



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, SB-17-CRM-0023 to 0029
Plaintiff,

– versus –

**For: Malversation of Public
Funds**

**LABUALAS B. MAMANSUAL,
and FRANCIS B. NADAR,
*Accused.***

**Present:
LAGOS, J., Chairperson,
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.**

Promulgated:

June 07, 2018 *Jal*

X-----X

RESOLUTION

LAGOS, J.:

Accused Mamansual and Nadar moved for a reconsideration of the Court's resolution dated 21 May 2018.¹ The prosecution opposed this motion.²

In their motion, the accused-movants provide a discussion of the four factors in assessing whether their right to speedy disposition of cases was violated; they disagree with the Court's finding that there is no inordinate delay. The prosecution reiterates its previous position that the accused movants have failed to show a violation of their right to speedy disposition of cases.

The motion lacks merit.

¹ In an Urgent Motion for Reconsideration dated 24 May 2018; Records, pp. 500-518.

² In a written Comment/Opposition dated 30 May 2018; Records, pp. 523-531.

Jal

At the outset, the Court observes that the accused-movants' motion does not contain a proof of service.³ It cannot be ascertained if they served a copy of the motion to the prosecution and how it was served. The motion also does not contain an explanation, in case service was not done personally.⁴ For these reasons alone, the motion can be considered as not filed.⁵ But to address the points raised in the motion, the Court shall treat the motion as filed and consider the arguments therein.

A review of the arguments, however, fails to persuade the Court. In the assailed resolution, the Court denied the accused-movants' motion to quash and motion to dismiss. This present motion tackles only the motion to dismiss. The accused-movants' discussion of the four factors only after the Court pointed out the need to do so is actually an admission that no such discussion was made in their previous motion. Essentially, they have admitted that they failed to substantiate – in their previous motion – their claim of violation of their right to speedy disposition of cases.

The accused-movants' now expanded discussion still fails to address the findings of the Court. They still failed to identify and show that there was an inordinate delay which was vexatious, capricious and oppressive. They still relied on a mathematical computation relying only on filing dates. They have not sufficiently addressed the matter of their non-assertion or belated assertion of their right, which was clear from the cited events from the records. They also still failed to identify a concrete prejudice they suffered.

The mere reference to dates and deducing that there was delay is clearly not enough to conclude that there was delay. The accused-movants' raise the issue that they are being burdened with explaining the delay. They misunderstand the situation. As movants, they must show that their motion has merit.

A reading of their motion shows that: they could not even establish the supposed delay; that they did not timely assert their right; and that they cannot substantiate any prejudice to them. There is no reason to delve into the reasons for the delay when such supposed delay cannot even be established.

³ See Rule 13, sections 5 and 13 of the Rules of Court. In the hearing on the motion on 25 May 2018, counsel for the accused-movants said that the prosecution was furnished a copy of the motion.

⁴ See Rule 13, section 11 of the Rules of Court.

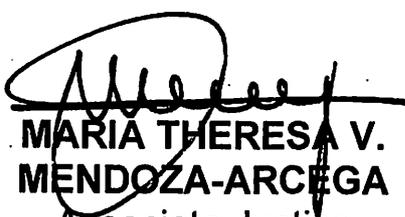
⁵ *Id.*

WHEREFORE, the motion for reconsideration is hereby **DENIED**. The arraignment and pre-trial shall proceed, as previously scheduled, on 22 June 2018 at 8:30 in the morning.

SO ORDERED.


RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


**MARIA THERESA V.
MENDOZA-ARCEGA**
Associate Justice


**MARYANNE E. CORPUS-
MANALAC**
Associate Justice