



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE SB-18-CRM-0003
PHILIPPINES,

Plaintiff,

For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019

-versus-

**ARTHUR C. YAP, RONILLO
A. BERONIO, JOHNIFER G.
BATARA, FE D. LAYSA,
WILLIAM G. PADOLINA,
WINSTON C. CORVERA,
GELIA T. CASTILLO,
SEZEN C. BACANI, AND
RODOLFO C. UN DAN,**

Accused,

X-----X

PEOPLE OF THE SB-18-CRM-0004
PHILIPPINES,

Plaintiff,

For: Violation of Section 3 (g) of R.A.
No. 3019

-versus-

**ARTHUR C. YAP, JOHNIFER
G. BATARA, FE D. LAYSA,
WILLIAM G. PADOLINA,
WINSTON C. CORVERA,
GELIA T. CASTILLO, SEZEN
C. BACANI, RODOLFO C.
UN DAN, RONILLO A.
BERONIO AND FE N.
LUMAWAG,**

Accused,

X-----X

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-18-CRM-0005

For: Violation of Section 3 (h) of R.A. No. 3019

-versus-

RONILLO A. BERONIO,
Accused,

PRESENT:

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, &
TRESPESES¹, JJ.

Promulgated:

DEC 05 2018



X-----X

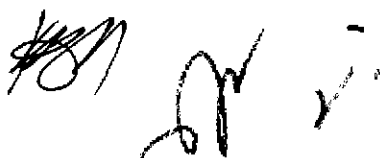
RESOLUTION

MIRANDA, J.:

This resolves the: 1) Motion to Quash Informations dated February 14, 2018 of accused Arthur C. Yap (Yap); 2) Motion to Quash/Motion to Dismiss dated February 14, 2018 of accused Johnifer G. Batara (Batara), Fe D. Laysa (Laysa), Senen C. Bacani (Bacani), and Rodolfo C. Undan (Undan); 3) Motion to Quash dated February 12, 2018 of accused Ronillo A. Beronio (Beronio); 4) Consolidated Opposition dated March 1, 2018 of the Prosecution; and 5) Manifestation dated March 6, 2018 of the Prosecution.

In his motion to quash informations, accused Yap seeks to quash the the informations in SB-18-CRM-0003 and SB-18-CRM-0004 for failure to charge an offense and for violation of his constitutional right to a speedy disposition of the case. In particular, accused Yap alleges that: 1) The “undeniable and admitted fact” of his absence in the 54th meeting of the Board of Trustees of the Philippine Rice Institute (PhilRice) during which the subject car plans and Hold Out Agreements (HOAs) were discussed and approved, destroys the *prima facie* truth of the allegations in the informations; 2) The

¹ J. Trespeses was designated as a temporary member of the Sixth Division, in view of the vacancy therein as per Administrative Order (A.O.) No. 071-2018 dated February 1, 2018; Revised Internal Rules of the Sandiganbayan, Rule XII, Section 3.

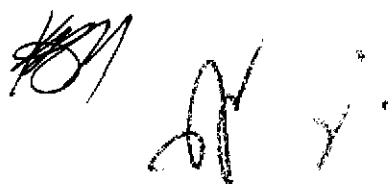


Office of the Ombudsman took more than six (6) years to terminate the preliminary investigation of these cases; 2) The Office of the Ombudsman did not offer sufficient reason to explain the delay in the conduct of said preliminary investigation; 3) He had timely asserted his right to a speedy disposition of the case when he filed a motion for partial reconsideration before the Office of the Ombudsman; and 4) The delay in the conduct of preliminary investigation by the Office of the Ombudsman caused him extreme prejudice in gathering evidence and witnesses to support his defense.

In their motion to quash/motion to dismiss the case, accused Batara, Laysa, Bacani and Undan seek to quash the informations in SB-18-CRM-0003 and SB-18-CRM-0004 for failure to charge an offense and for violation of their constitutional right to a speedy disposition of the case. In particular, they allege that: 1) They had no participation in the formulation and implementation of the PhilRice Car Plan and HOAs as alleged in the informations; 2) The Office of the Ombudsman took eight (8) years and seven (7) months, more or less, to finish its fact-finding investigation and preliminary investigation of these cases; and 3) They already suffered great prejudice because of the long delay in the fact-finding investigation and preliminary investigation of these cases.

In his motion to quash, accused Beronio seeks to quash the informations in SB-18-CRM-0003, SB-18-CRM-0004, and SB-18-CRM-0005 for violation of his constitutional right to a speedy disposition of the case. He alleges that the Office of the Ombudsman took almost nine (9) years to finish the fact-finding investigation and preliminary investigation of these cases. He claims that he had been prejudiced not only by the anxiety, but mostly by the long delay in the preliminary investigation of these cases.

In its consolidated opposition, the Prosecution, through the Office of the Special Prosecutor (OSP), maintains that: 1) The informations in SB-18-CRM-0003, SB-18-CRM-0004, and SB-18-CRM-0005 clearly and sufficiently allege the ultimate facts constituting a violation of Sections 3 (e), 3 (g), and 3 (h) of R.A. No. 3019, respectively; 2) The non-participation of the accused in the offenses charged or the absence of any of the elements in said offenses, are evidentiary matters that are best raised during the trial; 3) The fact-finding investigation conducted by the Field Investigation Office (FIO) of the Office of the Ombudsman is a separate and distinct proceeding from the preliminary investigation proper, and should not be included in the mathematical computation of the total period in resolving cases to determine the presence of inordinate delay; 4) The resolution of these cases was not attended by vexatious, capricious, and oppressive delays because there was no instance that these cases were left behind or made to slumber; 5) Accused



failed to show any proof that they were unduly prejudiced by the alleged delay; and 6) Accused failed to assert their right to a speedy disposition of the case during the preliminary investigation of these cases.

In its manifestation, the Prosecution furnished the Court with copies of Annexes A, B, and C, which should have been part of its consolidated opposition.

FACTUAL ANTECEDENTS

These cases arose from three (3) separate complaints filed before the Office of the Deputy Ombudsman for Luzon. The complaints were separately docketed as OMB-C-C-13-0179, OMB-C-C-13-0317, and OMB-C-C-13-0298. The factual antecedents in each complaint are summarized in different tables below:

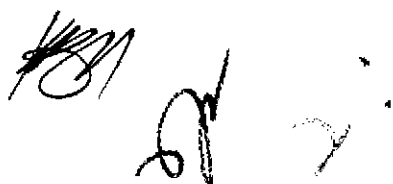
OMB-C-C-13-0179²

Incident/s	Date
Associate Graft Investigation Officer (AGIO) II Dindo Jacinto (Jacinto) of the FIO filed a Complaint Affidavit dated June 15, 2011 before the Office of the Deputy Ombudsman for Luzon charging accused Yap, Beronio, Batara, Laysa, Bacani, Undan, William G. Padolina (Padolina), Winston C. Corvera (Corvera), Gelia D. Castillo (Castillo), and respondents Ma. Remedios V. De Leon (De Leon), and Felizardo K. Virtucio, Jr. (Virtucio) of violation of Section 3 (e) of R.A. No. 3019, Malversation of Public Funds and Property, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.	June 27, 2013
The Office of the Deputy Ombudsman for Luzon issued an order requiring accused Yap, Batara, Laysa, Bacani, Undan, Padolina, Corvera, De Leon, and Castillo to file their counter-affidavits.	July 22, 2013
Accused Yap sought an extension of time within which to file his counter-affidavit.	August 2, 2013

² Consolidated Opposition dated March 1, 2018 of the Prosecution.



Accused Yap, Bacana, Batara, Padolina filed their respective counter-affidavits with the Office of the Deputy Ombudsman for Luzon.	August 22, 2013
Accused Undan filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	September 3, 2013
Accused Castillo and De Leon filed their respective counter-affidavits with the Office of the Deputy Ombudsman for Luzon.	September 11, 2013
The Office of the Deputy Ombudsman for Luzon directed Virtucio to file his counter-affidavit.	September 30, 2013
Virtucio filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	October 4, 2013
Accused Laysa filed her counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	November 22, 2013
AGIO II Jacinto filed his consolidated reply with the Office of the Deputy Ombudsman for Luzon.	January 13, 2014
AGIO II Jacinto recommended the transfer of the records of the case to the Preliminary Investigation and Administration Bureau (PIAB) for appropriate action through a Memorandum dated April 24, 2015.	April 24, 2015
Assistant Ombudsman Leilanie Bernadette C. Cabras (Cabras) forwarded the records of the case to the PIAB.	May 12, 2015
PIAB Acting Director Anna Isabelle G. Aurellano (Aurellano) issued a subpoena <i>duces tecum</i> to the Board Secretary of PhilRice, Department of Agriculture (DA), Quezon City for the submission of certain documents relevant to the complaint.	November 24, 2015
The Board of Secretary of PhilRice, DA, Quezon City submitted the required documents to the Office of the Deputy Ombudsman for Luzon.	December 10, 2015
PIAB Acting Director Aurellano issued a subpoena <i>duces tecum</i> to the Board Secretary of PhilRice, Maligaya Science City of Muñoz, Nueva Ecija for the submission of certain documents relevant to the complaint.	January 8, 2016
The Board Secretary of PhilRice, Maligaya Science City of Muñoz, Nueva Ecija submitted the required	January 28, 2016



documents to the Office of the Deputy Ombudsman for Luzon.	
PIAB Acting Director Aurellano issued a subpoena <i>duces tecum</i> to the Chief of the Personnel Division, DA, Quezon City for the submission of certain documents relevant to the complaint.	September 6, 2016
The Chief of the Personnel Division, DA, Quezon City submitted the required documents to the Office of the Deputy Ombudsman for Luzon.	September 20, 2016
Graft Investigation and Prosecution Officer (GIPO) III Russel C. Labor-Lay-at (Labor-Lay-at) drafted a joint resolution finding probable cause for the following offenses: 1) Violation of Section 3 (e) of R.A. No. 3019 against accused Yap, Beronio, Batara, Laysa, Padolina, Corvera, Castillo, Bacani, and Undan; 2) Violation of Section 3 (g) of R.A. No. 3019 against accused Yap, Batara, Laysa, Padolina, Corvera, Castillo, Bacani, Undan, Beronio and Lumawag; and 3) Violation of Section 3 (h) of R.A. No. 3019 against accused Beronio. ³	September 1, 2016
Ombudsman Conchita Carpio-Morales (Carpio-Morales) approved the Joint Resolution dated September 1, 2016.	December 2, 2016

OMB-C-C-13-0317⁴

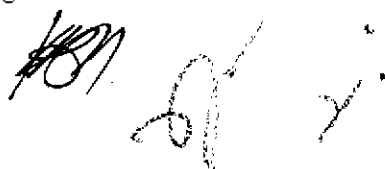
Incident/s	Date
AGIO II Jacinto of the FIO filed a Complaint Affidavit dated June 15, 2011 before the Office of the Deputy Ombudsman for Luzon charging accused Beronio and Lumawag of violation of Sections 3 (e) and 3 (g) of R.A. No. 3019, Violation of Section 4 (A) (a) of R.A. No. 6713, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.	July 5, 2013

³ OMB-C-C-13-0179, OMB-C-C-13-0317, and OMB-C-C-13-0298 were resolved jointly by the Office of the Deputy Ombudsman for Luzon. The complaint against respondents De Leon and Virtucio were dismissed.

⁴ Consolidated Opposition dated March 1, 2018 of the Prosecution.

The Office of the Deputy Ombudsman for Luzon issued an order requiring accused Beronio and Lumawag to file their counter-affidavits.	August 15, 2013
Accused Lumawag sought an extension of time within which to file her counter-affidavit and requested a copy of the complaint-affidavit with attachments.	September 17, 2013
Accused Beronio requested a copy of the complaint-affidavit with attachments.	October 7, 2013
Accused Beronio sought an extension of time within which to file his counter-affidavit.	November 12, 2013
Accused Lumawag sought another extension of time within which to file her counter-affidavit.	November 13, 2013
Accused Lumawag filed her counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	November 22, 2013
Accused Beronio filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	November 27, 2013
The Office of the Deputy Ombudsman for Luzon received accused Lumawag and Beronio's counter-affidavit. ⁵	January 13, 2014
The Office of the Deputy Ombudsman for Luzon issued a subpoena <i>duces tecum</i> to the Director of the Commission on Audit (COA) for the submission of COA reports of PhilRice for the years 2009 and 2010.	April 13, 2015
COA submitted the required reports to the Office of the Deputy Ombudsman for Luzon.	May 25, 2015
GIPO III Labor-Lay-at drafted the joint resolution in this complaint.	September 1, 2016
Ombudsman Carpio-Morales approved the Joint Resolution dated September 1, 2016.	December 2, 2016

⁵ Records do not show whether accused Beronio and Lumawag filed their respective counter-affidavits personally or thru registered mail.



OMB-C-C-13-0298⁶

Incident/s	Date
<p>AGIO II Jacinto of the FIO filed a Complaint Affidavit dated June 15, 2011 before the Office of the Deputy Ombudsman for Luzon charging accused Beronio, and respondents Sophia T. Borja (Borja), Rolando T. Cruz (Cruz), Rodolfo S. Escabarte Jr. (Escabarte), Sergio R. Francisco (Francisco), Manuel G. Gaspar (Gaspar), Edgar M. Libetario (Libetario), Mario V. Movillon (Movillon), Evangeline B. Sibayan (Sibayan), and Artemio B. Vasallo (Vasallo) with Violation of Section 3 (h) of R.A. No. 3019, Violation of Section 4 (A) (a) of R.A. No. 6713, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.⁷</p>	<p>July 24, 2013</p>
<p>Respondent Francisco sought an extension of time within which to file his counter-affidavit.</p>	<p>September 13, 2013</p>
<p>Respondent Borja filed her counter-affidavit with the Office of the Deputy Ombudsman for Luzon.</p>	
<p>Respondent Vasallo sought an extension of time within which to file his counter-affidavit.</p>	<p>September 26, 2013</p>
<p>Respondents Francisco and Sibayan filed their respective counter-affidavits with the Office of the Deputy Ombudsman for Luzon.</p>	
<p>Respondents Movillon and Libetario sought an extension of time within which to file their counter-affidavits.</p>	<p>October 14, 2013</p>
<p>Respondents Cruz and Escabarte sought an extension of time within which to file their counter-affidavits.</p>	<p>October 16, 2013</p>
<p>Respondent Vasallo filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.</p>	
<p>Respondents Escabarte and Libetario filed their respective counter-affidavits with the Office of the Deputy Ombudsman for Luzon.</p>	<p>October 24, 2013</p>

⁶ Consolidated Opposition dated March 1, 2018 of the Prosecution.

⁷ Records do not show the order by the Office of the Deputy Ombudsman for Luzon to the accused and respondents to file their counter-affidavits.

Accused Beronio filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	November 12, 2013
Respondent Cruz filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	November 13, 2013
Respondent Movillon filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	January 13, 2014
AGIO II Jacinto filed his consolidated reply with the Office of the Deputy Ombudsman for Luzon.	January 13, 2014
GIPO III Labor-Lay-at recommended to the Deputy Ombudsman for Luzon the re-issuance of the order to respondent Gaspar to file his counter-affidavit.	October 7, 2014
The Office of the Deputy Ombudsman for Luzon served the order to file counter-affidavit to respondent Gaspar.	October 20, 2014
Respondent Gaspar filed his counter-affidavit with the Office of the Deputy Ombudsman for Luzon.	February 6, 2015
The Office of the Deputy Ombudsman for Luzon issued a subpoena <i>duces tecum</i> to the Director of COA for the submission of COA reports of PhilRice for the years 2009 and 2010.	April 13, 2015
COA submitted the required reports to the Office of the Deputy Ombudsman for Luzon.	May 25, 2015
GIPO III Labor-Lay-at drafted the joint resolution in this complaint.	September 1, 2016
Ombudsman Carpio-Morales approved the Joint Resolution dated September 1, 2016.	December 2, 2016

The Office of the Deputy Ombudsman for Luzon resolved the three (3) complaints jointly. After the approval by Ombudsman Carpio-Morales of the Joint Resolution dated September 1, 2016, the events that followed are summarized in the table below:

<i>Incident/s</i>	<i>Date</i>
Accused Yap sought a reconsideration of the joint resolution of the Ombudsman.	February 6, 2017
Accused Lumawag sought a reconsideration of the joint resolution of the Ombudsman.	February 20, 2017

Respondent Gaspar sought a reconsideration of the joint resolution of the Ombudsman.	February 21, 2017
Respondents Movillon and Libetario sought a reconsideration of the joint resolution of the Ombudsman.	February 27, 2017
Respondents Escabarte and Vasallo sought a reconsideration of the joint resolution of the Ombudsman.	March 7, 2017
Accused Castillo, Laysa, Bacani, and Padolina sought a reconsideration of the joint resolution of the Ombudsman.	March 14, 2017
Accused Batara sought a reconsideration of the joint resolution of the Ombudsman.	March 31, 2017
Accused Beronio sought a reconsideration of the joint resolution of the Ombudsman.	April 4, 2017
Accused Padolina sought the dismissal of the case claiming that he had immunity from criminal prosecution.	April 7, 2017
Accused Undan sought a reconsideration of the joint resolution of the Ombudsman.	April 18, 2017
GIPO III Labor-Lay-at drafted the joint order denying the motions for reconsideration of accused Yap, Lumawag, Castillo, Laysa, Bacani, Padolina, Batara, Beronio, Undan, Gaspar, Movillon, Libetario, Escabarte, and Vasallo.	June 20, 2017
Ombudsman Carpio-Morales approved the Joint Order dated June 20, 2017.	July 13, 2017
The Office of the Ombudsman filed the informations with the Sandiganbayan.	January 12, 2018



DISCUSSION AND RULING

The Court will first rule on the motions to quash.

Accused Yap, Batara, Laysa, Bacani and Undan claim that the facts charged in the informations in **SB-18-CRM-0003** and **SB-18-CRM-0004** do not constitute a violation of **Sections 3 (e) and 3 (g) of R.A. No. 3019**.

The provisions of Sections 6 and 9, Rule 110 of the Rules of Court are relevant, *to wit*:

Sec. 6. Sufficiency of complaint or information. – A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

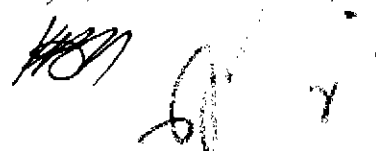
When an offense is committed by more than one person, all of them shall be included in the complaint or information.

X X X

Sec. 9. Cause of the accusation. - The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

In *Lazarte v. Sandiganbayan*,⁸ the Supreme Court laid out the two important purposes of the said procedural rules: 1) To enable the accused to suitably prepare for his defense; and 2) To allow the accused to plead his conviction in a subsequent prosecution for the same offense, if found guilty.

⁸ *Cabrera v. Sandiganbayan*, G.R. Nos. 162314-17, October 25, 2004.



The fundamental test in determining the adequacy of the averments in an information is **whether the facts alleged, if hypothetically admitted, would establish the essential elements of the crime.**⁹ Evidence *aliunde* or matters extrinsic to the information are not to be considered.¹⁰

The information in SB-18-CRM-0003 sufficiently states the elements of violation of Section 3(e) of R.A. No. 3019

The Information dated September 29, 2017 in SB-18-CRM-0003 filed against accused Yap, Beronio, Batara, Laysa, Padolina, Corvera, Castillo, Bacani, and Undan reads:

That from the year 2008 to 2009 or sometime prior or subsequent thereto, in Diliman, Quezon City, Philippines, and within the Honorable Court's jurisdiction, accused public officers ARTHUR YAP y CUA, then Secretary of the Department of Agriculture (DA) and Chairman of the Board of Trustees of the Philippine Rice Institute (PhilRice), RONILLO BERONIO y ALEJANDRO, then Executive Director of PhilRice, JOHNIFER BATARA y GALAMAY, FE D. LAYSA, WILLIAM PADOLINA y GONZALES, WINSTON C. CORVERA, GELIA CASTILLO y TAGUMPAY, SENEN BACANI y CARLOS and RODOLFO UNDAN y CORPUZ , all Members of PhilRice Board of Trustees, while in the performance of their administrative and/or official functions, conspiring with one another, acting with manifest partiality, evident bad faith, or gross inexcusable negligence, did then and there willfully, unlawfully, and criminally give unwarranted benefits and advantage to PhilRice Car Plan's beneficiary-employees, namely: Ronilo A. Beronio, Sophia T. Borja, Rolando T. Cruz, Rodolfo S. Escabarte, Jr., Sergio R. Francisco, Manuel G. Gaspar, Edgar M. Libetario, Mario M. Movillon, Evangeline B. Sibayan, and Artemio B. Vasallo, by instituting said Car Plan that allowed the said beneficiary-employees to obtain personal loans from the Philippine National Bank (PNB) for the purchase of their private cars, secured by the PhilRice funds through Hold Out Agreements with PNB; which private cars were then

⁹ *Id.*

¹⁰ *Ingco v. Sandiganbayan*, G.R. No. 112584, May 23, 1997, citing Florenz Regalado, *Remedial Law Compendium*, Vol. 2, Seventh Revised ed. [1995], p. 392.

leased by PhilRice for the official use of the beneficiary-employee without the benefit of public bidding; with the beneficiary-employees being entitled to transportation allowance despite the use of an official vehicle; thereby causing undue injury to PhilRice for it could not utilize its deposits with PNB during the subsistence of the loans and its failure to obtain the best possible car rental deals, among other things. (Underscoring supplied)

The charge filed against the accused is violation of Section 3(e) of R.A. No. 3019, which provides:

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:

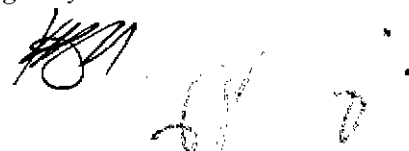
X X X X

(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 offices or government corporations charged with the grant of licenses or permits or other concessions.

The elements of this offense are: 1) The accused are public officers or private persons charged in conspiracy with them; 2) Said public officers committed the prohibited acts during the performance of their official duties or in relation to their public positions; 3) The public officer acted with manifest partiality, evident bad faith or gross inexcusable negligence; 4) They caused undue injury to any party, whether the Government or a private party; and 5) Such injury was caused by giving unwarranted benefits, advantage or preference to such parties. ¹¹

In this case, the assailed information states that: 1) accused Yap, a former Secretary of DA and Chairman of the Board of Trustees of PhilRice,

¹¹ *Dela Chica v. Sandiganbayan*, G.R. No. 144823. December 8, 2003.



is charged in conspiracy with accused Beronio, a former Executive Director of PhilRice, and with accused Batara, Laysa, Padolina, Corvera, Castillo, Bacani, and Undan, former members of the Board of Trustees of PhilRice, with violation of Section 3 (e) of R.A. No. 3019; 2) From the year 2008 to 2009 or sometime prior or subsequent thereto, in Diliman, Quezon City, they instituted a car plan that allowed the beneficiary-employees to obtain personal loans from PNB for the purchase of their private cars, secured by PhilRice funds through HOAs with PNB, while in the performance of their official functions; 3) They instituted the said car plan with manifest partiality, evident bad faith or gross inexcusable negligence by leasing the private cars for the official use of the beneficiary-employees without the benefit of public bidding, and with the beneficiary-employees being entitled to transportation allowance despite the use of an official vehicle; 4) They caused damage and prejudice to PhilRice because it could not utilize its deposits with PNB during the subsistence of the loans and it failed to obtain the best possible car rental deals; and 5) The damage and prejudice were caused when they gave unwarranted benefits and advantage and preference to the said beneficiary-employees.

The information in SB-18-CRM-0004 sufficiently states the elements of violation of Section 3(g) of R.A. No. 3019

The Information dated September 29, 2017 in SB-18-CRM-0004 filed against accused Yap, Batara, Laysa, Padolina, Corvera, Castillo, Bacani, Undan, Beronio, and Lumawag reads:

That in 2009 or sometime prior or subsequent thereto, in Diliman, Quezon City, Philippines, and within the Honorable Court's jurisdiction, accused public officers ARTHUR YAP y CUA, then Secretary of the Department of Agriculture (DA) and Chairman of the Board of Trustees of the Philippine Rice Institute (PhilRice), JOHNIFER BATARA y GALAMAY, FE D. LAYSA, WILLIAM PADOLINA y GONZALES, WINSTON C. CORVERA, GELIA CASTILLO y TAGUMPAY, SENEN BACANI y CARLOS and RODOLFO UNDAN y CORPUZ, all Members of PhilRice Board of Trustees, PhilRice Executive Director RONILLO BERONIO y ALEJANDRO (Beronio) and Cashier IV FE N LUMAWAG (Lumawag), while in the performance of their administrative and/or official functions, conspiring with one another, did then and there willfully, unlawfully, and criminally enter into contracts/transactions in behalf

of the government that were manifestly and grossly disadvantageous to it, with Beronio and Lumawag, by signing Hold Out Agreements (HOAs) with the Philippine National Bank (PNB), pursuant to PhilRice Car Plan instituted by the PhilRice Board of Trustees comprised of the above-mentioned accused, subjecting PhilRice's deposit with the PNB to the agreement that said deposit will not be withdrawn until the car/personal loans guaranteed are paid in full amounting to Php15,780,00.00 (Underscoring supplied)

The charge filed against the accused is violation Section 3(g) of R.A. No. 3019, which provides:

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:


X X X X

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

The elements of this offense are: 1) The accused are public officers or private persons charged in conspiracy with them; 2) Said public officers entered into a contract or transaction on behalf of the government; 3) Such contract or transaction is grossly and manifestly disadvantageous to the government.¹²

In this case, the assailed information states that: 1) accused Yap, a former Secretary of DA and Chairman of the Board of Trustees of PhilRice, is charged in conspiracy with accused Beronio, a former Executive Director of PhilRice, and with accused Batara, Laysa, Padolina, Corvera, Castillo, Bacani, and Undan, former members of the Board of Trustees of PhilRice, with violation of Section 3 (g) of R.A. No. 3019; 2) From the year 2008 to 2009 or sometime prior or subsequent thereto, in Diliman, Quezon City, they

¹² *People of the Philippines v. Henry T. Go*, G.R. No. 168539. March 25, 2014.



signed HOAs with PNB pursuant to PhilRice Car Plan that they instituted; 3) Said HOAs with PNB pursuant to PhilRice Car Plan is grossly and manifestly disadvantageous to the PhilRice because its deposit with PNB could not be withdrawn until the car/personal loans are paid in full amounting to Php15,780,00.00.

Both informations in SB-18-CRM-0003 and SB-18-CRM-0004 sufficiently state the elements of violation of Sections 3(e) and 3(g) of R.A. No. 3019

Clearly, the Information dated September 29, 2017 in SB-18-CRM-0003 and the Information dated September 29, 2017 in SB-18-CRM-0004 state the elements of violation of Sections 3(e) and 3 (g) of R.A. No. 3019, respectively, that the accused were charged with. The assailed informations include all the details required by Sections 6 and 9, Rule 110 of the Rules of Court. **The Information dated September 29, 2017 in SB-18-CRM-0003 and the Information dated September 29, 2017 in SB-18-CRM-0004 are, thus, sufficient to inform the accused of the offenses they are being charged of and for this Court to pronounce judgment.**

Accused Yap invokes the exception to the general rule that a motion to quash should be resolved on the basis alone of the allegations in the information. He relies on the old cases of *People v. Navarro*,¹³ *People v. De La Rosa*,¹⁴ *People v. Rodriguez*,¹⁵ and *People v. Lancanan*¹⁶ to support the quashal of the informations.

The Court is, however, unconvinced.

In *Navarro*,¹⁷ the judge of the Court of First Instance in Mindoro ordered the quashal of the informations for arbitrary detention on the ground of failure to charge an offense. During the pre-trial of the cases, the judge asked the parties, their attorneys and the provincial fiscal some questions. Admissions were, however, made by the provincial fiscal that the detainees were in fact lawfully committed to the provincial jail of Mindoro by order of the Commanding General of Western Visayas Task Force, United States Army. Holding that the detention was not arbitrary, the judge ordered the quashal of the information.

¹³ G.R. No. L-1 and L-2, December 4, 1945.

¹⁴ G.R. No. L-34112, June 25, 1980.

¹⁵ G.R. No. L-13981, April 25, 1960.

¹⁶ G.R. No. L-6805, June 30, 1954.

¹⁷ *Supra*, *People v. Navarro*.



In *De la Rosa*,¹⁸ accused was charged with violation of Section 3602 of the Tariff and Customs Code for non-payment of duties and taxes on imported gold bars. Accused sought the quashal of the information for failure to charge an offense. The judge ordered a trial where the counsel for the accused and the State Prosecutor presented documentary and testimonial evidence. Accused argued that she is exempted from paying duties and taxes because of her non-immigrant status, and that the gold bars were not imported articles. In support of her defense, she attached a copy of the resolution of the fiscal dismissing the case against her, a copy of Executive Order 408 of President Carlos P. Garcia regarding her non-immigrant status, and pages of her passport showing her Philippine visa, her non-immigrant status of entry, and her tourist entry visa for Taipei. These documents were admitted by the State Prosecutor in his opposition to the motion to quash. Based on the evidence presented, it was found that the accused is a tourist and the gold bars are not considered imported articles. Thus, the judge ordered the quashal of the information against the accused.


In *Rodriguez*,¹⁹ accused was charged with illegal possession of firearm and ammunition before the Justice of the Peace Court of Calamba, Laguna. He sought the quashal of the information because the crime of illegal possession of firearm was already alleged as a component element or ingredient of the crime of rebellion with which he was charged in Criminal Case No. 16990 before the Court of First Instance in Manila. The Justice of the Peace Court, however, found probable cause and ordered the transmittal of the records to the Court of First Instance of Laguna for trial on the merits. Accused again filed a motion to quash alleging the defense of double jeopardy. The judge granted the motion to quash by holding that the crime of illegal possession of firearm and ammunition cannot be prosecuted separately from rebellion which the accused was already charged in another court.

In *Lancanan*,²⁰ accused was charged with infidelity in the custody of the prisoners by allegedly consenting to the escape of six prisoners without a valid order of the court. A motion to quash was filed for failure to charge an offense. According to the accused, records of the case clearly showed that the six prisoners were arrested in November 12, 1951 but the complaint for illegal possession of firearms against them was only filed on December 19, 1951. Thus, when he released them on November 13, 1951, there was no pending charge against them. On this basis, the judge dismissed the case for infidelity in the custody of prisoners against the accused.

¹⁸ *Supra*, *People v. De la Rosa*.

¹⁹ *Supra*, *People v. Rodriguez*.

²⁰ *Supra*, *People v. Lancanan*.



The circumstances prevailing in the above-cited cases that resulted to the quashal of the information are wanting in the present cases. The Prosecution has yet to present its evidence against the accused. Accused Yap's evidence showing that he was absent during the 54th meeting of the Board of Trustees of PhilRice during which the PhilRice Car Plan was approved, and accused Batara, Laysa, Bacani and Undan's non-participation in the formulation and implementation of said Car Plan and the HOAs with the PNB, are matters of defense. These are pieces of evidence that seek to establish a fact contrary to that alleged in the assailed informations. They should not be considered at all because matters of defense cannot be raised in a motion to quash.²¹ It is not proper, therefore, to resolve the charges at the very outset without the benefit of a full-blown trial.²² The issues require a fuller examination and it would be unfair to shut off the Prosecution at this stage of the proceedings²³ and to quash the informations only on the basis of the alleged evidence presented by the accused.

Again, a motion to quash is based on a defect in the information that is evident on its face. Thus, if the defect can be cured by amendment or if it is based on the ground that the facts charged do not constitute an offense, the prosecution is given by the court the opportunity to correct the defect by amendment.²⁴ If the motion to quash is sustained, the court may order that another complaint or information be filed²⁵ except when the information is quashed on the ground of extinction of criminal liability or double jeopardy.²⁶

It must be emphasized that a determination of the innocence or guilt of the accused for violation of Sections 3 (e) and 3 (g) of R.A. No. 3019, as charged in the assailed informations, is subject to the evidence to be presented by the parties in the trial of the case. The Court cannot decide on the sufficiency of the evidence of the Prosecution at this point. Hence, the **motions to quash are DENIED.**

²¹ *People v. Edgardo Odtuhan*, G.R. No. 191566, July 17, 2013.

²² *Id.*

²³ *Id.*

²⁴ Section 4, Rule 117 of the Rules of Court.

²⁵ Section 5, Rule 117 of the Rules of Court.

²⁶ Section 6, Rule 117 of the Rules of Court.



There was no inordinate delay in the preliminary investigation of cases in SB-18-CRM-0003, SB-18-CRM-0004, and SB-18-CRM-0005.

After a thorough review of the case records, the Court resolves to **DENY** for lack of merit the **motions to quash and motion dismiss** the cases for violation of the right of the accused to a speedy disposition of the case.

Each case must be decided upon the facts peculiar to it.²⁷ **A mere mathematical reckoning of the time involved is not sufficient.**²⁸

The right to a speedy disposition of the case under Section 16, Article III of the Constitution states: *All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.*

The concept of “speedy disposition of the case”, like “speedy trial”, is, however, **relative or flexible**.²⁹ These rights are 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.³⁰

In determining whether the right to a speedy disposition of the case was violated, the Court is required to do **more than a computation** of the number of years that elapsed in the conduct of the preliminary investigation and filing of the information in court. **The inquiry as to whether or not an accused has been denied such right is not susceptible by precise qualification.** The conduct and interests of both the prosecution and the accused are considered and balanced.

The right to a speedy disposition of the case is consistent with delays and depends upon the circumstances. What the Constitution prohibits are unreasonable, arbitrary and oppressive delays which render rights nugatory.³¹ The desideratum of a speedy disposition of the case should not, if at all possible, result in the precipitate loss of a party’s right to present evidence and

²⁷ *Benares v. Lim*, G.R. No. 173421, December 14, 2006.

²⁸ *Id.*

²⁹ *Dela Pea v. Sandiganbayan*, G.R. No. 144542, June 29, 2001.

³⁰ *Gonzales v. Sandiganbayan*, G.R. No. 94750, July 16, 1991.

³¹ G.R. No. 154155, August 6, 2008.

either in a plaintiff's being non-suited or the defendants being pronounced liable under an *ex parte* judgment.³²

In *Corpuz v. Sandiganbayan*,³³ the Supreme Court held that in determining whether the right to a speedy disposition of the case has been violated, the following factors **may** be considered and balanced: (1) the **length** of delay; (2) the **reasons** for the delay; (3) the **assertion** or **failure to assert** such right by the accused; and (4) the **prejudice** caused by the delay.

Accused Batara, Laysa, Bacani, Undan, and Beronio claim that the fact-finding investigation of these cases commenced sometime in June 2009. Except from the said allegation, the records are, however, bereft of any information to support the same. The said period of fact-finding investigation should **not** be attributed to the Office of the Deputy Ombudsman for Luzon.

In the very recent case of *Cagang v. Sandiganbayan*,³⁴ 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.³⁵

OMB-C-C-13-0179

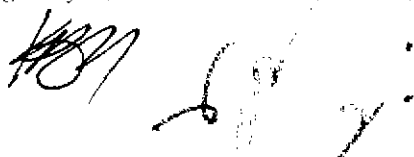
The preliminary investigation of the Office of the Deputy Ombudsman for Luzon, which lasted from the filing of the complaint by the FIO on June 27, 2013 to the filing of the informations with the Sandiganbayan on January 12, 2018, or *four (4) years, six (6) months and seventeen (17) days*, is **not** entirely attributable to the Office of the Deputy Ombudsman for Luzon.

³² *Dansal v. Fernandez*, G.R. No. 126814, March 2, 2000.

³³ G.R. No. 162214, November 11, 2004.

³⁴ G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.

³⁵ *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.



The period from June 27, 2013 to July 22, 2013, or *twenty-six (26) days*, is attributed to the Office of the Deputy Ombudsman for Luzon. The time spent to conduct a proper evaluation of the complaints and issue orders to accused Yap, Batara, Laysa, Bacani, Undan, Padolina, Corvera, Castillo, and respondents De Leon and Virtucio to file their counter-affidavits is reasonable.

The period from July 22, 2013 to January 13, 2014, or *five (5) months and twenty-three (23) days*, is credited to the accused and the FIO. During this period, the accused prepared and filed their respective counter-affidavits, and FIO filed its consolidated reply. Accused Yap even sought an extension of time within which to file his counter-affidavit at this time. While the filing of a counter-affidavit by the accused is an exercise of the right to procedural due process, it cannot be denied that this period contributed a certain degree of delay in the resolution of this case by the Office of the Ombudsman. The accused cannot be allowed to complain against a circumstance to which they had contributed.³⁶

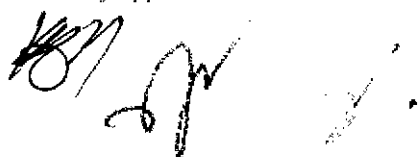
The period from January 13, 2014 to November 24, 2015, or *one (1) year, ten (10) months, and twelve (12) days*, is visited upon the Office of the Deputy Ombudsman for Luzon. This period encompasses the time from the filing of the consolidated reply by FIO to the issuance of subpoena *duces tecum* by the Office of the Deputy Ombudsman for Luzon to the Board Secretary of PhilRice, DA, Quezon City

The period from November 24, 2015 to December 10, 2015, or *one (1) month and one (1) day*, is not attributed to the Office of the Deputy Ombudsman for Luzon because this was spent by the Board Secretary of PhilRice, DA, Quezon City in preparing and submitting the required documents indicated in the subpoena *duces tecum*.

The period from December 10, 2015 to January 8, 2016, or *thirty (30) days*, is attributed to the Office of the Deputy Ombudsman for Luzon because this period was spent for the issuance of subpoena *duces tecum* to the Board Secretary of PhilRice, Maligaya Science City of Muñoz, Nueva Ecija.

The period from January 8, 2016 to January 28, 2016, or *twenty (20) days*, is not charged against the Office of the Deputy Ombudsman for Luzon because this was spent by the Board Secretary of PhilRice, Maligaya Science

³⁶ See *Dela Rosa v. Court of Appeals*, G.R. No. 116945, February 9, 1996.



City of Muñoz, Nueva Ecija in preparing and submitting the required documents indicated in the subpoena *duces tecum*.

The period from January 28, 2016 to September 6, 2016, or *seven (7) months and thirty (30) days*, is visited upon the Office of the Deputy Ombudsman for Luzon because this was spent for the issuance of subpoena *duces tecum* to the Chief of the Personnel Division, DA, Quezon City.

The period from September 6, 2016 to September 20, 2016, or *fourteen (14) days*, is not charged against the Office of the Deputy Ombudsman for Luzon because this was spent by the Chief of Personnel Division of the DA in complying with subpoena *duces tecum*.

The period from September 20, 2016 to December 2, 2016, or *two (2) months and thirteen (13) days*, is charged against the Office of the Deputy Ombudsman for Luzon because this was spent in drafting the joint resolution finding probable cause against the accused, and seeking the approval thereof by Ombudsman Carpio-Morales.

OMB-C-C-13-0317

In this complaint, the preliminary investigation commenced from the filing of the complaint by the FIO on July 5, 2013 to the filing of the informations with the Sandiganbayan on January 12, 2018, or *four (4) years, six (6) months, and eight (8) days*. This period is **not** entirely attributable to the Office of the Deputy Ombudsman for Luzon.

The period from July 5, 2013 to August 15, 2013, or *one (1) month and eleven (11) days*, is attributed to the Office of the Deputy Ombudsman for Luzon. This time was spent for the evaluation of the complaint and the issuance of orders to accused Beronio and Lumawag to file their counter-affidavits.

The period from August 15, 2013 to January 13, 2014, or *five (5) months and nine (9) days*, is credited to the accused. At this time, they prepared and filed their respective counter-affidavits. Both accused Beronio and Lumawag even sought an extension of time within which to file their counter-affidavits.



The period from January 13, 2014 to April 13, 2015, or *one (1) year, three (3) months, and one (1) day*, is visited upon the Office of the Deputy Ombudsman for Luzon. During this period, the Office of the Deputy Ombudsman for Luzon issued a subpoena *duces tecum* to COA for submission of COA reports of PhilRice for the years 2009 and 2010.

The period from April 13, 2015 to May 25, 2015, or *one (1) month and thirteen (13) days*, is not attributed to the Office of the Deputy Ombudsman for Luzon as this was spent by COA in preparing and submitting the required reports indicated in the subpoena *duces tecum*.

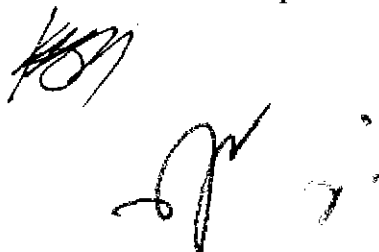
The period from May 25, 2015 to December 2, 2016, or *one (1) year, six (6) months, and eight (8) days*, is charged against the Office of the Deputy Ombudsman for Luzon because this was spent in drafting the joint resolution finding probable cause against the accused, and seeking the approval thereof by Ombudsman Carpio-Morales.

OMB-C-C-13-0298

In this complaint, the preliminary investigation lasted from the filing of the complaint by the FIO on July 24, 2013 to the filing of the informations with the Sandiganbayan on January 12, 2018, or *four (4) years, five (5) months, and twenty (20) days*. This period is also **not** entirely attributable to the Office of the Deputy Ombudsman for Luzon.

The period from July 24, 2013 to September 13, 2013, or *one (1) month and twenty (20) days*, is attributed to the Office of the Deputy Ombudsman for Luzon. This period encompasses the time from the receipt by the Office of the Deputy Ombudsman for Luzon of the complaint filed by the FIO until the submission of the first counter-affidavit of respondent Borja. For lack of record on the date of issuance by the Office of the Deputy Ombudsman for Luzon of the order to file counter-affidavit, the date of filing of the first counter-affidavit was considered in determining the length of alleged delay.

The period from September 13, 2013 to January 13, 2014, or *four (4) months and one (1) day*, is credited to the accused and the FIO. At this time, the accused prepared and filed their respective counter-affidavits, and the FIO filed its consolidated reply. During this period, respondents Francisco, Vasallo, Movillon, Libetario, Cruz, and Escabarte sought extensions of time within which to file their respective counter-affidavits.



The period from January 13, 2014 to October 20, 2014, or *nine (9) months and eight (8) days*, is visited upon the Office of the Deputy Ombudsman for Luzon. During this period, the Office of the Deputy Ombudsman for Luzon re-issued an order to respondent Gaspar to file his counter-affidavit.

The period from October 20, 2014 to February 6, 2015, or *three (3) months and eighteen (18) days*, is not ascribed to the Office of the Deputy Ombudsman for Luzon as this was spent by respondent Gaspar in preparing and filing his counter-affidavit.

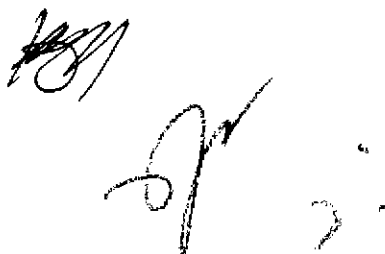
The period from February 6, 2015 to April 13, 2015, or *two (2) months and eight (8) days*, is charged against the Office of the Deputy Ombudsman for Luzon. Here, the Office of the Deputy Ombudsman for Luzon issued a subpoena *duces tecum* to COA for submission of COA reports of PhilRice for the years 2009 and 2010.

The period from April 13, 2015 to May 25, 2015, or *one (1) month and thirteen (13) days*, is not attributed to the Office of the Deputy Ombudsman for Luzon. This period was used by COA in preparing and submitting the required reports indicated in the subpoena *duces tecum*.

The period from May 25, 2015 to December 2, 2016, or *one (1) year, six (6) months, and eight (8) days*, is charged against the Office of the Deputy Ombudsman for Luzon because this was spent in drafting the joint resolution finding probable cause against the accused, and seeking the approval thereof by Ombudsman Carpio-Morales.

OMB-C-C-13-0179, OMB-C-C-13-0317 and OMB-C-C-13-0298

The period from December 2, 2016 to April 18, 2017, or *four (4) months and seventeen (17) days*, refers to the time spent by accused Yap, Lumawag, Castillo, Laysa, Bacani, Padolina, Batara, Beronio, Undan, and respondents Gaspar, Movillon, Libetario, Escabarte, and Vasallo in seeking the reconsideration of the Joint Resolution dated September 1, 2016. This period should be properly attributed to the accused being part of their exercise of the right to procedural due process. The Office of the Ombudsman cannot be faulted for granting them sufficient opportunity to seek a reconsideration of the joint resolution.



The period from April 18, 2017 to July 13, 2017, or *two (2) months and twenty-six (26) days*, is charged against the Office of the Ombudsman as this was spent in reviewing its joint resolution on the basis of the arguments of the accused in their motions for reconsideration, and the approval by Ombudsman Carpio-Morales of the joint order resolving the motions for reconsiderations.


The period from July 13, 2017 to January 12, 2018, or *six (6) months and eight (8) days*, is ascribed to the Office of the Ombudsman, through the OSP, as this was time spent in the filing of the informations with the Sandiganbayan.

In sum, the period of fact-finding investigation is excluded in the computation of the period of alleged delay.³⁷ The total period of *one (1) year and fifteen (15) days* in OMB-C-C-13-0179, *eleven (11) months and nine (9) days* in OMB-C-C-13-0317, and *one (1) year, one (1) month, and twelve (12) days* in OMB-C-C-13-0298, is also excluded from the time spent by the Office of the Ombudsman to complete the preliminary investigation, and for the OSP to file the corresponding informations with the Sandiganbayan. These periods were spent by the accused in preparing and filing their counter-affidavits and motions for reconsideration, the FIO in filing its consolidated reply, and the government agencies in complying with subpoena *duces tecum*.

Subtracting the above periods, the total period it took the Office of the Ombudsman to terminate its preliminary investigation, and for the OSP to file the corresponding informations is only *three (3) years, six (6) months, and two (2) days* in OMB-C-C-13-0179, *three (3) years, six (6) months, and twenty-nine (29) days* in OMB-C-C-13-0317, and *three (3) years, four (4) months, and eight (8) days* in OMB-C-C-13-0298. The Court considers these periods reasonable because the investigating prosecutor had to carefully evaluate the complaints and the supporting documents to determine whether probable cause for violation of Sections 3(e), 3(g) and 3(h) of R.A. No 3019 exists against the accused. The Office of the Ombudsman had to consider the right of the accused to due process and the OSP had to review the case again so that only the case that could stand the rigors of trial would be filed. 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

³⁷ See *Cagang v. Sandiganbayan*.



that such right shall deprive the State of a reasonable opportunity of fairly prosecuting criminals.³⁸

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.³⁹

The accused had the burden of proving the factual basis for their motions to quash and/or motion to dismiss on the ground of violation of their right to a speedy disposition of the cases against them, 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.⁴⁰

In *People vs. Sandiganbayan and Gamos*,⁴¹ 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 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 the accused failed to state any factual basis of the alleged violation of their right to a speedy disposition of the cases. There is also no indication that the cases against the accused 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,

³⁸ *Corpuz v. Sandiganbayan*, G.R. No. 162214, November 11, 2004.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ G.R. No. 232197-98, April 16, 2018.