



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, SB-09-CRM-0056,**  
**SB-09-CRM-0070**

-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 20, 2018 *amb*

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**RESOLUTION**

**CRUZ, J.**

This resolves the (1) Motion to Quash Informations dated 10 April 2018 of accused Ma. Carmencita C. Camara ("Camara"), (2) Motion to Quash Informations dated 10 April 2018 of accused Sonia G. Carmona ("Carmona") and (3) Prosecution's Consolidated Comment/Opposition (Re: a. Accused Sonia G. Carmona's Motion to Quash Informations dated April 10, 2018; and b. Accused Ma. Carmencita C. Camara's Motion to Quash Informations dated 10 April 2018) dated 09 May 2018.

In their separate yet identical motions<sup>1</sup> accused Camara and Carmona (hereinafter collectively referred to as "accused" for brevity) ask for the quashal of the Informations filed against them, citing Section 3 (b) and (d) of Rule 117 of the Revised Rules on Criminal

<sup>1</sup> Records, Vol. II, pp. 102-109, 138-144

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Procedure ("Rules"), alleging 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.*" To support their claim, the accused narrated the timeline of the preliminary investigation – starting from the filing of the complaints on 17 October 2001 and 30 January 2004, until the assailed Informations were filed in court on 30 April 2008 – concluding that the delay of more than six (6) years in the conduct of preliminary investigation constituted inordinate delay. Using the doctrines laid down in the cases of *Tatad v. Sandiganbayan* and *People v. Hernando Perez, et al.*, the accused argue that the Office of the Ombudsman ("Ombudsman") has been ousted of its authority to file the herein Informations due to the inordinate delay in the proceedings, resulting in the violation of their constitutional rights to due process and speedy disposition of their cases. In effect, Informations filed without authority are invalid, and thus, must be quashed because they cannot vest jurisdiction upon the Court over the offenses charged. Finally, the accused point to the relevant ruling of the First Division as well as this Court's resolution granting the quashal of the Informations against their co-accused, based on the same grounds they are raising herein.

In its Consolidated Comment/Opposition,<sup>2</sup> the prosecution refutes the accused's arguments, stating that the right to speedy disposition of cases is a relative and flexible concept. Accordingly, a mere mathematical reckoning of the time involved is not sufficient, rather the facts and the circumstances peculiar to each case must be examined. Invoking the case of *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 determining whether such right was violated, the prosecution lists the four (4) factors to be balanced and considered. The prosecution posits, among others, that the period taken to finish the preliminary investigation is not capricious nor vexatious, considering the number of respondents, the sheer volume of the documents/records involved, and the time given to each respondents to present their respective counter evidence. Moreover, the prosecution asserts that the resolution of cases before the Ombudsman would naturally take time since a lot of cases are filed therein. As such, the prosecution insists that the delay in the proceedings was justified as it was caused by the prosecution's

<sup>2</sup> Records, Vol. III, pp. 51-56

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regular exercise of its investigatory powers. The prosecution gives paramount consideration to the right of the State to pursue criminal cases, claiming that the right to speedy 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. Lastly, the prosecution declares that the rulings of the First Division in the previously filed Belicena cases find no application in the present case, and are not binding upon this Court. Hence, the prosecution implores the Court to exercise its authority and power in making a judicious determination and resolution of the issues posted before it.

The accused's motions are meritorious.

The right to speedy disposition of cases is enshrined in Section 16 of Article III of the Constitution which provides that "*all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.*"<sup>3</sup>

In ascertaining whether such right was violated, jurisprudence suggests the application of a balancing test, which serves as the middle ground where the conduct of both the prosecution and the accused are weighed<sup>4</sup> 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.<sup>5</sup>

In this case, a review of the records confirms that the Special Presidential Task Force 156 filed the Complaint-Affidavit<sup>6</sup> on 30 January 2004. Thereafter, the Ombudsman's Resolution<sup>7</sup> was issued on 30 April 2008. Said resolution was finally approved on 24 February 2009,<sup>8</sup> leading to the filing of the assailed Informations<sup>9</sup> on 17 March 2009. From the foregoing timeline, it is apparent that the Ombudsman spent more than five (5) years to terminate its preliminary investigation, and file the corresponding Informations in court. The prosecution urges that the delay in the proceedings was

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

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

<sup>5</sup> Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines, (G. R. No. 191411, July 15, 2013)

<sup>6</sup> Records, Vol. I, pp. 53-59

<sup>7</sup> Records, Vol. I, pp. 4-52

<sup>8</sup> Records, Vol. I, p. 49

<sup>9</sup> Records, Vol. II, pp. 1-6

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reasonable, contending that there were numerous respondents and voluminous documents/records involved in these cases. The prosecution also hinted that the resolution of the cases necessarily takes time because of the steady stream of cases reaching the Office of the Ombudsman. This line of reasoning is rejected in jurisprudence which emphasizes 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.<sup>10</sup> The case of *Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines*,<sup>11</sup> is instructive:

“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*)

In addition, the Court observes that the prosecution did not explain the ten (10) months gap between the issuance of the Ombudsman’s Resolution and its final approval. Essentially, 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.<sup>12</sup> The prosecution failed in both regards. No doubt, the responsibility of expediting the proceedings falls upon the Ombudsman, and not upon the accused who are not obliged to follow-up their cases nor bring themselves to trial.<sup>13</sup> This proceeds from the constitutional mandate of the Ombudsman to act promptly on all of its cases, which carries a correlative duty to speedily resolve the same.<sup>14</sup>

Consequently, the prejudice endured by an accused attributed

<sup>10</sup> Alfredo R. Enriquez, et al. vs. Office of the Ombudsman (G. R. Nos. 174902-06, February 15, 2008)

<sup>11</sup> G. R. No. 191411, July 15, 2013

<sup>12</sup> People of the Philippines vs. Sandiganbayan, et al. (G. R. No. 188165, December 11, 2013)

<sup>13</sup> Juanito Victor C. Remulla vs. Sandiganbayan (2<sup>nd</sup> Division) and Erineo S. Maliksi (G. R. No. 218040, April 17, 2017)

<sup>14</sup> Alfredo R. Enriquez, et al. vs. Office of the Ombudsman (G. R. Nos. 174902-06, February 15, 2008)

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to the unreasonable delay in the proceedings has already been identified in the same case of *Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines*,<sup>15</sup> viz.:

“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*)

Seen in this light, the Ombudsman did take an unreasonably long time to finalize its investigation. Without a justifiable reason, such long delay is deemed oppressive and violative of the accused’s right to the speedy disposition of their case.

With more reason, the Court finds the accused similarly situated with their co-accused, whose cases have already been dismissed by this Court because of inordinate delay, thereby violating their right to the speedy disposition of their cases.

This notwithstanding, the dismissal of the present cases does not automatically release the herein accused from any civil liability which the Department of Finance may prove in a subsequent civil proceeding.<sup>16</sup> 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 respective Motions to Quash Informations, both dated 10 April 2018 of accused Ma. Carmencita C. Camara and accused Sonia G. Carmona are hereby **GRANTED**. Accordingly, the Informations filed against them are

<sup>15</sup> G. R. No. 191411, 15 July 2013

<sup>16</sup> *Rafael L. Coscolluela vs. Sandiganbayan and People of the Philippines* (G. R. No. 191411 July 15, 2013)

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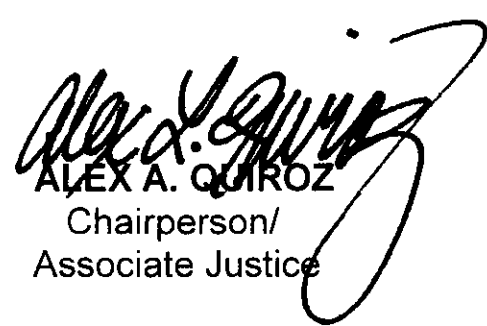
ordered **QUASHED**, and their cases are hereby **DISMISSED**, without prejudice to any civil action which the Department of Finance may file against them.

The hold-departure order issued by the Court against the herein accused is hereby **LIFTED** and **SET ASIDE**, and their respective cash bonds are ordered **RELEASED**, subject to the usual accounting and auditing procedures.

**SO ORDERED.**

  
**REYNALDO P. CRUZ**  
Associate Justice

We Concur:

  
**ALEX A. QUIROZ**  
Chairperson/  
Associate Justice

  
**BAYANI H. JACINTO**  
Associate Justice