



Republic of the Philippines

Sandiganbayan

Quezon City

FIFTH DIVISION

**PEOPLE OF THE PHILIPPINES,
Plaintiff,**

**SB-18-CRM-0099
For: Violation of Sec. 3(e)
of R.A. 3019, as amended**

- versus -

**TEODORO BRAWNER
BAGUILAT, JR., VIRGINIA
DA-ANG FARRO, SAMUEL
AQUINO MARINAY, JOSE
MAN BAMBA SINGH,**

Accused.

Present:

**Lagos, J., Chairperson,
Mendoza – Arcega and
Corpus - Mañalac, JJ.**

Promulgated: September 04, 2018 *jal*

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RESOLUTION

CORPUS-MAÑALAC, J.:

Up at bench for resolution is the prosecution's Motion for Reconsideration filed on July 4, 2018 from the Resolution promulgated on June 21, 2018 dismissing this case as against accused *Jose Man Bamba Singh, Samuel Aquino Marinay* and *Virginia Da-Ang Farro* for inordinate delay in the investigation of the case.

Earlier on April 19, 2018 this case was also dismissed as against their co-accused, Teodoro Baguilat, Jr., basically on the same ratiocination of delay in investigation, while the prosecution's Motion for Reconsideration thereof was denied in the Resolution promulgated on June 4, 2018.

In the instant Motion, the prosecution reiterates that there was no inordinate delay in the disposition of cases against herein accused *Singh, Farro*

and *Marinay*, since they were not originally impleaded in the initial complaint and as such there was yet no case against them at that point. It again insists that these accused were impleaded as respondents with Baguilat, Jr., the main respondent, only upon issuance of the Ombudsman Resolution dated December 19, 2013 and that the investigation was completed on April 10, 2017 when the said office issued its Consolidated Resolution finding probable cause. This consisted of a **total period of three (3) years and four (4) months** investigation, which allegedly is reasonable. Moreover, the prosecution maintains the Office of the ombudsman took into account the accused’s right to due process, who did not invoke their right to speedy disposition of their case at the earliest time possible.

Accused *Singh* and *Marinay* filed separate opposition[s] to the motion on July 12, 2018 and August 9, 2018, respectively. No comment or opposition was filed by *Farro*.

Singh avers that all matters alleged in the motion were already discussed in the questioned Resolution, and there being no new issues raised, should be denied by this Court. For *Marinay*, he maintains the same disquisitions in the assailed Resolution finding that there was inordinate delay in investigation in violation of his right to a speedy disposition of the case against him.

Ruling

The Court finds no persuasive reason to reconsider.

Foremost, the same arguments of the prosecution were duly noted and passed upon in the Resolution sought to be reconsidered.

On the other hand, even a second look on the circumstances of the case in light of the reiterated argument of the prosecution would not yield to a modification or reversal of the assailed ruling.

In the case of *Torres vs. Sandiganbayan*, [GR No. 221562-69, October 5, 2016], it was ruled that “the speedy disposition of cases covers not only the period within which the preliminary investigation was conducted, but also all stages to which the accused is subjected, even including the fact-finding investigations conducted prior to the preliminary investigation proper.” Thusly, the assailed Resolution held that:

The record is highlighted by the long delay of investigation by the Ombudsman relative to the anonymous letter-complaint filed with it on May 19, 2004, where it took the said office a period of about thirteen (13) years to come up with its Consolidated Resolution dated April 10, 2017 finding probable cause x x x x and the filing of the corresponding Information on February 9, 2018 x x x x x”

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Even as the prosecution takes shield from the fact that *Singh, Marinay* and *Farro* were impleaded as respondents only on December 19, 2013, a delay of a **total period of three (3) years and four (4) months** remains to be of significant note that requires a convincing explanation from the prosecution.

To this, the latter merely avers the alleged due process accorded to the accused during this period. However, the records show that *Singh* filed his Counter-Affidavit as early as October 6, 2015,¹ *Farro* filed her Counter-Affidavit on October 2, 2015,² while *Marinay* filed his on October 19, 2015.³ Henceforth, the Ombudsman lagged in the progress of investigation for about two (2) years thereafter until it issued the Consolidated Resolution dated April 10, 2017 finding probable cause. This Court could not very well absorb any justification why it would take about two years to resolve the case against the accused, particularly so that after the filing of the respective counter-affidavits, no clarificatory hearings were set or any further action taken on the case except to resolve it. In the words of the Supreme Court in the recent case of *Magante vs. Sandiganbayan*,⁴ “x x x there is a hiatus on the part of the Ombudsman during this period,” as “no clarificatory hearing or further investigation was conducted that could have added a new dimension to the case.” Yet, it was belatedly after about two (2) years that the accused would hear about the finding of probable cause against them, which is vexatious.

The situation is aggravated by the fact that the questioned transaction took place in 2003, or about fifteen (15) years ago, covering a single purchase of a second-hand Isuzu Trooper allegedly without public bidding. As already ruled, the passage of an extraordinary length of time before the case reached this Court with the filing of Information on February 9, 2018 effectively placed the accused at a disadvantage position in facing the charge. Precisely, this is the evil sought to be guarded against by the constitutional guarantee to speedy case disposition.

On the alleged failure to timely invoke the right to speedy disposition of case, the case of *Magante vs. Sandiganbayan*,⁵ is enlightening:

Likewise, petitioner’s alleged failure to assert his right is not a veritable ground for the denial of the motion in the absence of any motion or pleading, or act on his part that contributed to the delay. It is not for him to ensure that the wheels of justice continue to turn. Rather, it is for the State to guarantee that the case is disposed within a reasonable period. Thus, it is of no moment that petitioner herein, unlike in *Angchangco*, did not file any motion before the Ombudsman to expedite the proceeding. **It is sufficient that he raised the constitutional infraction prior to his arraignment before the Sandiganbayan.** [emphasis supplied]

¹ Consolidated Resolution of the Ombudsman dated April 10, 2017

² Id.

³ Id.

⁴ *Magante vs. Sandiganbayan*, GR No. 230950-51, July 23, 2018

⁵ Id.


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IN VIEW OF THE FOREGOING, the prosecution's Motion for Reconsideration of the Resolution promulgated on June 21, 2018 is hereby **DENIED**.

SO ORDERED.


MARYANN E. CORPUS – MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Chairperson
Associate Justice


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice