

REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
QUEZON CITY

**SIXTH DIVISION**

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

- versus -

**CECILIA SEARES-LUNA,**  
*Accused.*

**SB-17-CRM-1163 to 1170**  
For: Violation of Section 7,  
R.A. No. 3019

**SB-17-CRM-1171 to 1178**  
For: Violation of Article 183,  
Revised Penal Code

*Present:*

**FERNANDEZ, SJ, J.,**  
*Chairperson*  
**MIRANDA, J.,**  
**FERNANDEZ, B,\* J.**

*Promulgated:*

**AUG 18 2018**

Liezel C-de Leon 

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**RESOLUTION**

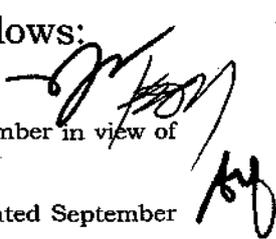
**FERNANDEZ, SJ, J.:**

This resolves the *Motion to Quash Informations and to Defer Arraignment*<sup>1</sup> filed by accused Cecilia Seares-Luna on September 20, 2017; together with the *Comment/Opposition*<sup>2</sup> filed by the prosecution.

Accused Luna prays for the quashal of the Information in the present case on the ground that her rights to due process and to the speedy disposition of her cases were violated. Her argument can be summarized, as follows:

\* Per Administrative Order No. 338-2017 dated October 2, 2017, Special Member in view of the vacancy in the Sixth Division.

<sup>1</sup> Dated September 19, 2017; Record, pp. 203-313.

<sup>2</sup> (*To the Accused's Motion to Quash Informations and to Defer Arraignment*) dated September 25, 2017; Record, pp. 322-327. 

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- a. The period of 12 years, from the time the fact finding investigation was commenced in 2005 soon after the anonymous complaints (dated October 20, 2004 and April 12, 2005) were filed, until the filing of the Information in 2017, constitutes inordinate delay;
- b. Even the period of about seven (7) years for the completion of the preliminary investigation, from the filing of the Complaint in May 2008 by the FIO until the issuance of the Joint Resolution dated November 4, 2011, and its approval on November 13, 2015, and the period of 2 years until the filing of the Information on June 13, 2017 constitutes inordinate delay;
- c. Accused suffered from the anxiety of a pending criminal case, which is politically motivated; the long delay made it more burdensome to adequately and intelligently prepare her defense because of the loss of evidence and witnesses;
- d. The Supreme Court has ruled in *Tatad v. Sandiganbayan*,<sup>3</sup> that a delay of three (3) years, and in *People v. Sandiganbayan*,<sup>4</sup> of five (5) years, constituted inordinate delay;
- e. The Supreme Court, in *Coscolluela v. Sandiganbayan*,<sup>5</sup> held that the looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual;
- f. In *Corpuz v. Sandiganbayan*,<sup>6</sup> the Supreme Court ruled that the prejudice against the accused, which includes the possibility that the accused' defense will be impaired resulting from the inordinate delay in the conduct and termination of the preliminary investigation, warrants a finding of a violation of the right against the speedy disposition of cases.<sup>7</sup>

In its *Comment/Opposition*, the prosecution argued:

- a. Accused' claim that her constitutional right to speedy disposition of cases was violated is based on a misapprehension of the correct starting period to determine inordinate delay

<sup>3</sup> 59 SCRA 70 [1988].

<sup>4</sup> 712 SCRA 359 [2013].

<sup>5</sup> 701 SCRA 188 [2013].

<sup>6</sup> 442 SCRA 294 [2004].

<sup>7</sup> Motion to Quash dated September 19, 2017, pp. 3-5; Record, pp. 205-207.

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- b. The 12 year period included the alleged fact-finding investigation in 2005 by the Office of the Ombudsman and the filing of the *Complaint* by FIO. The time spent in the fact-finding investigation should not be considered in the determination of the accused's constitutional right to the speedy disposition of the case. The seven (7)-year period was reasonable to allow the Office of the Ombudsman to properly evaluate and resolve the existence of probable cause.
- c. Accused was not prejudiced by the alleged delay in the conduct of the fact-finding investigation considering that during the period, subpoenas were issued to other officials of other government entities who can shed light on the matter.
- d. Upon her motion, accused was granted an additional period of 20 days to file her *Counter-Affidavit* with the Office of the Ombudsman.
- e. Accused Seares-Luna did not raise the issue of inordinate delay before the Office of the Ombudsman. Neither did she file any motion for the early resolution of the complaint against her.
- f. The Supreme Court has taken judicial notice of the steady stream of cases reaching the Office of the Ombudsman.<sup>8</sup>
- g. The ground, *i.e.*, inordinate delay, for filing the instant motion to quash is not among the grounds authorized under Section 3, Rule 117, Revised Rules of Court.<sup>9</sup>

### **RULING**

The *Motion to Quash Informations* filed by accused Cecilia Seares-Luna is denied.

The right to speedy disposition of cases should be understood to be a relative or flexible concept such that a mere mathematical reckoning of the time involved would not be sufficient. Jurisprudence dictates that the right 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

<sup>8</sup> Gonzales vs. Office of the President, G.R. Nos. 196231-196232, January 28, 2014.

<sup>9</sup> Comment/Opposition dated September 25, 2017, pp. 1-4; Record, pp. 322-325.

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period of time is allowed to elapse without the party having his case tried.<sup>10</sup>

In **Remulla vs. Sandiganbayan**,<sup>11</sup> the Supreme Court said that, as the “balancing test” compels the courts to approach *speedy trial and/or speedy disposition* cases on an *ad hoc* basis, the conduct of both the prosecution and defendant are weighed *apropos* the four-fold factors, to wit: (1) length of the delay; (2) reason for the delay; (3) defendant's assertion or non-assertion of his right; and (4) prejudice to defendant resulting from the delay. The Supreme Court underscored that none of these elements is either necessary or sufficient condition; they are related and must be considered with other relevant circumstances. These factors have no talismanic qualities as courts must still engage in a difficult and sensitive balancing process.

**Corpuz vs. Sandiganbayan**<sup>12</sup> provided guidelines for the trial court's assessment of the presence of prejudice to the defendant and the presence of delay, *viz*:

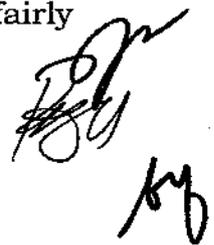
Prejudice should be assessed in the light of the interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of 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

<sup>10</sup> Coscolluela vs. Sandiganbayan, *supra*, at p. 195.

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

<sup>12</sup> 442 SCRA 294 [2004].



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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.

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 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.<sup>13</sup>

In **Corpuz**, the Supreme Court underscored that the accused had the burden of proving the factual basis for their motion for the dismissal of the Information on the ground of a denial of their right to a speedy trial and to a speedy disposition of the cases against them. They are burdened to prove that such delay caused by the prosecution was vexatious, capricious or whimsical. On the other hand, the prosecutor is burdened to present evidence to establish that the delay in the submission of his report on the reinvestigation of the cases was reasonably attributed to the ordinary process of justice, and that the accused suffered no serious prejudice beyond that which ensued after an inevitable and ordinary delay.<sup>14</sup>

- a. The Length of the Delay.
- b. Reason for the Delay.

The relevant timeline in this case is as follows:

Date	Event	Period elapsed
May 9, 2008	The FIO-OMB filed a Complaint against accused Luna for	

<sup>13</sup> At pp. 313-314. Citations omitted.

<sup>14</sup> *Supra*, at p. 318.

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	violation of:  1. Article 183 (Perjury), RPC;  2. Section 7, R.A. No. 3019;  3. Section 8, in relation to Section 11, R.A. No. 6713, and Rule X in relation to Rule XI of the Implementing Rules of R.A. No 6713; and,  4. Section 22, Rule XIV of the Omnibus Implementing Book V of Executive No. 292, as amended by CSC Circular No. 19, s. 1999 ( <i>Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service</i> ). <sup>15</sup>	
October 20, 2008	The Ombudsman directed accused Luna to file her Counter-Affidavit. <sup>16</sup>	5 months & 11 days
November 19, 2008	Accused Luna filed a <i>Motion for Extension of Time</i> asking for an extension of 15 days within which to file her Counter-Affidavit. <sup>17</sup>  The Ombudsman issued an Order, granting accused Luna an additional period of 10 days within which to file her affidavit. <sup>18</sup>	30 days
November 28, 2008	Accused Luna filed a <i>Motion for Additional Time</i> , asking for additional 15 days to file her affidavit.  The Ombudsman issued an Order giving accused an additional period of 10 days to file her affidavit. <sup>19</sup>	1 month & 8 days
December 22, 2008	The Ombudsman (Tanggapan ng Ombudsman-Dibisyon	2 months & 2 days

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<sup>15</sup> Complaint dated May 9, 2008, p. 1; Record, p. 29.  
<sup>16</sup> Comment/Opposition dated September 25, 2017, p. 2; Record, p. 323.  
<sup>17</sup> Comment/Opposition dated September 25, 2017, p. 2; Record, p. 323.  
<sup>18</sup> Comment/Opposition dated September 25, 2017, p. 2; Record, p. 323.  
<sup>19</sup> Comment/Opposition dated September 25, 2017, p. 2; Record, p. 323.

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	ng Rekords Sentral) received accused Luna's Answer/Counter-Affidavit dated December 19, 2008. <sup>20</sup>	
November 14, 2011	The Ombudsman, through Graft Investigation and Prosecution Officer II Soñas-Crisostomo found probable cause to indict accused Luna for eight counts of violation of Article 183, Revised Penal Code and eight counts of violation of Section 7, R.A. No. 3019.  The Ombudsman likewise found accused Luna to have unlawfully acquired properties while serving as Mayor of Lagayan, Abra. <sup>21</sup>	2 years, 10 months & 23 days
November 13, 2015	Ombudsman Conchita Carpio-Morales, through Overall Deputy Ombudsman Carandang, approved the Joint Resolution dated November 14, 2011. <sup>22</sup>	3 years, 11 months & 30 days
December 14, 2015	Accused Luna filed a <i>Motion for Partial Reconsideration (re: Joint Resolution dated 14 November 2011)</i> . <sup>23</sup>	1 month
February 26, 2016	The Ombudsman, through Graft Investigation and Prosecution Officer II Genielyn S. Nataño-Buban denied accused Luna's <i>Motion for Partial Reconsideration (re: Joint Resolution dated 14 November 2011)</i> . <sup>24</sup>	2 months & 12 days
April 25, 2016	Director, PIAB-B Generoso approved the Joint Order dated February 26, 2016. <sup>25</sup>	2 months

<sup>20</sup> Answer/Counter Affidavit dated December 19, 2008, p. 1; Record, p. 125.

<sup>21</sup> Joint Resolution dated November 14, 2011, p. 17; Record, p. 21.

<sup>22</sup> Joint Resolution dated November 14, 2011, p. 18; Record, p. 22.

<sup>23</sup> Comment/Opposition dated September 25, 2017, p. 4; Record, p. 325.

<sup>24</sup> Joint Order dated February 26, 2016, p. 5; Record, p. 27.

<sup>25</sup> Joint Order dated February 26, 2016, p. 5; Record, p. 27.

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June 13, 2017	Sixteen Information, all dated September 21, 2016, were filed before the Sandiganbayan, charging accused Luna of (i) violation of Section 7, R.A. No. 3019 [8 counts]; and, (ii) violation of Article 183, RPC [8 counts].	1 year, 1 month & 19 days  9 years, 1 month & 4 days  from the date the complaint against accused Luna was filed with the Ombudsman.
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The foregoing shows that it took the Office of the Ombudsman 9 years and 1 month to conduct the preliminary investigation before it filed the Information, *i.e.*, from May 8, 2008 to June 13, 2017.

The period of 9 years, 1 month and 4 days for the Office of the Ombudsman to conduct the fact-finding investigation and the preliminary investigation constitutes delay.

The prosecution explained that the time was utilized to ask for documents from other government agencies. The present cases pertain to the failure of accused Seares-Luna to include certain assets in her Statement of Assets, Liabilities and Net Worth (SALN) for the period December 31, 1998 to December 31, 2005. But these cases only involved 5 real properties, 3 vehicles, 1 insurance investment and 3 businesses. The residential property at Ayala, Ferndale, which was acquired in 1998,<sup>26</sup> appeared in the SALN for the years 1998 to 2005, allegedly at an undervalued price. The other real properties which accused Luna failed to declare in her SALNs were purportedly acquired in the years 1999 (improvement on land/house);<sup>27</sup> 2001 (residential property in Lazala);<sup>28</sup> 2002 (cornland);<sup>29</sup> and 2003 (commercial land).<sup>30</sup> While the complaint involved multiple years involving accused Luna's alleged omissions and untruthful statements in her SALN from 1998 to 2005, the items so omitted or misstated were, more or less, the same.

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<sup>26</sup> Record, p. 115.  
<sup>27</sup> Record, p. 85.  
<sup>28</sup> Record, p. 82.  
<sup>29</sup> Record, p. 83.  
<sup>30</sup> Record, p. 86.

X-----X

1163/ 1171	1164/ 1172	1165/ 1173	1166/ 1174	1167/ 1175	1168/ 1176	1169/ 1177	1170/ 1178
98	99	2000	2001	2002	2003	2004	2005
<b>INFORMATION</b>							
Ferndale (undervalued)							
Improvement House							
			Commercial Land	Commercial Land			
				Commercial Land			
					Commercial Land	Commercial Land	

It appears from the record that the Office of the Ombudsman coordinated with the Bureau of Internal Revenue, the Social Security System and the Land Transportation Office. Given the number and nature of the properties, 9 years was too long to complete the preliminary investigation.

Besides, Graft Investigation and Prosecution Officer II Soñas-Crisostomo had earlier exerted efforts to make a thorough evaluation of accused Luna's case on the basis of Tax Declaration No. 34804;<sup>31</sup> Tax Declaration No. 14423;<sup>32</sup> Tax Declaration No. 22949,<sup>33</sup> referring to the undeclared real properties of accused Seares-Luna, *i.e.*, property located at Lazala St., Zone 2, Bangued Abra; Cornland located at Cabaroan, Tayum, Abra; and, house erected on the lot located at Dangdangla, Bangued, Abra; Certificates of Registration dated June 29, 2005<sup>34</sup> and June 21, 2009,<sup>35</sup> pertaining to Ford Lynx Sedan and Ford Trekker Pick Up; Mortgage/Financial Agreement Contracts between Primus Finance and Leasing, Inc. and accused Luna,<sup>36</sup> among others.

The investigation conducted by Soñas-Crisostomo was the basis for her Complaint against the accused for 8 counts of violation of Section 7 of R.A. No. 3019 for non-declaration of some properties, non-declaration and misdeclaration of the acquisition costs of acquired assets, which were allegedly manifestly disproportionate to her lawful income; and, for 8 counts of violation of Article 183 of the Revised Penal Code for accused Luna's alleged deliberate and willful assertion of falsehood in her SALNs for the years 1998 to 2005.

<sup>31</sup> Record, p. 82.  
<sup>32</sup> Record, p. 83.  
<sup>33</sup> Record, p. 85.  
<sup>34</sup> Record, p. 114.  
<sup>35</sup> Record, p. 116.  
<sup>36</sup> Record, pp. 115 & 117.

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The 20-day period of extension sought by accused Seares-Luna is too short for the Court to say that accused Seares-Luna contributed to the 9 year delay in the resolution of the Complaint.

On the other hand, the records show that the preliminary investigation was completed in 2012, and that the Joint Resolution recommended the deferment of the filing of the forfeiture case in view of the elections held in Negros Occidental, the prosecution still failed to explain why it took another 3 years, or until 2015 before the Joint Resolution was finally approved. Besides, the deferment, as can be confirmed from R.A. No. 1379,<sup>37</sup> referred to the filing of the forfeiture cases, and not to the criminal cases. The delay caused by the Motion for Reconsideration filed by accused only contributed a negligible 31 days.

The Supreme Court, in **Dansal vs. Fernandez, Sr.**,<sup>38</sup> explained that while the **Rules of Procedure of the Office of the Ombudsman** does not provide for a specific period to resolve criminal cases, the same **Rules** adopt the **Rules of Court** on preliminary investigation as modified by the Rules of the Office of the Ombudsman. Nonetheless, the Supreme Court stressed that the 10-day period provided by the Rules of Court to conduct preliminary investigation is merely directory, although it cannot be disregarded with absolute impunity.

Here, the Court finds that the prosecution failed to justify the delay in the resolution of the *Complaint* against accused Luna.

c. The Defendant's Assertion of her Right.

Accused failed to timely assert her right to the speedy disposition of her case.

In **Coscoluella vs. Sandiganbayan**,<sup>39</sup> the Supreme Court held that "(B)eing the respondents in the preliminary

<sup>37</sup> An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor

<sup>38</sup> 327 SCRA 145, 156 [2000].

<sup>39</sup> *Supra*

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investigation proceedings, it was not the petitioners' duty to follow up on the prosecution of their case. Conversely, it was the Office of the Ombudsman's responsibility to expedite the same within the bounds of reasonable timeliness in view of its mandate to promptly act on all complaints lodged before it."

In the more recent case of **People vs. Sandiganbayan and Gamos**,<sup>40</sup> the Supreme Court, in ruling that there was no inordinate delay, noted, among others, that the Sandiganbayan disregarded that there is nothing on record that the accused asserted the right to speedy disposition during the OMB proceedings when they alleged that the delay occurred:

Another essential matter disregarded by the court *a quo* is the fact that there is nothing on record that would show that respondents asserted this right to speedy disposition during the OMB proceedings when they alleged that the delay occurred. In fact, it took respondents one year and eight months after the Informations were filed before the court *a quo* on March 30, 2015 before they finally asserted such right in their Motion to Dismiss filed on November 22, 2016.

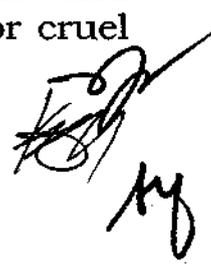
The records available with this Court does not show that accused Luna invoked her right to the speedy disposition of her case before the Office of the Ombudsman. Despite accused Luna's claim of inordinate delay in the disposition of her case before the Office of the Ombudsman, it appears that accused did not move for the early resolution of her case, nor did she call the attention of the Office of the Ombudsman with respect to the delay in the disposition of her case.

d. Prejudice to the Defendant.

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. Oppressive connotes an unjust or cruel

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<sup>40</sup> GR No. 212197-98, April 16, 2018.



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exercise of power or authority. Capricious action, on the other hand, means willful and unreasoning action.<sup>41</sup>

In **People vs. Sandiganbayan and Gamos**,<sup>42</sup> the Supreme Court, in ruling that there was no inordinate delay, noted:

Likewise in this case, there is no allegation, much less proof that respondents were persecuted, oppressed, or made to undergo any vexatious process such as in the above-cited cases, during investigation period before the filing of the Informations.

To reiterate, it is important to emphasize that what the Constitution prohibits are unreasonable, arbitrary, and oppressive delays which render rights nugatory. Considering the foregoing disquisition, there is no such delay in this case amounting to a violation of respondents' constitutional rights.

Similarly in this case, apart from accused Luna's general statement in her *Motion to Quash* that "the long delay made it more burdensome if not impossible to adequately and intelligently prepare her defense because of the loss of evidence and witnesses,"<sup>43</sup> accused Luna failed to demonstrate how the delay prejudiced her. She did not submit evidence to show that documents which would help her establish her defense are no longer available. She also failed to establish that she was persecuted, oppressed or made to undergo any vexatious process during the investigation period before the filing of the Information.

Accused cites the cases of *Tatad vs. Sandiganbayan*,<sup>44</sup> *Coscolluela vs. Sandiganbayan*,<sup>45</sup> and, *Corpuz vs. Sandiganbayan*,<sup>46</sup> in support of her *Motion to Quash*.

The above-mentioned cases are not on all fours with the present case.

In *Tatad*, the Supreme Court observed that: 1) The complaint had been resurrected only after the accused had a

<sup>41</sup> *Lim vs. Court of Appeals*, 317 SCRA 521, 526 [1999].

<sup>42</sup> *Supra*

<sup>43</sup> *Motion to Quash* dated September 19, 2017, p. 3; Record, p. 205.

<sup>44</sup> *Supra*

<sup>45</sup> *Supra*

<sup>46</sup> *Supra*

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falling out with former President Marcos, indicating that political motivations had played a vital role in activating and propelling the prosecutorial process; 2) The Tanodbayan had blatantly departed from the established procedure prescribed by law for the conduct of preliminary investigation; and 3) The simple factual and legal issues involved did not justify the delay.<sup>47</sup> Here, the prosecution of accused Luna does not appear to have been politically motivated. There is no proof that the Office of the Ombudsman departed from its Rules of Procedure in resolving his case.

The factual circumstances in *Coscolluela* are dissimilar to the present case. The Resolution recommending the filing of the Information in that case was supposedly prepared on March 27, 2003 but was approved only on May 21, 2009 or six (6) years after.

Finally, in *Corpuz*, the Supreme Court upheld the Sandiganbayan's resolution setting aside the dismissal of the cases against therein accused, and held that the dismissal of the cases is too drastic a remedy to be accorded to the petitioners. The Supreme Court agreed with the Sandiganbayan that before resorting to the extreme sanction of depriving the People a chance to prove its case by dismissing the cases, the Ombudsman/Special Prosecutor should be ordered to explain the delay in the submission of his report on his reinvestigation.<sup>48</sup>

In fine, the Court finds that while there is delay in the conduct of the preliminary investigation, the same does not constitute inordinate delay as to warrant the drastic and extreme sanction of dismissing the present cases.

For justice to prevail, the scales must balance, for justice is not to be dispensed for the accused alone.<sup>49</sup> The right of the accused to speedy trial and to the speedy disposition of his case secure rights to the accused, but it does not preclude the rights of public justice. Thus,

While justice is administered with dispatch, the essential ingredient is orderly, expeditious and not mere speed. It cannot be definitely said how long is too long in a

<sup>47</sup> See *People vs. Sandiganbayan*, 712 SCRA 359 [2013].

<sup>48</sup> *Supra*, at p. 323.

<sup>49</sup> *Tan vs. People*, 586 SCRA 139, 162 [2009].

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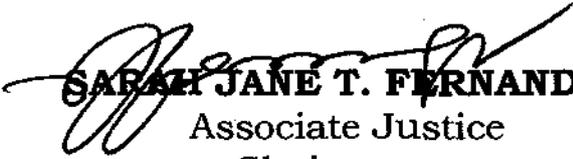
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system where justice is supposed to be swift, but deliberate. It is consistent with delays and depends upon circumstances. It secures rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne in mind that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons; hence, courts are to give meaning to that intent.<sup>50</sup>

**WHEREFORE**, the *Motion to Quash Informations and to Defer Arraignment* dated September 19, 2017 filed by accused Cecilia Seares-Luna, is hereby **DENIED**.

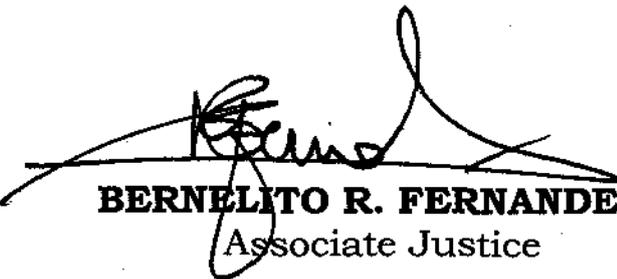
Let the arraignment of the accused proceed on the date previously set by the Court.

**SO ORDERED.**  
Quezon City, Metro Manila.

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

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**BERNELITO R. FERNANDEZ**  
Associate Justice

<sup>50</sup> Corpuz, supra, at pp. 312-313.