



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SPECIAL SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-17-CRM-0627

For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019

-versus-

PRESENT:

FERNANDEZ, SJ, J.,¹ Chairperson
MIRANDA, J., &
MUSNGI, J.²

**WILLIAM I. RAMIREZ and
MA. FLORDELIZA M.
ANGEL,**

Accused,

Promulgated:

NOV 17 2017 *[Signature]*

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RESOLUTION

MIRANDA, J.:

This resolves: 1) The Motion for Reconsideration dated October 20, 2017 filed by accused William I. Ramirez on October 24, 2017; and 2) The Comment/Opposition (On the Motion for Reconsideration dated October 20, 2017) dated October 26, 2017 filed by the Prosecution on October 27, 2017.

In his motion for reconsideration, the accused prays that: 1) The period of three (3) years, three (3) months and ten (10) days spent by the Office of the Ombudsman in conducting the preliminary investigation and

¹ J. Ponferrada, Chairperson of the 6th Division when the resolution sought to be reconsidered was promulgated, retired on September 13, 2017. J. Fernandez, SJ will participate in the resolution of the present incident in view of her assumption as Chairperson of the 6th Division on the same date. (As per Administrative Order (A.O.) No. 314-2017 dated September 13, 2017; Revised Internal Rules of the Sandiganbayan, Rule XII, Section 3).

² Special Member in view of the vacancy in the 6th Division as per Administrative Order No. 124-2017 dated April 4, 2017 when the resolution sought to be reconsidered was promulgated.

[Signatures]

filing the information was not reasonable; 2) There is no probable cause to indict him; and 3) There is no conspiracy between him and co-accused Flordeliza M. Angel (Angel).

In its comment/opposition, the Prosecution, through the Office of the Special Prosecutor (OSP), contends that: 1) The motion for reconsideration is a mere scrap of paper as it was filed beyond the reglementary period; 2) There is no delay in this case; 3) There is probable cause to indict the accused; and 4) The issue of conspiracy is evidentiary in nature.

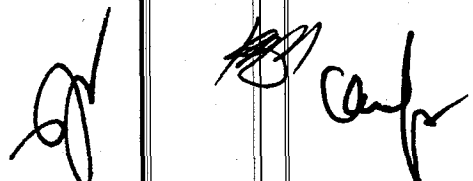
The Court will first rule on whether the motion for reconsideration was filed by the accused on time. The Resolution dated September 4, 2017 denying the motion to dismiss of the accused was personally served on him, through counsel, on September 11, 2017.³ The accused filed his motion for reconsideration on October 24, 2017, or after forty-three (43) days.

Under Section III(2)(c) of the Revised Guidelines for Continuous Trial of Criminal Cases, which took effect on September 1, 2017, a motion for reconsideration of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of the resolution.

When the motion for reconsideration was filed, the Revised Guidelines for Continuous Trial of Criminal Cases were already in effect. The accused then had five (5) days from receipt of the resolution on September 11, 2017, or until September 16, 2017, within which to file a motion for reconsideration. The accused filed his motion for reconsideration thirty-eight (38) days late. Thus, the motion for reconsideration was filed beyond the reglementary period provided under the Revised Guidelines for Continuous Trial of Criminal Cases. Even if the Court considers the period of fifteen (15) days within which to file a motion for reconsideration under the Rules of Court, the motion for reconsideration was still filed out of time. On this basis alone, the Court **denies** the motion for reconsideration.

Moreover, after a restudy of the grounds raised in the motion for reconsideration, the Court finds no valid reason to reconsider its Resolution dated September 4, 2017 denying the motion to dismiss of the accused for lack of merit. The issues and arguments raised by the accused in his motion for reconsideration are a mere rehash and a repetition of the same issues and arguments raised in his Motion to Dismiss with Motion to Defer Arraignment dated May 5, 2017. These issues and arguments have already

³ Notice of Resolution dated September 5, 2017, Records, p. 177.



been considered and passed upon by the Court in its Resolution dated September 4, 2017. There being no new matters or issues raised to warrant a reversal thereof, the motion for reconsideration must be **denied**.

To reiterate, each case must be decided upon the **facts peculiar** to it.⁴ A mere mathematical reckoning of time involved would not be sufficient.⁵

After deducting the periods attributable to the accused and those beyond the control of the Office of the Ombudsman, the total period of **three (3) years, three (3) months and ten (10) days** spent by the Office of the Ombudsman and the OSP to complete the fact-finding investigation, preliminary investigation, and filing of informations against the accused can hardly be considered an unreasonable and arbitrary delay as to deprive the accused of his constitutional rights to due process and speedy disposition of his case. To recall, this includes an undetermined period caused by the failure of the accused to file his counter-affidavit despite three (3) extensions of time afforded him. Since this period to be excluded cannot be determined, this Court attributed it to the Office of the Ombudsman with the qualification that the same was justified. This is in addition to the levels of review that the case had to undergo, lack of prejudice, and the attendant circumstances of the case. The Court holds that the time it took the Office of the Ombudsman to investigate the complaint against the accused and to file the necessary information against him was with valid reasons.

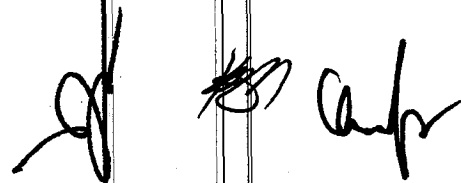
The defense of the accused is not diminished because the documentary evidence can be easily obtained from the Philippine Sports Commission (PSC), Commission on Audit (COA), and Office of the Ombudsman. The filing of the complaint-affidavit against the accused several years after the transaction happened in 2008 is immaterial because the PSC first verified the audit observation memorandum issued by the COA. Besides, the PSC was then merely being asked to explain the transaction covered in the audit observation memorandum. At this point, there was neither an investigation nor a case against the accused.

The protection under the right to a speedy disposition of a case should not operate to deprive the government of its inherent prerogative in prosecuting criminal cases or in generally seeing to it that all who approach the bar of justice be afforded a fair opportunity to present their side.⁶

⁴ *Benares v. Lim*, G.R. No. 173421, December 14, 2006.

⁵ *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004.

⁶ *Dansal v. Fernandez*, G.R. No. 126814, March 2, 2000.



The case of *Tatad v. Sandiganbayan*⁷ is not applicable because there was no political motivation and blatant departure from procedures in the conduct of the preliminary investigation in this case.

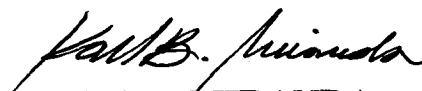
Judicial determination of probable cause in this case has been mooted after the Court determined probable cause for the purpose of issuing a warrant of arrest in its minute proceedings held on March 27, 2017. Moreover, a motion for the judicial determination of probable cause is a prohibited motion under the Revised Guidelines for Continuous Trial of Criminal Cases.

The argument on conspiracy is a matter of defense which is best determined after a full-blown trial on the merits. It is premature to discuss or resolve it at this point.

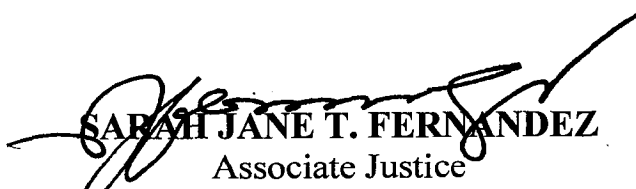
In sum, the motion for reconsideration was filed beyond the reglementary period. The rights of the accused to due process and speedy disposition of his case were not violated because of his failure to file his counter-affidavit, levels of review that the case had to undergo, and lack of prejudice.

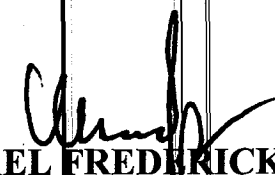
WHEREFORE, the Motion for Reconsideration dated October 20, 2017 of accused William I. Ramirez is **DENIED** for being filed beyond the reglementary period and for lack of merit. The Resolution of the Court promulgated on September 4, 2017 is **AFFIRMED**.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


**MICHAEL FREDERICK L.
MUSNGI**
Associate Justice

⁷No. L-72335, March 21, 1988.