



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-VS-

CRIM CASES NOS.

SB-17-CRM-0063-64

*For: Violation of Section 3(e) R.A.
No. 3019, as amended*

SB-17-CRM-0065-66

*For: Malversation of Public Funds
(Article No. 217, RPC)*

**TEODULO "Doloy" M.
COQUILLA, ALAN A.
JAVELLANA, ENCARNITA
CRISTINA POTIAN-MUNSOD,
MA. JULIE A. VILLARALVO-
JOHNSON, ROMULO MAGAHIS
RELEVO, MARGIE TAJON LUZ
and MA. CRISTINA VIZCARRA,
*Accused.***

x-----x

Present:

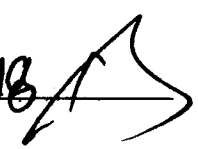
CABOTAJE-TANG, P.J.

Chairperson

FERNANDEZ, S.J. J.* and

FERNANDEZ, B. J.

Promulgated:

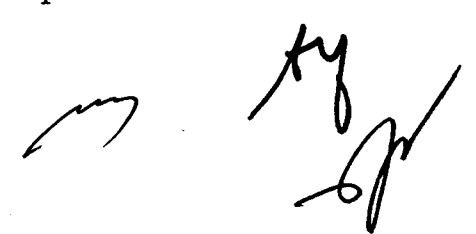
July 5, 2018 

x-----x

RESOLUTION

FERNANDEZ, B., J.

For resolution are two (2) Motions seeking a reconsideration of the Resolution of this Court dated January 22, 2018, separately filed by accused-movants Margie Tajon Luz dated February 1, 2018 and Teodulo "Doloy" M. Coquilla dated February 12, 2018, through their respective counsels.



X-----X

In her Consolidated Motion for Reconsideration, accused-movant Luz argues that the Court should have treated and considered her Motion to Quash Information separately from the Motion of the other accused, particularly that of accused Coquilla, since the factual and procedural situations of the two (2) accused are different from each other.

Citing the balancing test doctrine adopted in *Perez vs. People* (G.R. No. 164763, February 12, 2008), accused-movant Luz insists that her constitutional right to the speedy disposition of cases has been clearly violated.

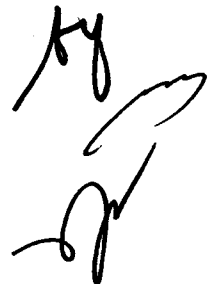
On the other hand, accused-movant Coquilla, in his own Motion for Reconsideration, alleged that the investigation conducted by the Office of the Ombudsman (OMB) took a protracted amount of time which was unreasonable, oppressive and inordinate and is violative of the constitutional right of the accused to a speedy disposition of cases and due process.

In response, the prosecution, in its Consolidated Opposition, states that the accused-movants failed to pose any cogent reason or argument that would warrant a reversal of the findings of the Court that there exists no inordinate delay in the instant case. The arguments in the subject Motions appear to be mere reiterations of the issues and statements that have been correctly and judiciously passed upon by this Court in the assailed Resolution. The remaining arguments of the accused-movants are better ventilated during a full-blown trial on the merits.

The two (2) Motions are bereft of merit.

Indeed, the arguments advanced by the accused-movants in their respective Motions for Reconsideration are mere reiterations of their previously filed Motion to Quash Information and/or Motion to Dismiss which were already passed upon and considered by this Court in the assailed Resolution.

To reiterate, this Court, in the assailed Resolution, ruled

--


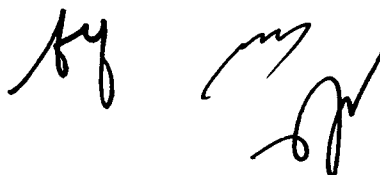
X-----X

x x x. We are reminded of Braza vs. Sandiganbayan (412 Phil 921, 929 (2001) quoting de la Peña vs. Sandiganbayan (G.R. No. 144542, June 29, 2010), where our Supreme Court laid down the guidelines to determine whether the right to speedy disposition had been violated to wit - -

The concept of speedy disposition is relative or flexible. A mere mathematical reckoning of the time involved is not sufficient. Particular regard must be taken of the facts and circumstances peculiar to each case. Hence, the doctrinal rule is that in the determination of whether that right has been violated, the factors that may be considered and balanced are as follows: (1) the length of the 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.

Applying the foregoing criteria, the Court found that there exists no inordinate delay in the instant case. There is neither whimsical, capricious nor arbitrary delay in the proceedings before the Office of the Ombudsman as there has been a consistent on-going investigation against the respondents until sufficient evidence had been gathered to warrant a determination as to whether probable cause existed to indict accused-movant Coquilla. Records reveal that accused-movant Coquilla was given an opportunity to file his Counter-Affidavit on December 2014, nearly a year after the subpoena was issued by the Office of the Ombudsman. He also availed of his opportunity to file a Motion for Reconsideration before the said Office.


The amount of time it took the Office of the Ombudsman to complete its investigation and file the appropriate Informations against the accused could hardly be considered as "whimsical, capricious and oppressive" as accused-movant was never deprived of his right to due process, and, had in fact, availed of them.



X-----X

WHEREFORE, in view of the foregoing, the Consolidated Motion for Reconsideration of accused-movant Margie T. Luz dated February 1, 2018 and the Motion for Reconsideration with Motion to defer arraignment of accused-movant Teodulo "Doloy" M. Coquilla dated February 12, 2018, are hereby **DENIED** for lack of merit.

SO ORDERED.



BERNELITO R. FERNANDEZ
Associate Justice

We concur:



AMPARO M. CABOTAJE-TANG
Presiding Justice/Chairperson



SARAH JANE T. FERNANDEZ*
Associate Justice