



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

MINUTES of the proceedings held on 7 August 2018.

Present:

Hon. ALEX L. QUIROZ	-----	Chairperson
Hon. REYNALDO P. CRUZ	-----	Associate Justice
Hon. BAYANI H. JACINTO	-----	Associate Justice

The following resolution was adopted:

Criminal Cases Nos. SB-09-CRM-0123; SB-09-CRM-0124; SB-09-CRM-0133 & SB-09-CRM-0134 - People v. Antonio P. Belicena, et al.

This resolves accused-movant Rodel P. Rodriguez's (hereinafter, "Rodriguez") Motion to Quash Informations¹ dated 18 June 2018 and the prosecution's Comment/Opposition (Re: Accused Rodel Rodriguez' Motion to Quash Informations dated June 18, 2018)² dated 25 June 2018.

Rodriguez contends that the delay of six (6) years from the time the complaint against him and the other then respondents was filed with the Office of the Ombudsman on 8 March 2003 up to the filing of the Informations with the Court on 26 March 2009 violates his right to speedy disposition of cases. He argues that with such inordinate delay during the preliminary investigation, the Office of the Ombudsman is ousted of its authority to file the Informations and as a result, the Court has no jurisdiction over the offenses charged.

He mentions that the Court has already quashed the Informations against the other accused, particularly Grace Chingkoe, on the same grounds that he invokes.

The prosecution counters that the investigating officer and the reviewing authority in the Office of the Ombudsman took a considerable period of time to resolve the matter, due to the number of respondents and the sheer volume of documents/records involving

¹ Records, Vol. 3, pp. 29-35.

² *Id.*, pp. 54-58.

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numerous Tax Credit Certificates presented during the preliminary investigation, not to mention the respective counter-affidavits and countervailing evidence submitted by the respondents. The prosecution claims that the length of time that transpired during the preliminary investigation cannot be characterized as capricious and vexatious, thus negating Rodriguez's claim of violation of his right to speedy disposition of cases against him. It emphasizes that he has failed to present evidence to prove that the delay was intentional, capricious, whimsical or politically-motivated.

The motion is meritorious.

As Rodriguez points out, the Court, in its Resolution dated 24 January 2018, granted accused Grace T. Chingkoe's (Chingkoe) Motion to Quash Informations in the present cases. It found that there has been a violation of her right to speedy disposition of cases against her. The Court further found that the preliminary investigation took more than five (5) years from the filing of the complaint against Chingkoe before the Office of the Ombudsman on 30 January 2004 up to the filing of Informations with the Court on 17 March 2009. The Court cited the ruling in *People v. Sandiganbayan*³ where the Supreme Court held that the delay in the preliminary investigation before the Office of the Ombudsman for nearly five (5) years was inordinate and oppressive, and constituted under the peculiar circumstances of the case an outright violation of the therein respondents' right under the Constitution to the speedy disposition of their cases. The Court also cited *Coscolluela v. Sandiganbayan*⁴ to stress the fact that the Office of the Ombudsman has the mandate 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."

The same reasons set forth by the Court in its 24 January 2018 Resolution as regards Chingkoe should be applied to the cases at bar insofar as Rodriguez is concerned. The length of delay during the preliminary investigation on Rodriguez that started from 8 March 2003 with the filing of complaint against him and the other accused with the Office of the Ombudsman to the filing of the Informations with the Court on 26 March 2009 took six (6) years and eighteen (18) days, or around one (1) year more than that of Grace T. Chingkoe's. The Court thus sees no reason to deviate from its ruling on Grace T. Chingkoe's case inasmuch as Rodriguez is similarly situated as her.

³ 752 SCRA 359, 413 (2013).

⁴ 701 SCRA 188, 197 (2013).

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Even considering the reason for the delay given by the prosecution, still it falls short of the constitutional mandate of the Office of the Ombudsman to act promptly on complaints filed against government officials and employees. The Constitutional guarantee against unreasonable delay in the disposition of cases was intended to stem the tide of disenchantment among the people in the administration of justice by our judicial and quasi-judicial tribunals.⁵

WHEREFORE, the Court hereby **GRANTS** accused-movant Rodel P. Rodriguez's Motion to Quash Informations and **DISMISSES** Criminal Cases Nos. SB-09-CRM-0123, SB-09-CRM-0124, SB-09-CRM-0133 and SB-09-CRM-0134 as against him. The Court **LIFTS** and **SETS ASIDE** the hold departure order against him and orders the **RELEASE** of the cash bond posted for his provisional liberty, subject to the usual accounting rules and procedures.

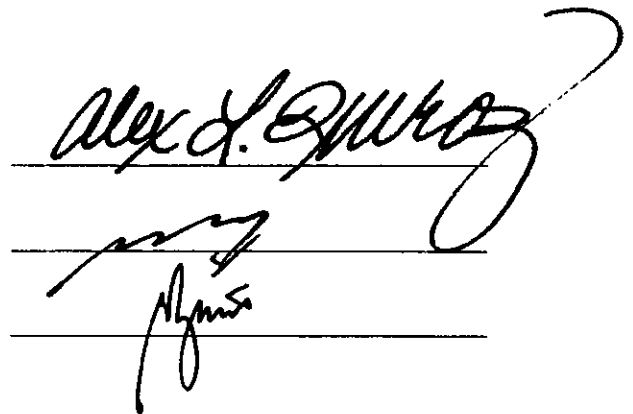
SO ORDERED.

APPROVED:

QUIROZ, J., Chairperson

CRUZ, J.

JACINTO, J.



The image shows three handwritten signatures in black ink, each written over a horizontal line. The top signature is 'Alex S. Quiroz', the middle one is 'Cruz, J.', and the bottom one is 'Jacinto, J.'.

⁵ *People v. Sandiganbayan (Fifth Division)*, G.R. Nos. 199151-56, 25 July 2016.