



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-18-CRM-0166 to 0187

Plaintiff, For: Violation of Sec. 3(e)  
of R.A. No. 3019

SB-18-CRM-0188 to 0227

For: Falsification of Public  
Documents (Art. 171, par. 4, RPC)

SB-18-CRM-0228

For: Malversation of Public Funds  
(Art. 217, RPC)

- versus -

Present

JOHN ESTELITO G. DOLLOSA,  
JR., ET AL.,

FERNANDEZ, SJ, J.,

Chairperson

MIRANDA, J. and

VIVERO, J.

Accused.

Promulgated:

JUN 06 2018

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves (1) the *Motion to Dismiss/Quash*<sup>1</sup> filed by accused Yahiya A. Kandong, Samsudin U. Sema and Omar B. Camsa, and (2) accused Datuali K. Abpi's *Motion to Dismiss*.<sup>2</sup>

In their *Motion to Dismiss/Quash*, accused Kandong, Sema and Camsa pray for the dismissal of the present cases against them for Falsification of Public Documents under Art. 171, par. 4 of the Revised

<sup>1</sup> Dated May 8, 2018; Record, Vol. 6, pp. 309-311

<sup>2</sup> Dated May 8, 2018; Record, Vol. 6, pp. 312-322

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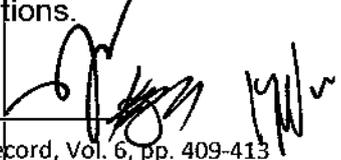
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Penal Code (RPC). They aver that the Sandiganbayan has no jurisdiction over their persons because Landap Guinaid, the principal accused, is already dead and none of the remaining accused occupy any of the positions mentioned in Sec. 4 of Presidential Decree No. 1606 (P.D. No. 1606), as amended by Republic Act No. 7975 (R.A. No. 7975).

In its *Comment/Opposition (To the Accused Kandong, Sema, and Camsa's Motion To Dismiss/Quash)*,<sup>3</sup> the prosecution counters that accused Kandong, Sema and Camsa are charged with having committed Falsification of Public Documents in conspiracy with accused Guinaid. The death of one of two or more conspirators does not prevent the conviction of the surviving accused. Thus, notwithstanding the death of accused Guinaid, the Sandiganbayan has jurisdiction over accused Kandong, Sema and Camsa.

In his *Motion to Dismiss*, accused Abpi similarly prays for the dismissal of the present cases on the ground of violation of his right to speedy disposition of cases. He avers:

1. On March 27, 2014, the Commission on Audit (COA) filed a Complaint-Affidavit for Malversation under Articles 217, 218 and 220 of the RPC, Fraud against the Public Treasury under Art. 213 (1) of the RPC, Falsification of Official/Commercial Documents under Articles 171 and 173 of the RPC, and violation of Sections 3(e) and (g) of Republic Act No. 3019 (R.A. No. 3019) against the accused.
2. The Office of the Ombudsman's Resolution finding probable cause to indict the accused in court was approved on August 1, 2016. However, the Information in the present cases were filed only on March 9, 2018, or around two (2) years from the approval of said Resolution.
3. The preliminary investigation lasted for around four (4) years from the filing of COA's complaint.
4. In *Tatad v. Sandiganbayan*, it was held that a delay of close to three (3) years constituted a violation of the accused' right to speedy disposition of cases.
5. There is no justification for the two-year delay in the filing of the Informations.

  
<sup>3</sup> Dated May 17, 2018; Record, Vol. 6, pp. 409-413

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6. The delay in the conduct of the preliminary investigation caused prejudice. Preparing his defense has become more difficult. Documents that would prove that the cash advances had already been liquidated would be more difficult to locate.

The prosecution, in its *Comment/Opposition (Re: Accused Abpi's Motion to Dismiss dated 08 May 2018)*,<sup>4</sup> counters:

1. Speedy disposition is a relative and flexible concept. A mere mathematical reckoning of the time involved is not sufficient.
2. From the records, the following is the chronology of events that led to the filing of the Informations with the Sandiganbayan:
  - a. The Joint Affidavit of the Special Audit Team (SAT) of the COA was filed on March 27, 2014.
  - b. On June 18, 2014, the respondents were directed to submit their respective counter-affidavits and controverting evidence.
  - c. On September 5, 2014, Datu Andal S. Ampatuan, Sr. and Datu Sajid Islam Uy Ampatuan requested for an extension of time to file their counter-affidavit. They filed their Consolidated Counter-Affidavit on October 20, 2014.
  - d. The COA filed its Motion for Extension of Time to file its Reply-Affidavit on November 14, 2014, and filed its Reply to the aforementioned counter-affidavit on January 15, 2015.
  - e. In the Resolution dated July 11, 2016, it was found that there was probable cause to indict the accused for Malversation of Public Funds, Violation of Sec. 3(e) of R.A. No. 3019 and Falsification of Public Documents. The Ombudsman approved the Resolution on August 1, 2016.
  - f. The Information in the present cases were filed on March 9, 2018.
3. It took only around three (3) years, eleven (11) months and ten (10) days from the filing of the COA's Joint Affidavit to the filing of the Informations with the Court.
4. The present cases are only a few of the cases filed against the accused. Because the cases involve several transactions,

<sup>4</sup> Dated May 17, 2018; Record, Vol. 6, pp. 414-421

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voluminous documents, different charges and several respondents, it necessarily took more time to resolve the complaint.

5. Although the Informations were filed more than one (1) year and seven (7) months from the Ombudsman's approval of the Resolution, the same cannot be considered vexatious, capricious and oppressive absent any proof that the delay was deliberately employed to harass or violate the accused' right to speedy disposition of cases.
6. The Supreme Court, in *Dansal v. Fernandez*, recognized that a steady stream of cases reaches the Office of the Ombudsman as a result of its nature, encouraging individuals to freely lodge their complaints against wrongdoings of government personnel.
7. Accused Abpi did not submit his counter-affidavit despite notice. Although he claims that he was not furnished a copy of the Order directing him to file his counter-affidavit, the records prove otherwise.
8. Accused Abpi suffered no serious prejudice beyond that which is caused in the regular course of the preliminary investigation.

### THE COURT'S RULING

#### **I. Accused Kandong, Sema and Camsa's Motion to Dismiss/Quash**

The Court resolves to deny accused Kandong, Sema and Camsa's *Motion to Dismiss/Quash*.

Sec. 4 of Presidential Decree No. 1606 (P.D. No. 1606), as amended by R.A. No. 7975 and R.A. No. 8249, provides that the Sandiganbayan has exclusive original jurisdiction in cases involving the enumerated offenses, where one or more of the accused are officials occupying the enumerated positions at the time of the commission of the crime. The pertinent portion thereof reads:

**Sec. 4. Jurisdiction** – The *Sandiganbayan* shall exercise original jurisdiction in all cases involving:

- a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corruption Practices Act, and Republic Act No. 1379, and Chapter II, Sec. 2, Title VII of the Revised Penal Code, where one or more of the accused are

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officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:

- (1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade "27" and higher of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:
  - (a) Provincial governors, vice-governors, members of the *sangguniang panlalawigan*, and provincial treasurers, assessors, engineers, and other provincial department heads;

x x x

- b. Other offenses or felonies committed by the public officials and employees mentioned in subsection (a) of this section in relation to their office.

x x x

(underscoring supplied)

The aforementioned provision requires at least one accused occupying any of the enumerated positions at the time of the alleged commission of the offense as a minimum for the Sandiganbayan's exercise of its exclusive original jurisdiction.

Here, accused Landap Guinaib, OIC Provincial Engineer at the time of the alleged commission of the crimes charged, was charged with acting in conspiracy with accused Kandong, Sema and Camsa, in the respective Informations. There being at least one public officer occupying a position enumerated in Sec. 4 of P.D. No. 1606, as amended, at the time of the alleged commission of the offenses, the Sandiganbayan clearly has exclusive original jurisdiction over the present cases.

In *Villa v. Sandiganbayan*,<sup>5</sup> it was held that even a single defendant may be found guilty of an offense so long as the acquittal or death of a co-conspirator does not remove the bases for a charge of conspiracy. This ruling was reiterated in the later case of *People v. Go*,<sup>6</sup> wherein the accused private individual Henry T. Go was charged

<sup>5</sup> G.R. Nos. 87186, 87281, 87466 and 87524, April 24, 1992

<sup>6</sup> G.R. No. 168539, March 25, 2014

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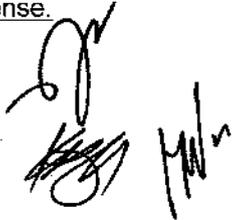
of having acted in conspiracy with a public officer. However, said public officer died prior to the filing of the Information. As a result, no public officer was charged in the Information. Go moved to quash the Information on the ground of the Sandiganbayan's lack of jurisdiction over his person. The Sandiganbayan granted his motion and dismissed the case. In reversing the Sandiganbayan's ruling, the Supreme Court held:

It is true that by reason of Secretary Enrile's death, there is no longer any public officer with whom respondent can be charged for violation of R.A. 3019. It does not mean, however, that the allegation of conspiracy between them can no longer be proved or that their alleged conspiracy is already expunged. The only thing extinguished by the death of Secretary Enrile is his criminal liability. His death did not extinguish the crime nor did it remove the basis of the charge of conspiracy between him and private respondent. Stated differently, the death of secretary Enrile does not mean that there was no public officer who allegedly violated Section 3 (g) of R.A. 3019. In fact, the Office of the Deputy Ombudsman for Luzon found probable cause to indict Secretary Enrile for infringement of Sections 3 (e) and (g) of R.A. 3019. Were it not for his death, he should have been charged.

The requirement before a private person may be indicted for violation of Section 3(g) of R.A. 3019, among others, is that such private person must be alleged to have acted in conspiracy with a public officer. The law, however, does not require that such person must, in all instances, be indicted together with the public officer. If circumstances exist where the public officer may no longer be charged in court, as in the present case where the public officer has already died, the private person may be indicted alone.

Indeed, it is not necessary to join all alleged co-conspirators in an indictment for conspiracy. If two or more persons enter into a conspiracy, any act done by any of them pursuant to the agreement is, in contemplation of law, the act of each of them and they are jointly responsible therefor. This means that everything said, written or done by any of the conspirators in execution or furtherance of the common purpose is deemed to have been said, done, or written by each of them and it makes no difference whether the actual actor is alive or dead, sane or insane at the time of trial. The death of one of two or more conspirators does not prevent the conviction of the survivor or survivors. Thus, this Court held that:

x x x [a] conspiracy is in its nature a joint offense. One person cannot conspire alone. The crime depends upon the joint act or intent of two or more persons. Yet, it does not follow that one person cannot be convicted of conspiracy. So long as the acquittal or death of a co-conspirator does not remove the bases of a charge for conspiracy, one defendant may be found guilty of the offense.



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(underscoring supplied)

Clearly, if a conspirator dies, the remaining co-conspirators may still be found guilty of an offense on the basis of such conspiracy. Here, accused Guinaib was actually included in the charges. His death did not remove the bases of the respective charges for conspiracy with accused Kandong, Sema and Camsa. Thus, there is no ground for the quashal of the Informations or the dismissal of the cases against accused Kandong, Sema and Camsa.

### **II. Accused Abpi's Motion to Dismiss**

This Court likewise resolves to deny accused Abpi's Motion.

The right to speedy disposition of cases is enshrined in Art. III, Sec. 16 of the Constitution, which reads:

**Sec. 16.** All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies.

This right, like the right to a speedy trial, is deemed 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 even without cause or justifiable motive, a long period of time is allowed to elapse without the party having their case tried.<sup>7</sup> In determining if there was a violation of such right, the Supreme Court adopted the balancing test which weighs the conduct of both the prosecution and the defendant, and considers the peculiar circumstances surrounding each case, along with the four (4) factors, namely: (1) length of delay; (2) reasons for the delay; (3) assertion or failure to assert such right by the accused; and (4) prejudice caused by the delay.<sup>8</sup>

The application of the balancing test has resulted in seemingly conflicting rulings over the years. In one set of cases,<sup>9</sup> the Supreme Court found that there was no violation of the right to speedy

<sup>7</sup> *Roquero v. The Chancellor of UP-Manila*, G.R. No. 181851, March 9, 2010

<sup>8</sup> Please see *Perez v. People*, G.R. No. 164763, February 12, 2008

<sup>9</sup> *Tilendo v. Ombudsman*, G.R. No. 165975, September 13, 2007; *Guerrero v. Court of Appeals*, G.R. No. 107211, June 28, 1996; *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004; *Tello v. People*, G.R. No. 165781, June 5, 2009

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disposition of cases, but in another set,<sup>10</sup> it was found that the accused' right was violated. In harmonizing the two (2) sets of cases, the Supreme Court, in *Remulla v. Sandiganbayan*,<sup>11</sup> explained that the Supreme Court had consistently applied the balancing test. The different results were brought about by the appreciation of the relevant circumstances surrounding each case, rather than a change in the prevailing doctrine giving more weight to certain factors. To wit:

Accordingly, both sets of cases only show that “[a] balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an *ad hoc* basis.” To reiterate, none of the factors in the balancing test is either a necessary or sufficient condition; they are related and must be considered together with other relevant circumstances. *Corpus v. Sandiganbayan* thoroughly explained how the factors of the balancing test should be weighed, particularly the prejudiced caused by the delay, to wit:

x x x

Applying the balancing test, this Court will now determine if accused Abpi's right to speedy disposition of cases was violated.

### *A. Length of delay*

From the records, it appears that the COA filed its complaint with the Office of the Ombudsman on March 27, 2014.<sup>12</sup> On September 5, 2014, respondents Datu Andal S. Ampatuan, Sr., Datu Sajid Islam Uy Ampatuan and Datu Andal Uy Ampatuan, Jr. requested for a 30-day extension of time to file their counter-affidavit on account of the technical nature of the charges and the voluminous records involved.<sup>13</sup> They filed their Consolidated Counter-Affidavit dated October 2, 2014 on October 20, 2014.<sup>14</sup> The other respondents did not submit their respective counter-affidavits.<sup>15</sup> The Resolution in OMB-C-C-14-0124<sup>16</sup> dated July 11, 2016 was approved on October 14, 2016. The Resolution in OMB-C-C-14-0128<sup>17</sup> dated July 11, 2016 was approved

<sup>10</sup> *Coscolluela v. Sandiganbayan*, G.R. Nos. 191411, 191871, July 15, 2013; *Duterte v. Sandiganbayan*, G.R. No. 130191, April 27, 1998; *People v. Sandiganbayan*, G.R. Nos. 188165 and 189063, December 11, 2013; *Inocentes v. People*, G.R. Nos. 205963-64, July 7, 2016

<sup>11</sup> G.R. No. 218040, April 17, 2017

<sup>12</sup> Record, Vol. 1, p. 62

<sup>13</sup> Record, Vol. 1, p. 101

<sup>14</sup> Record, Vol. 1, pp. 99-106

<sup>15</sup> Record, Vol. 1, p. 33 (OMB-C-C-14-0124), 77 (OMB-C-C-14-0128)

<sup>16</sup> Crim. Cases No. SB-18-CRM-0167-0187, 0201-0221

<sup>17</sup> Crim. Cases No. SB-18-CRM-0166, 0188-0200, 0222-0228

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on August 1, 2016. The Information in the present cases were filed on March 9, 2018.

The Resolution in OMB-C-C-14-0124 was approved around two (2) years and six (6) months from the filing of the COA's complaint. Thereafter, it took around one (1) year and five (5) months to file the Information in the present cases with the Sandiganbayan. The periods combined, the Information in the present cases were filed around three (3) years and eleven (11) months, or almost four (4) years from the filing of the COA's complaint.

Indeed, in *Tatad v. Sandiganbayan*,<sup>18</sup> it was held that "[a] delay of close to three (3) years can not be deemed reasonable or justifiable." But it must be emphasized that the phrase that follows is "in the light of the circumstance obtaining in the case at bar." The Supreme Court, in that case, did not rule that a delay of close to three (3) years *per se* can never be deemed reasonable or justifiable. In concluding that there was a violation of the right to speedy disposition of cases, the Supreme Court considered the length of the delay together with the peculiar circumstances surrounding that case, *i.e.*, a blatant deviation from the established procedure leading to the suspicion that the prosecution was politically motivated.

Thus, the length of delay is but one of the factors that the Court must consider. By itself, it is insufficient in determining whether or not there was a violation of the accused' right to speedy disposition of cases.

### *B. Reason for the delay*

The second factor that must be considered is the reason for the delay. In *Corpuz v. Sandiganbayan*,<sup>19</sup> it was held that different weights should be assigned to different reasons or justifications invoked by the State. *Viz.:*

Closely related to the length of delay is the reason or justification of the State for such delay. Different weights should be assigned to different reasons or justifications invoked by the State. For instance, a deliberate attempt to delay the trial in order to hamper or prejudice the defense should be weighted heavily against the State. Also, it is improper for the prosecutor to intentionally delay to

<sup>18</sup> G.R. Nos. 72335-39, March 21, 1988

<sup>19</sup> G.R. No. 162214, November 11, 2004

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gain some tactical advantage over the defendant or to harass or prejudice him. On the other hand, the heavy case load of the prosecution or a missing witness should be weighted less heavily against the State. Corollarily, Section 4, Rule 119 of the Revised Rules of Criminal Procedure enumerates the factors for granting a continuance.

According to the prosecution, the present cases, which are only a part of all the cases against the accused, involve voluminous records, numerous transactions and several charges against several respondents. Furthermore, although it took more than one (1) year for the Ombudsman to approve the Resolution in OMB-C-C-14-0124, it cannot be said that the delay was deliberately employed to harass the accused or to violate their right to speedy disposition of cases. Thus, the extended time it took to conduct the preliminary investigation is justified.

This Court is inclined to agree with the prosecution. It appears that the present cases consisting of twenty-two (22) counts of violation of Sec. 3(e) of R.A. No. 3019, thirty-nine (39) counts of Falsification under Art. 171, par. 4 of the RPC, and one (1) count of Malversation under Art. 217 of the RPC, are only a portion of the cases against the accused. The number of cases alone is an indication that numerous transactions and voluminous records are involved. A complaint involving several charges against several accused, numerous transactions and voluminous records would necessarily take more time to resolve than a simpler case involving only a single respondent and a single transaction.

In addition to the present cases, as well as the related cases and transactions, the Office of the Ombudsman also had to resolve complaints unrelated to the present cases. In *Mendoza-Ong v. Sandiganbayan*,<sup>20</sup> citing *Dansal v. Fernandez*,<sup>21</sup> the Supreme Court recognized that because of the steady stream of cases reaching the Office of the Ombudsman, the disposition those cases would necessarily take some time. *Viz.:*

x x x. "Speedy disposition of cases" is consistent with reasonable delays. The Court takes judicial notice of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to lodge freely their complaints against alleged wrongdoing of government personnel. A

<sup>20</sup> G.R. Nos. 146368-69, October 18, 2004  
<sup>21</sup> G.R. No. 126814, March 2, 2000

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steady stream of cases reaching the Ombudsman inevitably results.  
Naturally, disposition of those cases would take some time. x x x

This Court notes that respondents Datu Andal S. Ampatuan, Sr., Sajid Islam Uy Ampatuan and Datu Andal Uy Ampatuan, Jr. requested for an extension of time to file their counter-affidavit "due to the technical nature of the charges as well as the voluminous record of the cases."<sup>22</sup> It must also be stressed that while the Information in the present cases were filed around four (4) years from the filing of the COA's complaint, it appears that the Resolutions finding probable cause to indict the respondents were approved less than two (2) years from the filing of the aforementioned Consolidated Counter-Affidavit.

Neither does this Court find any vexatious, capricious or oppressive delay in the filing of the Information in the present cases. These terms were defined in *Tai Lim v. Court of Appeals*<sup>23</sup> as follows:

As aptly held by the Court of Appeals,

x x x. "what the constitution prohibits is vexatious, capricious and oppressive delays, manufactured by them ministers of justice." Not every delay in the trial is vexatious, capricious or oppressive. In the legal firmament. The terms have distinct connotations. Vexatious suggests an act which is willful and without reasonable cause, for the purpose of annoying and embarrassing another or one lacking justification and intended to harass (page 2548, Third Edition, Webster's International Dictionary). Oppressive connotes an unjust or cruel exercise of power or authority. Capricious action, on the other hand, means willful and unreasoning action...

There being no proof that the Office of the Ombudsman deliberately took its time in resolving the complaint filed by the COA to harass the accused, or some other similar circumstance, and considering the number of transactions, charges and respondents involved, this Court finds that the time it took to terminate the preliminary investigation is not unreasonable.

*C. Assertion of, or the failure to assert the right to speedy disposition of cases*

Accused Abpi seasonably asserted his right to speedy disposition of cases when he filed his *Motion to Dismiss*.

<sup>22</sup> Record, p. 101 (Consolidated Counter-Affidavit dated October 2, 2014, p. 3)

<sup>23</sup> G.R. No. 131483, October 26, 1999

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*D. Prejudice caused by the delay*

Accused Abpi claims that as a result of the delay in the preliminary investigation and the filing of the Information in the present cases, preparing his defense has become more difficult. The documents he needs to prove that the cash advances had already been liquidated cannot be easily located.

To be sure, inordinate delay in the proceedings may cause prejudice to the defendant. One form of prejudice is the impairment of the defendant's defense. As the Supreme Court held in *Corpuz*:

x x x. Prejudice should be assessed in the light of the interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed, and he is subjected to public obloquy.

Delay is a two-edge sword. It is the government that bears the burden of proving its case beyond reasonable doubt. The passage of time may make it difficult or impossible for the government to carry its burden. The Constitution and the Rules do not require impossibilities or extraordinary efforts, diligence or exertion from courts or the prosecutor, nor contemplate that such right shall deprive the State of a reasonable opportunity of fairly prosecuting criminals. As held in *Williams v. United States*, for the government to sustain its right to try the accused despite a delay, it must show two things: (a) that the accused suffered no serious prejudice beyond that which ensued from the ordinary and inevitable delay; and (b) that there was no more delay than is reasonably attributable to the ordinary processes of justice.

The prejudice caused to the accused must be balanced against the State's right to prosecute crimes. The fact that the accused suffered some form of prejudice does not necessarily mean that said accused' right to speedy disposition of cases was violated. The mere existence of a case against an accused will necessarily cause some form of prejudice. The prejudice suffered by the accused, in the

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context of the right to speedy disposition of cases, will be given more weight than the State's right to prosecute crimes if, first, it is shown that there was inordinate delay in the proceedings, and second, it is shown that the accused suffered serious prejudice as a result of such inordinate delay.

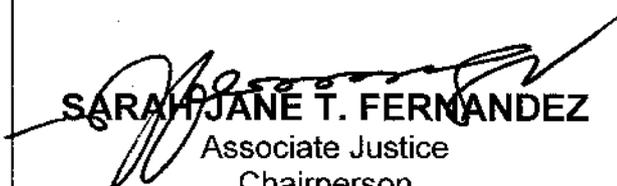
This Court is not unmindful of the fact that the more time has passed from the alleged commission of the crime, the more difficult it is to gather evidence. However, as previously discussed, the delay in the conduct of the preliminary investigation does not appear to be unreasonable or inordinate. More importantly, it does not appear that accused Abpi suffered serious prejudice above and beyond that which is expected from reasonable delay.

In fine, this Court finds no vexatious, capricious or oppressive delays during the preliminary investigation conducted by the Office of the Ombudsman. Hence, there is no violation of accused Abpi's right to speedy disposition of cases that would warrant the dismissal of the present cases.

**WHEREFORE**, the Court rules as follows:

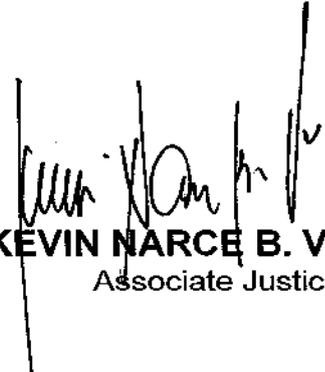
1. The *Motion to Dismiss/Quash* of accused Kandong, Sema and Camsa is hereby DENIED for lack of merit.
2. Accused Abpi's *Motion to Dismiss* is hereby DENIED for lack of merit.

SO ORDERED.

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

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice