



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-18-CRM-0004

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

-versus-

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

Accused,

PRESENT:

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

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DEC 05 2018 *mf*

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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.

[Handwritten signatures]

RESOLUTION

MIRANDA, J.:

This resolves the: 1) Motion to Quash dated March 16, 2018 of accused Fe N. Lumawag (Lumawag); and 4) Manifestation dated March 21, 2018 of the Prosecution.

In her motion, accused Lumawag claims that her constitutional right to a speedy disposition of the case was violated when the Office of the Ombudsman took a period of eight (8) years, six (6) months, and twenty-four (24) days to complete its fact-finding investigation and preliminary investigation. She therefore seeks the immediate dismissal of this case.

In its manifestation, the Prosecution, through the Office of the Special Prosecutor (OSP), adopts its arguments and discussion in the Consolidated Opposition dated March 1, 2018 that was earlier filed in this case, and in SB-18-CRM-003 and SB-18-CRM-005.

FACTUAL ANTECEDENTS

The complaint filed against accused **Lumawag** and co-accused Ronillo A. Beronio (Beronio) was docketed by the Office of the Deputy Ombudsman for Luzon as OMB-C-C-13-0317.² The factual antecedents involving the said complaint are summarized in a table below:

Incident/s	Date
Associate Graft Investigation Officer (AGIO) II Dindo Jacinto of the Field Investigation Office (FIO) filed a Complaint Affidavit dated June 15, 2011 before 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

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

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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. ³	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 Philippine Rice Institute (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
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 Beronio, Arthur C. Yap (Yap), Johnifer G. Batara (Batara), Fe D. Laysa (Laysa), William G. Padolina (Padolina), Winston C. Corvera (Corvera), Gelia D. Castillo (Castillo), Senen C. Bacani (Bacani), and Rodolfo C. Undan (Undan); 2) Violation of Section 3 (g) of R.A. No. 3019 against accused Yap, Batara, Laysa, Padolina, Corvera, Castillo, Bacani, Undan, Beronio and	September 1, 2016

³ Records do not show whether accused Beronio and Lumawag filed their respective counter-affidavits personally or thru registered mail.

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Lumawag ; and 3) Violation of Section 3 (h) of R.A. No. 3019 against accused Beronio. ⁴	
Ombudsman Conchita Carpio-Morales (Carpio-Morales) approved the Joint Resolution dated September 1, 2016.	December 2, 2016
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 Manuel G. Gaspar (Gaspar) sought a reconsideration of the joint resolution of the Ombudsman. ⁵	February 21, 2017
Respondents Mario V. Movillon and Edgar M. Libetario (Libetario) sought a reconsideration of the joint resolution of the Ombudsman. ⁶	February 27, 2017
Respondents Rodolfo S. Escabarte Jr. (Escabarte) and Artemio B. Vasallo (Vasallo) sought a reconsideration of the joint resolution of the Ombudsman. ⁷	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	June 20, 2017

⁴ Aside from this complaint, the FIO also filed a complaint for Violation of Section 3 (e) of R.A. No. 3019, Malversation of Public Funds and Property, and Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service against Beronio, Yap, Batara, Laysa, Bacani, Undan, Padolina, Corvera, De Leon, Castillo, and co-respondent Felizardo K. Virtucio, Jr. (OMB-C-C-13-0179), and a complaint for Violation of Section 3 (h) of R.A. No. 3019, Violation of Section 4 (A) (a) of R.A. No. 6713, and Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service against Beronio, and co-respondents Borja, Cruz, Escabarte, Francisco, Gaspar, Libetario, Movillon, Sibayan, and Vasallo (OMB-C-C-13-0298). The Office of the Deputy Ombudsman for Luzon resolved these complaints jointly.

⁵ See OMB-C-C-13-0298.

⁶ *Id.*

⁷ *Id.*

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Yap, Lumawag, Castillo, Laysa, Bacani, Padolina, Batarata, Beronio, Undan, Gaspar, Movillon, Libetario, Escabarte, and Vasallo.	
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

After a thorough review of the case records, the Court resolves to **DENY** for lack of merit the motion to quash on the ground of 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.⁸ A mere mathematical reckoning of the time involved is not sufficient.⁹

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**.¹⁰ 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.¹¹

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.

⁸ *Benares v. Lim*, G.R. No. 173421, December 14, 2006.

⁹ *Ibid.*

¹⁰ *Dela Pea v. Sandiganbayan*, G.R. No. 144542, June 29, 2001.

¹¹ *Gonzales v. Sandiganbayan*, G.R. No. 94750, July 16, 1991.

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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.¹² 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 either in a plaintiff's being non-suited or the defendants being pronounced liable under an *ex parte* judgment.¹³

In *Corpuz v. Sandiganbayan*,¹⁴ the Supreme Court held that in determining whether the right to a speedy disposition 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 Lumawag claims that the fact-finding investigation of the complaint filed against her commenced sometime in June 2009. Except from the said allegation, the records are, however, bereft of any information to support the same. The 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*,¹⁵ 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.¹⁶

In this complaint, the preliminary investigation commenced from the filing of the complaint by the FIO on July 5, 2013. The period that lapsed until the filing of the informations with the Sandiganbayan on January 12, 2018, is *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.

¹² G.R. No. 154155, August 6, 2008.

¹³ *Dansal v. Fernandez*, G.R. No. 126814, March 2, 2000.

¹⁴ G.R. No. 162214, November 11, 2004.

¹⁵ G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.

¹⁶ *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458, 210141-42, July 31, 2018.

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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 respective counter-affidavits.

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

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 a 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 for this was spent in reviewing its joint resolution on the basis of the arguments of the accused in their motions for reconsideration, and seeking the approval by



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Ombudsman Carpio-Morales of the joint order on 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 information with the Sandiganbayan.

In sum, the period of fact-finding investigation is excluded in the computation of the period of alleged delay.¹⁷ The total period of *eleven (11) months and nine (9) days* in OMB-C-C-13-0317 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 information with the Sandiganbayan. This period was spent by accused Beronio and Lumawag in preparing and filing their respective counter-affidavits and motions for reconsideration, and by COA 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 information is only *three (3) years, six (6) months, and twenty-nine (29) days* in OMB-C-C-13-0317. The Court considers this period reasonable because the investigating prosecutor had to carefully evaluate not only this complaint but also the other two complaints as well as the supporting documents to determine whether probable cause for the offenses charged exists against accused Lumawag and all her co-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 that such right shall deprive the State of a reasonable opportunity of fairly prosecuting criminals.¹⁸

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

¹⁷ See *Cagang v. Sandiganbayan*.

¹⁸ *Corpuz v. Sandiganbayan*, G.R. No. 162214, November 11, 2004.

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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.¹⁹

Accused Lumawag had the burden of proving the factual basis for her motion to quash on the ground of violation of her 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.²⁰

In *People vs. Sandiganbayan and Gamos*,²¹ 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 accused Lumawag failed to state any factual basis of the alleged violation of her right to a speedy disposition of the case. There is also no indication that the complaint against her were instituted for the purpose of harassing her 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.²²

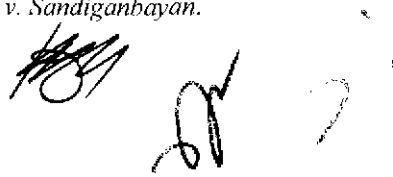
While accused Lumawag may have suffered some form of prejudice, the same, however, does not appear to have been caused by inordinate delay.

¹⁹ *Id.*

²⁰ *Id.*

²¹ G.R. No. 232197-98, April 16, 2018.

²² *Supra*, *Corpuz v. Sandiganbayan*.



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The said prejudice is a result of the mere passage of time regardless of the existence of inordinate delay. In this case, the prescriptive period of violation of Section 3(g) of R.A. No. 3019 is fifteen (15) years.²³ The complaint against her could have been filed at any time within the prescriptive period of the crime charged. Had the information been filed near the end of such prescriptive period, the result would have been the same.

Moreover, accused Lumawag waived her right to question the violation of her right to a speedy disposition of the case. Notably, the present motion to quash by reason of inordinate delay is the first instance that she raised an alleged violation of her right to a speedy disposition of the case. Records are wanting of any proof that she had previously invoked the said constitutional right at the earliest possible time before the Office of the Ombudsman. Such failure amounted to an abandonment or waiver of her right to a speedy disposition of the case against her. *Vigilantibus, sed non dormientibus, jura subveniunt*. The laws aid the vigilant, not those who slumber on their rights.²⁴

In *Barcelona v. Lim*,²⁵ the Supreme Court held that 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.

In *Tilendo v. Ombudsman and Sandiganbayan*,²⁶ 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*,²⁷ 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 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, petitioner

²³ The prescriptive period for violation of Section 3(g) of R.A. No. 3019 during the time material to these cases is fifteen years. The prescriptive period was increased to twenty (20) years when R.A. No. 10910 took effect in 2016.

²⁴ *Eduarte v. Court of Appeals*, G.R. No. 121038, July 22, 1999.

²⁵ G.R. No. 189171, June 3, 2014.

²⁶ G.R. No. 165975, September 13, 2007.

²⁷ G.R. No. 158018, May 20, 2004.

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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.

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 recognize 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.²⁸

The cases on inordinate delay cited by accused Lumawag in her motion to quash is not applicable in the present case.

In *Commodore Torres v. Sandiganbayan*,²⁹ petitioner therein asserted his right to speedy disposition of his cases at the earliest possible time. He claimed that he was prejudiced by the delay in the resolution of the cases against him because he had already retired from government service for fifteen (15) years when he was included in the preliminary investigation. This deprived him of the ability to adequately prepare his case as he no longer had any access to records or contact with any witnesses in support of his defense.

In *People v Sandiganbayan*,³⁰ there was no sufficient justification tendered by the State for the long delay in bringing the charges against the respondents therein before the proper court. The insufficiency of the evidence to establish probable cause and the State's dependence on the ratification of two treaties related to the charge are not reasonable justifications for the delay.

In *Tatad v. Sandiganbayan*,³¹ 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.

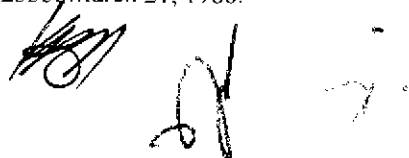
Unlike in the foregoing cases, the facts of this case do not evince capricious, oppressive and vexatious delay in the conduct of the preliminary

²⁸ *Supra*, *People v. Sandiganbayan and Gamos*.

²⁹ G.R. No. 221562-69, October 5, 2016.

³⁰ G.R. No. 188165 & 189063, December 11, 2013

³¹ G.R. No. L-72335, March 21, 1988.



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investigation. Due regard must be taken of the facts and circumstances peculiar to each case. The bare allegation that it took the Office of the Ombudsman more than eight (8) years to terminate the preliminary investigation and file the necessary information does not suffice. There was neither political motivation nor blatant departure from prescribed procedures in the preliminary investigation. Accused Lumawag was aware that a preliminary investigation was being conducted against her. She was served a copy of the complaint and given the opportunity to file her counter-affidavit. As earlier stated, a mere mathematical reckoning of the time spent for the investigation is not sufficient reason to conclude that arbitrary and inordinate delay attended the prosecution of this case.

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.³² Judicial notice should be taken of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government 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.³³

Verily, while justice is administered with dispatch, the essential ingredient is orderly, expeditious and not mere speed. It cannot be definitely said how long is too long in a system where justice is supposed to be swift, but deliberate. It is consistent with delays and depends upon circumstances. It secures rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne in mind that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons; hence, courts are to give meaning to that intent.³⁴

In *Datukan Guiani v. Sandiganbayan*,³⁵ the Supreme Court held:

“The right of an accused to a speedy trial is guaranteed to him by the Constitution but the same shall not be utilized to deprive the State of a reasonable opportunity of fairly indicting criminals. While accused persons do have rights, many of them choose to forget that the aggrieved also have the same rights. It secures rights to a defendant but it does not preclude the rights of public justice. A party's individual rights should not work

³² *Id.*

³³ *Mendoza-Ong v. Sandiganbayan and People*, G.R. Nos. 146368-69, October 23, 2003.

³⁴ *Supra*, *Corpuz v. Sandiganbayan*.

³⁵ G.R. No. 146897-917, August 6, 2002.



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against and preclude the people's equally important right to public justice.”

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 be afforded a fair opportunity to present their side.³⁶

WHEREFORE, the Motion to Quash dated March 16, 2018 of accused Fe N. Lumawag is **DENIED** for lack of merit.

The Manifestation dated March 21, 2018 of the Prosecution is **NOTED**.

SO ORDERED.


KARL B. MIRANDA
Associate Justice


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


ZALBY V. PRESPESES
Associate Justice

³⁶ *Supra, Dela Pea v. Sandiganbayan.*