

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

**PEOPLE OF THE
PHILIPPINES,**

CRIM. CASE NO. SB-16-CRM-0549
to 0557

For: Violation of Sec. 8 of RA 6713

Present:

Herrera, Jr., J. *Chairperson*

Musngi, J. &

Pahimna, J.

-versus-

**EDGARDO CARLOS MANDA
(SG 30),**

Accused.

Promulgated:

November 9, 2017

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RESOLUTION

PAHIMNA, J.:

This treats of the ***Motion for Reconsideration*** filed by plaintiff, through the Office of the Special Prosecutor and the ***Comment*** thereto filed by accused, through counsel.

In its ***Motion***, Plaintiff alleges that the five (5) years spent by the said Office in the conduct of the Preliminary Investigation was not vexatious and capricious as to warrant the dismissal of the case as the same had to undergo the normal procedure in the Office of the Ombudsman, citing several jurisprudences in defense of its allegations.

On the other hand, accused in vehemently objecting such ***Motion*** argues that the detailed chronology of events provided by plaintiff emphasizes and reinforces accused's contention that the Honorable Office truly incurred delay in resolving the case involving an alleged irregularity in his SALN where said office took ten (10) years to issue the Joint Resolution on June 10, 2016.







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RULING

The **Motion for Reconsideration** is **DENIED**. In the detailed timetable alleged in the said **Motion** and hereunder shown, to wit:

Date	Incident/Proceeding
29 April 2010	Affidavit-Complaint of GIPO I Liwayway Sumagaysay-Rondina was filed with the Office of the Ombudsman
4 January 2011	The case was assigned to GIPO I Clarence N. Joson
23 February 2011	The Office of the Ombudsman, through Mary Susan S. Guillermo, Director PIAB-B issued an Order requiring accused Manda to file his counter-affidavit within ten (10) days from receipt of the Order
25 March 2011	Accused Manda filed a Motion for Extension of Time to file Counter-Affidavit dated March 24, 2011
7 April 2011	Accused Manda filed a Motion for Extension of Time to file Counter-Affidavit dated March 24, 2011
12 May 2011	Accused Manda filed his Counter-Affidavit dated May 2, 2011
26 May 2011	The Field Investigation Office filed a Reply dated May 26, 2011 thru AGIO I Ronald Allan D. Ramos
28 February 2013	Draft Joint Resolution was issued by then GIPO I Clarence N. Joson
11 March 2013	Draft Joint Resolution was submitted for review of PIAB-B Director Moreno E. Generoso
12 March 2013	Draft Joint Resolution was signed by PIAB-B Director Moreno E. Generoso
14 March 2013	Draft Joint Resolution was received by PAMO II
29 April 2013	Draft Joint Resolution was transmitted, indorsed and recommended for approval by Deputy Ombudsman Gerard O. Mosquera <ol style="list-style-type: none">1. Transmission slip to Deputy Ombudsman Gerard O. Mosquera2. 1st Indorsement to Deputy Ombudsman Gerard O. Mosquera3. Memorandum to Deputy Ombudsman Gerard O. Mosquera



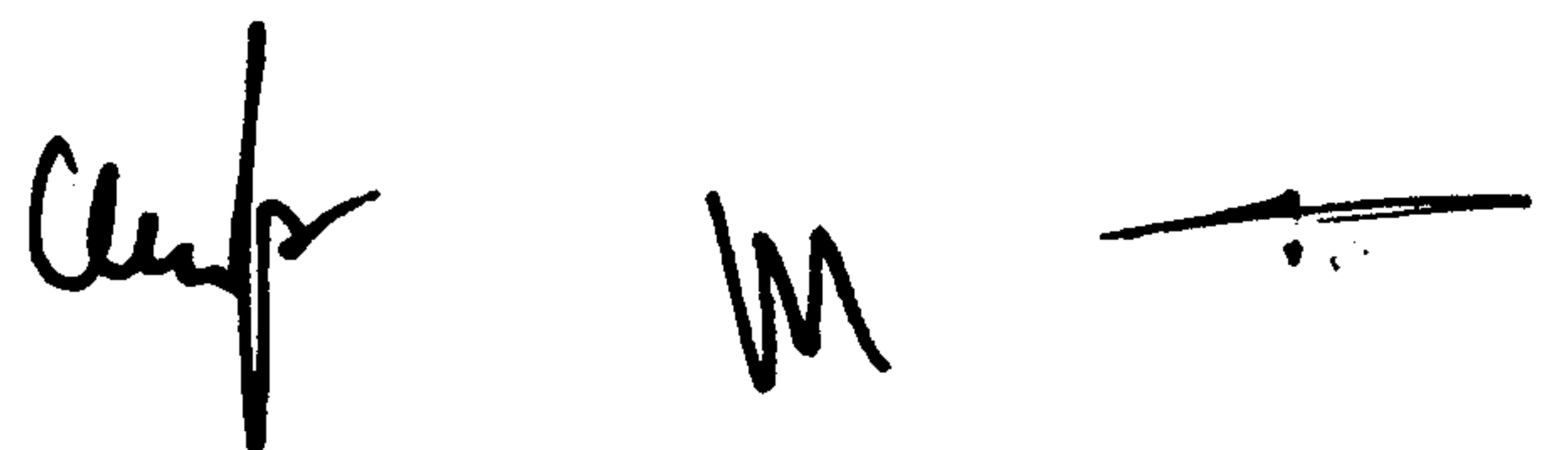
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	<i>(all from PAMO II Assistant Ombudsman Marilou B. Anveta-Mejica)</i>
30 April 2015	Office Order No. 280, Series of 2015 was issued, designating the Overall Deputy Ombudsman as “[T]he approving authority of all resolutions, decisions and orders, with the authority to sign Informations and initiate Petitions for forfeiture, including the signing of the verification/certification thereof and other court submissions and necessary notices (e.g. adverse claim, lis pendens) xxxx for LSC cases from the area/sectoral offices involving HRO.”
8 October 2015	Office of the Overall Deputy Ombudsman received from Luzon the entire records of the case
01 January 2016	Office of the Overall Deputy Ombudsman was initially assigned to GIPO III Cherry Bolo for review
14 March 2016	Case was returned to Office of the Overall Deputy Ombudsman Records
March 2016	Overall Deputy Ombudsman requested second look.
10 June 2016	Overall Deputy Ombudsman approved the Joint Resolution from GIPO I Maria Erika E. Veloso
29 June 2016	Accused filed Omnibus Motion (1) for Partial Reconsideration dated June 10, 2016; (2) To dismiss the Complaints (3) In the alternative to Grant the Respondent an Extension of Time to file a Supplemental Motion; and (4) to furnish the Respondent with the Entire Records of the cases, dated June 28, 2016.
27 July 2016	An Order was issued denying the Omnibus Motion of the Accused.
24 August 2016	Nine (9) Informations for violation of Sec. 3 of R.A. 6713 were filed before the Sandiganbayan against the accused.

Clearly, from the time the accused filed his Counter-Affidavit on May 12, 2011 and a Reply was filed on May 26, 2011 by the Field Investigation Office through AGIO I Ronald Allan D. Ramos, it took the Office of the Ombudsman almost two years to submit its Draft Joint Resolution on February 28, 2013. Thereafter, said draft went through several offices before



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finally approving the same on June 10, 2015 or more than three years after the same has been submitted for resolution.

The argument posited by the Plaintiff that the five (5) years spent by the Office of the Ombudsman in resolving the case is not vexatious and capricious as the same had to undergo the normal procedure in their office is untenable. For a simple case of failing to disclose properties or assets in his Statement of Assets and Liabilities, five (5) years is considerably long enough to resolve the instant case where no such voluminous records are needed to review and validate.

Fact remains that when the Office of the Ombudsman issued the Joint Resolution five (5) years after the accused, then respondent Manda filed his Counter-Affidavit, there was no justifiable reason given for such delay.

In the mind of this Court, the accused has been deprived of his right to speedy disposition of his case as the four factors lengthily discussed in the assailed Resolution, citing the case of ***Corpus v. Sandiganbayan (G.R. No. 162214, November 11, 2014)*** have all been considered, to wit: (1) the length of delay (2) the cause of the delay (3) the assertion or failure to assert such reasons for such delay and (4) the prejudiced caused by the delay.

WHEREFORE, finding no cogent reason to disturb the Resolution dated August 1, 2017, the ***Motion for Reconsideration*** filed by the Plaintiff, through the Office of the Special Prosecutor is hereby **DENIED** for want of merit.

SO ORDERED.


LORIFEL L. PAHIMNA

Associate Justice

We concur:


OSCAR HERRERA, JR.

Chairperson
Associate Justice


MICHAEL FREDERICK L. MUSNGI

Associate Justice