



REPUBLIC OF THE PHILIPPINES

*S*andiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held July 30, 2018

PRESENT:

**HON. SARAH JANE T. FERNANDEZ**.....Chairperson

**HON. BAYANI H. JACINTO\***.....Associate Justice

**HON. KEVIN NARCE B. VIVERO**.....Associate Justice

The following resolution was adopted:

**SB-17-CRM-1594 and 1596 –**

**PEOPLE vs. RODOLFO W. ANTONINO, ET AL.**

In her *Manifestation (to Adopt Accused Mendoza's Omnibus Motion To Quash and/or Dismiss on the Ground of Violation of Right to Speedy Disposition of Cases and To Defer Arraignment)*,<sup>1</sup> accused Maria Ninez P. Guañizo adopted the *Omnibus Motion*<sup>2</sup> of accused Rhodora B. Mendoza.

In its *Comment/Opposition (to accused Guañizo's Omnibus Motion)*,<sup>3</sup> the prosecution adopted its comment/opposition<sup>4</sup> to accused Mendoza's *Omnibus Motion*. In addition thereto, it argued that there was no violation of accused Guañizo's right to speedy disposition of cases because (a) excluding the fact-finding investigation, it took only around three (3) years and (2) months to terminate the preliminary investigation; and (b) said accused did not assert her right to speedy disposition of cases during the proceedings before the Office of the Ombudsman.

It appearing that accused Guañizo is similarly situated as accused Mendoza, this Court is constrained to adopt its ruling in its Resolution dated July 5, 2018,<sup>5</sup> the pertinent portion<sup>6</sup> of which is hereunder quoted for convenience:

\* Special Member in lieu of Justice Karl B. Miranda, per Administrative Order No. 307-A-2017 date August 31, 2017

<sup>1</sup> Dated June 29, 2018; Record, Vol. 3, pp. 401-402

<sup>2</sup> Dated April 6, 2018; Record, Vol. 3, pp. 259-265

<sup>3</sup> Dated July 7, 2018 and filed on July 16, 2018

<sup>4</sup> *Comment/Opposition (to accused Mendoza's Omnibus Motion)* dated April 13, 2018; Record, Vol. 3, pp. 271-279

<sup>5</sup> Record, Vol. 3, pp. 424-433

<sup>6</sup> Record, Vol. 3, p. 432

**B. Accused Mendoza's Omnibus Motion**

Being similarly situated as accused Yap, this Court is constrained to grant accused Mendoza's Motion.

Accused Mendoza appears to have asserted her right to speedy disposition of cases at the earliest opportunity. Prior to the entry of appearance of Atty. Charity L. Pascua of the Public Attorney's Office (PAO) on April 11, 2018, it was not shown that accused Mendoza was assisted by counsel. Thus, there was no waiver of the right to speedy disposition of cases on the part of accused Mendoza.

Accused Maria Ninez P. Guañizo's Motion is hereby **GRANTED**. Crim. Cases No. SB-17-CRM-1594 and 1596 are hereby **DISMISSED** insofar as she is concerned, for violation of her right to speedy disposition of cases.

Let the hold departure order issued against her by reason of these cases be lifted and set aside, and her bond released, subject to the usual accounting and auditing procedure.

**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, SJ, J.,**

**JACINTO, J.**

**VIVERO, J.**

