

Republic of the Philippines

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0288 to 0292

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

- versus -

Present

FERNANDEZ, SJ, J.,

Chairperson

CORPUS-MAÑALAC, J.* and

VIVERO, J.

LUIS RAMON P. LORENZO, JR.,
ARTHUR C. YAP, TOMAS A.
GUIBANI,

Accused.

Promulgated:

AUG 09 2018

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RESOLUTION

VIVERO, J.

This resolves the following motions, to wit:

1. *Motion to Quash Informations* filed by Arthur C. Yap on May 29, 2018;¹
2. *Motion to Dismiss and/or to Quash Information and to Defer Arraignment* filed by Tomas A. Guibani on May 30, 2018;² and
3. *Omnibus Motion to Quash/ Dismiss* filed by Luis Ramon P. Lorenzo on June 11, 2018.³

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Lorenzo, Jr., Yap and Guibani are charged with five (5) counts of violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended. One information is couched in this wise, *viz*:

"THE UNDERSIGNED Graft Investigation and Prosecution Officer III, Office of the Ombudsman, hereby accuses **LUIS P. LORENZO, JR., ARTHUR C. YAP** and **TOMAS A. GUIBANI** of the offense under Section 3(e) of Republic Act 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, committed as follows:

'On 04 July 2003, or sometime prior or subsequent thereto, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused **LUIS P. LORENZO, JR.** and **ARTHUR C. YAP**, both public officers with salary grade 30, being then the Secretary of the Department of Agriculture, and Administrator of the National Food Authority (NFA), respectively, while in the performance of their official functions and in grave abuse thereof, acting with evident bad faith, manifest partiality and/or gross inexcusable negligence, conspiring with one another and with co-accused **TOMAS A. GUIBANI**, Representative of the Philippine Phosphate Fertilizer Corporation (Philphos), did then and there, willfully, unlawfully and criminally cause undue injury to the government and/or give unwarranted benefits, advantage and preference to Philphos, by (a) directing the Regional Bids and Awards Committees (RBACs) of NFA Regions 1 to 5 and the National Capital Region (NCR) to conduct procurement of their fertilizer requirements through the negotiated mode in violation of the general rule on competitive bidding prescribed under Section 10 of Republic Act 9184; (b) issuing a guideline that the opening of bids for the Luzon-wide procurement of fertilizers shall be simultaneously done at the NFA Central Office in Manila; and (c) amending the original guideline allowing only those suppliers with depots within and/or adjacent to the procuring NFA Region to participate as bidders, which issuances and directives were issued to ensure the award to Manila-based Philphos of the Php 595,636.37 procurement contract for the supply of 1,300 bags of fertilizers to NFA-NCR, to the damage and prejudice of the government.'

CONTRARY TO LAW."⁴

⁴ Record, Volume 3, pp. 1 – 2; Information dated February 27, 2018.

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The other four (4) informations are similarly worded except for (a) the date and place of the commission of the crime; (b) NFA region; (c) the amount of the contract; and (d) the quantity of fertilizers.⁵

Accused Yap moved for the quashal of said informations on two (2) grounds:

1. The facts alleged in the informations do not constitute an offense,⁶
2. The inordinate delay in the proceedings has ousted the Ombudsman of its authority to file the instant informations.⁷

Likewise, accused Lorenzo, Jr. assailed the informations on the above-mentioned grounds.⁸

For his part, accused Guibani alleged that said informations run roughshod over his right to due process and speedy disposition of his case.⁹

In its *Comment/ Opposition (To the Motion to Quash/Dismiss Filed by Accused Luis P. Lorenzo, [Jr.]*),¹⁰ the prosecution counters:

1. The informations filed against Lorenzo and his co-accused are sufficient.
2. A motion to quash on the ground that the facts charged do not constitute an offense raises the issue of whether or not the allegations in the information are sufficient to establish the elements of the crime charged **without considering matters *aliunde***.

⁵ Record, Volume 3, pp. 4 – 15.

⁶ Motion to Quash Informations dated May 29, 2018, pp. 1 – 20; Record, Volume 3, pp. 109 – 131.

⁷ *Op. cit.*, pp. 20 – 27.

⁸ Omnibus Motion to Quash/ Dismiss dated June 11, 2018, pp. 2 – 30; Record, Volume 3, pp. 269 – 298.

⁹ Motion to Dismiss and/or to Quash Information and to Defer Arraignment dated May 28, 2018, pp. 1 – 11; Record, Volume 3, pp. 220 – 231.

¹⁰ Dated June 21, 2018.

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3. The Ombudsman has full discretionary authority in the determination of probable cause during a preliminary investigation; hence, courts are not empowered to substitute their judgment for that of the Ombudsman.
4. Previous rulings of the Office of the Ombudsman do not constitute *res judicata* and bar said Office from resolving the same matter differently inasmuch as the factual settings therein are not on all fours with the present case.
5. No violation of the right to speedy disposition of cases was committed by the Office of the Ombudsman, and the accused stated neither perceived delay.

Further, in its *Consolidated Comment/ Opposition (To the Motion to Quash Informations Filed by Accused Arthur C. Yap and the Motion to Dismiss and/or Quash Information and to Defer Arraignment Filed by Accused Tomas A. Guibani)*,¹¹ the prosecution retorted:

1. The issue of whether or not the elements of the crime exists is evidentiary in nature and are matters of defense that may be passed upon after a full-blown trial on the merits.
2. Accused-movants failed to timely assert their right to a speedy disposition of the instant case during the preliminary investigation phase.
3. No arbitrary, vexatious and oppressive actions or inactions characterized the Ombudsman's prosecution of this case; hence, accused-movants' allegation of inordinate delay and undue prejudice is specious.
4. Considering that the prosecution of the accused-movants is not barred by the Statute of Limitations, the State, thru the Office of the Ombudsman, should not be precluded from running after transgressors of the law.

¹¹ Dated June 21, 2018.



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THE COURT'S RULING

The Court resolves to deny the motions of accused Lorenzo, Jr., Yap and Guibani.

The Court shall discuss the issues *in seriatim*.

First, accused-movants argued that the facts charged do not constitute an offense.¹² The test for the correctness of this ground is the sufficiency of the averments in the information, that is, whether the facts alleged, if hypothetically admitted, constitute the elements of the offense,¹³ and matter *aliunde* will not be considered.¹⁴ To be sure, a motion to quash should be based on a defect in the information which is evident on its face.¹⁵

The informations in the present cases charge the accused with violation of Section 3(e) of R.A. No. 3019, as amended, the essential elements of which are as follows:

- a. The accused must be a public officer;
- b. The act was done in the discharge of the public officer's administrative, judicial or official functions;
- c. The act was done through manifest partiality, evident bad faith, or gross inexcusable negligence; and
- d. The public officer caused undue injury to any party, including the government, or gave any unwarranted benefits, advantage or preference.¹⁶

As earlier observed, the informations in Criminal Cases No. SB-18-CRM-0288 to 0292 are similarly worded, except for the (1) date and place of the commission of the crime; (b) National Food

¹² 2000 Revised Rules on Criminal Procedure, Rule 117, Section 3(a).

¹³ *People vs. Supnad*, L-18747, March 30, 1968.

¹⁴ 2000 Revised Rules on Criminal Procedure, Rule 117, Section 2; Florenz D. Regalado, *REMEDIAL LAW COMPENDIUM*, Volume Two, Eleventh Edition (2008), page 501.

¹⁵ *People vs. Oduhan*, G.R. No. 191566, July 17, 2013, 701 SCRA 506; *Antone vs. Beronilla*, G.R. No. 183824, December 8, 2010, 637 SCRA 615.

¹⁶ *Sison v. People*, G.R. No. 170339, 170398-403, March 9, 2010; *Cabrera v. Sandiganbayan*, G.R. Nos. 162314-17, October 25, 2004.

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Authority (NFA) region; (c) amount of the procurement contract; and (d) quantity of fertilizers purchased. The information in Criminal Case No. SB-18-CRM-0288 alleges the following:

1. The accused, namely Luis P. Lorenzo, Jr. (Secretary of Agriculture) and Arthur C. Yap (Administrator of the National Food Authority [NFA]) are public officers discharging official functions, while Tomas A. Guibani (representative of the Philippine Phosphate Fertilizer Corporation) is a co-conspirator.
2. The accused Lorenzo, Jr. and Yap took advantage of their respective offices, and with evident bad faith, manifest partiality and/or gross inexcusable negligence conspired with accused Guibani to give unwarranted benefits, advantage and preference to Philippine Phosphate Fertilizer Corporation (Philphos) by (a) directing the Regional Bids and Awards Committees (RBACs) of NFA Regions I to V and the National Capital Region (NCR) to conduct procurement of their fertilizer requirements through the negotiated mode in violation of the general rule on competitive bidding prescribed under Section 10 of Republic Act No. 9184; (b) issuing a guideline that the opening of bids for the Luzon-wide procurement of fertilizers shall be simultaneously done at the NFA Central Office in Manila; and (c) amending the original guideline allowing only those suppliers with depots within and/or adjacent to the procuring NFA Region to participate as bidders.
3. Through the aforementioned acts of the accused, the award in favor of Manila-based Philphos of the Php 595,636.37 procurement contract for the supply of 1,300 bags of fertilizers to NFA-NCR was ensured, to the damage and prejudice of the government.

The Court finds that the material averments in the informations, assuming them to be true, sufficiently allege all the elements constitutive of violation of Section 3(e) of R.A. No. 3019, as amended. An information needs only to state the ultimate facts constituting the offense, not the finer details of why and how the illegal acts amounted to undue injury or damage – matters that are appropriate for trial.¹⁷

¹⁷ *Lazarte vs. Sandiganbayan*, G.R. No. 180122, March 13, 2009; *People vs. Romualdez*, G.R. No. 166510, July 23, 2008; Willard B. Riano, CRIMINAL PROCEDURE: THE BAR LECTURES SERIES, 2011, page 467.

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Accused Lorenzo, Jr. asserts that resort to negotiated procurement was above board. He argues that:

"x x x ... [T]he Implementing Rules and Regulations – A (IRR-A) of RA 9184 or the Government Procurement Act which requires public bidding in government procurement took effect only on **October 8, 2003** while the procurement being questioned were undertaken during the periods **May – August 2003**. Consequently, the then applicable law would not be RA 9184 but EO 40 pursuant to Section 77 of the IRR-A of the Government Procurement Act which provides that:

'In cases where the advertisements or invitations for bids were issued after the effectivity of the Act but before the effectivity of this IRR-A, the procuring entities may continue the procurement procedures, rules and regulations provided in EO 40 and its IRR, PD 1594 and its IRR, RA 7160 and its IRR, or other applicable laws, as the case may be.'

"x x x." ¹⁸

The contention of accused Lorenzo, Jr. is untenable. Granting *arguendo* that EO 40 is apropos, resort to methods of procurement other than competitive bidding remains subject to the following **preconditions**, to wit:

1. when justified by extraordinary conditions;
2. prior approval of the Head of the agency; and
3. resort thereto was made in the interest of economy and efficiency". ¹⁹

As correctly argued by the Prosecution, "[w]hether Lorenzo was justified from deviating from the general requirement of competitive bidding is evidentiary in nature and is a matter of defense that may be passed upon after a full-blown trial on the merits."²⁰

¹⁸ Omnibus Motion to Quash/ Dismiss dated June 11, 2018, page 4.

¹⁹ Sections 35, 35.1 of the Implementing Rules and Regulations of Executive Order No. 40.

²⁰ Comment/ Opposition dated June 21, 2018, p. 4 of 14.

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Further, Lorenzo, Jr. cited certain "factual and legal grounds"²¹ justifying quashal of the informations at bar, past resolutions²² of the Office of the Ombudsman wherein the accused were involved. Once more, his reliance on matters *aliunde* is misplaced. The factual milieu, including the adminicle of evidence, in said cases is not on all fours with the present case. Hence, his argument is devoid of merit.

Accused Yap, on the other hand, invokes the exception to the general rule that only allegations within the four corners of an information should be considered in resolving a motion to quash based on the ground that the facts alleged therein do not constitute an offense. Specifically, he alleged the following, to wit:

1. It was the Department of Agriculture (DA) which directed the National Food Authority (NFA) to purchase fertilizers through negotiated procurement;
2. Administrator Yap's directive for the simultaneous opening of bids does not in any way demonstrate that he was manifestly partial towards Philippine Phosphate Fertilizer Corporation (Philphos);
3. Administrator Yap's instructions to allow suppliers with depots outside the region were only for Region II and it only reiterated an earlier letter of the DA to the NFA;
4. The Ombudsman admitted that no damage was caused to the government; and
5. The Ombudsman never found that unwarranted benefits were extended to Philphos.²³

The foregoing asseveration of accused Yap does not persuade. Matters of defense should not be considered in a motion to quash. Suffice it to state that there is a factual finding in the present case that accused Yap actively intervened in the biddings

²¹Record, Volume 3, p. 271.

²² Joint Resolution dated July 24, 2015 in OMB-C-C-14-0064; Resolution dated July 31, 2017 in OMB-C-C-13-0394 and OMB-C-C-14-0218; Resolution dated May 2, 2018 in OMB-C-C-15-0029.

²³ Motion to Quash Informations dated May 29, 2018, pp. 6 – 7.

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even after the issuance by accused Lorenzo, Jr. of the memorandum authorizing negotiated procurement.²⁴ Moreover, accused Yap is likewise alleged to have conspired with his co-accused in perpetrating the offense charged. These evidentiary matters require a fuller examination in a full-blown trial.²⁵ A preliminary investigation is not the occasion for the exhaustive display of the parties' evidence. What is presented is evidence only as may engender a well-founded belief that an offense has been committed and that the accused is probably guilty thereof.²⁶

With respect to accused Guibani, he insists that:

"... [T]he body of the five (5) informations filed against the accused does not refer to the supposed violation of Section 3(e) of RA 3019 but refers to 'violation of the general rule on competitive bidding prescribed under Section 10 of the (sic) Republic Act 9184' which was already dismissed by the Office of the Ombudsman per its Resolution dated July 25, 2017 of the Fertilizer Scam Special Panel and approved by the Ombudsman on July 31, 2017."²⁷

Guibani's averment dulls one's credulity. The Resolution²⁸ dated July 25, 2017, of the Office of the Ombudsman states clearly:

"x x x [T]he illegal interventions exercised by Yap and Lorenzo, to which Guibani acceded to, are inherent and deemed subsumed in the charge for Section 3(e) of RA 3019. Hence, their indictment under the aforecited law would suffice."²⁹

The next bone of contention of the accused pertains to the allegedly inordinate delay in the termination of the preliminary investigation which, if it passes fair scrutiny, runs afoul with their right to speedy disposition of the cases.

The right to "a speedy disposition of cases" is enshrined in the Constitution. Section 16 of Article III of the Constitution provides: "All persons shall have the right to a speedy disposition of their cases

²⁴ *Field Investigation Office vs. Luis P. Lorenzo, Jr., et. al.*, OMB-C-C-13-0394, OMB-C-C-14-0218, Resolution dated July 25, 2017, pp. 34 – 35.

²⁵ Eleuterio L. Bathan, *REMEDIAL LAW: RECITALS IN CRIMINAL PROCEDURE*, 2016 Edition, pp. 342 – 343; *Santos vs. People*, G.R. No. 173176, August 26, 3008, 563 SCRA 341.

²⁶ *Osorio v. Desierto*, G.R. No. 156652, 13 October 2005, 472 SCRA 559.

²⁷ Motion to Dismiss and/or to Quash Information and to Defer Arraignment dated May 28, 2018, page 11.

²⁸ OMB-C-C-13-0394 (For: Section 3(e) and 3(g) of R.A. 3019, as amended) and OMB-C-C-14-0218 (For: Section 65, par. (b)4) of RA 9184).

²⁹ Record, Volume 3, page 359.

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before all judicial, quasi-judicial or administrative bodies." This right, however, is considered violated only when the proceedings is attended by vexatious, capricious, and oppressive delays,³⁰ which are absent in this case.

The concept of speedy disposition of cases is relative or flexible.³¹ A simple mathematical computation of the time involved is insufficient. The facts and circumstances peculiar to each case must be examined.³² In ascertaining whether the right to speedy disposition of cases has been violated, the following factors must be considered: (1) the length of 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.³³ The desideratum of a speedy disposition of cases should not, if at all possible, result in the precipitate loss of a party's right to present evidence, either in a plaintiffs being non-suited or the defendant's being pronounced liable under an *ex parte* judgment.³⁴

To put things in proper perspective, the chronology of events leading to the filing of the informations in this Court is critical. These are as follows, as narrated by the Prosecution, to wit:

1. On November 11, 2013, a complaint dated July 23, 2013 was filed by the Field Investigation Office (FIO) II of the Office of the Ombudsman against Lorenzo Jr., Yap, Guibani and thirty-six (36) other respondents.
2. On November 28, 2013, the Office of the Ombudsman issued an Order directing the thirty-nine (39) respondents to file their counter-affidavits, including controverting evidence, *vis a vis* the complaint for violations of Sections 3(e) and 3(g) of R.A. No. 3019.
3. Lorenzo, Jr. never submitted his counter-affidavit despite notice of the aforementioned Order while the other

³⁰ *The Ombudsman vs. Jurado*, G.R. No. 154155, August 6, 2008; 561 SCRA 135.

³¹ *Licaros vs. Sandiganbayan*, G.R. No. 145851, November 22, 2001. 370 SCRA 394.

³² *Binay vs. Sandiganbayan*, G.R. Nos. 120681 – 83, October 1, 1999. 316 SCRA 65.

³³ *Dela Peña v. Sandiganbayan*, G.R. No. 145851, November 22, 2001, 412 Phil. 921, 929, citing *Cojuangco, Jr. v. Sandiganbayan*, 360 Phil. 559, 587 (1998); *Blanco v. Sandiganbayan*, 399 Phil. 674, 682 (2000); Joaquin Bernas, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY, 1996, p. 489, citing *Barker vs. Wings*, 407 US 524. *Dansal, et. al. vs. Judge Gil P. Fernandez, Sr. and Montera*, G.R. No. 126814, March 2, 2000.

³⁴ *Padua vs. Ericta*, 161 SCRA 458.

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- respondents sought extension of the period within which to file their counter-affidavits.
4. On June 23, 2014, a Supplemental Complaint was filed against the respondents.
 5. On July 14, 2014, the Office of the Ombudsman issued an Order and directed the thirty-nine (39) respondents to file their counter-affidavits, including controverting evidence, *vis a vis* the supplemental complaint for violation of the Government Procurement Reform Act.
 6. On August 8, 2014, Yap moved for extension of time to file his counter-affidavit. The other respondents filed similar motions.
 7. On July 25, 2017, the Office of the Ombudsman rendered a joint resolution finding probable cause to indict Lorenzo, Jr., Yap and Guibani for five (5) counts of violation of Section 3(e) of R.A. No. 3019.
 8. On September 11, 2017, Yap filed a Motion for Partial Reconsideration, which was denied in a Joint Order dated October 23, 2017.
 9. On April 20, 2018, the five (5) informations³⁵ were filed against the accused.

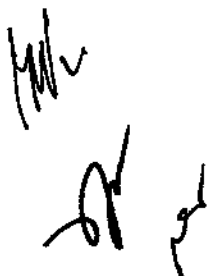
Concededly, the prosecutorial process commenced on November 11, 2013, that is, when the Complaint³⁶ was filed by the Field Investigation Office (FIO) II of the Office of the Ombudsman against Lorenzo, Jr., Yap, Guibani and thirty-six (36) other respondents. On June 23, 2014, the FIO I filed a Supplemental Complaint³⁷ against the same set of respondents. These formed the bases of the informations against the accused.

True, the preliminary investigation in subject cases against the accused took more than three (3) years to finish. But such happenstance alone, or any like delay, for that matter, should not be cause for an unfettered abdication by the Court of its duty to try cases

³⁵ Record, Volume 3, pp. 1 – 15.

³⁶ Dated July 23, 2013.

³⁷ Dated February 26, 2014.

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and to finally make a determination of the controversy after the presentation of evidence. In *Francisco Guerrero vs. Court of Appeals, et al.*,³⁸ the Supreme Court declared:

“While this Court recognizes the right to speedy disposition quite distinctly from the right to a speedy trial, and although this Court has always zealously espoused protection from oppressive and vexatious delays not attributable to the party involved, at the same time, we hold that a party's individual rights should not work against and preclude the people's equally important right to public justice.

X X X.”

Parenthetically, the protection under the right to a speedy disposition of cases should not operate as to deprive the government of its inherent prerogative in prosecuting criminal cases or generally in seeing to it that all who approach the bar of justice be afforded a fair opportunity to present their side.

Contrary to the stance of accused Lorenzo,³⁹ Yap,⁴⁰ and Guibani,⁴¹ the delay adverted to in the cases under consideration does not measure up to the unreasonableness of the delay of disposition in *Tatad vs. Sandiganbayan*,⁴² and other allied cases.⁴³ It cannot be said that the accused found themselves in a situation oppressive to their rights simply by reason of the delay and without more.

Even assuming there was delay in the termination of the preliminary investigation, accused Yap is deemed to have slept on his right to a speedy disposition of cases. From December 27, 2013, when he filed his counter-affidavit, Yap did nothing until September 13, 2017 when he filed his Motion for Partial Reconsideration. Apparently, Yap was impervious to the implications and contingencies of the projected criminal prosecution posed against

³⁸ 257 SCRA 703, 716, cited in *Dansal vs. Fernandez, Sr.*, G.R. No. 126814 March 2, 2000. 327 SCRA 145.

³⁹ Omnibus Motion to Quash/ Dismiss dated June 11, 2018, pp. 17 – 28.

⁴⁰ Motion to Quash Informations dated May 29, 2018, pp. 22 – 27.

⁴¹ Motion to Dismiss and/or to Quash Information and to Defer Arraignment dated May 28, 2018, pp. 1 – 11.

⁴² G.R. No. 72335 – 39, March 21, 1988, 159 SCRA 70.

⁴³ *Braza vs. Sandiganbayan*, G.R. No. 195032, February 20, 2013, 691 SCRA 471; *Coscolluela vs. Sandiganbayan*, G.R. No. 191411, July 15, 2013 701 SCRA 188; *Corpuz vs. Sandiganbayan*, G.R. No. 162214, November 11, 2004, 442 SCRA 294; *Almeda vs. Office of the Ombudsman*, G.R. No. 204267, July 25, 2016 798 SCRA 131; *People vs. Sandiganbayan, Perez, et al.*, G.R. No. 189063, December 11, 2013, 712 SCRA 359.

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him. He did not take any step whatsoever to accelerate the disposition of the matter. Yap's nonchalance lends the impression that he did not object to the supervening delay, and hence it was impliedly with his acquiescence. He did not make any overt act like, for instance, filing a motion for early resolution.

Accused Lorenzo, Jr. failed to invoke seasonably his right to speedy disposition of his case. The observation of the prosecution in this regard is noteworthy, viz:

"Had accused truly intended to assert his right to a speedy disposition of his case, he could have easily filed the motion to dismiss before the scheduled arraignment on June 4, 2018 but he did not. Instead, he participated in the proceedings through his counsel who appeared during the arraignment and asked for the resetting of the arraignment on one ground – indisposition of the accused. His counsel did not even manifest that he desires to file a motion to dismiss to assert his client's right to speedy disposition of cases or to question the sufficiency of the Informations. Clearly, the filing of the instant motion is not for the purpose of claiming a right purportedly violated but a mere **afterthought** x x x." ⁴⁴

It is a hornbook doctrine that delay becomes inordinate only in the presence of arbitrary, vexatious and oppressive actions or inactions that are apparent in the face of the proceedings.⁴⁵ Corollarily, in *Tai Lim vs. Court of Appeals*,⁴⁶ the Supreme Court elucidated further. Salient portions of the Court's *dictum* is quoted below, viz:

"x x x [W]hat the constitution prohibits is vexatious, capricious and oppressive delays, x x x 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. x x x." ⁴⁷ (Emphasis Supplied.)

Accused Yap cited "mental unrest and piling legal expenses,"⁴⁸ as well as "tactical disadvantages"⁴⁹ as a result of the inordinate

⁴⁴ Comment/ Opposition (to the Omnibus Motion to Quash/ Dismiss Filed by Accused Luis P. Lorenzo, pp. 10 – 11.

⁴⁵ *Dela Peña vs. Sandiganbayan*, G.R. No. 144542, June 29, 2001, 360 SCRA 478.

⁴⁶ G.R. No.131483, October 26, 1999, 317 SCRA 521.

⁴⁷ *Ibid.*

⁴⁸ Motion to Quash Informations dated May 29, 2018, p. 26

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delay in terminating the preliminary investigation. Regrettably, however, he failed to substantiate such allegation. *In pari passu*, accused Lorenzo, Jr. and Guibani failed to lay the factual bases showing any harassment, arbitrariness, unjust or cruel exercise of power or authority by the Office of the Ombudsman.

From the facts and circumstances at bar, the Court cannot glean any flaw tainting the denial of accused' motions to quash.

In closing, the High Tribunal's pronouncement in *Dansal vs. Fernandez, Sr.*⁵⁰ is apropos. It reads:

"The Court is not unmindful of the duty of the Ombudsman under the Constitution and Republic Act No. 6770 to act promptly on Complaints brought before her. But such duty should not be mistaken with a hasty resolution of cases at the expense of thoroughness and correctness. Judicial notice should be taken of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient governments service to freely lodge their Complaints against wrongdoings of government personnel, thus resulting in a steady stream of cases reaching the Office of the Ombudsman."

WHEREFORE, the motions of the accused are hereby **DENIED** for lack of merit.

SO ORDERED.



KEVIN NARCE B. VIVERO
Associate Justice

We concur:



SARAH JANE T. FERNANDEZ
Chairperson
Associate Justice



⁴⁹ *Ibid.*

⁵⁰ G.R. No. 126814, March 2, 2000, 327 SCRA 145.

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MARYANN E. CORPUS-MAÑALAC
Associate Justice

