



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-22-CRM-0195**
Plaintiff, For: Violation of Sec. 3(e)
of R.A. No. 3019

SB-22-CRM-0196
For: Violation of Section 3(g)
of R.A. No. 3019

- versus -

Present

RICARDO M. CAMACHO,
ET AL.,

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

Accused.

Promulgated:

19 JAN 2023 

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves accused Ricardo M. Camacho's *Motion to Defer/Suspend Arraignment*,¹ wherein he prays that the arraignment set on November 22, 2022 be suspended until his *Motion for Reconsideration* and *Supplemental Motion for Reconsideration* are resolved by the Office of the Ombudsman.

In the Resolution dated November 17, 2022,² the Court cancelled the hearing set on November 22, 2022, and reset the same to January 26, 2023. The Court also directed the prosecution (a) to confirm whether the said *Motion for Reconsideration* and *Supplemental Motion for Reconsideration* have been resolved; and, (b)

¹ Dated November 15, 2022; Record, pp. 335-354

² Record, p. 354-A

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to file its comment/opposition to accused Camacho's *Motion to Defer/Suspend Arraignment*.

In its *Comment*,³ the prosecution confirms that the Office of the Ombudsman received accused Camacho's said *Motion for Reconsideration* and *Supplemental Motion for Reconsideration*, and that the same are yet to be resolved. The prosecution also opposes accused Camacho's *Motion to Defer/Suspend Arraignment* on the following grounds:

1. Accused Camacho's Motion a prohibited motion under the *Revised Guidelines for Continuous Trial of Criminal Cases* because it is not among those enumerated under Sec. 11, Rule 116 of the Rules of Court.
2. Under Sec. 7(b), Rule II of the *Rules of Procedure of the Office of the Ombudsman*, the filing of a motion for reconsideration/reinvestigation shall not bar the filing of the corresponding information in Court on the basis of the finding of probable cause in the resolution subject of the motion.

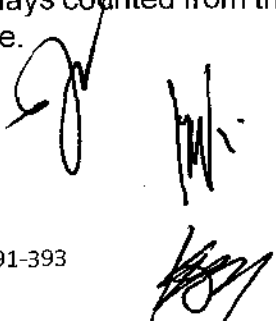
THE COURT'S RULING

The Court resolves to grant accused Camacho's instant Motion.

Sec. 11, Rule 116 of the Rules of Court provides:

Sec. 11. Suspension of arraignment. – Upon motion by the proper party, the arraignment shall be suspended in the following cases:

- (a) x x x;
- (b) x x x; and
- (c) A petition for review of the resolution of the prosecutor is pending at either the Department of Justice, or the Office of the President; *Provided*, That the period of suspension shall not exceed sixty (60) days counted from the filing of the petition with the reviewing office.



³ Dated January 6, 2023; Record, pp. 391-393

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Indeed, Sec. 11(c), Rule 116 of the Rules of Court only mention the review of the prosecutor's resolution by the Department of Justice, or the Office of the President. But it must be pointed out that the Department of Justice or the Office of the President cannot review the Office of the Ombudsman's resolution finding probable cause. The said provision of the Rules of Court may be interpreted as applying to instances where the resolution finding probable cause is under review by the appropriate body, such as when the Office of the Ombudsman is reviewing its own resolution upon the filing of a motion for reconsideration.

Furthermore, Sec. 7(b), Rule II of the *Rules of Procedure of the Office of the Ombudsman* does not apply to the matter at hand. The said provision merely states that the filing of the motion for reconsideration/reinvestigation shall not bar the filing of the corresponding information in Court. The said provision does not pertain to the suspension of arraignment where the Information had already been filed with the Court before the motion for reconsideration had been resolved by the Office of the Ombudsman.

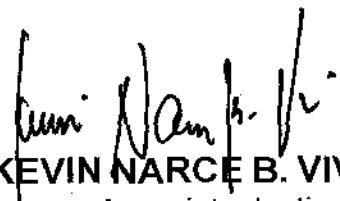
WHEREFORE, accused Camacho's *Motion to Defer/Suspend Arraignment* is hereby GRANTED. The hearing for the accused's arraignment previously set on January 26, 2023 is hereby DEFERRED pending the Office of the Ombudsman's resolution of accused Camacho's *Motion for Reconsideration and Supplemental Motion for Reconsideration*.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

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