



Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE**  
**PHILIPPINES,**  
Plaintiff,

SB-17-CRM-1185  
For: Violation of Section 3 (e) of  
Republic Act (R. A.) No. 3019

SB-17-CRM-1186  
For: Violation of Section 3 (g) of  
R. A. No. 3019

-versus-

**FELIPE G. PICAZO, ZITA**  
**P. DE GUZMAN,**  
**VICTORIA O. SAN JOSE,**  
**RODOLFO L. DALIGUES,**  
**AND CONRADO G.**  
**GANADEN,**

Accused.

PRESENT:

FERNANDEZ, SJ<sup>1</sup>, J., *Chairperson*  
MIRANDA, &  
MUSNGI<sup>2</sup>, JJ.

Promulgated:

**NOV 21 2017** *[Signature]*

X-----X

<sup>1</sup> J. Ponferrada, Chairperson of the 6<sup>th</sup> Division when the present incident was submitted for resolution, 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 6<sup>th</sup> 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].

<sup>2</sup> At the time the present incident was submitted for resolution, J. Musngi was designated as a temporary member of the Sixth Division, in view of the vacancy therein (as per A.O. No. 124-2017 dated April 4, 2017; Revised Internal Rules of the Sandiganbayan, Rule XII, Section 3).

*[Handwritten signatures]*

## RESOLUTION

MIRANDA, J.:

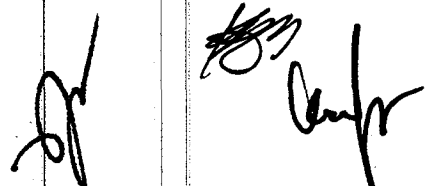
This resolves: 1) Accused Felipe G. Picazo (Picazo) and Conrado G. Ganaden's (Ganaden) Motion to Dismiss and Motion for Judicial Determination of Probable Cause with Motion to Defer Issuance or Recall of Warrant of Arrest dated July 1, 2017; 2) Picazo and Ganaden's Motion for Consolidation dated July 1, 2017; 3) The Prosecution's Omnibus Comment/Opposition dated July 24, 2017; and 4) Picazo and Ganaden's Reply dated August 14, 2017.

In their motion to dismiss, Picazo and Ganaden seek the immediate dismissal of these cases on the following grounds: 1) The Violation of their constitutional right to the speedy disposition of cases after the Office of the Ombudsman took more than thirteen (13) years to finish the fact-finding and preliminary investigation of these cases; and 2) Lack of probable cause to hold them liable for violation of Section 3 (e) and 3 (g) of R.A. No. 3019. They pray that the issuance of the warrants of arrest against them be deferred, or recalled if already issued.

Alternatively, in their motion for consolidation, Picazo and Ganaden ask for the consolidation of these cases with the cases involving one hundred ninety-eight (198) counts of Malversation of Public Funds through Falsification of Public Documents pending before the Seventh Division of the Court. They also seek the consolidation of the 198 counts of malversation cases into one information following the single larceny doctrine enunciated by the Supreme Court in *Santiago v. Garchitorena*.

In its omnibus comment/opposition, the Prosecution, through the Office of the Special Prosecutor (OSP), asserts that: 1) The time it took to finish the preliminary investigation and file the informations in Court is due to the complicated factual and legal issues in these cases and the 198 malversation cases pending before the Seventh Division; 2) The Court has already determined the existence of probable cause; and 3) The consolidation of cases is not proper because it will unduly burden accused Zita P. De Guzman (De Guzman), Victoria O. San Jose (San Jose), and Rodolfo L. Daligues (Daligues), who are not part of the 198 malversation cases pending in the Seventh Division of the Court.

In their reply, Picazo and Ganaden assert that: 1) The consolidation of cases cannot unduly burden De Guzman and San Jose who are already dead;



2) Daligues will benefit from the consolidation as he can now be accommodated by Picazo and Ganaden in their travel from La Union to Manila to attend the court hearings in these cases; 3) The Court can still dismiss these cases in the interest of justice despite its earlier finding of probable cause; and 4) The period of more than thirteen (13) years to finish the preliminary investigation of these cases without any valid explanation from the Office of the Ombudsman constitutes inordinate delay.

### FACTUAL ANTECEDENTS

On February 16, 2004, Ms. Evelyn E. Wailan (Wailan), President of the MLUWD Employees Association, submitted a letter dated January 28, 2004 to the Office of the Deputy Ombudsman for Luzon requesting for an investigation into the alleged anomalies in the construction of Metro La Union Water District's (MLUWD) administrative building.<sup>3</sup> The request was based on a Commission on Audit (COA) report finding several anomalies in the said construction.<sup>4</sup>

On March 22, 2004, the Office of the Deputy Ombudsman for Luzon requested a copy of said COA report from Atty. Cesar G. Ramirez (Ramirez), Regional Cluster Director of the COA-Regional Office I, San Fernando, La Union.<sup>5</sup>

On October 25, 2004, Director Rogelio D. Tablang (Tablang) of the Legal and Adjudication Office of COA submitted to the Office of the Deputy Ombudsman for Luzon the undated Report on the Result of the Special Audit/Investigation on the Transactions of Metro La Union Water District.<sup>6</sup> The said report recommended the filing of appropriate criminal and administrative charges against all MLUWD officials involved in the construction of MLUWD's administrative building.<sup>7</sup>

On November 16, 2004, the Office of the Deputy Ombudsman for Luzon requested Director Tablang to execute a formal complaint-affidavit in relation to the audit findings and recommendations in the undated COA report.<sup>8</sup>

<sup>3</sup> Letter dated January 28, 2004, Records, pp. 34-35.

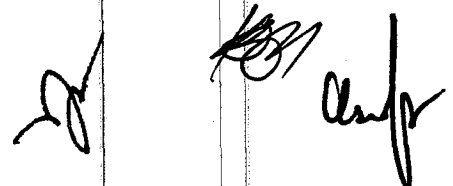
<sup>4</sup> *Ibid.*

<sup>5</sup> Final Report dated January 28, 2005, Records, pp.31-33, 31.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Id.*

<sup>8</sup> Final Report dated January 28, 2005, Records, pp.31-33, 32.



On December 14, 2004, Director Tablang filed a complaint-affidavit with the Deputy Ombudsman for Luzon charging Picazo, Anastacio Apilado (Apilado), De Guzman, San Jose, Daligues, and Ganaden with Malversation, Falsification, and violation of R.A. No. 3019 in relation to the alleged anomalies in the construction of MLUWD's administrative building.<sup>9</sup>

On January 28, 2005, Associate Graft Investigation Officer (GIO) Paulino L. Ocular found the complaint-affidavit of Director Tablang sufficient in form and substance.<sup>10</sup> He recommended the re-docketing of the complaint as formal criminal and administrative cases.<sup>11</sup>

On March 2, 2005, the Office of the Deputy Ombudsman for Luzon ordered Picazo, Apilado, De Guzman, San Jose, Daligues, and Ganaden to submit their respective counter-affidavits.<sup>12</sup>

On May 23, 2005, Ganaden submitted his Counter-Affidavit dated May 6, 2005.<sup>13</sup>

On June 2, 2005, Picazo submitted his Counter-Affidavit dated April 29, 2005.<sup>14</sup> On even date, Apilado, De Guzman, San Jose, and Daligues submitted their Joint Counter-Affidavit dated April 29, 2005.<sup>15</sup>

On January 14, 2013, the Office of the Deputy Ombudsman for Luzon rendered its initial resolution on the complaint.<sup>16</sup> It was approved by the Deputy Ombudsman for Luzon on April 17, 2013.<sup>17</sup> The records are, however, bereft of any copy of said resolution.

The Resolution dated January 14, 2013 was recalled by the Office of the Deputy Ombudsman for Luzon in its Order dated March 2, 2015 because it was approved and signed by the Deputy Ombudsman for Luzon only.<sup>18</sup> Since the crimes fall under the jurisdiction of Sandiganbayan, the approval

<sup>9</sup> Resolution dated March 13, 2015, Records, pp. 6-25, 23.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Supra*, 8

<sup>12</sup> *Supra*, 9.

<sup>13</sup> Counter-Affidavit dated May 6, 2005, Records, pp. 84.

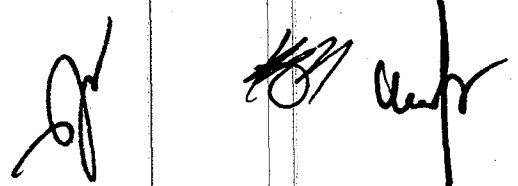
<sup>14</sup> Counter-Affidavit dated May 2, 2005, Records, pp. 61-83.

<sup>15</sup> Counter-Affidavit dated April 29, 2005, Records, pp. 85-107.

<sup>16</sup> Order dated March 2, 2015, Records, pp. 27-30.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Id.*



and signature of Ombudsman Conchita Carpio-Morales (Carpio-Morales) are necessary for its proper filing and prosecution in court.<sup>19</sup>

On March 13, 2015, Graft Investigation and Prosecution Officer I Yasmin Soraya A. Masukat (Masukat) drafted the Resolution of even date finding probable cause for violation of Section 3 (e) and Section 3 (g) of R.A. No. 3019 against Picazo, De Guzman, San Jose, Daligues, and Ganaden, and 198 counts of Malversation of Public Funds through Falsification of Public Documents against Picazo and Ganaden.<sup>20</sup> The charges against Apilado were dismissed on the account of his death.<sup>21</sup>

On April 25, 2016, Ombudsman Carpio-Morales approved the Resolution dated March 13, 2015.<sup>22</sup>

On June 19, 2017, the informations in these cases were filed with the Sandiganbayan.

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

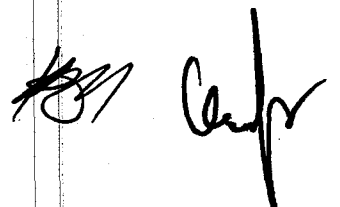
<b>Incidents</b>	<b>Date</b>
Wailan submitted a letter to the Office of the Deputy Ombudsman for Luzon requesting for an investigation into the alleged anomalies in the construction of MLUWD's administrative building based on a COA report.	February 16, 2004
The Office of the Deputy Ombudsman for Luzon requested a copy of said COA report from Director Ramirez of COA-Regional Office I.	March 22, 2004
Director Tablang of the Legal and Adjudication Office of COA submitted to the Office of the Deputy Ombudsman for Luzon the undated Report on the Result of the Special Audit/Investigation on the Transactions of Metro La Union Water District.	October 25, 2004
The Office of the Deputy Ombudsman for Luzon requested Director Tablang to execute a formal complaint-affidavit in relation to the findings in the undated COA report.	November 16, 2004

<sup>19</sup> *Id.*

<sup>20</sup> *Supra*, 9.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*



Director Tablang filed a complaint-affidavit with the Office of the Deputy Ombudsman for Luzon charging Picazo, Apilado, De Guzman, San Jose, Daligues, and Ganaden with Malversation, Falsification, and violation of R.A. No. 3019 in relation to the alleged anomalies in the construction of MLUWD's administrative building.	December 14, 2004
GIO Ocular recommended the re-docketing of the complaint as formal criminal and administrative cases.	January 28, 2005
The Office of the Deputy Ombudsman for Luzon ordered Picazo, Apilado, De Guzman, San Jose, Daligues, and Ganaden to submit their respective counter-affidavits.	March 2, 2005
Ganaden submitted his counter-affidavit.	May 23, 2005
Picazo, Apilado, De Guzman, San Jose, and Daligues submitted their respective counter-affidavits.	June 2, 2005
The Office of the Deputy Ombudsman for Luzon rendered its initial resolution in these cases.	January 14, 2013
Deputy Ombudsman for Luzon approved the Resolution dated January 14, 2013.	April 17, 2013
The Office of the Deputy Ombudsman for Luzon recalled the Resolution dated January 14, 2013.	March 2, 2015
GIPO I Masukat drafted a new resolution in these cases.	March 13, 2015
Ombudsman Carpio-Morales approved the Resolution dated March 13, 2015.	April 25, 2016
The informations in these cases were filed with the Sandiganbayan.	June 19, 2017

**DISCUSSION AND RULING**

The Court will first rule on Picazo and Ganaden's motion for consolidation. The consolidation of criminal cases is a matter of judicial discretion pursuant to Section 22, Rule 119 of the Rules of Court, which states:

*[Handwritten signatures]*

*Sec. 22. Consolidation of trials of related offenses.* — Charges for offenses founded on the same facts or forming part of a series of offenses of similar character may be tried jointly at the discretion of the court.

Similarly, Section 2 of Rule XII of the Revised Internal Rules of Sandiganbayan reads:

Section 2. *Consolidation of Cases.* - Cases arising from the same incident or series of incidents, or involving **common questions of fact and law**, may be consolidated in the Division to which the case bearing the lowest docket number is raffled. (Emphasis and underscoring supplied)

In *Teston v. Development Bank of the Philippines*<sup>23</sup>, the Supreme Court laid down the requisites for the consolidation of cases, viz:

A court may order several actions pending before it to be tried together where they arise from **the same act, event or transaction, involve the same or like issues, and depend largely or substantially on the same evidence**, provided that the court has jurisdiction over the cases to be consolidated and that a joint trial will not give one party an undue advantage or prejudice the substantial rights of any of the parties. (Emphasis and underscoring supplied).

The rule on consolidation is designed to serve the following purposes: 1) To avoid multiplicity of suits; 2) To guard against oppression and abuse; 3) To prevent delays; 4) To clear congested dockets; and 5) To simplify the work of the trial court.<sup>24</sup> Consolidation aims to attain justice with the least expense and vexation to the parties-litigants.<sup>25</sup>

After a thorough review of the records of these cases, the Court **denies** the motion to consolidate the cases sought by Picazo and Ganaden because it is against procedural rules and established jurisprudence.

<sup>23</sup> G.R. No. 144374, November 11, 2005.

<sup>24</sup> *Deutsche Bank AG, v. Court of Appeals*, G. R. No. 193065, February 27, 2012.

<sup>25</sup> *Steel Corporation of the Philippines v. Equitable PCI Bank, Inc.*, G. R. No. 190462 & G.R. No. 190538, November 17, 2010.

Violation of Section 3 (e) and 3 (g) of R.A. No. 3019, and Malversation of Public Funds through Falsification of Public Documents, **do not** involve a common question of fact and of law. These crimes refer to different violations of law. Section 3 (e) of R.A. No. 3019 refers to the act of causing undue injury to the Government, or giving any private party any unwarranted benefits, advantage or preference through manifest partiality, evident bad faith, or gross negligence. Section 3 (g) refers to the act of entering into a contract or transaction manifestly and grossly disadvantageous to the Government. Malversation of Public Funds through Falsification of Public Documents under the Revised Penal Code (R.P.C.) is a complex crime of appropriating, taking, misappropriating, consenting, or through abandonment or negligence, permitting another person to take public funds or property through any of the acts enumerated in Article 171 of the R.P.C.

In these cases, Picazo, De Guzman, San Jose and Daligues were charged with violation of Section 3 (e) of R.A. No. 3019 for allegedly giving unwarranted benefits or preference to Ganaden in relation to the consultancy contract for the construction of the MLUWD's administrative building<sup>26</sup>, and of Section 3 (g) of the same law for allegedly entering into a grossly disadvantageous consultancy contract with Ganaden causing damage to the Government in the amount of Twenty-Four Million Four Hundred Seventy-Five Thousand Three Hundred Pesos (P 24, 475, 300.00)<sup>27</sup>. The 198 counts of malversation against Picazo and Ganaden stemmed out of the alleged misappropriation of MLUWD's fund by using falsified purchase orders and official receipts in connection with the procurement of construction materials and facilities for the said administrative building.<sup>28</sup>

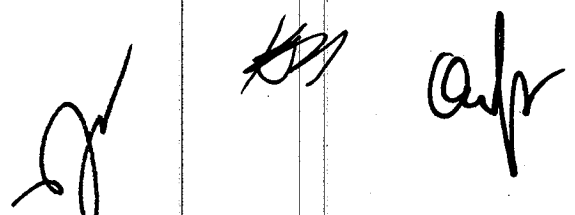
Based on the foregoing, it appears that the inculpatory acts complained of, and the particulars and specifications of the cases sought to be consolidated, are **dissimilar**, even though they were allegedly committed in connection with the construction of the MLUWD's administrative building. Since the elements of these offenses are different from each other, it is not likely that the Prosecution and the accused will use the same evidence and witnesses in the trial for violation of Section 3 (e) and 3 (g) of R.A. No. 3019 and the 198 malversation cases. The time frames of these offense are even different because the subject consultancy contract was entered into in 1998 while the alleged falsification of procurement documents was committed from 1998 to 2001. In the event of a consolidation, the trial of the cases may become oppressive to Daligues, who is not an accused in the malversation cases, as he would be forced to await the conclusion of the presentation of

---

<sup>26</sup> *Supra*, 9.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Id.*





evidence to a crime that has no relation to the cases filed against him. As a result, the salutary purposes for which the rule on consolidation is designed to protect are defeated.

The Court may not rule on the issue on the consolidation of the 198 counts of malversation into a single information because these cases were filed with the Seventh Division of the Court. It is improper for the accused to seek relief with respect to the said cases in this Court.

With regard to the motions for the judicial determination of probable cause and deferment or recall warrant of arrest, the same are **denied** for being moot. The Court had already determined probable cause for the purpose of issuing a warrant of arrest against Picazo, De Guzman, San Jose, Daligues, and Ganaden in its proceedings held on July 3, 2017, and issued a warrant of arrest against the said accused on even date.

Under the Revised Guidelines for Continuous Trial of Criminal Cases<sup>29</sup>, which took effect on September 1, 2017, a motion for judicial determination of probable cause is a prohibited motion that shall be denied outright before the scheduled arraignment without need of comment and/or opposition.

On the allegation of inordinate delay, the Court holds that the termination of the preliminary investigation and the filing of the informations after more than thirteen (13) years have violated the right of the accused to the speedy disposition of cases. Accordingly, the motion to dismiss must be **granted**.

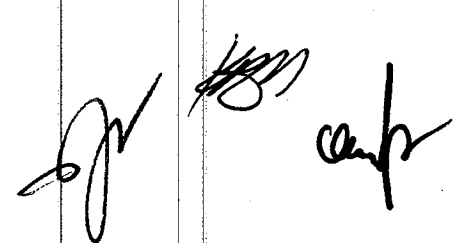
The right to the speedy disposition of cases is enshrined in Section 16, Article III of the Constitution which states:

*All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.*

The constitutional right to the 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,

---

<sup>29</sup> Section III (2) (b).



any party to a case may demand expeditious action from all officials who are tasked with the administration of justice.<sup>30</sup>

In determining whether the right to the speedy disposition of cases of the accused has been violated, the Court gives due regard to the peculiar facts and circumstances of each case. A mere mathematical reckoning of the time involved would not be sufficient.<sup>31</sup>

The right to the speedy disposition of cases is 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. 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>32</sup>

In *Corpuz v. Sandiganbayan*,<sup>33</sup> the Supreme Court laid down the following factors that **may** be considered in determining whether the right to speedy disposition of cases has been violated: (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.

Records show that the Office of the Ombudsman spent an aggregate period of *thirteen (13) years, four (4) months and three (3) days* from the filing of the complaint-affidavit with the Office of the Deputy Ombudsman for Luzon on February 16, 2004 until the filing of the informations with this Court on June 19, 2017. This period is capricious, oppressive and vexatious to the accused because of the attendant circumstances discussed below.

The period from February 16, 2004 to March 22, 2004, or *one (1) month and six (6) days*, is attributed to the Office of the Deputy Ombudsman for Luzon because this was spent by the said office in conducting its initial evaluations on the letter-request of Ms. Wailan for an investigation of the alleged anomalies in the construction of MLUWD's administrative building.

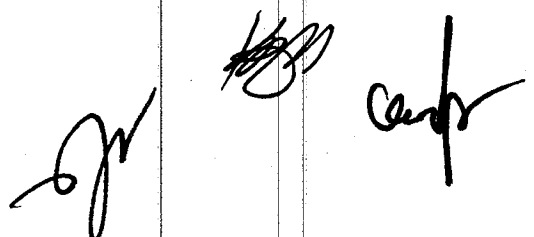
The period from March 22, 2004 to October 25, 2004, or *seven (7) months and three (3) days*, is not charged against the Office of the Deputy

<sup>30</sup> *The Ombudsman v. Jurado*, G.R. No. 154155, August 6, 2008.

<sup>31</sup> *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004.

<sup>32</sup> G.R. No. 154155, August 6, 2008.

<sup>33</sup> G.R. No. 162214, November 11, 2004.



Ombudsman for Luzon and the accused. During this time, the Office of the Deputy Ombudsman for Luzon requested the COA to submit a copy of its report that was alleged to be the basis of Ms. Wailan's letter-request. The submission by the COA of said report is beyond the control of the Office of the Deputy Ombudsman for Luzon and the accused.

The period from October 25, 2004 to November 16, 2004, or *twenty-two (22) days*, is attributed to the Office of the Deputy Ombudsman for Luzon. It encompasses the time from the receipt of the said office of the COA report until its issuance of the order to Director Tablang to file a formal complaint-affidavit against persons liable in anomalies attending the construction of MLUWD's administrative building.

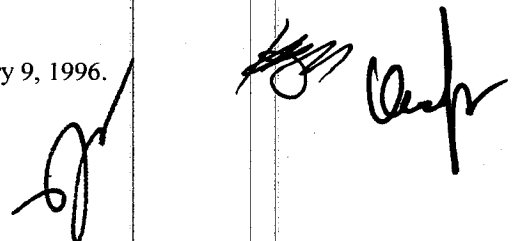
The period from November 16, 2004 to December 14, 2004, or *twenty-eight (28) days*, should neither be charged against the Office of the Deputy Ombudsman for Luzon nor the accused. The period spent by the COA in the execution and submission of its complaint-affidavit on these cases is beyond the control of the Office of the Deputy Ombudsman for Luzon and the accused.

The period from December 14, 2004 to March 2, 2005, or *two (2) months and sixteen (16) days*, is visited upon the Office of the Deputy Ombudsman for Luzon. The period was spent by the said office in re-docketing the complaint into formal criminal and administrative cases, and issuing orders to the accused for the submission of their counter-affidavits.

The period from March 2, 2005 to June 2, 2005, or *three (3) months*, is not attributed to the Office of the Deputy Ombudsman for Luzon because it was used by the accused in submitting their respective counter-affidavits. From issuance of the order to submit a counter-affidavit, Ganaden took two (2) months and twenty-one (21) days to submit his counter-affidavit while Picazo, De Guzman, Apilado, San Jose and Daligues submitted their counter-affidavits after three (3) months. Although the filing of a counter-affidavit by the accused is part of the right to procedural due process, it cannot be denied that this period contributed a certain degree of delay in the resolution of these cases by the Office of the Deputy Ombudsman for Luzon. The accused cannot be allowed to complain against a circumstance to which they had contributed.<sup>34</sup> The date of the submission of the last counter-affidavit on June 2, 2005 shall be used in determining the length of delay

---

<sup>34</sup> See *Dela Rosa v. Court of Appeals*, G.R. No. 116945, February 9, 1996.

Handwritten signatures in black ink, appearing to be initials or names, located at the bottom right of the page.

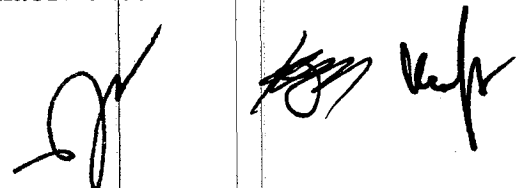
attributed to the Office of the Ombudsman as this was the time when the complaint was submitted for resolution.

The period from June 2, 2005 to January 14, 2013, or *seven (7) years, seven (7) months and twelve (12) days*, was spent by the Office of the Deputy Ombudsman for Luzon in drafting the resolution of these cases. The initial resolution was, however, recalled by the said office because it lacked the proper approval of Ombudsman Carpio-Morales. It would appear that the Office of the Deputy Ombudsman for Luzon mistakenly treated these cases to be within the jurisdiction of the Regional Trial Court instead of this Court. It took the Office of the Deputy Ombudsman for Luzon *two (2) years, one (1) month and twenty-seven (27) days* to draft another resolution in order to cure its previous defect. The Resolution dated March 13, 2015 was thereafter submitted for approval to Ombudsman Carpio-Morales. It was approved by Ombudsman Carpio-Morales after *one (1) year, one (1) month and twelve (12) days*. The OSP filed the informations in court on June 19, 2017 or after *one (1) year, one (1) month and twenty-five (25) days* from approval of the resolution. These periods are entirely attributable to the Office of the Ombudsman as the actions taken here were under the immediate control of the said office.

Based on the foregoing, the total period of *three (3) months* is attributed to the accused. This comprises the time spent by the accused in preparing and filing their counter-affidavits. Since it was consumed for their benefit, it is proper to exclude this period from the computation of the total time spent in the preliminary investigation. The period of *eight (8) months and one (1) day* is also excluded because it was spent by the COA in submitting its report in the alleged anomalies attending the construction of MLUWD's administrative building, and the filing of its complaint-affidavit against the accused.

Subtracting the periods attributable to the accused and to COA, the total period spent by the Office of the Ombudsman to finish its preliminary investigation, and for the OSP to file the corresponding informations is *twelve (12) years and five (5) months*. The Court treats this period to be clearly oppressive, arbitrary and vexatious to the accused. A delay of **more than a decade** cannot be countenanced lest this Court runs afoul of the constitutional protection afforded to the accused by the right to the speedy disposition of cases.

The time spent by the Office of the Ombudsman in investigating the complaint, preparing the resolution, and filing the informations in these cases, is simply too long to be considered reasonable based on the attendant



circumstances. These cases only involved a review of simple documents such as contracts, purchase orders, and official receipts that are readily available in the records. In fact, these documents were already identified, collated and discussed by the COA in its undated Report on the Result of the Special Audit/Investigation on the Transactions of Metro La Union Water District<sup>35</sup>. There were also no novel or complex issues involved. While the transactions were allegedly made from 1998 to 2001, the documents subject of the preliminary investigation are not so voluminous. This Court therefore does not see any reason why the Office of the Ombudsman spent such a long time to finish the preliminary investigation of these cases.

The error committed by the Office of the Deputy Ombudsman for Luzon as regards which court has jurisdiction over these cases has further delayed the conduct of the preliminary investigation. The law on the jurisdiction of courts is so basic that an error on its application committed by no less than the Office of the Ombudsman is inexcusable.

No plausible explanation, special or even novel reason, was offered by the Office of the Ombudsman to explain the long delay in the preliminary investigation and filing of the informations in these cases. The complexity of the nature of the cases, the sheer volume of the documents involved and the 198 cases of malversation similarly investigated by their office, simply do not justify the lapse of more than twelve years to finish the preliminary investigation and file the informations in court.

In *People v. Sandiganbayan*<sup>36</sup>, the Supreme Court held:

The Constitutional guarantee against unreasonable delay in the disposition of cases was intended to stem the tide of disenchantment among the people in the administration of justice by our judicial and quasi-judicial tribunals. The adjudication of cases must not only be done in an orderly manner that is in accord with the established rules of procedure but must also be promptly decided to better serve the ends of justice. Excessive delay in the disposition of cases

---

<sup>35</sup> Records, pp. 99-107.

<sup>36</sup> G. R. No. 199151-56, July 25, 2016.



renders the rights of the people guaranteed by the Constitution and by various legislations inutile.

The OSP claims that the filing by the accused of a Motion to Admit Supplemental Evidence with Motion for Further Preliminary Investigation, Motion to Conduct a Clarificatory Hearing, and Motion to Dismiss amounted to a waiver of their rights. The records, however, contain no proof of these motions. The OSP even failed to specify the details of said motions or provide a copy thereof. There is thus no factual basis to say that the accused waived their right to the speedy disposition of cases before the Office of the Ombudsman. In fact, Picazo and Ganaden filed the present motion on July 3, 2017, or just *fourteen (14) days* after the informations were filed in Court.

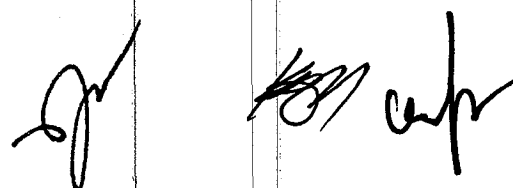
The long time it took the Office of the Ombudsman to conduct the preliminary investigation and file the information has seriously affected the ability of not only the accused to defend themselves from charges but also of the OSP to prosecute these cases. It must be emphasized that the transactions in question were allegedly made in 1998 or more than nineteen (19) years ago. The lapse of more than a decade will necessarily affect the availability of the witnesses and the quality of their recollection as well as the physical integrity of the documents and other pieces of evidence that may be presented in these cases.

**WHEREFORE**, The Motion for Consolidation is **DENIED** for lack of merit.

The Motion for Judicial Determination of Probable Cause with Motion to Defer Issuance or Recall of Warrant of Arrest dated July 1, 2017, of accused Felipe G. Picazo and Conrado G. Ganaden is **DENIED** for being moot.

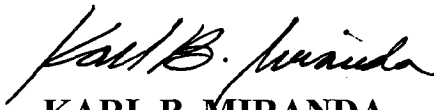
The Motion to Dismiss on the ground of violation of right to speedy disposition of cases is, however, **GRANTED**. Accordingly, these cases are ordered **DISMISSED**.

Since the circumstances of these cases are applicable to accused Rodolfo L. Daligues, the **DISMISSAL** will also benefit him despite his non-inclusion in the present motions.

The block contains two handwritten signatures in black ink. The signature on the left is a stylized, cursive 'J' followed by a vertical line. The signature on the right is more complex, starting with a large 'K' or 'C' and ending with a long horizontal stroke.

The hold departure order issued against accused Felipe G. Picazo and Conrado G. Ganaden is hereby **LIFTED**, and the bonds separately posted by them are hereby **RELEASED**, subject to the usual accounting and auditing procedures.

**SO ORDERED.**

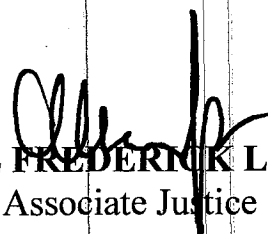


**KARL B. MIRANDA**  
Associate Justice

WE CONCUR:



**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson



**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice