



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0337**
 Plaintiff, For: Violation of Section 3(e)
 of R.A. No. 3019

SB-18-CRM-0338 and 0339
 For: Malversation under
 Article 217 of the RPC

- versus -

Present

EDGAR G. RAMA, ET AL.,
 Accused.

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

Promulgated:

DAN 21 2021

01/21/2021

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the following:

1. *Omnibus Motion to Dismiss and Release of Cash Bond* filed by accused Edgar G. Rama, William G. Surbano, Gorgonia E. Gonzales, Sergio G. Zurita and Nilo B. Gorgonio;¹ and,
2. The prosecution's *Opposition (To the Omnibus Motion to Dismiss and Release of Cash Bond dated October 27, 2020)*.²

In their *Omnibus Motion*, accused Rama, Surbano, Gonzales, Zurita and Gorgonio pray that this Court dismiss the present cases and release the cash bond they posted. They aver:

¹ Dated October 27, 2020; Record, Vol. 8, pp. 393-397.

² Dated November 5, 2020; Record, Vol. 8, pp. 376-387

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1. In the Decision dated July 28, 2020 in G.R. Nos. 243560-62 (*Nancy A. Catamco v. Sandiganbayan Sixth Division, et al.*) and 243261-63 (*Pompey M. Perez v. Sandiganbayan [Sixth Division]*), the Supreme Court (First Division) ordered the Sandiganbayan to dismiss Criminal Cases No. SB-18-CRM-0337, 0338 and 0339 for violation of the petitioners' constitutional right to speedy disposition of cases.
2. Because there was only one fact-finding investigation and preliminary investigation conducted in the instant case against all accused, it can be said that their right to speedy disposition of cases was likewise violated.

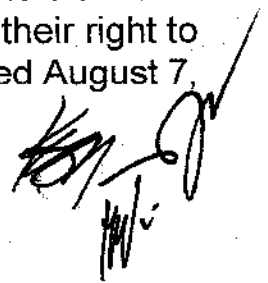
In its *Opposition*, the prosecution counters:

1. In the Resolution dated July 1, 2019 in G.R. Nos. 243648 and 243691-92, the Supreme Court (Third Division) dismissed the petition for certiorari of accused Rama, Surbano, Gonzales, Zurita and Gorgonio.
2. Said accused did not file their motion for reconsideration of said Resolution. Furthermore, they did not allege in their instant *Omnibus Motion* their earlier petition for certiorari and the dismissal thereof.
3. Said accused are again raising the issue of whether there was a violation of their right to speedy disposition of cases. However, such issue had already been resolved as to them in said Supreme Court's Resolution. In dismissing their petition for certiorari, the Supreme Court ruled that there was no violation of their right to speedy disposition of cases.
4. The judgment in the Catamco and Perez petition does not apply to accused Rama, Surbano, Gonzales, Zurita and Gorgonio.

THE COURT'S RULING

The Court resolves to deny the *Omnibus Motion* of accused Rama, Surbano, Gonzales, Zurita and Gorgonio (henceforth referred to as accused Rama, et al.).

In the Resolution dated August 7, 2018, this Court denied the respective *Motions* of accused Rama and Surbano, accused Nancy A. Catamco, and accused Pompey M. Perez, all praying for the dismissal of SB-18-CRM-0337 to 0339 on the ground of violation of their right to speedy disposition of cases. In the Minute Resolution dated August 7,



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2018, this Court likewise denied the *Motion to Quash* of accused Zurita, Gorgonio and Gonzales, adopting the *Motion to Quash* of accused Rama and Surbano. Subsequently, in the Resolution dated October 12, 2018, this Court denied the respective *Motions for Reconsideration* of said accused, all praying for the reversal of the Resolutions dated August 7, 2018.

Thereafter, said accused filed separate petitions with the Supreme Court, all assailing this Court's Resolutions dated August 7, 2018 and October 12, 2018.

The Supreme Court (Third Division) then issued its Resolution dated July 1, 2019 in G.R. Nos. 243648 and 243691-92, entitled *Edgar G. Rama, et al. v. People of the Philippines, Sandiganbayan (6th) Division*,³ dismissing the petition for certiorari of accused Rama, et al. *Viz.:*

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Acting on the petition for certiorari assailing the Resolutions dated August 7, 2018 and October 12, 2018 of the Sandiganbayan in SB-18-CRM-0337 and SB-18-CRM-0338 and 0339, the Court resolves to **DISMISS** the petition for failure to sufficiently show that any grave abuse of discretion was committed by the anti-graft court in rendering the challenged resolutions, which, on the contrary, appear to be in accord with the facts and the applicable law and jurisprudence.

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Later, the Supreme Court (First Division) rendered its Decision dated July 28, 2020⁴ in G.R. Nos. 243560-62, entitled *Nancy A. Catamco (formerly Nancy C. Perez) v. Sandiganbayan Sixth Division; Office of the Ombudsman; and People of the Philippines*, and G.R. Nos. 243261-63, entitled *Pompey M. Perez v. Sandiganbayan (Sixth Division)*. The dispositive portion of said Decision reads:

WHEREFORE, the consolidated petitions are hereby **GRANTED**. The assailed Resolutions dated August 7, 2018 and October 12, 2018 of the Sixth Division of the Sandiganbayan are **ANNULLED** and **SET ASIDE**. The Sandiganbayan is ordered to **DISMISS** Criminal Case Nos. SB-18-CRM-0337, SB-18-CRM-0338

³ A copy was officially received by the Sandiganbayan on September 19, 2019. The Sandiganbayan received a copy of the ENTRY OF JUDGMENT on October 23, 2020.

⁴ A copy was officially received by the Sandiganbayan on October 23, 2020

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and SB-18-CRM-0339 for violation of petitioners' Constitutional right to speedy disposition of cases.

SO ORDERED.

In the Resolution dated December 3, 2020,⁵ this Court noted the respective *Manifestations with Ex-parte Motions* of accused Perez and Catamco, which shall be resolved upon this Court's receipt of the *Entry of Judgment* issued by the Supreme Court.

In the Resolution dated December 22, 2020, this Court deferred action on accused Rama, et al.'s instant *Omnibus Motion*, the prosecution's *Opposition* thereto, and accused Rama, et al.'s *Reply to Prosecution's Opposition*,⁶ among others, pending this Court's receipt of the *Entry of Judgment* for the Supreme Court's Decision dated July 28, 2020.

Meanwhile, in the letter dated November 17, 2020 addressed to the Supreme Court (First Division), through Hon. Diosdado M. Peralta, this Court sought guidance on whether the Supreme Court (First Division)'s Decision dated July 28, 2020 is ordering the Sixth Division of the Sandiganbayan to dismiss the present cases, as worded in the dispositive portion of said Decision, or whether the directive is intended to apply only to accused Catamco and Perez.

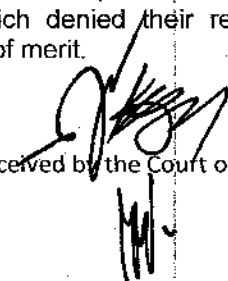
In his letter dated December 14, 2020, Hon. Diosdado M. Peralta clarified that the prefatory and dispositive portions of the Decision dated July 28, 2020 pertain only to accused Catamco and Perez. The pertinent portion of the Chief Justice's letter reads:

Please take note that the prefatory and dispositive portions of the Decision dated July 28, 2020 of the First Division in G.R. Nos. 243560-62 and 243261-63, pertain only to the two (2) petitioners in the consolidated cases, specifically: **Nancy A. Catamco (formerly Nancy C. Perez) and Pompey M. Perez.**

The instant consolidated Petitions for *Certiorari* filed by petitioner Nancy A. Catamco (Catamco), docketed as G.R. Nos. 243560-62, and by petitioner Pompey M. Perez (Perez), docketed as G.R. Nos. 243261-63, assail the Resolution dated August 7, 2018 and Resolution dated October 12, 2018 of the Sixth Division of the Sandiganbayan in SB-18-CRM-0337, SB-18-CRM-0338 and SB-18-CRM-0339, both of which denied their respective motions to dismiss the case for lack of merit.

⁵ Record, Vol. 8, p. 390

⁶ Dated November 9, 2020, filed by registered mail and received by the Court on January 4, 2021



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WHEREFORE, the consolidated petitions are hereby **GRANTED**. The assailed Resolutions dated August 7, 2018 and October 12, 2018 of the Sixth Division of the Sandiganbayan are **ANNULLED** and **SET ASIDE**. The Sandiganbayan is ordered to **DISMISS** Criminal Case Nos. SB-18-CR-0337, SB-18-CRM-0338, and SB-18-CRM-0339 for violation of petitioners' Constitutional right to speedy disposition of cases [*underscoring added*]

There being no doubt that the Supreme Court's directive in the Decision dated July 28, 2020 applies only to accused Catamco and Perez, accused Rama, et al.'s instant *Omnibus Motion* has no basis.

WHEREFORE, the *Omnibus Motion* of accused Rama, Surbano, Gonzales, Zurita and Gorgonio is hereby **DENIED** for lack of merit. Their *Reply to Prosecution's Opposition* is **NOTED**.

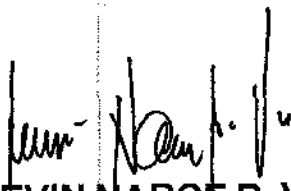
To allow the accused to prepare for the initial presentation defense evidence, the hearings previously set on January 20, 21, 27 and 28, 2021 are hereby **CANCELLED** and **RESET** to April 14 and 15, 2021, and all Wednesdays and Thursdays thereafter, all at 1:30 P.M.

SO ORDERED.


SARAH JANÉ T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice