Republic of the Philippines
Sandiganbayan
Quezon City

SPECIAL 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, and TOMAS A. GUIBANI, ***Accused.***	*Promulgated:* **SEP 25 2018**

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RESOLUTION

VIVERO, J.:

For the Court's consideration are the ***Motions for Reconsideration***[1] filed seasonably[2] by accused Arthur C. Yap and Luis Ramon P. Lorenzo, Jr.. Both motions assail the Court's Resolution dated August 9, 2018,[3] the decretal portion of which is quoted below, *viz:*

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*Per Administrative Order No. 275-A dated May 9, 2018, Special Member because of the voluntary inhibition of Justice Karl B. Miranda.

[1] Motion for Reconsideration *(Re: Resolution dated 9 August 2018),* Records, Vol. IV, pages 99-A – 99-M; Motion for Reconsideration (On the August 9, 2018 Resolution), Records, Vol. IV, pages 124 - 148.

[2] Both Motions were filed "within the non-extendible period of five (5) calendar days from receipt of the such Resolution," conformably with A.M. No. 15-06-10-SC (Resolution) dated April 25, 2017 (Revised Guidelines on the Continuous Trial of Criminal Cases), Part III (c).

[3] Records, Vol. IV, pages 53 – 67.

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

"SO ORDERED." [4]

Accused Yap ascribed reversible error upon the Court on the following grounds, *scilicet:*

"I. The instant *Informations* should be quashed based on evidence *aliunde* which destroyed the *prima facie* truth of the hypothetically admitted allegations therein.

"II. Inordinate delay attended the termination of the preliminary investigation warranting the immediate dismissal of the instant case."[5]

For his part, accused Lorenzo, Jr. pinpointed flaws in the assailed Resolution of the Court which ratiocinated that:

- 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) interest of economy and efficiency; aforesaid matters must first be proven in a full-blown trial.

- The factual and legal grounds relied upon by the accused, that is, the two (2) other resolutions of the Office of the Ombudsman were (sic) the accused was similarly involved are misplaced considering that the factual milieu including the pieces of evidence in the said cases are not on all fours with the instant case.[6]

In addition, accused Lorenzo, Jr. further argued that –

"INORDINATE DELAY HAS SET IN THEREBY DEPRIVING THIS HONORABLE COURT OF JURISDICTION FROM FURTHER PURSUING THE ABOVE-ENTITLED CASES AGAINST THE ACCUSED" [7]

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[4] Records, Vol. IV, page 66.
[5] Records, Vol. IV, pages 99-A, 99-I.
[6] Records, Vol. IV, pages 127, 129 – 130.
[7] Records, Vol. IV, page 139.

Contrariwise, the Prosecution's ***Comment/Opposition***[8] is grounded on the following:

> "A. Accused Yap failed to show that this Honorable Court, in ruling to deny his Motion to Quash Information, committed errors of law and facts that would warrant the reversal of the assailed *Resolution*.
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> "B. Accused insisted on the application of the exception to the general rule that the resolution of a motion to quash on the ground that the facts charged do not constitute an offense, citing *People v. Navarro*[9] and *People v. De la Rosa.*[10]
>
> i. *Navarro* and *De la Rosa* find no application in the present case. In *People v. Valencia,*[11] (sic) the Supreme Court explained when the exception to the general rule applies, thus:
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> 'x x x
>
> ii. In the case at bar, the prosecution opposed the motion to quash/dismiss Informations filed by all [the] accused and objected to the presentation of extraneous facts. Consequently, the general rule still applies.
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> "C. Lastly, the grounds stated in the present Motion [for Reconsideration] are mere rehash of the arguments in his Motion to Quash Informations. The issues raised in this Motion had been resolved by this Honorable Court in the assailed *Resolution.*"[12]

The Prosecution adopted the foregoing ***Comment/Opposition*** as its repartee to the ***Motion for Reconsideration*** of accused Lorenzo, Jr..[13]

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[8] Comment/Opposition (to Accused Arthur C. Yap's Motion for Reconsideration of the Resolution dated August 9, 2018) dated August 22, 2018, pages 1 – 4; Records, Vol. 4, pages 159 – 162.

[9] G.R. Nos. L-1 & L-2, December 4, 1945.

[10] G.R. No. L-34112, June 25, 1980.

[11] *Valencia v. Sandiganbayan (Fourth Division) and Office of the Ombudsman,* G.R. No. 141336, June 29, 2004.

[12] Records, Vol. IV, pages 159 - 161.

[13] Manifestation dated August 29, 2018, of the Office of the Office of the Special Prosecutor, pages 1 – 3; Records, Vol. IV, page 164.

THE COURT'S RULING

The Motions for Reconsideration of accused-movants are bereft of merit.

Accused Yap remains prolixious and persistently harps on past resolutions[14] of Office of the Ombudsman as justifications for consideration by the Court of evidence *aliunde*. [15] On the same vein, accused Lorenzo, Jr. avers that:

> "6. x x x [T]he April 30, 2003 Memorandum issued by him (Lorenzo, Jr.) in his capacity as the head of the agency (Secretary of Agriculture) authorizing resort to negotiated procurement as well as the existence of the preconditions like existence of extraordinary conditions, approval of the head of agency and that resort to alternative mode of procurement was made in the interest of economy and efficiency has already been declared as valid by the Office of the Ombudsman when it issued its Resolutions dismissing the complaints covering the Mindanao[16] and Visayas[17] areas x x x." [18]

Accused-movants cite the Supreme Court's rulings in *People v. Navarro,*[19] *Garcia v. Court of Appeals*[20] and *People v. De la Rosa*[21] as jurisprudential precedents to buttress their contention.[22]

The Court is not persuaded.

In ***Valencia v. Sandiganbayan (Fourth Division) and Office of the Ombudsman,***[23] the Supreme Court set the precondition for the application of the exception to the general rule, *viz:*

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[14] Joint Resolution dated May 6, 2015, in *Field Investigation Office v. Lorenzo, et. al.* (OMB-C-C-14-0064); Order dated April 26, 2018, in *Field Investigation Office v. Lorenzo, et. al.* (OMB-C-C-15-0029).

[15] Motion for Reconsideration dated August 16, 2018, of A. C. Yap, pages 4 – 6; Records, Vol. 4, pp. 99-D – 99-F.

[16] Resolution dated May 2, 2018,of the Office of the Ombudsman in OMB-C-C-15-0029.

[17] Joint Resolution dated July 24, 2015, of the Office of the Ombudsman in OMB-C-C-14-0064.

[18] Motion for Reconsideration dated August 20, 2018, of L. R. P. Lorenzo, Jr., pages 4 – 6.

[19] G.R. Nos. L-1 & L-2, December 4, 1945.

[20] G.R. No. 119603, January 27, 1997.

[21] G.R. No. L-34112, June 25, 1980.

[22] Motion for Reconsideration dated August 16, 2018, of A. C. Yap, pages 2 – 4; Motion for Reconsideration dated August 20, 2018, of L. R. P. Lorenzo, Jr., pages 12 – 15; Records, Vol. 4, pp. 99-B – 99-D, 132 – 135.

[23] G.R. No. 141336, June 29, 2004.

"As a general proposition, a motion to quash on the ground that the allegations of the information do not constitute the offense charged, or any offense for that matter, should be resolved on the basis alone of said allegations whose truth and veracity are hypothetically admitted. The informations need only state the ultimate facts; the reasons therefor could be proved during the trial.[24]

"The fundamental test in reflecting on the viability of a motion to quash under this particular ground is whether or not the facts asseverated, if hypothetically admitted, would establish the essential elements of the crime defined in the law. In this examination, matters *aliunde* are not considered.[25] However, **INQUIRY INTO FACTS OUTSIDE THE INFORMATION MAY BE ALLOWED WHERE THE PROSECUTION DOES NOT OBJECT TO THE PRESENTATION THEREOF.**[26] In the early case of ***People v. Navarro***,[27] we held:

> 'Prima facie, the facts charged are those described in the complaint, but they may be amplified or qualified by others appearing to be additional circumstances, upon admissions made by the people's representative, which admissions could anyway be submitted by him as amendments to the same information. It would seem to be pure technicality to hold that in the consideration of the motion the parties and the judge were precluded from considering facts which the fiscal admitted to be true, simply because they were not described in the complaint. Of course, it may be added that upon similar motions the court and the fiscal are not required to go beyond the averments of the information, nor is the latter to be inveigled into a premature and risky revelation of his evidence. But we see no reason to prohibit the fiscal from making, in all candor, admissions of undeniable facts, because the principle can never be sufficiently reiterated that such official's role is to see that justice is done: not that all accused are convicted, but that the guilty are justly punished. Less reason can there be to prohibit the court from considering those admissions, and deciding accordingly, in the interest of a speedy administration of justice.
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> 'It should be stressed, however, that **FOR A CASE TO FALL UNDER THE EXCEPTION, IT IS**

[24] *Domingo v. Sandiganbayan, et. al.,* G.R. No. 109376, January 20, 2000, 322 SCRA 655, 664-665.
[25] *Ingco, et. al. v. Sandiganbayan,* G.R. No. 112584, May 23, 1997, 272 SCRA 563, 573.
[26] *Garcia v. Court of Appeals,* G.R. No. 119063, January 27, 1997, 266 SCRA 678, 692.
[27] 75 Phil. 516, 518 – 519 [1945].

ESSENTIAL THAT THERE BE NO OBJECTION FROM THE PROSECUTION. THUS, THE ABOVE RULE DOES NOT APPLY WHERE THE PROSECUTION OBJECTED TO THE PRESENTATION OF EXTRANEOUS FACTS AND EVEN OPPOSED THE MOTION TO QUASH.' [28]

"x x x."[29] (Capitalization Ours.)

Irrefragably, the Prosecution is up in arms against the presentation of evidence *aliunde* and the precipitate dismissal of this case. Conformably with the Supreme Court's ruling in ***Valencia,*** this Court finds the accused's position to be untenable, to begin with, and conforms to the Prosecution's Opposition.

Accused-movants insist that past resolutions of the Office of the Ombudsman should be appreciated as irrecusable evidence of regularity in the performance of their official functions. Such supposition is untenable. The disposition in one case does not inevitably and necessarily govern the resolution of the other, albeit related, cases. The Court is not mandated to take judicial notice of records of other cases.[30] Besides, unless good and compelling reasons are extant, the Court will not ordinarily interfere with the exercise by the Office of the Ombudsman of its investigatory and prosecutorial powers, and respects the initiative and independence inherent in said Office, which, "beholden to no one, acts as the champion of the people and the preserver of the integrity of the public service." [31] The rule is based not only on the relative autonomy of the Ombudsman under the Constitution,[32] but upon practicality as well. Otherwise, innumerable petitions seeking dismissal of investigatory proceedings conducted by the Ombudsman will grievously hamper the functions of the office and the courts, in much the same way that courts would be extremely swamped if they could be compelled to review the exercise of discretion on the part of public prosecutors each time they decide to file an information or dismiss a complaint by a private complainant.[33]

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[28] *Torres v. Garchitorena, et. al.,* G.R. No. 153666, December 27, 2002, 394 SCRA 494, 503.
[29] 433 SCRA 88, 94 – 95.
[30] *Ligtas v. People,* G.R. No. 200751, August 17, 2015.
[31] *Casing v. Ombudsman,* G.R. No. 192334, June 13, 2012, 672 SCRA 500, 507; *M.A. Jimenez Enterprises, Inc. v. Ombudsman,* G.R. No. 155307, June 6, 2011, 650 SCRA 381, 392 – 394.
[32] *Galvante v. Casimiro,* G.R. No. 162808, April 22, 2008, 552 SCRA 304, 314 – 315; *Young v. Office of the Ombudsman,* G.R. No. L- 110736, December 27, 1993, 228 SCRA 718, 722-723, citing *Ocampo v. Ombudsman,* G.R. No. 103446-47, August 30, 1993, 225 SCRA 725.
[33] *Esquivel v. Ombudsman,* G. R. No. 137237, September 17, 2002, 389 SCRA 143, 150.

In the case at bar, accused are charged with violation of Section 3 (e) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act. The pertinent provision reads:

> **"Sec. 3. *Corrupt practices of public officers.*** – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:
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> x x x x x x x x x.
>
> (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of officers or government corporations charged with the grant of licenses or permits or other concessions.
>
> x x x x x x x x x."

The elements of the crime of violation of Section 3 (e) are the following:

1. The accused is a public officer discharging administrative, judicial or official functions;

2. He must have acted with manifest partiality, evident bad faith or inexcusable negligence; and

3. His action has caused undue injury to any party, including the Government, or has given any party any unwarranted benefit, advantage or preference in the discharge of his functions.[34]

A careful scrutiny of the five (5) informations shows that all the above elements are alleged clearly and accurately.[35] Also, these sufficiently state the ultimate facts constituting the offense, not the

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[34] *Cedeño v. People and Sandiganbayan, Fifth Division,* G.R. No. 193020, November 8, 2017; *Caunan v. People and Sandiganbayan,* G.R. No. 183529, February 24, 2016; *LihayLihay v. People,* G.R. No. 191219, July 31, 2013, 702 SCRA 755, 762.

[35] *Lazarte v. Sandiganbayan,* G.R. No.. 180122, March 13, 2009; *Go v. Bangko Sentral ng Pilipinas,* G.R. No. 178429, October 23, 2009.

finer details of why and how the illegal acts alleged amounted to undue injury to the zone of interests of the State – matters that are appropriate for trial.[36] The averment of accused Yap, then Administrator of the National Food Authority, that he acted ***ex auctoritate mihi commissa***[37] is a matter of defense that may be ventilated during the trial. *In pari passu,* the evidentiary value, if any, of past resolutions of the Office of the Ombudsman *vis a vis* this case may be threshed out during the adjudication on the merits.

Granting *arguendo* that the quashal of the information is warranted because the facts charged do not constitute an offense, it is the ***primary duty*** of the trial court to order the prosecution to correct the defect by amending the information, not to dismiss the case outright. If the prosecution fails to make such amendment to the information or if after amendment, the information still suffers from the same defect despite amendment, the trial court shall have no other duty but to grant the motion to quash. This is the so-called ***secondary duty*** of the trial court.[38]

Turning now to the Ombudsman's allegedly inordinate delay in the disposition of this case, the Court is loath to subscribe to the reasons cited by the accused-movants in their attempt to justify the same.

The four-fold factors[39] akin to the "balancing test"[40] for determining whether or not the accused's right to speedy disposition of his case had been violated were applied punctiliously by this Court *vis a vis* this case. Accused Lorenzo, Jr. wrangled that the High Tribunal's rulings in ***Torres,***[41] ***Coscolluela***[42] and ***People v.***

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[36] *People v. Romualdez,* G.R. No. 166510, July 23, 2008, 559 SCRA 492.
[37] "by the authority entrusted to him."

[38] Revised Rules on Criminal Procedure, Rule 117, Section 4, second paragraph; Judge Eleuterio L. Bathan, REMEDIAL LAW: RECITALS IN CRIMINAL PROCEDURE, 2016 Edition, pages 356 – 357.
[39] The **four-fold factors** include: (1) length of the delay; (2) reason for the delay; (3) defendant's assertion or non-assertion of his right; and (4) prejudice to defendant resulting from the delay were explained by the Supreme Court in ***Roquero v. Chancellor of UP-Manila,*** **G.R. No. 181851, March 9, 2010, 614 SCRA 723** and a catena of cases.
[40] *Remulla v. Sandiganbayan (Second Division) and Maliksi,* G.R. No. 218040, April 17, 2017, citing ***Martin v. Ver,*** **208 Phil. 658 [1983]** and ***Barker v. Wingo,*** **407 U.S. 514 [1972];** Willard B. Riano, CRIMINAL PROCEDURE: THE BAR LECTURES SERIES [2011] pp. 403 – 407.
[41] *Torres v. Sandiganbayan (First Division),* G.R. Nos. 221562-69, October 5, 2016.
[42] *Coscolluela v. Sandiganbayan,* G.R. Nos. 191411, July 15, 2013.

Sandiganbayan[43] stressed that *"the period of time spent for fact-finding investigation is always included and considered in the computation of delay."* [44]

Accused Lorenzo Jr.'s postulation is flawed.

The Supreme Court, thru Justice Presbitero J. Velasco, Jr.'s *ponencia* in the contemporaneous case of ***Magante v. Sandiganbayan (Third Division) and People***,[45] elucidated on this matter, *viz:*

> "We must distinguish between fact-finding investigations conducted before and after the filing of a formal complaint. . When a formal complaint had been initiated by a private complainant, the burden is upon such complainant to substantiate his allegations by appending all the necessary evidence for establishing probable cause. The fact-finding investigation conducted by the Ombudsman after the complaint is filed should then necessarily be included in computing the aggregate period of the preliminary investigation.
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> "On the other hand, **IF THE FACT-FINDING INVESTIGATION PRECEDES THE FILING OF A COMPLAINT AS IN INCIDENTS INVESTIGATED *MOTU PROPIO* BY THE OMBUDSMAN, SUCH INVESTIGATION SHOULD BE EXCLUDED FROM THE COMPUTATION. THE PERIOD UTILIZED FOR CASE BUILD-UP WILL NOT BE COUNTED IN DETERMINING THE ATTENDANCE OF INORDINATE DELAY.**
>
> **"IT IS ONLY WHEN A FORMAL VERIFIED COMPLAINT HAD BEEN FILED WOULD THE OBLIGATION ON THE PART OF THE OMBUDSMAN TO RESOLVE THE SAME PROMPTLY ARISE.** Prior to the filing of a complaint, the party involved is not yet subjected to any adverse proceeding and cannot yet invoke the right to the speedy disposition of a case, which is correlative to an actual proceeding. In this light, the doctrine in *People v. Sandiganbayan*[46] should be revisited.
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> "With respect to investigations relating to anonymous complaints or *motu proprio* investigations by the Ombudsman, the date when the Ombudsman receives the anonymous complaint or when it started its *motu proprio* investigations and the periods of time devoted to such investigations cannot be considered in determining the period of delay. **FOR THE RESPONDENTS, THE**

[43] G.R. No. 188165/ 189063, December 11, 2013, 712 SCRA 359
[44] Motion for Reconsideration dated August 20, 2018, of L. R. P. Lorenzo, Jr., page 21 of 25.
[45] G.R. Nos. 230950-51, July 23, 2018.
[46] G.R. No. 188165 & 189063, December 11, 2013.

> **CASE BUILD-UP PHASE OF AN ANONYMOUS COMPLAINT OR A *MOTU PROPRIO* INVESTIGATION IS NOT YET EXPOSED TO AN ADVERSARIAL PROCEEDING.** The Ombudsman should of course be aware that a long delay may result in the extinction of criminal liability by reason of the prescription of the offense.
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> "Even if the person accused of the offense subject of said anonymous complaint or *motu proprio* investigations by the Ombudsman is asked to attend invitations by the Ombudsman for the fact-finding investigations, this directive cannot be considered in determining inordinate delay. These conferences or meetings with the persons subject of the anonymous complaints or *motu proprio* investigations are simply preludes to the filing of a formal complaint if it finds it proper. This should be distinguished from the exercise by the Ombudsman of its prosecutor powers which involve determination of probable cause to file information with the court resulting from official preliminary investigation. Thus, **THE PERIOD SPENT FOR FACT-FINDING INVESTIGATIONS OF THE OMBUDSMAN PRIOR TO THE FILING OF THE FORMAL COMPLAINT BY THE FIELD INVESTIGATION OFFICE OF THE OMBUDSMAN IS IRRELEVANT IN DETERMINING INORDINATE DELAY.**
>
> "In sum, **THE RECKONING POINT WHEN DELAY STARTS TO RUN IS THE DATE OF** the filing of the formal complaint by a private complainant or **THE FILING BY THE FIELD INVESTIGATION OFFICE WITH THE OMBUDSMAN OF A FORMAL COMPLAINT** based on an anonymous complaint or **AS A RESULT OF ITS *MOTU PROPRIO* INVESTIGATIONS.** The period devoted to the fact-finding investigations prior to the date of filing of the formal complaint with the Ombudsman shall not be considered in determining inordinate delay. After the filing of the formal complaint, the time devoted to fact-finding investigations shall always be factored in."[47] (Capitalization Ours.)

Perhaps, after pondering upon the foregoing disquisition, resipiscence will dawn upon the accused-movants. In this case, the complaint was lodged by the Field Investigation Office (FIO) of the Office of the Ombudsman on November 2013. Thenceforth, the preliminary investigation grinded until a *prima facie* case against the persons complained of (i.e. accused) was established on July 2017. The Office of the Ombudsman would have filed the informations at that point but for the motion for partial reconsideration lodged by accused Yap. Be that as it may, the long-drawn-out process is reasonable and justifiable. In this regard, the resolution of the

[47] *Magante v. Sandiganbayan (Third Division) and People,* G.R. Nos. 230950-51, July 23, 2018.

Supreme Court in ***Varela v. Sandiganbayan, Fifth Division***[48] is apropos. Pertinent excerpts therefrom are quoted below, *viz:*

> ". . . [T]he accused failed to present evidence to prove that the delay was due to an intentional, capricious, whimsical, or probable politically-motivated (as present in the ***Tatad***[49] case) delaying tactics employed by the prosecutors; or that the accused has remained under cloud as the petitioner in the ***Anchangco***[50] case; or that accused could not have urged the speedy resolution of the case against him considering that he was completely unaware that the investigation against him was still ongoing, as what happened in the ***Duterte***[51] case; or that the initiatory pleading was filed six (6) years thereafter from the time the sworn complaint was filed, as present in the ***Cervantes***[52] case. x x x **[T]he delays in the instant case were caused by the prosecution's regular exercise of its investigatory power and accused's exhaustion of available remedies. For this reason, the instant Motion to Quash necessarily fails."** [53] (Emphasis and Underscoring Supplied.)

Anent the assertion of the accused's right to speedy disposition of the case, no overt act, such as filing several omnibus motions for early resolution of the case, as in ***Angchangco,***[54] or filing a petition for mandamus to dismiss the case before the Supreme Court, as in ***Roque,***[55] was shown. Their silence during the investigation phase may, therefore, be interpreted as a waiver of such right.[56] As aptly stated in ***Alvizo,***[57] the petitioner therein was "insensitive to the implications and contingencies" of the projected criminal prosecution posed against him "by not taking any step whatsoever to accelerate the disposition of the matter, which inaction conduces to the perception that the supervening delay seems to have been without his objection, [and] hence impliedly with his acquiescence." [58]

With respect to the prejudice to the accused on account of the delay, their claim remains unsubstantiated. Moreover, their arguments are nothing but rehash that deserve scant consideration.

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[48] G.R. No. 203564, December 3, 2014.
[49] *Tatad vs. Sandiganbayan,* G.R. No. 72335 – 39, March 12, 1988, 159 SCRA 70.
[50] *Angchangco, Jr. vs. Ombudsman,* G.R. No. 122728, February 13, 1997, 268 SCRA 301.
[51] *Duterte vs. Sandiganbayan,* G.R. No. 130191, April 27, 1998, 289 SCRA 721.
[52] *Cervantes vs. Sandiganbayan,* G.R. No. 108595, May 18, 1999, 307 SCRA 149.
[53] SEE note 48.
[54] SEE note 50
[55] *Roque v. Office of the Ombudsman,* G.R. No. 129978, May 12, 1999, 307 SCRA 106.
[56] *Guerrero v. Court of Appeals,* G.R. No. 107211, June 28, 1996, 257 SCRA 703, 715 – 716.
[57] *Alvizo v. Sandiganbayan,* G.R. No. 101689, March 17, 1993, 454 Phil. 34.
[58] 220 SCRA 55, 63 [1993].

Consistent with the Supreme Court's *dictum* in ***People v. Sandiganbayan (Fourth Division), Gamos and Gile,*** **G.R. No. 232197-98, April 16, 2018,** absent any allegation and proof that accused were persecuted, oppressed or made to undergo any vexatious process, as in the ***Tatad*** [59] and ***Angchangco*** [60] cases, during the investigative phase prior to the filing of the informations, the radical relief sought by accused-movants is unjustified.[61]

Above all things, transcendental significance should be ascribed to the ***raison d'tre*** of the Office of the Ombudsman. In ***Francisco Guerrero vs. Court of Appeals, et al.***,[62] 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. ***Nihil infra regnum subditos magis conservat in tranquilitate et concordia quam debita legume administratio.*** (Nothing more preserves in tranquility and concord those subjected to the government than a due administration of the laws.)

After a second hard look at the issues raised by the accused, no compelling reason persuades this Court to rule otherwise.

WHEREFORE, premises considered, the Court ***DENIES*** the ***Motions for Reconsideration*** of accused Arthur C. Yap and Luis Ramon P. Lorenzo, Jr. for lack of merit.

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[59] *Tatad v. Sandiganbayan,* G.R. No. L-72335-39, March 12, 1988, 159 SCRA 70.
[60] *Angchangco, Jr. v. Ombudsman,* G.R. No. 122728, February 13, 1997, 268 SCRA 301.
[61] *Dimayacyac v. Court of Appeals*, G.R. No. 136264, May 28, 2004, 474 Phil. 139, 430 SCRA 121, 130-131.

[62] G.R. No. 107211, June 28, 1996, 257 SCRA 703, 716.

Let the arraignment and pre-trial of accused Yap and Lorenzo, Jr. proceed on **October 5, 2018**,[63] at **1:30 in the afternoon,** as previously scheduled.

SO ORDERED.

KEVIN NARCE B. VIVERO
Associate Justice

WE CONCUR:

SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

MARYANN CORPUS-MAÑALAC
Associate Justice

[63] Records, Vol. IV, page 164.