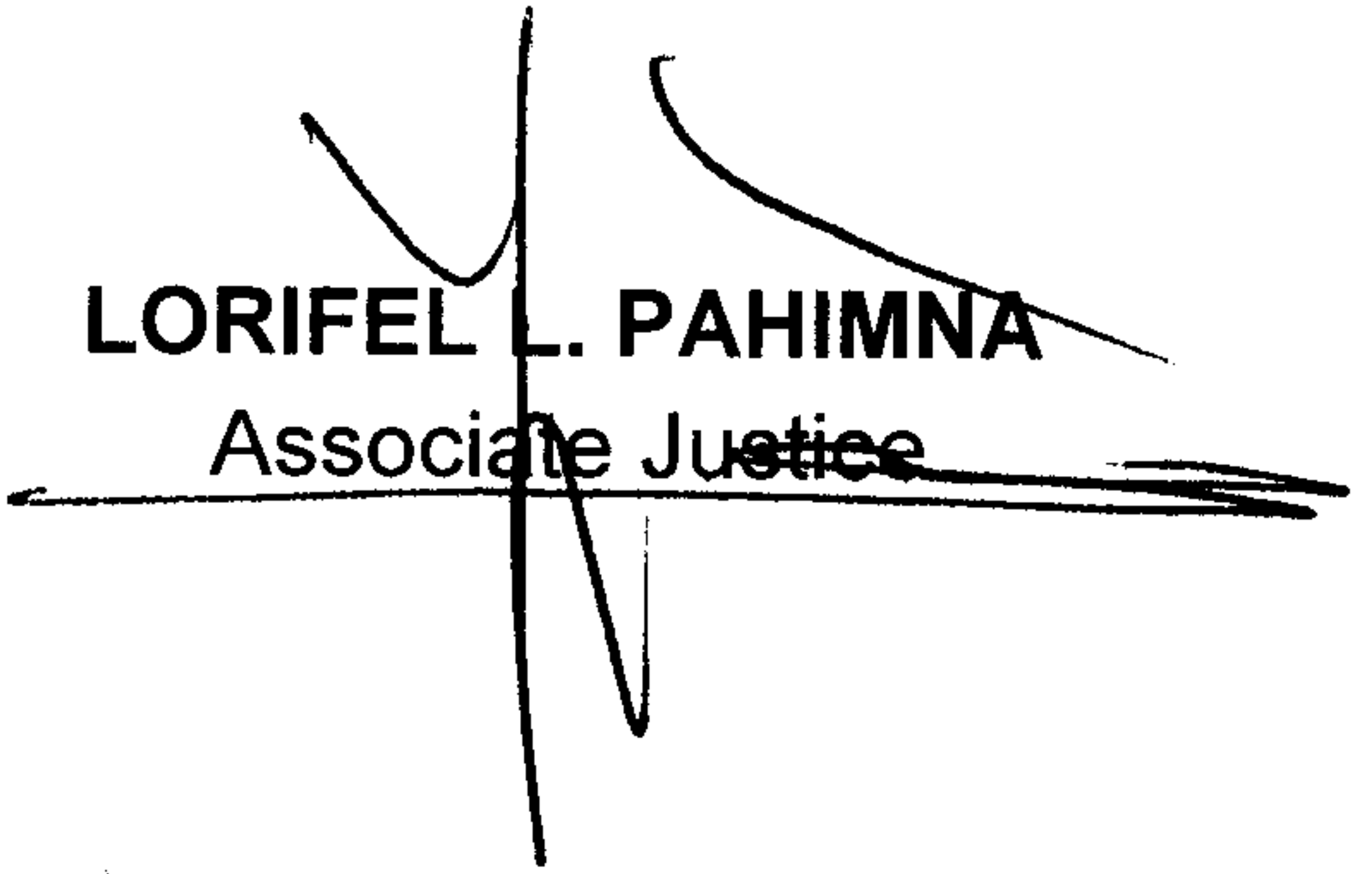


OSCAR C. HERRERA, JR.
Chairperson

We concur:



MICHAEL FREDERICK L. MUSNGI
Associate Justice



LORIFEL L. PAHIMNA
Associate Justice