



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case Nos. **SB-09-CRM-0043,**
SB-09-CRM-0047, **SB-09-CRM-0051,**
SB-09-CRM-0053

-versus-

For: (1) Violation of Section 3 (e) of R. A. No. 3019, and (2) Estafa through Falsification of Official/Public Documents under Article 315, in relation to Article 171 of the Revised Penal Code (RPC).

ANTONIO P. BELICENA, ET AL.,
Accused.

Present:

QUIROZ, J. Chairperson
CRUZ, J.
JACINTO, J.

Promulgated on:

August 22, 2018 ant

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RESOLUTION

CRUZ, J.

This resolves the (1) Motion to Quash Information dated 18 June 2018 of accused Sonia L. Dacasin ("Dacasin"), and the (2) Prosecution's Comment/Opposition (Re: Accused Sonia L. Dacasin's Motion to Quash Informations dated June 18, 2018) dated 25 June 2018.

Accused Dacasin moves¹ for the quashal of the Informations filed against her, invoking Section 3 (b) and (d) of Rule 117 of the Revised Rules on Criminal Procedure ("Rules"), particularly, on the grounds that "*the court trying the case has no jurisdiction over the offense charged,*" and "*the officer who filed the information had no authority to do so.*" After establishing the timeline of the preliminary investigation, beginning from the filing of the complaints on 17 October 2001 and 30 January 2004, until the assailed Informations

¹ Records, Vol. II, pp. 11-17

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were filed in court on 30 April 2008, accused Dacasin contends that the period of more than six (6) years to terminate said preliminary investigation constituted inordinate delay. Citing the cases of *Tatad v. Sandiganbayan* and *People v. Hernando Perez, et al.*, accused Dacasin explains that the Office of the Ombudsman ("Ombudsman") has been ousted of its authority to file the herein Informations because of the inordinate delay in the proceedings, which resulted in a clear violation of her constitutional rights to due process and speedy disposition of her cases. Since the Informations were allegedly filed without authority, accused Dacasin argues that they must be quashed for being invalid Informations, which cannot vest jurisdiction upon the Court over the offenses charged. Lastly, accused Dacasin underscores the relevant rulings of the First Division as well as this Court's resolution granting the quashal of the Informations against her co-accused, raising the same grounds she is invoking herein.

The prosecution opposed² accused Dacasin's allegations, emphasizing that the right to speedy disposition of cases is a relative and flexible concept. As such, the prosecution states that a mere mathematical reckoning of the time involved is not sufficient, rather the facts and the circumstances peculiar to each case must be examined. Stating the ruling in *Dela Peña, et al., v. Sandiganbayan, et al.*, the prosecution maintains that the right to speedy disposition of cases, like the right to speedy trial, is deemed violated only when the proceedings are attended by vexatious, capricious and oppressive delays. In order to determine whether such right was violated, the prosecution enumerates the four (4) factors to be balanced and considered. The prosecution claims, among others, that the amount of time taken to finish the preliminary investigation cannot be characterized as capricious and vexatious, considering the number of respondents, the sheer volume of the documents/records involved, and the period given to each respondents to present their respective countervailing evidence. The prosecution also points out that the resolutions of cases before the Ombudsman naturally takes time because of the steady stream of cases filed therein. Hence, the prosecution concludes that the delay in the proceedings was justified as it was caused by the prosecution's regular exercise of its investigatory powers. Quoting the doctrine from the case of *Jacob v. Sandiganbayan*, the prosecution gave paramount importance on the State's right to pursue criminal cases; asserting further that the right to speedy

² Records, Vol. II, pp. 65-70

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disposition of cases should not operate as to deprive the government of its inherent prerogative to prosecute criminal cases, and see to it that all who approach the bar of justice be afforded a fair opportunity to present their side. Finally, the prosecution avers that the rulings rendered by the First Division in the previously filed Belicena cases find no application in the present case, and are not binding upon this Court. Thus, the prosecution reminds the Court of its authority and power to exercise judicial discretion in making a judicious determination and resolution of the issues posted before it.

Accused Dacasin's motion is meritorious.

The right to speedy disposition of cases is guaranteed under Section 16 of Article III of the Constitution which states that "*all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.*"³

In order to ascertain whether such right was violated, a balancing test is employed.⁴ Jurisprudence describes the balancing test as the middle ground where the conduct of both the prosecution and the accused are weighed⁵ based on the following four factors: (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.⁶

Here, an evaluation of the records shows that the Special Presidential Task Force 156 filed the Complaint-Affidavit⁷ on 30 January 2004. Thereafter, the Ombudsman's Resolution⁸ was issued on 30 April 2008. Such resolution was finally approved on 24 February 2009,⁹ leading to the filing of the assailed Informations¹⁰ on 17 March 2009. From the foregoing timeline, it appears that the Ombudsman took more than five (5) years to finish its preliminary investigation and file the corresponding Informations in court. To justify this apparent delay, the prosecution reasoned that there were numerous respondents and voluminous documents/records involved in these cases. The prosecution suggests that the resolution of the cases necessarily takes time because of the steady

³ Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines, (G. R. No. 191411, July 15, 2013)

⁴ The Ombudsman vs. Ben C. Jurado, (G. R. No. 154155, August 06, 2008)

⁵ The Ombudsman vs. Ben C. Jurado, (G. R. No. 154155, August 06, 2008)

⁶ Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines, (G. R. No. 191411, July 15, 2013)

⁷ Records, Vol. I, pp. 53-59

⁸ Records, Vol. I, pp. 4-52

⁹ Records, Vol. I, p. 49

¹⁰ Records, Vol. II, pp. 1-6

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stream of cases reaching the Office of the Ombudsman. This kind of reasoning, however, is looked upon with disfavor in jurisprudence which focuses on the constitutional mandate of the Ombudsman to act promptly on all complaints filed in any form or manner against officers and employees of the Government with the end goal to promote efficient government service.¹¹ This is expounded in the case of *Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines*,¹² to wit:

"xxx Verily, 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. xxx **Precisely, the Office of the Ombudsman has the inherent duty not only to carefully go through the particulars of cases but also to resolve the same within the proper length of time. Its dutiful performances should not only be gauged by the quality of the assessment but also by the reasonable promptness of its dispensation.** xxx" (*emphasis ours*)

The Court also notes that the prosecution did not explain the ten (10) months gap between the issuance of the Ombudsman's Resolution and its final approval. Ultimately, the duty of the State *vis-à-vis* a claim of inordinate delay in its proceedings is to prove that the delay was reasonable or that the delay was not attributable to it.¹³ On both scores, the prosecution failed. Clearly, the responsibility of expediting the proceedings falls upon the Ombudsman, and not upon the herein accused who has no obligation to follow-up her case nor bring herself to trial.¹⁴ This is so because the constitutional mandate of the Ombudsman to act promptly on all of its cases carries a correlative duty to speedily resolve the same.¹⁵

All told, the prejudice suffered by an accused due to unreasonable delay in the proceedings is recognized in the same case of *Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines*,¹⁶ viz.:

¹¹ Alfredo R. Enriquez, et al. vs. Office of the Ombudsman (G. R. Nos. 174902-06, February 15, 2008)

¹² G. R. No. 191411, July 15, 2013

¹³ People of the Philippines vs. Sandiganbayan, et al. (G. R. No. 188165, December 11, 2013)

¹⁴ Juanito Victor C. Remulla vs. Sandiganbayan (2nd Division) and Erineo S. Maliksi (G. R. No. 218040, April 17, 2017)

¹⁵ Alfredo R. Enriquez, et al. vs. Office of the Ombudsman (G. R. Nos. 174902-06, February 15, 2008)

¹⁶ G. R. No. 191411, 15 July 2013

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“xxx Lest it be misunderstood, the right to speedy disposition of cases is not merely hinged towards the objective of spurring dispatch in the administration of justice but also to prevent the oppression of the citizen by holding a criminal prosecution suspended over him for an indefinite time. Akin to the right to speedy trial, its ‘salutary objective’ is to assure that an innocent person may be free from 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 whatever legitimate defense he may interpose. This looming unrest as well as the tactical disadvantage carried by the passage of time should be weighed against the State and in favor of the individual. xxx” (*emphasis ours*)

Under the circumstances, the Ombudsman did take an unreasonably long period to finish its investigation. Sans a reasonable explanation, such long delay is deemed inordinate and oppressive so as to violate accused Dacasin’s right to the speedy disposition of her case.

It bears stressing that the Court finds accused Dacasin similarly situated with her co-accused, whose cases have already been dismissed by this Court because of inordinate delay, which violated their right to the speedy disposition of their cases.

Nonetheless, the dismissal of the present cases does not automatically release accused Dacasin from any civil liability which the Department of Finance may prove in a subsequent civil proceeding.¹⁷ This remedy is allowed under Section 2, Rule 111 of the Rules of Court, which states that “an acquittal in a criminal case does not bar the private offended party from pursuing a subsequent civil case based on the delict, unless the judgment of acquittal explicitly declares that the act or omission from which the civil liability may arise did not exist.”

WHEREFORE, premises considered, the Motion to Quash Information dated 18 June 2018 of accused Sonia L. Dacasin is hereby **GRANTED**. Accordingly, the Informations filed against her are ordered **QUASHED**, and her cases are hereby **DISMISSED**, without prejudice to any civil action which the Department of Finance may file against her. Likewise, the hold-departure order¹⁸ issued by the Court against her is **LIFTED** and **SET ASIDE**.

¹⁷ Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines (G. R. No. 191411 July 15, 2013)
¹⁸ Records, Vol. I, p. 219

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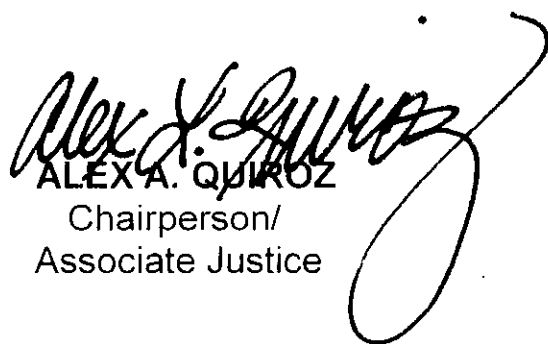
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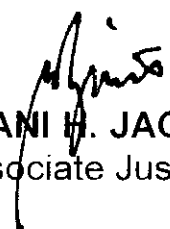
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SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX A. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice