



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-18-CRM-0371 - 0378

For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019 and
Malversation of Public Funds under
Article 217 of the Revised Penal
Code

-versus-

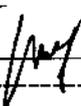
**MIGUEL DRACULAN
ESCOBAR, SUMAIL KUSAIN
SEKAK, ABDULWAHAB
ADZAL BAYAO, ESTRELLA
CATALAN SABAY,
MUSTAPHA GAPAS
ISMAEL, ARTHUR A.
ALLER, and ROMMEL J.
SARAOSOS,**

Accused,

PRESENT:

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, J., &
VIVERO, J.

Promulgated:

November 14, 2018 

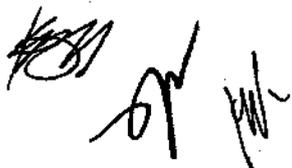
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RESOLUTION

MIRANDA, J.:

For resolution are the: (1) Motion to Quash Information/Dismiss the Case dated July 13, 2018 filed by accused-movants Abdulwahab Adzal Bayao (Bayao), Estrella Catalan Sabay (Sabay), and Mustapha Gapas Ismael (Ismael) on July 16, 2018; and (2) Comment/Opposition (To the Accused's Motion to Quash Information/Dismiss the Case dated July 26, 2018 filed by the Prosecution on July 27, 2018.

In their motion to quash information/dismiss the case, accused-movants Bayao, Sabay, and Ismael allege that: 1) it took the Office of the Ombudsman more than five (5) years to resolve the case against them in violation of their right to a speedy disposition of the case and almost a year

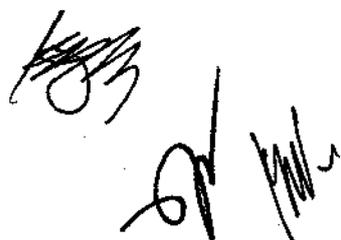


before filing the informations in the Sandiganbayan; 2) the right to a speedy disposition of the case is guaranteed by the Constitution and applicable to all stages including preliminary investigation and fact-finding investigation; 3) fact-finding investigation should not be deemed separate from preliminary investigation in determining inordinate delay; 4) the Honorable Court dismissed the cases filed against officials of the Local Water Utilities Administration for violation of the right of the accused to a speedy disposition of the case because the Office of the Ombudsman took six (6) years, four (4) months, and twenty (20) days to finish the preliminary investigation; and 5) the Honorable Court dismissed at least twenty-six (26) cases for violation of the right to speedy disposition of the case for this year alone.

In its comment/opposition to the motion to quash information/dismiss the case, the Prosecution, through the Office of the Special Prosecutor (OSP), alleges that: 1) the preliminary investigation was concluded in four (4) years and five (5) months only which was reasonable time for the Office of the Ombudsman to properly evaluate the voluminous records of the case and resolve the existence of probable cause; 2) the informations were only filed almost two (2) months after the denial of the motion for reconsideration filed by accused-movants Bayao, Sabay, and Ismael and accused Arthur A. Aller (Aller); 3) accused-movants Bayao, Sabay, and Ismael did not raise the issue of inordinate delay in their motion for reconsideration before the Office of the Ombudsman; 4) judicial notice should be taken of the steady stream of cases reaching the Office of the Ombudsman; and 5) the motion to quash must fail because inordinate delay, the ground relied upon by accused-movants Bayao, Sabay, and Ismael, is not one of the grounds mentioned in Section 3, Rule 117 of the Rules of Court to quash an information.

The motion to quash is treated as a motion to dismiss the case.

While inordinate delay is not one of the grounds mentioned in Section 3, Rule 117 of the Rules of Court to quash an information, the Court will treat the motion to quash as a motion to dismiss on the ground of violation of the right of the accused to a speedy disposition of the case. The reason is because there is no substantial distinction between a motion to quash and a motion to dismiss. Both pray for an identical relief, which is the dismissal of the case. The said motions are used to raise preliminary objections to avoid the necessity of proceeding to trial. A motion to quash is generally used in criminal proceedings to annul a defective indictment. A motion to dismiss is used in civil proceedings to summarily defeat a complaint. Both the motion



to quash and motion to dismiss are anchored on the same grounds and pray for the same relief. Any distinction does not really make a difference.¹

The Court will now discuss the substantive arguments in the motion to quash information/dismiss the case.

FACTUAL ANTECEDENTS

The factual antecedents in this case are summarized as follows:

Incidents	Date
Graft Investigation and Prosecution Officer (GIPO) I Atty. Ronald Allan D. Ramos (Ramos) of the Task Force Abono-Field Investigation Office drafted a complaint charging accused-movants Bayao, Sabay, and Ismael, accused Aller, Miguel D. Escobar (Escobar), Sumail Kusain Sekak (Sekak), Rommel J. Saraosos (Saraosos), and Reynato C. Sarmiento, Jr. (Sarmiento, Jr.) of violation of Sections 3(e) and 3(g) of R.A. No. 3019. The said complaint also charged accused-movants Bayao, Sabay, and Ismael and accused Kekak of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. ²	November 7, 2012
The Field Investigation Office (FIO) filed the complaint with the Office of the Ombudsman. ³	March 5, 2013
The Office of Ombudsman directed all of the accused and Sarmiento, Jr. to submit their counter-affidavits. ⁴	April 18, 2013
The Office of the Ombudsman Luzon received the Counter-Affidavit dated June 29, 2013 of accused Escobar. ⁵	July 16, 2013
The Office of the Ombudsman received the Counter-Affidavit dated June 16, 2013 of accused-movants Bayao, Sabay, and Ismael and accused Sekak. ⁶	
GIPO III Rowena R. Vidad (Vidad) drafted a resolution finding probable cause against all of the accused for four (4) counts of violation of Section 3(e) of R.A. No. 3019 and four (4) counts of Malversation of Public Funds, and dismissing the case against Sarmiento, Jr. ⁷	July 26, 2017
PIAB-D Director Nellie P. Boguen-Golez reviewed the draft resolution. ⁸	

¹ *Romualdez v. Sandiganbayan*, G.R. No. 152259, July 29, 2004.

² Complaint dated November 7, 2012, Records, pp. 61-364.

³ Resolution dated July 26, 2017, Records, p. 37.

⁴ *Id.*, Records, p. 42.

⁵ Counter-Affidavit dated June 29, 2013, Records, pp. 294-332.

⁶ Counter-Affidavit dated June 16, 2013, Records, pp. 333-364.

⁷ Resolution dated July 26, 2017, Records, pp. 36-53.

⁸ *Id.*, Records, p. 52.



Incidents	Date
Deputy Ombudsman for Luzon Gerard A. Mosquera recommended the draft resolution for approval by the Ombudsman. ⁹	July 31, 2017
Ombudsman Conchita Carpio-Morales (Carpio-Morales) approved the draft resolution. ¹⁰	August 1, 2017
Accused Aller sought a reconsideration of the resolution finding probable cause against him and/or reinvestigation before the Office of the Ombudsman Luzon. ¹¹	November 6, 2017
Accused-movants Bayao, Sabay, and Ismael sought a reconsideration of the resolution finding probable cause against them before the Office of the Ombudsman Luzon. ¹²	November 8, 2017
GIPO III Myla Teona N. Teologio drafted a joint order denying the motion for reconsideration filed by accused-movants Bayao, Sabay, and Ismael and accused Aller. ¹³	December 27, 2017
PIAB-A Director Medwin S. Dizon reviewed the draft joint order. ¹⁴	January 9, 2018
Assistant Ombudsman PAMO-I Aleu A. Amante recommended the joint order for approval by the Ombudsman. ¹⁵	February 6, 2018
Ombudsman Carpio-Morales approved the joint order. ¹⁶	March 9, 2018
GIPO III Vidad drafted eight (8) Informations, all dated April 6, 2018. ¹⁷	April 6, 2018
Ombudsman Carpio-Morales approved the eight (8) informations. ¹⁸	April 11, 2018
The OSP filed four (4) informations for violation of R.A. No. 3019 and four (4) informations for Malversation of Public Funds before the Sandiganbayan. ¹⁹	May 4, 2018
Accused-movants filed a Motion to Quash Information/Dismiss the Case dated July 13, 2018 praying for the quashal of the informations and/or dismissal of the cases on the ground of violation of their right to speedy disposition of the case.	July 16, 2018
The OSP filed its comment/opposition.	July 27, 2018

⁹ Resolution dated July 26, 2017, Records, p. 52.

¹⁰ *Id.*, Records, p. 52.

¹¹ Joint Order dated December 27, 2017, Records, p. 56.

¹² Joint Order dated December 27, 2017, Records, p. 56.

¹³ *Id.*, Records, pp. 55-59.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Eight (8) Informations, all dated April 6, 2018, Records, pp. 3, 7, 11, 15, 19, 23, 27, 31.

¹⁸ *Id.*, Records, pp. 4, 8, 12, 16, 20, 24, 28, 32.

¹⁹ *Id.*, Records, pp. 1, 5, 9, 13, 17, 21, 25, 29.

DISCUSSION AND RULING

There is no inordinate delay in these cases.

After a thorough review of the case records, the Court resolves to **deny** the motion to quash information/dismiss the case for violation of the right of accused-movants Bayao, Sabay, and Ismael to a speedy disposition of the case and for the release of their corresponding cash bonds.

Each case must be decided upon the **facts peculiar** to it.²⁰ A mere mathematical reckoning of time involved would not be sufficient.²¹

Article III, Section 16 of the Constitution provides that, *all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies*. The constitutional right to a speedy disposition of cases is not limited to the accused in criminal proceedings but extends to all parties in all cases, including civil and administrative cases, and in all proceedings, including judicial and quasi-judicial hearings. Hence, under the Constitution, any party to a case may demand expeditious action from all officials who are tasked with the administration of justice.²²

Due regard must be given to the facts and circumstances surrounding each case. The right to a speedy disposition of a case, like the right to speedy trial, is deemed violated only when the proceedings are attended by vexatious, capricious, and oppressive delays, or when unjustified postponements of the trial are asked for and secured, or when without cause or justifiable motive, a long time is allowed to elapse without the party having his case tried. Just like the constitutional guarantee of speedy trial, speedy disposition of cases is a flexible concept. It is consistent with delays and depends upon the circumstances. What the Constitution prohibits are unreasonable, arbitrary and oppressive delays which render rights nugatory.²³

The conduct of both the Prosecution and the Defense, the length of the delay, the reasons for such delay, the assertion or failure to assert such right by the accused, and the prejudice caused by the delay are the factors to consider and balance.²⁴

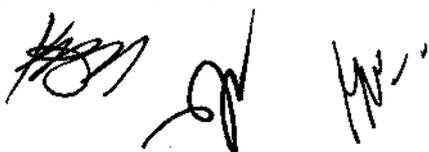
²⁰ *Benares v. Lim*, G.R. No. 173421, December 14, 2006.

²¹ *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004.

²² *The Ombudsman v. Jurado*, G.R. No. 154155, August 6, 2008.

²³ *Id.*

²⁴ *Ty-Dazo v. Sandiganbayan*, G.R. Nos. 143885-86, January 21, 2002.



In determining whether or not the right to a speedy disposition of the case has been violated, equally applicable is the balancing test which weighs the conduct of both the Prosecution and the defendant.²⁵

The doctrinal rule is that in the determination of whether the right to a speedy disposition of the case has been violated, the following factors **may** be considered and balanced: (1) **length** of delay; (2) **reasons** for the delay; (3) **assertion or failure to assert** such right by the accused; and (4) **prejudice** caused by the delay.²⁶

The period before March 5, 2013, or the date when the complaint was filed by Task Force Abono-Field Investigation Office at the Office of the Ombudsman, constitutes the fact-finding investigation and should not be attributed to the Office of the Ombudsman Luzon.

In the very recent case of *Cagang v. Sandiganbayan*,²⁷ the Supreme Court held that the fact-finding investigation is not counted in determining whether or not the right of the accused to a speedy disposition of the case was violated. When an anonymous complaint is filed or the Office of the Ombudsman conducts a *motu proprio* fact-finding investigation, the proceedings are not yet adversarial. Even if the accused is invited to attend these investigations, this period cannot be counted since these are merely preparatory to the filing of a complaint. At this point, the Office of the Ombudsman will not yet determine if there is probable cause to charge the accused. A case is deemed to have commenced only from the filing of the formal complaint and the subsequent conduct of the preliminary investigation.²⁸

The preliminary investigation of the Office of the Ombudsman Luzon, which lasted from the filing of the complaint by Task Force Abono-Field Investigation Office on March 5, 2013 to the approval of the draft resolution finding probable cause against all of the accused on August 1, 2017, or *four (4) years, four (4) months and twenty-seven (27) days*, is not entirely attributable to the Office of the Ombudsman Visayas.

