Republic of the Philippines
Sandiganbayan
Quezon City
***

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

JONATHAN ANOYA BAYOGAN, ***et al.,***
Accused.

SB-18-CRM-0002
For: Violation of Sec. 3(e) of R.A. No. 3019, as amended

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

Promulgated:

November 12, 2018

x - x

RESOLUTION

CORPUS - MAÑALAC, J.:

This treats of the following motions filed separately on October 23, 2018 by accused Minerva A. Mangan:

(1) *"Entry of Appearance with Manifestation of Adoption of Motions to Quash and Motion to Defer Arraignment."*
(2) *Manifestation of Waiver of Appearance with Motion to Approved waiver;*

Adoption of Motions to Quash with Motion to Defer Arraignment

Accused Mangan adopts the *"Motion to Quash and/or Dismiss Information"*[1] filed on May 6, 2018 by her co-accused Aira C. Ladera and Vivian Labasano, as well as the *"Motion to Dismiss the Case Due to Violation*

[1] Records, Vol. 1, p. 381

of the Right to Speedy Disposition of Case"[2] filed on May 18, 2018 by co-accused Erlinda Patosa. These motions of accused Ladera, Labasano and Patosa essentially invoked their right under Section 16 of Article III of the 1987 Constitution and averred that there was inordinate and oppressive delay in the investigation of this case.

In her manifestation, accused Mangan embraces the same ratiocinations of her co-accused and likewise prays for the dismissal of the Information based on alleged violation of her constitutional right to speedy case disposition. This is so considering that she is under the same circumstances as that of her co-accused and that the grounds raised by them in their earlier motions are applicable to her. She claims she would have joined her co-accused in the aforesaid motions had she known of the filing of this case.

She, thus, prays for the deferment of her arraignment set on November 9, 2018 pending resolution of her adopted Motion to Quash.

Waiver of Appearance

Should the case not be dismissed as against her, accused Mangan prays for approval of her Waiver of Appearance during court hearings since she is based in Davao City. Attending the hearings in Quezon City will necessarily involve the expenditure of considerable expenses on her part which she cannot sustain as a retired government employee. However, she obliges herself to abide by and comply with the orders of this Court and appear in Court whenever so required.

The Opposition

As to accused Mangan's adoption of her co-accused's separate motions for dismissal of the case, the prosecution similarly adopted its *Opposition*[3] dated May 9, 2018 which it filed against accused Ladera and Labasano's motion, and the *Opposition*[4] dated May 23, 2018 which it filed against Patosa's. Principally, the prosecution argues that there was no inordinate delay in the investigation of this case considering that the preliminary investigation only took **one (1) year and five (5) months** to

[2] Id., p. 400
[3] Id., p. 390
[4] Id., p. 411

completion, while the fact-finding period should not have been considered.

As to the Waiver of Appearance, the prosecution contends that accused Mangan should be present during the arraignment and must sign the pre-trial order. Moreover, she did not execute a Special Power of Attorney authorizing her counsel or anyone to attend and represent her in the preliminary conference and pre-trial hearing for her to be bound by the said proceedings.

RULING

In the Resolution of this Court promulgated on **June 27, 2018**,[5] accused Ladera and Labasano's *"Motion to Quash and/or Dismiss Information"* as well as accused Patosa's *"Motion to Dismiss the Case Due to Violation of the Right to Speedy Disposition of Case"* were both granted, thus, the case as against them was already dismissed. The parties' opposing arguments were summarized in the said Resolution, *viz*:

> Accused Ladera, Labasano and Patosa allege that their right to a speedy disposition of their cases pursuant to Section 16, Article II of the 1987 Constitution had been violated because it took the Ombudsman more than six (6) years before it resolved the complaint against them, which is vexatious, capricious and oppressive.
>
> They recount that the anonymous letter-complaint pertaining to the alleged 2006 anomalous purchase of medical supplies and equipment by the Davao Oriental State College of Science and Technology (DOSCST), was filed with the Office of the Ombudsman in November 2011, but only after more than four (4) years, on December 18, 2015, when the Field Investigating Unit (FIU) executed a complaint against the accused for violation of Republic Act No. 3019. The *Resolution* dated October 5, 2016 finding probable cause was affirmed by the Ombudsman in its Order dated June 6 and 15, 2017, while the corresponding *Information* was filed in Court on January 12, 2018. The said accused postulate that the more than six (6) years of delay in investigation is inordinate citing the cases of *Tatad vs. Sandiganbayan, Corpuz vs. Sandiganbayan, Angchangco, Jr. vs. Ombudsman, and Roque vs. Office of the Ombudsman.*
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> Meanwhile, in its separate *Comment/Opposition*, the prosecution opposes the move alleging that accused failed to raise inordinate delay in their respective counter-affidavits. It was only after this Court's Resolution dated March 23, 2018 pertaining to accused Bayogan that they appeared in Court and posted bail. Hence, the timing of their motions is rather of suspect and puts in question their sincerity in asserting their constitutional right.
>
> It further asserts that there is no inordinate delay because the fact finding proceeding must not be included in the mathematical computation of the alleged delay. That preliminary investigation commenced on January 20, 2016 with the issuance of the Joint-Order directing the accused to submit their counter-affidavits. The accused filed on February 9, 2016 and February 11, 2016 a motion for Extension of Time to File Counter-Affidavit and Controverting Evidence and an Urgent

[5] Id., Vol. 1, p. 441

Motion for Extension of Time to File Counter-Affidavits, respectively. Only fifteen (15) days after the filing of the last counter-affidavit, the Ombudsman issued a resolution finding probable cause while the motions for reconsideration thereof were denied in the Orders dated June 6, 2017 and July 11, 2017. Additionally, the prosecution claims that this Court's Resolution dated March 23, 2018 pertaining to accused Jonathan A. Bayogan is particular to him. It does not automatically apply to all other accused since the constitutional right in question must be determined in light of the circumstances peculiar to each of the accused. *[citations omitted]*

In granting the dismissal of the case, the Resolution states:

X x x

It took the Ombudsman more than four (4) years to complete the fact-finding proceeding between November 29,2011 - the date when the Ombudsman received the anonymous complaint and December 18, 2015 - when the Field Investigation Unit (FIU) executed a Complaint charging herein accused Ladera, Labasano and Patosa, among others, of violation of RA 3019. Another period of one year (1) year and five (5) months, by the court's reckoning, was spent by the Ombudsman to conduct the preliminary investigation from January 20,2016 - the date when it issued the Joint Order directing accused to file their counter-affidavits and June 6, 2017 and July 11, 2017 - when accused motions for reconsideration of its Resolution dated October 5,2016 was denied. Whereas, the Information was filed on January 12,2018 after an aggregate investigation period of more than six (6) years.

Considering the extended length of time that lapsed before the Ombudsman was able to dispose of the complaint before it, it is incumbent upon the prosecution to prove that the delay in investigation was reasonable, or that the delay was not attributable to it. Reviewing the anonymous complaint, it appears that more than enough documentary leads were specified to facilitate the conduct and earlier termination of the fact-finding investigation, but the FIU took more than four (4) years from its filing on November 29, 201 up to January 20, 2016 to build the case and come up with a complaint for preliminary investigation.

To this, the prosecution merely argues that a complaint under case build-up shall not be considered, and that there is no inordinate delay since there is yet no jeopardy to the accused during the fact-finding proceeding.

The Court does not agree. In the case of *People vs. Sandiganbayan,* the Supreme Court ruled:

> **The State further argues that the fact-finding investigation should not be considered a part of the preliminary investigation because the former was only preparatory in relation to the latter; and that the period spent in the former should not be factored in the computation of the period devoted to the preliminary investigation.**
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> **The argument cannot pass fair scrutiny.**
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> **The guarantee of speedy disposition under Section 16 of Article III of the Constitution applies to all cases pending before all judicial, quasi-judicial or administrative bodies. The guarantee would be defeated or rendered inutile if the hair-splitting distinction by the State is accepted. Whether or not the fact-finding investigation was separate from the preliminary investigation conducted by the Office of the Ombudsman should not matter for purposes of determining if the respondents' right to the speedy disposition of their cases had been violated.**

A similar issue of whether or not the fact-finding proceeding should be excluded in determining inordinate delay in the disposition of cases was raised and ruled upon in the case of *Torres vs. Sandiganbayan,* viz:

> **We find it necessary to emphasize 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 fact-finding investigations conducted prior to the preliminary investigation proper.**

The ratiocination of "no prejudice" to the accused during fact-finding was debunked by the Supreme Court in the said case of *Torres vs Sandiganbayan,*" when it ruled:

> As for the prejudice caused by the delay, respondents claim that no prejudice was caused to petitioner from the delay in the second set of investigations because he never participated therein and was actually never even informed of the proceedings anyway. We cannot agree with this position. A similar assertion was struck down by this Court in Coscolluela, to wit:
>
> Lest it not 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 the 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 whatsoever legitimate defense he may interpose. This looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual.

Accused Ladera, Labasano and Patosa were specifically implicated in the anonymous complaint involving the reported irregular procurement of medical supplies and equipment by the Davao Oriental State College of Science and Technology (DOSCST). Their names were mentioned in the aforesaid complaint, viz: Ladera as then Director for Administrative Services and BAC chair, Labasano as OIC of the Director for Administrative Services who presided the BAC meeting, and Patosa, the alleged Accountant who prepared the disbursement voucher. Charges hang over their heads so that they, too, are entitled to the right to obtain a speedy disposition of the charge brought before the fact-finding panel.

True, it is not the sheer length of time that elapsed that is solely to be considered in determining a violation of right to speedy case disposition but the totality of the facts of the case, as held in *Dela Pena vs. Sandiganbayan* such as the length of the delay, the reasons for the delay, the assertion or failure to assert such right and the prejudice caused by the delay. The case of *Remulla vs. Sandiganbayan* pronounced that "*[a] balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an ad hoc basis.* In *Corpuz vs. Sandiganbayan,* how the factors of the balancing test should be weighed, particularly the prejudice caused by the delay was explained, to wit:

> Prejudice should be assessed in the light of the- interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of these, the most serious is the last, because of the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed~ and he is subjected to public obloquy.

In this case, the Information was filed in 2018 or about twelve (12) years after the alleged irregular procurement took place in 2006. While the anonymous complaint was filed only in 2011, it is with more reason that the FIU should have doubled its time in the completing its fact-finding. The period of more than four (4) years to finish the same is disadvantageous to the accused, who may have failed

> to recount the events and retrieve their witnesses and documentary evidence. Indeed, it is simply unreasonable and oppressive.
>
> Neither should the accused be blamed for not raising inordinate delay as an issue before the Ombudsman. In Corpuz vs. Sandiganbayan, the Supreme Court held:
>
> > Being the respondents in the preliminary investigation proceedings, it was not the petitioners' duty to follow up on the prosecution of their case. Conversely, it was the Office of the Ombudsman's responsibility to expedite the same within the bounds of reasonable timelines in view of its mandate to promptly act on all complaints lodged before it.
>
> In Enriquez vs. Office of the Ombudsman, the Supreme Court consistently pronounced that the Ombudsman is primarily tasked to be the "protector of the people" and thus, required to act promptly on all complaints filed in any form or manner against government officials and employees in order to promote efficient service. Regrettably, this duty was not observed in the present case. There appears to be no justifiable basis as to why the Ombudsman could not have earlier completed the disposition of this case against the accused. *[citations omitted]*

A Motion for Reconsideration[6] thereof was filed by the prosecution insisting that the period of the fact-finding investigation should not be included in the determination of inordinate delay, but the same was denied in the Resolution promulgated on **August 28, 2018**.[7]

Amidst the foregoing factual backdrop, Supreme Court *En Banc* promulgated the much recent case of ***Cagang vs. Sandiganbayan,***[8] which abandoned the earlier ruling in *People vs. Sandiganbayan* espousing the doctrine that fact-finding period shall be considered in reckoning the delay in investigation. Notably, this was one of the doctrines relied upon by this Court in dismissing the case of accused Ladera, Labasano and Patosa. The *Cagang* case, however, states:

> Considering that fact-finding investigations are not yet adversarial proceedings against the accused, the period of investigation will not be counted in the determination of whether the right to speedy disposition of cases was violated. Thus, this Court now holds that for the purpose of determining whether inordinate delay exists, a case is deemed to have commenced from the filing of the formal complaint and the subsequent conduct of the preliminary investigation. In People v. Sandiganbayan, Fifth Division, the ruling that fact-finding investigations are included in the period for determination of inordinate delay is abandoned. [*citation omitted*]

Hence, a dilemma now arises as to whether the new doctrine in the case of *Cagang* shall be applied to accused Mangan, thus, excluding the fact-finding period of more than four (4) years in determining inordinate delay notwithstanding the fact that she is similarly situated with her co-accused Ladera, Labasano and Patosa, including Bayogan whose cases

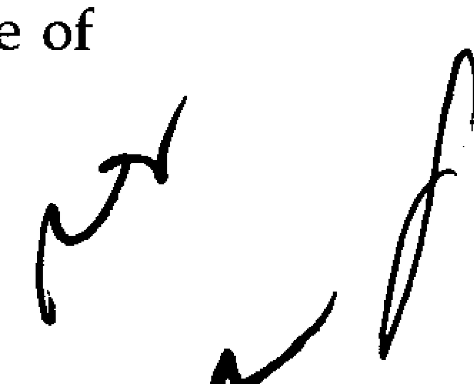
[6] Id., p. 464
[7] Id., p. 516
[8] G.R. Nos. 206438 and 206458/GR Nos. 210141-42, July 31, 2018

were already dismissed after this court took into account the period spent for fact-finding in addition to the preliminary investigation.

The Court finds for its prospective application.

In *Albino Co vs. Court of Appeals,*[9] the Supreme Court *En Banc* pronounced:

> The principle of prospectivity has also been applied to judicial decisions which, "although in themselves not laws, are nevertheless evidence of what the laws mean, . . . (this being) the reason why under Article 8 of the New Civil Code, 'Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system . . .'"
>
> So did this Court hold, for example, in *People v. Jabinal,* 55 SCRA 607, 611:
>
>> It will be noted that when appellant was appointed Secret Agent by the Provincial Government in 1962, and Confidential Agent by the Provincial commander in 1964, the prevailing doctrine on the matter was that laid down by Us in *People v. Macarandang* (1959) and *People v. Lucero* (1958). Our decision in *People v. Mapa,* reversing the aforesaid doctrine, came only in 1967. The sole question in this appeal is: should appellant be acquitted on the basis of Our rulings in *Macarandang* and *Lucero,* or should his conviction stand in view of the complete reverse of the Macarandang and Lucero doctrine in Mapa? . . .
>>
>> Decisions of this Court, although in themselves not laws, are nevertheless evidence of what the laws mean, and this is the reason why under Article 8 of the New Civil Code, "Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system . . ."The interpretation upon a law by this Court constitutes, in a way, a part of the law as of the date that law was originally passed, since this Court's construction merely establishes the contemporaneous legislative intent that the law thus construed intends to effectuate. The settled rule supported by numerous authorities is a restatement of the legal maxim "*legis interpretation legis vim obtinet*" – the interpretation placed upon the written law by a competent court has the force of law. The doctrine laid down in *Lucero* and *Macarandang* was part of the jurisprudence, hence, of the law, of the land, at the time appellant was found in possession of the firearm in question and where he was arraigned by the trial court. It is true that the doctrine was overruled in the Mapa case in 1967, but when a doctrine of this Court is overruled and a different view is adopted, the new doctrine should be applied prospectively, and should not apply to parties who had relied on, the old doctrine and acted on the faith thereof. This is especially true in the construction and application of criminal laws, where it is necessary that the punishment of an act be reasonably foreseen for the guidance of society.

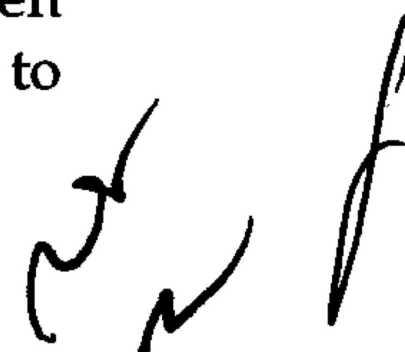


[9] G.R. No. 100776 October 28, 1993

> So, too, did the Court rule in *Spouses Gauvain and Bernardita Benzonan v. Court of Appeals, et al.* (G.R. No. 97973) and *Development Bank of the Philippines v. Court of Appeals, et al* (G.R. No 97998), Jan. 27, 1992, 205 SCRA 515, 527-528:8
>
>> We sustain the petitioners' position. It is undisputed that the subject lot was mortgaged to DBP on February 24, 1970. It was acquired by DBP as the highest bidder at a foreclosure sale on June 18, 1977, and then sold to the petitioners on September 29, 1979.
>>
>> At that time, the prevailing jurisprudence interpreting section 119 of R.A. 141 as amended was that enunciated in *Monge* and *Tupas* cited above. The petitioners Benzonan and respondent Pe and the DBP are bound by these decisions for pursuant to Article 8 of the Civil Code "judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines." But while our decisions form part of the law of the land, they are also subject to Article 4 of the Civil Code which provides that "laws shall have no retroactive effect unless the contrary is provided." This is expressed in the familiar legal maxim *lex prospicit, non respicit,* the law looks forward not backward. The rationale against retroactivity is easy to perceive. The retroactive application of a law usually divests rights that have already become vested or impairs the obligations of contract and hence, is unconstitutional (Francisco vs. Certeza, 3 SCRA 565 [1061]).
>>
>> The same consideration underlies our rulings giving only prospective effect to decisions enunciating new doctrines. Thus, we emphasized in *People v. Jabinal,* 55 SCRA 607 [1974]" . . . when a doctrine of this Court is overruled and a different view is adopted, the new doctrine should be applied prospectively and should not apply to parties who had relied on the old doctrine and acted on the faith thereof.
>
> A compelling rationalization of the prospectivity principle of judicial decisions is well set forth in the oft-cited case of *Chicot County Drainage Dist. v. Baxter States Bank,* 308 US 371, 374 [1940]. The Chicot doctrine advocates the imperative necessity to take account of the actual existence of a statute prior to its nullification, as an operative fact negating acceptance of "a principle of absolute retroactive invalidity.

This court is of the view that the doctrinal interpretation of how to appreciate the fact-finding period relevant to the allegation of inordinate delay hinges more on the Ombudsman's procedure, particularly so as the Supreme Court in the same case of *Cagang* stated:

> With respect to fact-finding at the level of the Ombudsman, the Ombudsman must provide for reasonable periods based upon its experience with specific types of cases, compounded with the number of accused and the complexity the evidence required. He or she must likewise make clear when cases are deemed submitted for decision. The Ombudsman has the power to



provide for these rules and it is recommended that he or she amend these rules at the soonest possible time.

Relatively, the prospective application of court doctrines on matters of procedure finds basis in the case of *Land Bank of the Philippines vs. Arlene De Leon,*[10] where the Supreme Court sitting *En Banc* held:

> A prospective application of our Decision is not only grounded on equity and fair play but also based on the constitutional tenet that rules of procedure shall not impair substantive rights.
>
> In accordance with our constitutional power to review rules of procedure of special courts, our Decision in the instant case actually lays down a rule of procedure, specifically, a rule on the proper mode of appeal from decisions of Special Agrarian Courts. Under Section 5 (5), Article VIII of the 1987 Philippine Constitution, rules of procedure shall not diminish, increase or modify substantive rights. In determining whether a rule of procedure affects substantive rights, the test is laid down in *Fabian vs. Desierto*, which provides that:
>
>> [I]n determining whether a rule prescribed by the Supreme Court, for the practice and procedure of the lower courts, abridges, enlarges, or modifies any substantive right, the test is whether the rule really regulates procedure, that is, the judicial process for enforcing rights and duties recognized by substantive law and for justly administering remedy and redress for a disregard or infraction of them. *If the rule takes away a vested right, it is not procedural. If the rule creates a right such as the right to appeal, it may be classified as a substantive matter;* but if it operates as a means of implementing an existing right then the rule deals merely with procedure. (italics supplied)
>
> We hold that our Decision, declaring a petition for review as the proper mode of appeal from judgments of Special Agrarian Courts, is a rule of procedure which affects substantive rights. If our ruling is given retroactive application, it will prejudice LBPs right to appeal because pending appeals in the Court of Appeals will be dismissed outright on *mere technicality* thereby sacrificing the substantial merits thereof. It would be unjust to apply a new doctrine to a pending case involving a party who already invoked a contrary view and who acted in good faith thereon prior to the issuance of said doctrine.
>
> In the 1992 case of *Spouses Benzonan vs. Court of Appeals,* respondent Pe, whose land was foreclosed by Development Bank of the Philippines in 1977 and subsequently sold to petitioners Benzonan in 1979, tried to invoke a 1988 Supreme Court ruling counting the five-year period to repurchase from the expiration (in 1978) of the one-year period to redeem the foreclosed property. Said 1988 ruling reversed the 1957 and 1984 doctrines which counted the five-year period to repurchase from the date of conveyance of foreclosure sale (in 1977). Using the 1988 ruling, respondent Pe claimed that his action to repurchase in 1983 had not yet prescribed.
>
> However, this Court refused to apply the 1988 ruling and instead held that the 1957 and 1984 doctrines (the prevailing ruling when Pe filed the case in 1983) should govern. The 1988 ruling should not retroact to and benefit Pes 1983 case to repurchase. Thus, the action had indeed prescribed. This Court justified the prospective application of the 1988 ruling as follows:
>
>> We sustain the petitioners' position. It is undisputed that the subject lot was mortgaged to DBP on February 24, 1970. It was

[10] G.R. No. 143275, March 20, 2003

> acquired by DBP as the highest bidder at a foreclosure sale on June 18, 1977, and then sold to the petitioners on September 29, 1979.
>
> At that time, the prevailing jurisprudence interpreting section 119 of R.A. 141 as amended was that enunciated in *Monge* and *Tupas* cited above. The petitioners Benzonan and respondent Pe and the DBP are bound by these decisions for pursuant to Article 8 of the Civil Code "judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines." But while our decisions form part of the law of the land, they are also subject to Article 4 of the Civil Code which provides that "laws shall have no retroactive effect unless the contrary is provided." This is expressed in the familiar legal maxim *lex prospicit, non respicit,* the law looks forward not backward. **The rationale against retroactivity is easy to perceive. The retroactive application of a law usually divests rights that have already become vested or impairs the obligations of contract and hence, is unconstitutional** (Francisco v. Certeza, 3 SCRA 565 [1961]).
>
> **The same consideration underlies our rulings giving only prospective effect to decisions enunciating new doctrines.** [citations omitted]

Thusly, as accused Mangan is similarly situated with her co-accused whose case was earlier dismissed in the *Resolution* dated June 27, 2018, and considering the law of the case where this Court had adopted the doctrine in *People vs. Sandiganbayan* that took into account the fact-finding period in reckoning of the delay, there is meritorious basis in adopting the same *Resolution* as regards accused Mangan.

Verily, accused Mangan was implicated in the anonymous complaint involving the reported irregular procurement of medical supplies and equipment by the Davao Oriental State College of Science and Technology (DOSCST) as she was named as a BAC member and DOSCST Supply and Property Officer who signed the canvass form, so that she is likewise entitled to a speedy disposition of her case. Considering the unreasonable length of time that elapsed until the *Information* was filed before this Court on January 12, 2018, the prejudice cause to the accused is evident. The prolonged investigation of an aggregate period of about six (6) years for an offense alleged to have been committed **twelve (12) years ago in 2006** with no sufficient justification for the delay placed accused Mangan in a disadvantageous position in facing the charge. Without doubt, this is one situation sought to be prevented by the Constitution in guaranteeing a person's right to speedy disposition of his case.

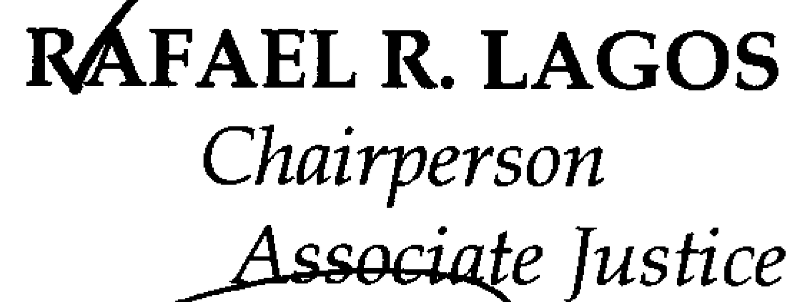
In view of the above disquisitions, the Court need not rule on accused Mangan's move for approval of her Waiver of Appearance. Necessarily, too, her scheduled arraignment on November 9, 2018 is canceled.

WHEREFORE, accused Mangan's Motion to Quash is **GRANTED.** The case against her is hereby **DISMISSED.**

SO ORDERED.

MARYANN E. CORPUS - MAÑALAC
Associate Justice

WE CONCUR:



RAFAEL R. LAGOS
Chairperson
Associate Justice

MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice