



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-2411 to 2413

- versus -

For: Section 3 (e) of Republic Act No.
3019

RENERIO B. BELARMINO, JR.
ET AL.,

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

Accused.

Promulgated:

August 08, 2018 *lal*

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RESOLUTION

LAGOS, J.:

For resolution of this Court is the prosecution's *Motion for Reconsideration*¹ of this Court's Resolution dated May 21, 2018 and accused Lourdes Gonzales and Jonathan Bugaoan's *Comment/Opposition*². The assailed resolution dismissed the cases against accused Francisco Casil, Lourdes Gonzales, Jonathan Bugaoan and Cristina Pangilinan in SB-17-CRM-2411 to 2413 for violation of their right to speedy disposition of cases.

The prosecution asserts that, contrary to the Court's asseverations, these fertilizer scam cases were founded not merely on "material inconsistencies in the details appearing in the supporting documents." Allegedly, there were other material issues that emerged during the investigation that necessitated the meticulous review of the fertilizer scam Special Panel, the Deputy Ombudsman for Luzon and the Ombudsman. Among these issues were the alleged overpricing of the liquid fertilizer subject matter of these cases, which was negatively ruled out by the

¹ Records, Vol. II, pp.148-151.

² Records, Vol. II, pp. 154-156.

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Ombudsman. According to the prosecution, this shows that, contrary to the pronouncement of this Court, the Ombudsman did not rely heavily on the factual finding of the Commission on Audit (COA).

Additionally, the prosecution stresses that as a result of this meticulous review, the charges against another accused, Salacnib F. Baterina, was dismissed for not being supported by evidence.

Accused Gonzales and Bugaoan allege that there are no real grounds for reconsideration of this Courts May 21, 2018 Resolution. As per the accused, in spite of the prosecution's argument that the delay in the preliminary investigation of the FIO complaint was justified because there were other material issues that necessitated meticulous review, the fact remains that the basic inculpatory allegations and evidence against the accused in the FIO complaint were already laid out in the factual finding of COA.

Moreover, allegedly, it is misleading for the prosecution to say that the alleged overpricing of the subject liquid fertilizer was negatively ruled out by the Ombudsman because it was the alleged overprice of the liquid fertilizer that underpinned the finding of probable cause against the accused.

The accused maintain that the length of time incurred by the OMB in disposing the complaint against them was not justified.

DISCUSSION AND RULING

The prosecution anchors its motion for reconsideration on the argument that the resolution of the complaint against the accused required meticulous review. On this particular point, the Supreme Court has made it clear that the Office of the Ombudsman was created under the mantle of the Constitution, mandated to be the "protector of the people" and as such, required to "act promptly on complaints filed in any form or manner against officers and employees of the Government, or of any subdivision, agency or instrumentality thereof, in order to promote efficient service." This great responsibility cannot be simply brushed aside by ineptitude. Precisely, the Office of the Ombudsman has the inherent duty not only to carefully go through the particulars of the case but also to resolve the same within the proper length of time. Its dutiful performance should not only be gauged by the quality of the assessment but also by the reasonable promptness of its dispensation.³

³ Rafael L. Coscolluela v. Sandiganbayan (G.R. No. 191411, July 15, 2013).

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In view of the pronouncement of the High Court in *Coscolluela*⁴, except for cases of extraordinary complication, the Ombudsman was duty-bound to resolve the complaint against the accused within a reasonable time. The complaint against the accused was filed on March 20, 2013 and the Ombudsman filed the Informations only on December 11, 2017. It took more than four years for the Ombudsman to indict the accused for only three transactions. Thus, this Court found that period not reasonable. In addition, that a special task force (Task Force Abono) was assigned precisely to investigate and resolve these kind of cases gives rise to the expectation that it will be resolved with dispatch. The fact that the opposite happened is inexcusable and nothing in the prosecution's motion proves otherwise.

Apart from the failure of the prosecution to provide a plausible reason for this Court to reconsider its previous ruling, the motion of the prosecution must be denied based on the High Court's ruling in *Atty. Segundo Bonsubre Jr. v. Edwin Yerro, et al.*⁵ that a dismissal grounded on the denial of the right of the accused to speedy trial has the effect of acquittal that would bar further prosecution of the accused for the same offense. While the right of the accused to speedy trial guaranteed under Section 14 par. (2), and the right of the accused to speedy disposition of the case, enshrined under Section 16, Article III of the 1987 Constitution, are two separate constitutional concepts, the two are used interchangeably in a long line of decisions of the Supreme Court since both are intertwined as a judicial process and in its operative effects in case of violation. Akin to the right to speedy trial, the salutary objective of the right to speedy disposition of cases is to ensure that an innocent person may be free from the anxiety and expense of litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose.⁶ Thus, as the violation of the right to speedy trial results in an acquittal, the same must be held in this instance where the right of the accused to speedy disposition of cases was violated.

As a rule, a judgment of acquittal cannot be reconsidered because it places the accused twice in jeopardy for an offense for which he or she has already been absolved. In criminal cases, the full power of the State is ranged against the accused. If there is no limit to attempts to prosecute the accused for the same offense after he has been acquitted, the infinite power and

⁴ *Supra.*

⁵ G.R. No. 205952, February 11, 2015.

⁶ Rafael L. Coscolluela v. Sandiganbayan (G.R. No. 191411, July 15, 2013).

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capacity of the State for a sustained and repeated litigation would eventually overwhelm the accused in terms of resources, stamina, and the will to fight.⁷

A motion for reconsideration after an acquittal is possible only on exceptional and narrow grounds as in cases when the court gravely abused its discretion, resulting in loss of jurisdiction, or when a mistrial has occurred. In any of such cases, the State may assail the decision by special civil action of *certiorari* under Rule 65.⁸

In the case at bar, the prosecution did not invoke either exception to the prohibition against double jeopardy nor is this Court the venue for the same. That remedy lies with the Supreme Court. Consequently, this Court is therefore constrained to deny the prosecution's motion outright lest it runs afoul of the Constitution.

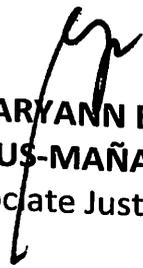
WHEREFORE, premises considered, the prosecution's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.


RAFAEL R. LAGOS
Chairperson
Associate Justice

WE CONCUR:


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


**MARYANN E.
CORPUS-MAÑALAC**
Associate Justice

⁷ Antonio Lejano v. People of the Philippines (G.R. No. 176389, January 18, 2011).

⁸ Lejano, *supra*.