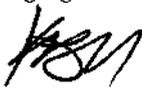
The period from March 5, 2013 to April 18, 2013, or *one (1) month and thirteen (13) days*, is ascribed to the Office of the Ombudsman Luzon as this was spent to order all of the accused and Sarmiento, Jr. to submit their counter-affidavits and controverting evidence.

²⁵ *Remulla v. Sandiganbayan and Maliksi*, G.R. No. 218040, April 17, 2017.

²⁶ *Roquero v. Chancellor of UP Manila, et al.*, G.R. No. 181851, March 9, 2010.

²⁷ G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.

²⁸ *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.



The period from April 18, 2013 to July 16, 2013, or *two (2) months and twenty-six (26) days*, is credited to all of the accused and Sarmiento, Jr. for the preparation and submission of their counter-affidavits. While accused-movants Bayao, Sabay, and Ismael and accused Sekak submitted their counter-affidavit to the Office of the Ombudsman Luzon, the records, however, are bereft of any information as to when the said counter-affidavit was filed by them or received by the Office of the Ombudsman Luzon. Since the said date of receipt cannot be determined, the Court will consider the date of receipt of the counter-affidavit of accused Escobar on July 16, 2013 by the Office of the Ombudsman Luzon as the date when the last counter-affidavit was filed.

The period from July 16, 2013 to August 1, 2017, or *four (4) years and sixteen (16) days*, is visited upon the Office of the Ombudsman Luzon because this was spent to draft the resolution finding probable cause and the informations, and seek the approval thereof by Ombudsman Carpio-Morales.

The period from August 1, 2017 to November 8, 2017, or *three (3) months and seven (7) days*, is ascribed to accused-movants Bayao, Sabay, and Ismael and accused Aller because they exercised their right to due process in seeking the reconsideration of the resolution finding probable cause against them and/or reinvestigation of their case by the Office of the Ombudsman Luzon.

The period from November 8, 2017 to May 4, 2018, or *five (5) months and twenty-six (26) days*, is credited to the Office of the Ombudsman Luzon and the OSP for time spent in drafting and seeking approval of the joint order denying the motion for reconsideration and/or reinvestigation and the filing of the eight (8) informations with the Sandiganbayan.

In sum, the total periods of *six (6) months and three (3) days* (attributable to all of the accused) and an undetermined period of fact-finding investigation should be excluded from the time spent by the Office of the Ombudsman Luzon to terminate the preliminary investigation, and for the OSP to file the corresponding informations with the Sandiganbayan.

Subtracting the periods attributable to all of the accused and the fact-finding investigation, the total period it took the Office of the Ombudsman Luzon to finish its preliminary investigation, and for the OSP to file the corresponding informations is only *four (4) years, seven (7) months, and twenty-five (25) days*. The Court considers this period reasonable because the investigating prosecutor had to carefully evaluate the complaint and the supporting documents to determine whether probable cause for violation of Section 3(e) of R.A. No 3019 and Malversation of Public Funds existed

against all of the accused. The Office of the Ombudsman considered the right of all of the accused to due process. The OSP had to review the case again so that only the case that could stand the rigors of trial would be filed. Also, these cases involve eight respondents, two (2) criminal charges, two (2) administrative charges, and voluminous records because it is part of the fertilizer fund scam cases involving several government officials and employees around the country. Under these circumstances, the said period is not capricious, oppressive and vexatious.

Delay is a two-edge sword. It is the government that bears the burden of proving its case beyond reasonable doubt. The passage of time may make it difficult or impossible for the government to carry its burden. The Constitution and the Rules do not require impossibilities or extraordinary efforts, diligence or exertion from courts or the prosecutor, nor contemplate that such right shall deprive the State of a reasonable opportunity of fairly prosecuting criminals.²⁹

Closely related to the length of delay is the reason or justification of the State for such delay. Different weights should be assigned to different reasons or justifications invoked by the State. For instance, a deliberate attempt to delay the trial to hamper or prejudice the defense should be weighted heavily against the State. Also, it is improper for the prosecutor to intentionally delay to gain some tactical advantage over the defendant or to harass or prejudice him. On the other hand, the heavy case load of the prosecution or a missing witness should be weighted less heavily against the State.³⁰

The accused had the burden of proving the factual basis for his motion to quash and/or dismiss on the ground of violation of his right to a speedy disposition of the case, and that the delay was vexatious, capricious, or whimsical. On the other hand, the Prosecution had the burden to establish that any delay was reasonably attributed to the ordinary process of justice, and that the accused did not suffer serious prejudice beyond that which ensued after an inevitable and ordinary delay.³¹

In *People vs. Sandiganbayan and Gamos*,³² the Supreme Court held that there was no inordinate delay when there is no allegation, much less proof, that respondents therein were persecuted, oppressed, or made to undergo any vexatious process during the investigation period before the filing of the informations. It is important to emphasize that what the Constitution prohibits are unreasonable, arbitrary, and oppressive delays

²⁹ *Corpuz v. Sandiganbayan*, G.R. No. 162214, November 11, 2004.

³⁰ *Id.*

³¹ *Id.*, G.R. No. 162214, November 11, 2004.

³² G.R. No. 232197-98, April 16, 2018.

which render rights nugatory. Considering the foregoing disquisition, there is no such delay in this case amounting to a violation of the constitutional rights of the respondents therein.

Applying the foregoing principles in these cases, the Court rules that accused-movants Bayao, Sabay, and Ismael failed to state any factual basis of the alleged violation of their right to a speedy disposition of the case. There is also no indication that the cases against them were instituted for the purpose of harassing them or for some malicious motive.

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 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.³³

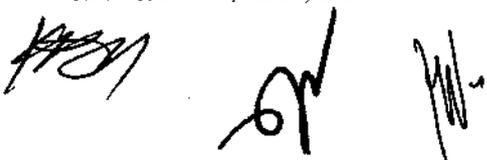
Accused-movants Bayao, Sabay, and Ismael did not allege any form of prejudice in their motion to quash information/dismiss the case. In any event, any form of prejudice they may have suffered does not appear to have been caused by inordinate delay, but is a result of the mere passage of time regardless of the existence of inordinate delay. Accused-movants Bayao, Sabay, and Ismael were not suspended from office and were given all the opportunity to present their defenses during the preliminary investigation. In fact, accused-movants Bayao, Sabay, and Ismael filed their counter-affidavit detailing their defenses on the charges against them.

Moreover, accused-movants waived their right to question the alleged violation of their right to a speedy disposition of the case.

In *Barcelona v. Lim*,³⁴ the Supreme Court held that the petitioner therein was considered to have waived his right to a speedy disposition of the case because of his failure to assert it. The right to speedy trial, as well as other rights conferred by the Constitution or statute, may be waived except when otherwise expressly provided by law.

³³ *Corpuz v. Sandiganbayan*, G.R. No. 162214, November 11, 2004.

³⁴ G.R. No. 189171, June 3, 2014.



In *Tilendo v. Ombudsman and Sandiganbayan*,³⁵ the Supreme Court held that the right of the petitioner therein to a speedy disposition of the case was not violated because he slept on his right and did not take any step whatsoever to accelerate the disposition of his cases. The inaction of the petitioner gave an impression that he did not object to the supervening delay, hence, it was impliedly with his acquiescence. He did not make any overt act, like filing a motion for early resolution.

In *Bernat v. Sandiganbayan and People*,³⁶ the petitioner therein raised the violation of his right to a speedy disposition of the case only when the trial court judge reset the case for rehearing. The Supreme Court held that it is fair to assume that the petitioner therein would have just continued to sleep on his right, a situation amounting to laches had the trial court judge not taken the initiative of determining the non-completion of the records and ordering the remedy precisely so he could dispose of the case. The matter could have taken a different dimension if during all those ten years between 1979 when accused filed his memorandum and 1989 when the case was re-raffled, the petitioner showed signs of asserting his right which was granted him in 1987 when the new Constitution took effect, or at least made some overt act (like a motion for early disposition or a motion to compel the stenographer to transcribe stenographic notes) that he was not waiving it. As it is, his silence would have to be interpreted as a waiver of such right.

In the cases before the Court, accused-movants Bayao, Sabay, and Ismael failed to seasonably assert their right to a speedy disposition of the case. They neither raised the issue of inordinate delay before the Office of the Ombudsman nor took any overt acts questioning the alleged inordinate delay. Their inaction shows acquiescence and waiver to question any violation of their right to a speedy disposition of the case.

It is relevant to note that while procedural periods to act upon complaints and motions are set by the rules, these may not be absolute. Law and jurisprudence allow certain exceptions thereto, as this Court and the law recognizes the fact that judicial, as well as investigatory, proceedings do not exist in a vacuum and must contend with the realities of everyday life. It bears stressing that in spite of the prescribed periods, jurisprudence continues to adopt the view that the fundamentally recognized principle is that the concept of speedy trial, or speedy disposition of cases for that matter, is a relative term and must necessarily be a flexible concept.³⁷

³⁵ G.R. No. 165975, September 13, 2007.

³⁶ G.R. No. 158018, May 20, 2004.

³⁷ *People v. Sandiganbayan and Gamos*, G.R. No. 232197-98, April 16, 2018.

Considering the number of times that the cases had to be reviewed, the levels of review that the cases had to undergo, waiver of the right to a speedy disposition of the case, and the lack of prejudice to accused-movants Bayao, Sabay, and Ismael, the period that lapsed could not be considered vexatious, capricious and oppressive. Under the circumstances, this cannot be considered inordinate delay. Accused-movants Bayao, Sabay, and Ismael cannot now seek the protection of the law to benefit from the adverse effects of their own conduct in these cases. The assertion of accused-movants Bayao, Sabay, and Ismael that their right to a speedy disposition of the case has been violated must necessarily fail.

The cases on inordinate delay cited by accused-movants Bayao, Sabay, and Ismael are not applicable.

The cases on inordinate delay cited by accused-movants Bayao, Sabay, and Ismael in their motion to quash information/dismiss the case are not applicable to the cases against them now pending before this Court.

In *Tatad v. Sandiganbayan*,³⁸ the inordinate delay of almost three (3) years in the conduct of the preliminary investigation was due to political motivation and blatant departure from procedures prescribed by law in the conduct of preliminary investigation. Also, the long delay in resolving the preliminary investigation was not justified by the records.

In *Coscolluela v. Sandiganbayan and People*,³⁹ the Supreme Court found the presence of inordinate delay because it took the Ombudsman eight (8) years to complete the preliminary investigation. Petitioners therein could not be faulted for failing to assert their right to a speedy disposition of the case because they were not aware that the preliminary investigation was still on-going. They were merely asked to comment and not to file any counter-affidavits. Thereafter, the resolution finding probable cause and the information were issued and filed, respectively, only after six (6) years. They could have reasonably assumed that the proceedings were already terminated.

In *Almeda v. Ombudsman (Mindanao) and the People of the Philippines*,⁴⁰ the Supreme Court held that the right of the accused therein to a speedy disposition of the case was violated because the preliminary investigation was resolved after almost four (4) years from the time all the counter and reply affidavits were submitted to the Office of the Ombudsman. The Supreme Court found that during this interval, no

³⁸ No. L-72335, March 21, 1988.

³⁹ G.R. No. 191411, July 15, 2013.

⁴⁰ G.R. No. 204267, July 25, 2016.

incidents were presented for resolution and the delay could only be attributed to the inaction of the investigating officials. Neither can the long delay in resolving the case be justified based on the number of informations filed nor of the transactions involved.

In *Inocentes v. People of the Philippines*,⁴¹ the Supreme Court held that the right of the accused therein to a speedy disposition of the case was violated because of the delay of at least seven (7) years before the Office of the Ombudsman filed the informations with the Sandiganbayan. The delay was due to the erroneous filing of the informations with the Regional Trial Court of Tarlac City, and the subsequent filing of the informations with the Sandiganbayan six (6) years after the withdrawal of the informations filed before the Regional Trial Court of Tarlac City.

The motion to quash information/dismiss the case on the ground of inordinate delay must be resolved on the basis of the particular facts of the case. The circumstances of inordinate delay in the foregoing cases are not present in the cases now before this Court. There was neither political motivation nor blatant departure from prescribed procedures in the preliminary investigation. Accused-movants Bayao, Sabay, and Ismael were aware that a preliminary investigation was being conducted against them. They were served a copy of the complaint and given the opportunity to file their counter-affidavit. The informations were filed one (1) month and twenty-five (25) days from the approval of the joint order denying the motion for reconsideration and/or reinvestigation filed by accused-movants Bayao, Sabay, and Ismael and accused Aller. The Prosecution also gave sufficient justification for the time it took the Office of the Ombudsman to conduct its preliminary investigation and to file the informations with the Sandiganbayan.

The protection under the right to a speedy disposition of the case should not operate to deprive the government of its inherent prerogative in prosecuting criminal cases or in generally seeing to it that all who approach the bar of justice are afforded a fair opportunity to present their side.⁴²

This Court is not unmindful of the duty of the Ombudsman under the Constitution and R.A. No. 6770 to act promptly on complaints brought before it. Such duty, however, should not be mistaken with a hasty resolution of cases at the expense of thoroughness and correctness.⁴³ Judicial notice should be taken of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government

⁴¹ G.R. No. 205963-64, July 7, 2016.

⁴² *Dansal v. Fernandez*, G.R. No. 126814, March 2, 2000.

⁴³ *Id.*

service to freely lodge their complaints against wrongdoings of government personnel. A steady stream of cases reaching the Ombudsman inevitably results. Naturally, disposition of those cases would take some time.⁴⁴

Decisions and resolutions of other divisions are not binding on this Court.

Finally, decisions and resolutions of one division of this Court do not bind or prejudice the ruling of the other divisions of this Court. In *Francisco v. Rojas*,⁴⁵ the Supreme Court ruled that a ruling of a particular division of the Court of Appeals, while may be taken cognizance of in some cases, cannot bind or prejudice the ruling of another division thereof, the former being a co-ordinate authority, viz:

In a hierarchical judicial system like ours, the decisions of the higher courts bind the lower courts; the courts of co-ordinate authority do not bind each other; and the one highest court does not bind itself, it being invested with the innate authority to rule according to its best lights. The principle of *stare decisis* enjoins adherence by lower courts to doctrinal rules established by the Supreme Court in its final decisions. Thus, a ruling of a particular division of the CA, while may be taken cognizance of in some cases, cannot bind or prejudice a ruling of another division thereof, the former being a co-ordinate authority and, relative to Us, is still considered as a lower court albeit empowered with an appellate jurisdiction.

Similarly, this Division is not bound by the pronouncements of the other divisions of the Sandiganbayan, including the case against officials of the Local Water Utilities Administration. Only the rulings and decisions of the Supreme Court serve as binding precedents to the decisions and resolutions to be made by this Court.

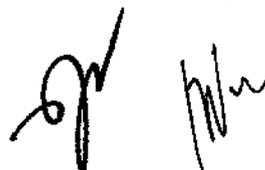
WHEREFORE, the Motion to Quash Information/Dismiss the Case dated July 13, 2018 of accused-movants Abdulwahab Adzal Bayao, Estrella Catalan Sabay, and Mustapha Gapas Ismael is **DENIED** for lack of merit. The arraignment of and pre-trial for accused-movants Bayao, Sabay, and Ismael shall proceed on November 14, 2018 as scheduled.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

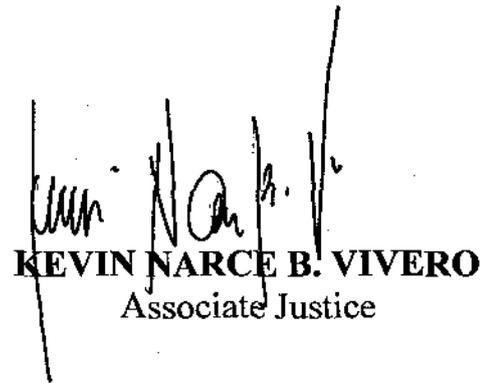
⁴⁴ *Mendoza-Ong v. Sandiganbayan and People*, G.R. Nos. 146368-69, October 23, 2003.

⁴⁵ G.R. No. 167120, April 23, 2014.



WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice

