Republic of the Philippines
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

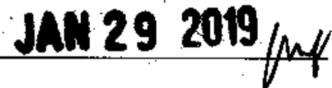
HERMIS CARLO PEREZ,
Accused.

SB-18-CRM-0526
For: Violation of Section 3(e) of Republic Act No. 3019, as amended

Present:

FERNANDEZ, SJ, J.
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:



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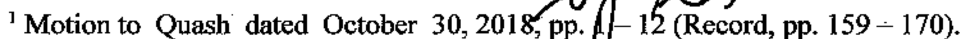
RESOLUTION

VIVERO, J.:

This resolves the *Motion to Quash*[1] dated October 30, 2018, filed by accused. He seeks the outright dismissal of the instant case on the following grounds, to wit:

1. The instant criminal action has been extinguished or has prescribed; and

2. If the amendatory law, R.A. No. 10910, increasing the prescriptive period from fifteen (15) years to twenty (20) years, is applied to the instant case, it would be an *ex post facto* law;



[1] Motion to Quash dated October 30, 2018, pp. 1 – 12 (Record, pp. 159 – 170).

3. The right of the accused to speedy disposition of cases has been violated.[2]

Contrariwise, the prosecution asserts that:

1. The criminal action has not yet prescribed;

2. The constitutional right to speedy disposition of cases was not violated; and

3. Even if there was delay, the same is not inordinate.[3]

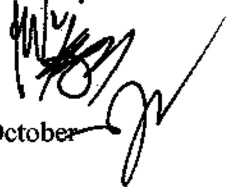
Notably, the prosecution skirted the second ground invoked by accused-movant, and opted not to traverse the issue. Thence, this Court need not belabor that point.

The Court shall resolve the parties' arguments *in seriatim.*

The offense charged in the information has not yet prescribed

In resolving the issue of prescription, the following must be considered, namely: (1) the period of prescription for the offense charged;(2) the time when the period of prescription starts to run; and (3) the time when the prescriptive period is interrupted.[4]

Section 11 of Republic Act No. 3019, as amended by Batas Pambansa Blg. 195, provides that the offenses committed under this special penal law shall prescribe in **fifteen (15) years**. The Information herein explicitly alleges the crime was committed ***"from 12 November 2001 to 25 March 2002, or sometime prior or subsequent thereto".***[5] Meanwhile, said Information was filed



[2] *Id.*, pp. 1 – 11.
[3] Comment/ Opposition (On accused Hermis Carlo Perez's (sic) Motion to Quash dated October 30, 2018 (Record, pp. 191 – 202).
[4] *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. No. 130817, August22, 2001, 363 SCRA 489, 493.
[5] Record, p. 1.

with this Court on ***"05 OCT 2018".***[6] When juxtaposed against the date Republic Act No. 10910[7] took effect (i.e. July 21, 2016[8]), the prior law (R. A. No. 3019, as amended) shall still govern. Hence, the amendatory statute of limitations is inapposite in the instant case.

Concededly, more than fifteen (15) years had lapsed between the date of commission of the alleged malfeasance and the date of preferment of charges against the alleged malefactor before this Court. Hence, accused-movant asserted that "dismissal with prejudice" of this case is inevitably proper.[9]

The accused's motion is devoid of merit.

Act No. 3326[10] is at the core of this controversy. The pertinent provision of said statute reads:

> **Section 2.** Prescription shall begin to run from the day of the commission of the violation of the law, and **IF THE SAME BE NOT KNOWN AT THE TIME, FROM THE DISCOVERY THEREOF AND THE INSTITUTION OF JUDICIAL PROCEEDINGS FOR ITS INVESTIGATION** and punishment.
>
> **THE PRESCRIPTION SHALL BE INTERRUPTED WHEN PROCEEDINGS ARE INSTITUTED AGAINST THE GUILTY PERSON**, and shall begin to run again if the proceedings are dismissed for reasons not constituting double jeopardy. (Capitalization Supplied.)

[6] *Ibid.*.

[7] AN ACT INCREASING THE PRESCRIPTIVE PERIOD FOR VIOLATIONS OF REPUBLIC ACT NO. 3019, OTHERWISE KNOWN AS THE "ANTI-GRAFT AND CORRUPT PRACTICES ACT', FROM FIFTEEN (15) YEARS TO TWENTY (20) YEARS, AMENDING SECTION II THEREOF

[8] Lapsed into law on JULY 21, 2016 without the signature of the President in accordance with Article VI, Section 27 (1) of the Constitution.

[9] Supra, note 1, p. 2.

[10] AN ACT TO ESTABLISH PERIODS OF PRESCRIPTION FOR VIOLATIONS PENALIZED BY SPECIAL ACT AND MUNICIPAL ORDINANCES AND TO PROVIDE WHEN PRESCRIPTION SHALL BEGIN TO RUN.

Generally, the prescriptive period shall commence to run on the day the crime is committed. That an aggrieved person "entitled to an action has no knowledge of his right to sue or of the facts out of which his right arises," does not prevent the running of the prescriptive period.[11] An exception to this rule is the **"blameless ignorance" doctrine**, incorporated in Section 2 of Act No. 3326. Under this doctrine, "the statute of limitations runs only upon discovery of the fact of the invasion of a right which will support a cause of action. In other words, the courts would decline to apply the statute of limitations where the plaintiff does not know or has no reasonable means of knowing the existence of a cause of action." [12] It was in this accord that the Supreme Court confronted the question on the running of the prescriptive period in ***People v. Duque***[13] and in ***People v. Monteiro***[14] which became the pillars of its 1999 Decision in ***Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto*** (G.R. No. 130149),[15] and the subsequent cases[16] which Ombudsman Desierto dismissed, emphatically, on the ground of prescription too. Thus, the Supreme Court held in a catena of cases,[17] that if the violation of the special law was not known at the time of its commission, the

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[11] Then Associate Justice Reynato S. Puno (Ret.) Concurring and Dissenting Opinion in *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. No. 130140, October 25, 1999 [317 SCRA 272, 319].

[12] *Id.* at 318-319 citing 21 AM JUR 2d, pp. 715-716.

[13] G.R. No. 100285, August 13, 1992 [212 SCRA 607].

[14] 192 SCRA 548 [1990].

[15] *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. No. 130140, October 25, 1999 [317 SCRA 272].

[16] *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. 130817, August 22, 2001 [363 SCRA 489, 493]; *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. No. 135119, October 21, 2004 [441 SCRA 106]; *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Ombudsman,* G.R. No. 135350, March 3, 2006 [484 SCRA 16]; *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Tabasondra,* G.R. No. 133756, July 4, 2008 [557 SCRA 31].

[17] *People v. Duque,* G.R. No. 100285, August 13, 1992 [212 SCRA 607]; *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto,* G.R. No. 130140, October 25, 1999 [317 SCRA 272]; *Presidential Commission on Good Government v. Desierto,* G.R. No. 140358, December 8, 2000 [347 SCRA 561].

prescription begins to run only from the discovery thereof, i.e., discovery of the unlawful nature of the constitutive act or acts.[18]

Prescinding from the foregoing, this Court agrees with the prosecution's argument that violation of the Anti-Graft and Corrupt Practices Act cannot be discovered until problems arising from the anomalous contracts became evident.[19] Also, granting *arguendo* that the reckoning point for the fifteen-year prescriptive period is October 1, 2001, the date of passage of the *Sangguniang Bayan* Resolution, as argued by the accused-movant, he still has to contend with the fact that the filing of the complaint-affidavit by the private complainants[20] before the Office of the Ombudsman signified the commencement of the proceedings for the prosecution of the accused and thus effectively interrupted the prescriptive period for the malfeasance he had been charged under R. A. No. 3019, as amended.[21] The *dictum* of the Supreme Court in ***Panaguiton, Jr. v. Department of Justice, et. al.***[22] on this matter is instructive. It is quoted below, *viz:*

> "In *Ingco v. Sandiganbayan*[23] and *Sanrio Company Limited v. Lim,*[24] which involved violations of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019) and the Intellectual Property Code (R.A. No. 8293), which are both special laws, the Court ruled that **<u>the prescriptive period is interrupted by the institution of proceedings for preliminary investigation against the accused</u>**. In the more recent case of *Securities and Exchange Commission v. Interport Resources Corporation, et al.,*[25] the Court ruled that the nature and purpose of the investigation conducted by the Securities and Exchange Commission on violations of the Revised Securities Act,[26] another special law, is equivalent to the preliminary

[18] *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto, et. al.,* G.R. No. 135715, April 13, 2011.

[19] Supra, Note 3, p. 2.

[20] Lucia L. Salustiano and Jocelyn H. Alfonso.

[21] Supra, Note 3, p. 3.

[22] G.R. No. 167571, November 25, 2008 [571 SCRA 549].

[23] 338 Phil. 1061 (1997).

[24] G.R. No. 168662, February 19, 2008 [546 SCRA 303].

[25] G.R. No. 135808, October 6, 2008.

[26] Presidential Decree No. 178.

investigation conducted by the DOJ in criminal cases, and thus effectively interrupts the prescriptive period.

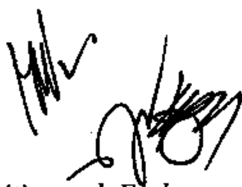
"The following disquisition in the *Interport Resources* case [27] is instructive, thus:

'While it may be observed that the term "judicial proceedings" in Sec. 2 of Act No. 3326 appears before "investigation and punishment" in the old law, with the subsequent change in set-up whereby the investigation of the charge for purposes of prosecution has become the exclusive function of the executive branch, the term "proceedings" should now be understood either executive or judicial in character: executive when it involves the investigation phase and judicial when it refers to the trial and judgment stage. With this clarification, **any kind of investigative proceeding instituted against the guilty person which may ultimately lead to his prosecution should be sufficient to toll prescription.**' [28]

"Indeed, to rule otherwise would deprive the injured party the right to obtain vindication on account of delays that are not under his control.[29] x x x." [30] (Emphasis and Underscoring Supplied.)

In fine, accused-movant's assertion that prescription can stymie proceedings against him deserve scant consideration. That said, since the information herein is sufficient in form and substance, there is no longer any impediment to the arraignment of the accused.

The right of the accused to speedy disposition of cases has not been violated



[27] Concurring Opinion, Tinga, J. in *Securities and Exchange Commission v. Interport Resources Corporation, et al.*, G.R. No. 135808, October 26, 2008.

[28] *Id.*.

[29] *People v. Olarte,* 19 Phil. 494 , 500 (1967).

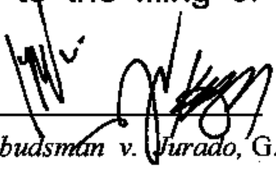
[30] Supra, Note 22, pp. 560 – 561; SEE *Disini v. Sandiganbayan, First Division and People,* G.R. Nos. 169823-24, 174764-65, September 11, 2013.

The next bone of contention of accused-movant pertains to the allegedly inordinate delay in the termination of the preliminary investigation which, if it passes fair scrutiny, runs afoul with his right to speedy disposition of the case.

The right to "a speedy disposition of cases" is enshrined in the Constitution. Section 16 of Article III of the Constitution provides: "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies." This right, however, is considered violated only when the proceedings is attended by vexatious, capricious, and oppressive delays,[31] which are absent in this case.

The concept of speedy disposition of cases is relative or flexible.[32] A simple mathematical computation of the time involved is insufficient. The facts and circumstances peculiar to each case must be examined.[33] In ascertaining whether the right to speedy disposition of cases has been violated, the following factors must be considered: (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.[34] The *desideratum* of a speedy disposition of cases should not, if at all possible, result in the precipitate loss of a party's right to present evidence, either in a plaintiffs being non-suited or the defendant's being pronounced liable under an *ex parte* judgment.[35]

To put things in proper perspective, the chronology of events leading to the filing of the information in this Court is summarized below:



[31] *The Ombudsman v. Jurado,* G.R. No. 154155, August 6, 2008 [561 SCRA 135].

[32] *Licaros v. Sandiganbayan,* G.R. No. 145851, November 22, 2001 [370 SCRA 394].

[33] *Binay v.. Sandiganbayan,* G.R. Nos. 120681 – 83, October 1, 1999 [316 SCRA 65].

[34] *Dela Peña v. Sandiganbayan,* G.R. No. 145851, November 22, 2001 [412 Phil. 921, 929], citing *Cojuangco, Jr. v. Sandiganbayan,* 360 Phil. 559, 587 (1998); *Blanco v. Sandiganbayan,* 399 Phil. 674, 682 (2000); Joaquin Bernas, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY, 1996, p. 489, *citing Barker v. Wings,* 407 US 524. *Dansal., et. al. v. Judge Gil P. Fernandez, Sr. and Montera,* G.R. No. 126814 , March 2, 2000.

[35] *Padua v. Ericta,* G.R. No. L-38570, May 24, 1988 [161 SCRA 458].

DATE	SIGNIFICANT EVENT
April 27, 2016	Complaint-affidavit of Lucia L. Salustiano and Jocelyn H. Alfonso, private complainants, was filed before the Office of the Ombudsman for Luzon
September 6, 2016	Evaluation Report of Graft investigation & Prosecution Officer IV Teresita P. Butardo – Tacata recommending that the case be assigned to a member of the Environmental Ombudsman Team for preliminary investigation
October 13, 2016	Order of Assistant Ombudsman Bayani Jacinto[36] (OIC of Environmental Ombudsman and Deputy Ombudsman for Luzon) directing Mayor Hermis C. Perez and Victor G. Rojo, President of Etsaw Consultancy and Construction of Environmental Technologies International Corporation of the Philippines (ECCE) to file their respective counter-affidavits
November 22, 2016	Motion for Extension of Time to file Counter-affidavit with Formal Entry of Appearance filed by respondent Hermis C. Perez
December 20, 2016	Counter-affidavit dated December 19, 2018, filed by Hermis C. Perez[37]
February 22, 2018	Resolution finding probable cause to indict Mayor Hermis C. Perez for violation of Section 3(e) of Republic Act No. 3019, but dismissing formal charges for alleged (a) malversation of public funds or property; (b) violation of Section 3(g) of R.A. No. 3019; and (c) violation of Sections 37 and 48 of R.A. No. 9003[38]
May 7, 2018	Respondent Perez filed a Partial Motion for Reconsideration from the Resolution dated February

[36] Now Associate Justice of the Sandiganbayan.

[37] Record, pp. 21 – 29.

[38] Record, pp. 5 – 15.

	22, 2018
June 7, 2018	Order denying Respondent Perez' Partial Motion for Reconsideration[39]
July 20, 2018	Ombudsman Conchita Carpio-Morales approved the Information dated July 19, 2018, forwarded by Assistant Special Prosecutor III Jorge B. Espinal[40]
October 2, 2018	Ombudsman Samuel R. Martires approved the filing of the information before the Sandiganbayan[41]
October 5, 2018	Filing of Information before the Sandiganbayan[42]

True, the investigators of the Office of the Ombudsman needed two and a half (2 1/2) years to finish their probe. But such happenstance alone, or any like delay, for that matter, should not be cause for an abdication by the Court of its duty to try cases and to finally make a determination of the controversy after the presentation of evidence. In ***Guerrero v. Court of Appeals, et al.***,[43] the Supreme Court declared:

> "While this Court recognizes the right to speedy disposition quite distinctly from the right to a speedy trial, and although this Court has always zealously espoused protection from oppressive and vexatious delays not attributable to the party involved, at the same time, we hold that a party's individual rights should not work against and preclude the people's equally important right to public justice. x x x."

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[39] Record, pp. 17 – 19.

[40] Record, p. 3.

[41] *Ibid.*.

[42] Record, pp. 1 – 3.

[43] G.R. 107211, June 28, 1996 [257 SCRA 703, 716], cited in *Dansal v. Fernandez, Sr.*, G. R. No. 126814 March 2, 2000 [327 SCRA 145].

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

In the fairly recent case of ***Cagang v. Sandiganbayan, Fifth Division, et. al.,***[44] the Supreme Court *en banc* gave a clear-cut guideline, to wit:

> "Considering that fact-finding investigations are not yet adversarial proceedings against the accused, the period of investigation will not be counted in the determination of whether the right to speedy disposition of cases was violated. Thus, this Court now holds that **FOR THE PURPOSE OF DETERMINING WHETHER INORDINATE DELAY EXISTS, A CASE IS DEEMED TO HAVE COMMENCED FROM THE FILING OF THE FORMAL COMPLAINT AND THE SUBSEQUENT CONDUCT OF THE PRELIMINARY INVESTIGATION.** In *People v. Sandiganbayan, Fifth Division,* the ruling that fact-finding investigations are included in the period for determination of inordinate delay is abandoned."[45] (Capitalization Supplied.)

In pari passu, in ***Magante v. Sandiganbayan (Third Division) and People,*** the Supreme Court noted that:

> "**IT IS ONLY WHEN A FORMAL VERIFIED COMPLAINT HAD BEEN FILED WOULD THE OBLIGATION ON THE PART OF THE OMBUDSMAN TO RESOLVE THE SAME PROMPTLY ARISE.** Prior to the filing of a complaint, the party involved is not yet subjected to any adverse proceeding and cannot yet invoke the right to the speedy disposition of a case, which is correlative to an actual proceeding. In this light, the doctrine in *People v. Sandiganbayan*[46] should be revisited.
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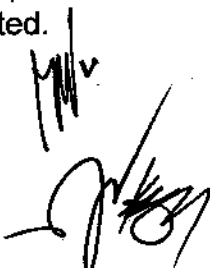
> "x x x.



[44] G.R. Nos. 206438 & 206458, 210141 – 42, July 31, 2018.

[45] cited in the following contemporaneous resolutions of the Sandiganbayan: *People v. Reinerio B. Belarmino, Jr.,* SB-18-CRM-0351 to 0366, November 5, 2018; *People v. Gerardo Abella Carillo,* SB-18-CRM-0402, December 27, 2018.

[46]

> "x x x [T]he period spent for fact-finding investigations of the Ombudsman prior to the filing of the formal complaint by the Field Investigation Office of the Ombudsman is irrelevant in determining inordinate delay.
>
> "In sum, **THE RECKONING POINT WHEN DELAY STARTS TO RUN IS THE DATE OF THE FILING OF A FORMAL COMPLAINT BY A PRIVATE COMPLAINANT** or the filing by the Field Investigation Office with the Ombudsman of a formal complaint based on an anonymous complaint or as a result of its *motu propio* investigations. The period devoted to the fact-finding investigations prior to the date of the filing of the formal complaint with the Ombudsman shall not be considered in determining inordinate delay. x x x." (Capitalization Supplied.)

More. Contrary to what the accused wanted to impress upon this Court,[47] the delay adverted to in the case under consideration does not measure up to the unreasonableness of the delay of disposition in *Tatad v. Sandiganbayan*,[48] and other allied cases.[49] It cannot be said that the accused found himself in a situation oppressive to his rights simply by reason of the delay and without more.

Even assuming there was delay in the termination of the preliminary investigation, accused is deemed to have slept on his right to a speedy disposition of cases. ***Currit tempus contra decides et sui juris contempores*** **(Time runs against the slothful and those who neglect their rights.)** Apparently, accused was impervious to the implications and contingencies of the projected criminal prosecution posed against him. He did not take any step whatsoever to accelerate the disposition of the matter. His nonchalance lends the impression that he did not object to the supervening delay, and hence it was impliedly with his acquiescence. He did not make any overt act like, for instance, filing a motion for early resolution.

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[47] Motion to Quash dated October 30, 2018, pp. 9 -11.

[48] G.R. No. 72335 – 39, March 21, 1988 [159 SCRA 70].

[49] *Braza v. Sandiganbayan*, G.R. No. 195032, February 20, 2013 [691 SCRA 471]; *Coscolluela v. Sandiganbayan*, G.R. No. 191411, July 15, 2013 [701 SCRA 188]; *Corpuz v. Sandiganbayan*, G.R. No. 162214, November 11, 2004 [442 SCRA 294]; *Almeda v. Office of the Ombudsman*, G.R. No. 204267, July 25, 2016 [798 SCRA 131]; *People v. Sandiganbayan, Perez, et. al.*, G.R. No. 189063, December 11, 2013 [712 SCRA 359].

In ***People v. Sandiganbayan [Fourth Division], Gamos and Gile,***[50] that Supreme Court stressed that the movant must allege and adduce proof that he was made to endure any vexatious process during the investigation phase such as in the ***Tatad*** [51]and ***Angchangco*** [52] ***cases.*** Corollarily, delay becomes inordinate only in the presence of arbitrary, vexatious and oppressive actions or inactions that are apparent in the face of the proceedings.[53] In ***Tai Lim v. Court of Appeals,***[54] the Supreme Court elucidated further, *viz:*

> "x x x [W]hat the constitution prohibits is vexatious, capricious and oppressive delays, x x x The terms have distinct connotations. **Vexatious** suggests an act which is willful and without reasonable cause, for the purpose of annoying and embarrassing another or one lacking justification and intended to harass (page 2548, Third Edition, Webster's International Dictionary). **Oppressive** connotes an unjust or cruel exercise of power or authority. **Capricious** action, on the other hand, means willful and unreasoning action. x x x." [55] (Emphasis Supplied.)

Accused-movant invokes the Supreme Court's *dicta* in *Coscolluela v. Sandiganbayan,*[56] and *Corpuz v. Sandiganbayan.*[57] The factual milieu in those cases are not on all fours with the instant case. Besides, even if he will allege that he is "living under a cloud of suspicion, anxiety, and often, hostility," [58] or is beleaguered by "tactical disadvantages" [59] as a result of the inordinate delay in

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[50] G.R. No. 232197-98, April 16, 2018; SEE *Dimayacyac v. Court of Appeals, Roxas, et. al.*, G.R. No. 136264, May 28, 2004 [474 Phil. 139].

[51] *Tatad v. Sandiganbayan,* G.R. Nos. 72335 – 39, March 12, 1988 [159 SCRA 70]; *Varela v. Sandiganbayan,* G.R. No. 203564, December 3, 2014.

[52] *Angchangco, Jr. v. Ombudsman,* G.R. No. 122728, February 13, 1997 [268 SCRA 301]; SEE *Cervantes v. Sandiganbayan,* G.R. No. 108595, May 18, 1999 [307 SCRA 149]; *Roque v. Office of the Ombudsman,* G.R. No. 129978, May 12, 1999 [307 SCRA 106];

[53] *De la Peña v. Sandiganbayan,* G.R. No. 144542, June 29, 2001 [360 SCRA 478].

[54] G.R. No.131483, October 26, 1999 [317 SCRA 521].

[55] *Ibid..*

[56] G.R. No. 191411, July 15, 2013 [701 SCRA 188].

[57] G.R. No. 162214, November 11, 2004 [442 SCRA 294]; Supra, Note 46, p. 9.

[58] *Corpuz v. Sandiganbayan,* G.R. No. 162214, November 11, 2004 [442 SCRA 294].

[59] *People v. Aida V. Estonido,* SB-17-CRM-0460, January 8, 2018.

terminating the preliminary investigation, such bare allegations, without more, will not suffice. Here, concrete proof in this regard is sorely lacking.

True, it is "the Ombudsman's responsibility to expedite the preliminary investigation within the bounds of reasonable timeliness,"[60] and "to speedily resolve the complaint, as mandated by the Constitution, regardless of whether the (respondent) did not object to the delay or that the delay was with his acquiescence".[61] But in the grand scheme of things, the long-drawn-out process is the inevitable, necessary and logical consequence of multifarious factors, such as but not limited to the sheer volume of cases handled by graft-busters. In ***Mendoza-Ong v. Sandiganbayan,***[62] the Supreme Court gave a realistic view, to wit:

> "x x x Speedy disposition of cases is consistent with reasonable delays. **The Court takes judicial notice of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to lodge freely their complaints against alleged wrongdoing of government personnel.**[63] **A steady stream of cases reaching the Ombudsman inevitably results.**[64] **Naturally, disposition of those cases would take some time.** Moreover, petitioner herself had contributed to the alleged delay when she asked for extension of time to file her counter-affidavit." (Emphasis Supplied.)

Accused-movant cited the High Tribunal's pronouncements in ***Coscolluella v. Sandiganbayan***[65] and ***Dansal v. Fernandez, Sr.,***[66] to stress that he was unduly prejudiced by the delay. Yet, he failed to allege the context, extent, and severity of such prejudice, if any. Hence, it is a feckless claim.

[60] *Coscolluela,* supra.

[61] *Almeda v. Office of the Ombudsman (Mindanao),* G.R. No. 204267, July 25, 2016, cited in *People v. Ninia P. Lumauan,* SB-17-CRM-0292, December 20, 2018.

[62] G.R. No. 146368 – 69, October 18, 2004, cited in *People v. Enrico R. Echiverri, et. al.,* SB-18-CRM-0464 to 0468, October 1, 2018.

[63] *Raro v. Sandiganbayan,* G.R. No. 108431, 14 July 2000 [335 SCRA 581, 608].

[64] *Dansal v. Fernandez, Sr.,* G.R. No. 126814, 2 March 2000 [327 SCRA 145, 156].

[65] G.R. No. 191411, July 15, 2015.

[66] G.R. No. 126814, March 2, 2000 [327 SCRA 145; 383 Phil. 897].

To recapitulate, the *Motion to Quash* must be ***denied*** for the following reasons:

1. The offense charged had not prescribed;

2. The right to speedy disposition of cases had not been violated; and

3. The allegedly inordinate delay in the prosecution of this case had no basis.

WHEREFORE, premises considered, the motion to quash of accused **Hermis Carlo Perez** is hereby ***DENIED*** for lack of merit.

Let the arraignment of the above-named accused be set accordingly.

SO ORDERED.

KEVIN NARCE B. VIVERO
Associate Justice

We concur:

SARAH JANE T. FERNANDEZ
Chairperson
Associate Justice

KARL B. MIRANDA
Associate Justice