



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

SB-18-CRM-0337  
For: Violation of Section 3(e)  
of R.A. No. 3019

- versus -

EDGAR G. RAMA, ET AL.,  
Accused.

*Present*

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

*Promulgated:*

JUL 14 2022 *[Signature]*

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## RESOLUTION

**FERNANDEZ, SJ, J.**

This resolves accused Ruben T. Estrera, Jr.'s *Motion to Dismiss*,<sup>1</sup> and the prosecution's *Comment/Opposition (To the Motion to Dismiss dated May 8, 2022 Filed by accused Ruben T. Estrera)*.<sup>2</sup>

In the Decision dated July 28, 2020 in *Nancy A. Catamco v. Sandiganbayan Sixth Division*,<sup>3</sup> and *Pompey M. Perez v. Sandiganbayan (Sixth Division)*,<sup>4</sup> the Supreme Court (First Division) annulled this Court's Resolutions dated August 7, 2018 and October 12, 2018, and ordered this Court to dismiss SB-18-CRM-0337 to 0339 for violation of therein petitioner Nancy A. Catamco and petitioner Pompey M. Perez's Constitutional right to speedy disposition of cases.

Thereafter, accused Edgar G. Rama, William G. Surbano, Gorgonia E. Gonzales, Sergio G. Zurita and Nilo B. Gorgonio (accused

<sup>1</sup> Dated May 8, 2022; Record, Vol. 9, pp. 321-327.

<sup>2</sup> Dated June 13, 2022 and filed by electronic mail on June 15, 2022.

<sup>3</sup> G.R. Nos. 243560-62

<sup>4</sup> G.R. Nos. 243261-63

*[Handwritten signatures]*

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Rama, et al.) sought the dismissal of the cases against them on the basis of the said Decision of the Supreme Court (First Division).<sup>5</sup> Previously, the Supreme Court (Third Division) dismissed<sup>6</sup> accused Rama, et al.'s petition for certiorari assailing this Court's Resolutions dated August 7, 2018 and October 12, 2018, which were also the subject of the Supreme Court (First Division)'s Decision in *Catamco* and *Perez*.

This Court, after seeking guidance from the Supreme Court (First Division), through Hon. Diosdado M. Peralta, denied accused Rama, et al.'s *Omnibus Motion to Dismiss* in the Resolution dated January 21, 2021.<sup>7</sup> This Court subsequently denied their *Motion for Reconsideration* in the Resolution dated February 17, 2021.<sup>8</sup>

Accused Rama, et al. then elevated the said matter to the Supreme Court, and eventually, in the Resolution dated June 23, 2021 in *Edgar G. Rama, et al. v. People of the Philippines and Sandiganbayan Sixth Division*,<sup>9</sup> the Supreme Court annulled and set aside this Court's Resolutions dated January 21, 2021 and February 17, 2021, and ruled that the said Decision in *Catamco* and *Perez* should favorably apply to therein petitioners Rama, et al.

On April 12, 2022, this Court received a certified copy of the *Entry of Judgment*<sup>10</sup> certifying that the Supreme Court (First Division)'s Decision dated July 28, 2020 in *Catamco* and *Perez* became final and executory on December 15, 2020.

In the Resolution dated April 18, 2022,<sup>11</sup> this Court (1) dismissed the cases against accused *Catamco* and *Perez*, in accordance with the Supreme Court (First Division)'s directive in the Decision dated July 28, 2020; (2) ordered the cases as to accused Rama, et al. be archived pending this Court's receipt of the *Entry of Judgment* in *Edgar G. Rama, et al. vs. People of the Philippines and Sandiganbayan Sixth Division* (G.R. Nos. 255962 and 255964-65); and (3) ordered the case as to

<sup>5</sup> *Omnibus Motion to Dismiss and Release of Cash Bond* dated October 27, 2020; Record, Vol. 8, pp. 393-397

<sup>6</sup> Resolution dated July 1, 2019 in G.R. Nos. 243648 and 243691-92 (*Edgar G. Rama, et al. vs. People of the Philippines, Sandiganbayan [6<sup>th</sup>] Division*); Record, Vol. 8, pp. 324-325

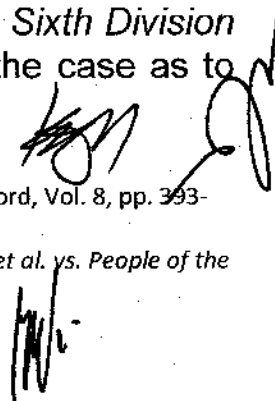
<sup>7</sup> Record, Vol. 8, pp. 424-428

<sup>8</sup> Record, Vol. 8, pp. 472-477

<sup>9</sup> G.R. Nos. 255962 and 255964-65; Record, Vol. 9, pp. 254-257

<sup>10</sup> Record, Vol. 9, pp. 284-285

<sup>11</sup> Record, Vol. 9, pp. 307-308



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accused Estrera, Ronald P. Carcellar, and Gregorio B. Dorog be archived pending their arrests.

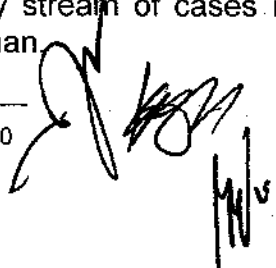
In his *Motion to Dismiss*, accused Estrera, who had been at large, now prays that the case against him be dismissed on the ground of violation of his constitutional right to speedy disposition of cases. According to him, he is similarly situated as accused Catamco, accused Perez, and accused Rama, et al., there being only one preliminary investigation conducted against all accused, and hence, the Supreme Court (First Division)'s Decision dated July 28, 2020 in *Catamco and Perez*, and the Resolution dated June 23, 2021 in *Edgar G. Rama, et al. vs. People of the Philippines and Sandiganbayan Sixth Division* (G.R. Nos. 255962 and 255964-65) also apply to him.

In its *Comment/Opposition*, the prosecution counters:

1. The directives in the Supreme Court (First Division)'s Decision dated July 28, 2020 and Resolution dated June 23, 2021 apply only to the petitioners therein, and cannot apply to accused Estrera, who is not a party thereto.
2. Accused Estrera failed to substantiate his claim of violation of his right to speedy disposition of cases.
3. The case records would show that there was no violation of accused Estrera's right to speedy disposition of cases.
  - a. The Office of the Ombudsman followed the procedure for preliminary investigation.
  - b. As the Court noted in the Resolution dated August 7, 2018, the complaint against the accused was in connection with the Fertilizer Fund Scam involving numerous transactions, concerning many local government units and officials from several regions. The lapse of time in the resolution of the case cannot be considered inordinate because there was a need to meticulously review and evaluate numerous records.
  - c. In *Dansal v. Fernandez*,<sup>12</sup> the Supreme Court held that the Ombudsman has the duty to act promptly on complaints, but such duty should not be at the expense of thoroughness and correctness. It further recognized the steady stream of cases reaching the Office of the Ombudsman.

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<sup>12</sup> G.R. No. 126814, March 2, 2000



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4. Accused Estrera failed to show that he suffered prejudice as a result of the perceived delay.

THE COURT'S RULING

The Court resolves to deny accused Estrera's *Motion to Dismiss*, which is solely based on his bare claim that he is similarly situated as accused Catamco, accused Perez, and accused Rama, et al.

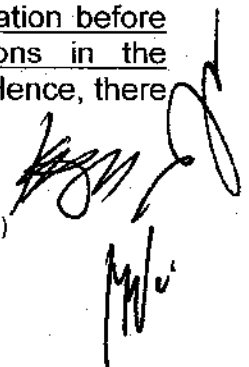
In the Supreme Court (First Division)'s Resolution dated June 23, 2021 in *Edgar G. Rama, et al. vs. People of the Philippines and Sandiganbayan Sixth Division* (G.R. Nos. 255962 and 255964-65), it was held that the Decision dated July 28, 2020 in *Catamco* and *Perez* should apply to accused Rama, et al. because they are similarly situated. The pertinent portion<sup>13</sup> of the said Resolution reads:

The petition is meritorious.

The Decision dated July 28, 2020 of the Court dismissing the criminal cases against Catamco and Perez for violation of their constitutional right to speedy disposition of cases should favorably apply as well to petitioners who were all similarly situated. Although there was a previous minute resolution issued by the Court's Third Division dismissing the *certiorari* petition filed by petitioners predicated on the same set of facts as those of Catamco and Perez, the said minute resolution did not discuss comprehensively the basis for the dismissal. This is because a minute resolution is issued for the prompt dispatch of the action of the Court and will only include a general statement that the petition failed to show any grave abuse of discretion committed by the Sandiganbayan in rendering the challenged resolutions.

Meanwhile, the Decision dated July 28, 2020 of the Court's First Division is a full-blown decision comprehensively discussing the facts and sufficiently stating the law and jurisprudence on which the judgment is based. It must be noted that petitioners, Catamco, and Perez are all similarly situated being the same accused in the Complaints filed before the Ombudsman and Informations filed before the Sandiganbayan. Whatever inordinate delay experienced by Catamco and Perez during the preliminary investigation before the Ombudsman until the filing of the Informations in the Sandiganbayan were likewise suffered by petitioners. Hence, there

<sup>13</sup> Resolution dated June 23, 2021, pp. 6-8; Record, Vol. 9, pp. 256 (back)-257(back)



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is no reason why the discussion and ruling arrived at by the Court should not be applied to petitioners.

Further, Section 11(a), Rule 122 of the Rules of Court provides that in a criminal case, an appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter. Although this is not technically an appeal but a petition for *certiorari*, there is no reason why the wisdom of the provision should not apply to petitioners in this case. As above-mentioned, Catamco, Perez, and petitioners are all similarly situated and suffered the same inordinate delay in the conduct of the preliminary investigation before the Office of the Ombudsman.

**WHEREFORE**, premises considered, the Resolutions dated January 21, 2021 and February 17, 2021 rendered by the Sandiganbayan Sixth Division are hereby **ANNULLED** and **SET ASIDE**. The Decision dated July 28, 2020 of the Court's First Division in *Catamco v. Sandiganbayan, Sixth Division and People of the Philippines* docketed as G.R. Nos. 243560-62 and *Perez v. Sandiganbayan, Sixth Division* docketed as G.R. Nos. 243261-63, dismissing Criminal Case Nos. SB-18-CRM-0337, SB-18-CRM-0338, and SB-18-CRM-0339 for violation of Pompey Perez and Nancy Catamco's constitutional right to speedy disposition of cases should favorably apply to petitioners.

(underscoring supplied)

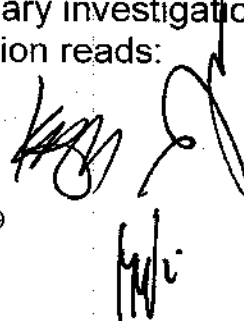
An examination of the record would show that indeed, accused Catamco, accused Perez, and accused Rama, et al. may be considered to be similarly situated. The said accused participated in the preliminary investigation by filing their respective counter-affidavits.<sup>14</sup> After the issuance of the Ombudsman's Resolution dated July 17, 2017, the said accused filed their respective *Motions for Reconsideration* of the said Resolution.<sup>15</sup>

On the other hand, accused Estrera is not similarly situated as the said accused. As previously mentioned, accused Estrera had been at large, and made his voluntary appearance for the first time by filing his instant *Motion to Dismiss* several years after the filing of the Informations with the Sandiganbayan. Furthermore, it does not appear that he participated in the said preliminary investigation. The pertinent portion<sup>16</sup> of the Ombudsman's Resolution reads:

<sup>14</sup> Record, Vol. 1, pp. 19-21

<sup>15</sup> Record, Vol. 1, p. 38

<sup>16</sup> Resolution dated July 17, 2017, p. 7; Record, Vol. 1, p. 19



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In an Order dated 19 July 2013, respondents were directed to file their Counter-Affidavits. Despite due notice, respondents Ruben T. Estrera, Jr. and Gregorio B. Dorog failed to file their answer, prompting this Office to consider them having waived their right to file the same.

Because accused Estrera did not participate at all in the preliminary investigation, he is presumed to have had no knowledge of the said proceedings, and therefore, he could not have suffered whatever inordinate delay experienced by accused Catamco, accused Perez, and accused Rama, et al. during the preliminary investigation before the Office of the Ombudsman until the filing of the Informations in the Sandiganbayan. Not being similarly situated as the said accused, the Supreme Court (First Division)'s Decision dated July 28, 2020 in G.R. Nos. 243560-62 and 243261-63 cannot similarly apply to accused Estrera.

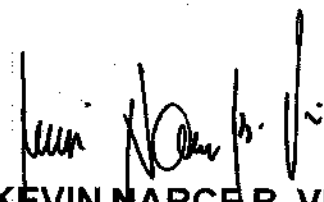
**WHEREFORE**, accused Estrera's *Motion to Dismiss* is hereby DENIED for lack of merit.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCEB B. VIVERO**  
Associate Justice