



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

**SB-22-CRM-0096**  
For: Violation of Section 3(e)  
of Republic Act No. 3019

**SB-22-CRM-0097**  
For: Violation of Section 6(b) in relation  
To Sec. 52(g) of R.A. No. 8291

**SB-22-CRM-0098**  
For: Violation of Section 81 in relation to  
Sec. 272(b) of R.A. No. 8424

- versus -

*Present*

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

**VOLTAIRE ANTHONY C.  
VILLAROSA,**

Accused.

*Promulgated:*

**AUG 03 2022** *[Signature]*

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves accused Voltaire Anthony C. Villarosa's *Motion for Reconsideration*,<sup>1</sup> and the prosecution's *Comment/Opposition (Re: Accused Villarosa's Motion for Reconsideration of the Resolution promulgated on 11 July 2022)*.<sup>2</sup>

*[Signatures]*

<sup>1</sup> Dated July 19, 2022 filed by electronic mail on July 19, 2022  
<sup>2</sup> Dated July 21, 2022 and filed by electronic mail on July 25, 2022

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In his *Motion for Reconsideration*, the accused prays that the Court reconsider its Resolution dated July 11, 2022<sup>3</sup> and promulgate a new one quashing the three (3) informations against him. He avers:

1. He failed to file a motion for reconsideration of the Ombudsman's Resolution due to absence of proper notice.
  - a. Although registered mail is one of the modes of service under Sec. 5, Rule 13 of the amended 1997 Rules of Procedure, sending a copy of the Resolution to his address is not considered notice in law because service was not made to his counsel on record.
  - b. In *Sales v. Sandiganbayan*, it was held that not affording the accused the opportunity to file a motion for reconsideration is tantamount to a denial of the right to a preliminary investigation.
  - c. He could not have filed his motion for reconsideration of the Ombudsman's Resolution because his counsel was not furnished with a copy thereof.
2. His right to speedy disposition of cases was violated.
  - a. In *Coscolluela v. Sandiganbayan (First Division)*,<sup>4</sup> it was held that it was not therein petitioners' duty to follow up on the prosecution of their case, and conversely, it was the Office of the Ombudsman's responsibility to expedite the same.
  - b. The delay in the filing of the Informations was unreasonable. The COVID-19 pandemic did not cripple the courts. In fact, the Presiding Justice of the Sandiganbayan even issued several Administrative Orders<sup>5</sup> allowing the filing/service of pleadings and other court submissions. The filing of the Informations only on May 6, 2022 cannot be considered justified.

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

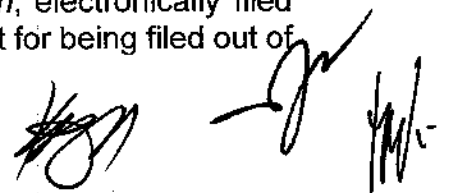
1. The accused's *Motion for Reconsideration*, electronically filed on July 19, 2022, should be denied outright for being filed out of

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<sup>3</sup> Record, pp. 273-283

<sup>4</sup> G.R. Nos. 191411 and 191871, July 15, 2013

<sup>5</sup> Administrative Order No. 001-2022 dated January 9, 2022, effective January 10, 2022; Administrative Order No. 017-2022 dated February 14, 2022, effective February 16, 2022; and Administrative Order No. 021-2022 dated February 28, 2022, effective March 1, 2022



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time. He only had until [July] 18, 2022, and not until July 27, 2022 to file his motion for reconsideration.

2. The Court correctly held in the assailed Resolution that not being given an opportunity to file a motion for reconsideration of the Ombudsman's resolution is not a ground for the dismissal of the present cases, and that the accused was not precluded from filing a motion for reconsideration even after the Informations were filed with the Sandiganbayan. Furthermore, the Office of the Ombudsman exerted efforts to serve upon the accused copies of the Ombudsman's Resolution, and such efforts can be considered as sufficient compliance with due process.
3. The accused has not shown that there was vexatious, capricious and oppressive delay in the conduct of the preliminary investigation.
  - a. The accused failed to assert his right to speedy disposition of cases when the case was still in the preliminary investigation stage. His silence amounts to a waiver of such right.
  - b. The delay in the filing of the Informations with the Sandiganbayan cannot be considered vexatious, capricious and oppressive, considering the circumstances at the time of the height of the pandemic.
  - c. The accused has not shown how he suffered from the alleged violation of his right to speedy disposition of cases.

THE COURT'S RULING

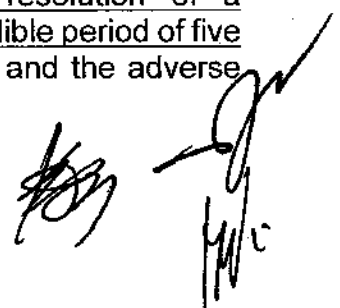
The Court resolves to deny the accused's *Motion for Reconsideration*.

As pointed out by the prosecution, the accused's *Motion for Reconsideration* was filed beyond the period allowed for filing the same. The pertinent portion<sup>6</sup> of the *Revised Guidelines for Continuous Trial of Criminal Cases*<sup>7</sup> (*Revised Guidelines*) reads:

The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, and the adverse

<sup>6</sup> III. Procedure, 2. Motions, (c) *Meritorious Motions*

<sup>7</sup> A.M. No. 15-06-10-SC



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party shall be given an equal period of five (5) calendar days from receipt of the motion for reconsideration within which to submit its comment. Thereafter, the motion for reconsideration shall be resolved by the court within a non-extendible period of five (5) calendar days from the expiration of the five (5)-day period to submit the comment.

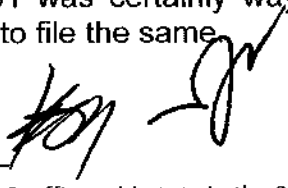
(underscoring supplied)

According to the accused, he received a copy of the assailed Resolution on July 12, 2022. Hence, he only had until July 18, 2022, July 17 being a Sunday, to file a motion for reconsideration. The instant *Motion for Reconsideration*, however, was filed only on July 19, 2022.

The accused's *Motion for Reconsideration* may be denied outright on such ground alone, but even on the merits, the said Motion must still be denied.

Contrary to the accused's insistence, he was given the opportunity to file his motion for reconsideration of the Ombudsman's Resolution. In the Supreme Court's Resolution in *Gonzalo Puyat & Sons, Inc. v. Alcaide*,<sup>8</sup> the Supreme Court held that "actual knowledge" is equivalent to "notice." *Viz.:*

And *third*, this Court is not unaware of the time-honored principle that "actual knowledge" is equivalent to "notice." Thus, when petitioner, through its counsel, filed its Motion to Lift Order of Finality dated August 20, 2001 with the DAR, this indubitably indicates that petitioner and its counsel already had prior "actual knowledge" of the June 8, 2001 Order, which "actual knowledge" is equivalent to "notice" of said order. As a matter of fact, in the said motion, petitioner even quoted the dispositive portion of the June 8, 2001 Order of the DAR. Inevitably, this leads to no other conclusion than that petitioner already had actual knowledge of the denial of its petition at the time said motion had been drafted and/or filed. Since the motion to lift order of finality was drafted and/or filed on August 20, 2001, it can be said that at the latest, petitioner had until September 4, 2001 within which to file its motion for reconsideration. Consequently, the filing of the motion for reconsideration only on September 14, 2001 was certainly way beyond the reglementary period within which to file the same.



<sup>8</sup> G.R. No. 167952, October 19, 2016; affirmed *in toto* in the Supreme Court's Resolution dated July 5, 2017



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Here, the accused stated in his *Urgent Motion to Quash* that he was able to photocopy the records of the present cases. He then enumerated the pertinent details, including the dates and the officials who signed the Ombudsman's Resolution, and even quoted the dispositive portion of the said Resolution.<sup>9</sup> The accused did not indicate the date when he actually informed his counsel of the Ombudsman's Resolution, but it can be concluded that his counsel already had actual knowledge of the Ombudsman's Resolution on June 22, 2022—the date of the filing of his *Urgent Motion to Quash* through counsel—because the details of the Ombudsman's Resolution were already included in the accused's *Urgent Motion to Quash*. As held in *Gonzalo Puyat & Sons, Inc.*, actual knowledge is equivalent to notice. Thus, the accused's counsel had notice of the Ombudsman's Resolution on June 22, 2022, if not earlier, and the accused was not precluded from filing his motion for reconsideration of the Ombudsman's Resolution within five (5) days from the said date.

At any rate, even assuming that the accused was not given an opportunity to file a motion for reconsideration of the Ombudsman's Resolution, as this Court held in the assailed Resolution,<sup>10</sup> not being given the opportunity to file a motion for reconsideration of the Ombudsman's Resolution is not a ground for the dismissal of the present cases. The proper remedy for the accused is to file a motion for reconsideration before the Office of the Ombudsman. This is consistent with the ruling in *Sales v. Sandiganbayan (4<sup>th</sup> Division)*,<sup>11</sup> cited by the accused, wherein it was held that the deprivation of the right to a full preliminary investigation warrants the remand of the case to the Ombudsman for the completion thereof.

Next, the accused insists that his right to speedy disposition of cases was violated because the delay in the filing of the Informations with the Sandiganbayan was unreasonable, considering that the Presiding Justice of the Sandiganbayan issued several Administrative Orders providing for the work arrangements in the Sandiganbayan as early as January 2022. This Court disagrees.

Indeed, the Court's operations started to normalize from around January 2022, when the said Administrative Orders were issued, and the Office of the Ombudsman could have filed the Informations by then

<sup>9</sup> *Urgent Motion to Quash* dated June 20, 2022, pp. 3-4, paragraphs 7-9; Record, pp. 178-179

<sup>10</sup> Resolution dated July 11, 2022, p. 10; Record, p. 282

<sup>11</sup> G.R. No. 143802, November 16, 2001

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However, the delay is not overly long for the same to be considered vexatious, capricious and oppressive. Furthermore, as held in the assailed Resolution, the accused has not alleged, much less, shown how he was prejudiced by the delay.

In fine, there is nothing in the accused's *Motion for Reconsideration* that would warrant the reversal of the assailed Resolution.

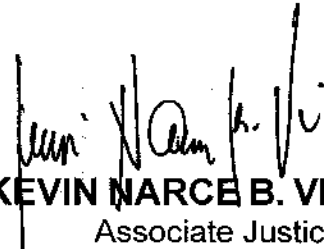
**WHEREFORE**, the accused's *Motion for Reconsideration* is hereby DENIED.

SO ORDERED.

  
SARAH JANE T. FERNANDEZ  
Associate Justice  
Chairperson

**We Concur:**

  
KARL B. MIRANDA  
Associate Justice

  
KEVIN NARCE B. VIVERO  
Associate Justice