



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 Sec. 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:

March 31, 2023

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the following:

1. *Motion for Reconsideration*¹ filed by accused Ricardo M. Camacho;
2. *Motion for Reconsideration*² filed by accused Willy L. Chua; and,
3. The prosecution's *Consolidated Opposition (Re: Motions for Reconsideration of Accused Camacho and Chua)*.³

¹ Dated March 13, 2023 and filed by electronic mail on even date

² Dated March 13, 2023 and filed by electronic mail on even date

³ Dated March 17, 2023 and filed on March 24, 2023

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In his *Motion for Reconsideration*, accused Camacho prays that the Court reconsider and set aside the Resolution dated March 10, 2023 and promulgate a new one dismissing these cases for violation of his right to speedy disposition of cases. He avers:

1. When he filed his *Supplemental Motion for Reconsideration* on November 15, 2022 with the Office of the Ombudsman, the *Motion for Reconsideration* he earlier filed was still pending resolution by the said office. Thus, when he invoked his right to speedy disposition of cases in his *Supplemental Motion for Reconsideration*, the preliminary investigation was not yet terminated. The Court even deferred the accused's arraignment pending resolution by the Office of the Ombudsman of his *Motion for Reconsideration* and *Supplemental Motion for Reconsideration*.
2. His assertion of his right to speedy disposition of the case before the Office of the Ombudsman and before the Court belies the finding that he slept on his right.
3. In *Alarilla v. Sandiganbayan*,⁴ it was held that since the Ombudsman's own procedural rules prohibit motions to dismiss, except on the ground of lack of jurisdiction, persons with pending cases before the Ombudsman have no legitimate avenues to assert their right to speedy disposition of cases at the preliminary investigation level. Thus, it is sufficient for them to timely assert their right at the earliest possible opportunity, even after preliminary investigation.

In his *Motion for Reconsideration*, accused Chua similarly prays that the Court reconsider and set aside its Resolution dated March 10, 2023, and issue a new one granting his *Motion to Quash*. He avers:

1. He made a timely assertion of his right to speedy disposition of cases because he invoked the said right immediately after the Information was filed with the Court.
2. As held in *Escobar v. People*,⁵ it is the prosecutor's duty to speedily resolve the complaint, regardless of whether the petitioner did not object to the delay or that the delay was with the petitioner's acquiescence, provided that the delay was not due to causes directly attributable to the petitioner.

In its *Consolidated Opposition*, the prosecution counters that accused Camacho and Chua merely raise the same arguments they

⁴ G.R. Nos. 236177-210, February 3, 2021

⁵ G.R. Nos. 228349 and 228353, September 19, 2018

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already raised in their respective Motions to Quash, and the Court already considered the same in the assailed Resolution.

THE COURT'S RULING

The Court resolves to deny accused Camacho and Chua's respective *Motions for Reconsideration*, there being nothing therein to warrant the reversal of the Resolution dated March 10, 2023.

The Court already addressed the matters that the accused raised in their *Motions for Reconsideration* in the assailed Resolution, the pertinent portion⁶ of which is hereunder quoted for convenience:

Although the prosecution failed to justify the delay, the Court nonetheless denies accused Camacho and Chua's Motions because there is nothing in the record to show that the investigation was motivated by malice or brought to harass the accused, and more importantly, the said accused failed to make a timely assertion of their right to speedy disposition of cases. *Cagang* instructs that the right to speedy disposition of cases must be invoked once the delay has already become prejudicial to the respondent. Otherwise, the right is deemed to have been validly waived. *Viz.:*

The right to speedy disposition of cases, however, is invoked by a respondent to any type of proceeding once delay has already become *prejudicial* to the respondent. The invocation of the constitutional right does not require a threat to the right to liberty. Loss of employment or compensation may already be considered as sufficient to invoke the right. Thus, waiver of the right does not necessarily require that the respondent has already been subjected to the rigors of criminal prosecution. The failure of a respondent to invoke the right even when [he] or she has already suffered or will suffer the consequences of delay constitutes a valid waiver of the right.

In the more recent case of *Magaluna v. Office of the Ombudsman (Mindanao)*, the Supreme Court held that despite the inordinate delay on the part of the Ombudsman Mindanao, therein petitioners may no longer invoke their right to speedy disposition of cases because they acquiesced to the delay or failed to timely raise their right. *Viz.:*

Despite the inordinate delay committed by Ombudsman Mindanao, petitioners, except for Plaza, failed to timely invoke their right to speedy disposition of cases.

⁶ Resolution dated March 10, 2023, pp. 7-9

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The guidelines set forth in *Cagang* specifies that the right may no longer be invoked if the person being investigated acquiesced to the delay or failed to timely raise it.

The case of *Dela Peña v. Sandiganbayan*, expounds the concept of acquiescing to the delay, to wit:

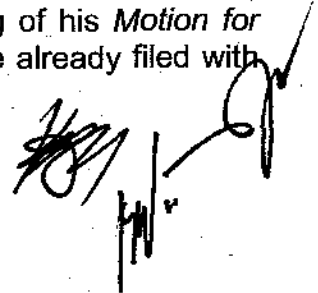
"Moreover, it is worth to note that it was only on 21 December 1999, after the case was set for arraignment, that petitioner raised the issue of the delay in the conduct of the preliminary investigation. As stated by them in their Motion to Quash/Dismiss, "[o]ther than the counter-affidavits, [they] did nothing." Also, in their petition, they averred: "Aside from the motion for extension of time to file counter-affidavits, petitioners in the present case did not file nor send any letter-queries addressed to the Office of the Ombudsman for Mindanao which conducted the preliminary investigation." **They slept on their right – a situation amounting to laches.** The matter could have taken a different dimension if during all those four years, they showed signs of asserting their right to a speedy disposition of their cases or at least made some overt acts, like filing a motion for early resolution, to show that they were not waiving that right. Their silence may, therefore be interpreted as a waiver of such right."

Here, petitioners, except for Plaza, cannot deny that they knew that the preliminary investigation was still ongoing as they were asked to file counter-affidavits as early as May 2009. They submitted their counter-affidavits and did nothing until the resolution of the case on April 2014 or five (5) years later. Petitioners, except for Plaza, slept on their rights amounting to laches.

Petitioners also failed to timely raise their right. Following *Cagang*, they failed to file the appropriate motion upon the lapse of the statutory or procedural periods or within ten (10) days after the investigation. They even failed to raise the right in their motion for reconsideration before the Ombudsman Mindanao. Petitioners for the first time invoked their right to speedy disposition of cases in their Petition for *Certiorari* before this Court. Hence, the Court finds that petitioners, except for Plaza, waived their right to a speedy disposition of case. [sic]

Similarly, herein accused Camacho and Chua knew that the preliminary investigation proceedings were ongoing because when they were directed to file their counter-affidavits on March 8, 2018, accused Camacho and Chua filed their counter-affidavits on April 13, 2018 and May 7, 2018, respectively, and they did not receive a copy of the resolution dismissing the charges against them.

Thereafter, accused Camacho did nothing until the Ombudsman approved the Joint Resolution on July 6, 2022, despite supposedly suffering prejudice as a result of the delay. He did not even assert his right to speedy disposition of cases in his *Motion for Reconsideration*. Indeed, as accused Camacho claims, he invoked his right in his *Supplemental Motion for Reconsideration*, but this seems to be a mere afterthought. The said *Supplemental Motion for Reconsideration* was filed only on November 15, 2022, or two (2) months and twenty-one (21) days from the filing of his *Motion for Reconsideration*. By then, the Informations were already filed with



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the Court. Accused Chua also did nothing until after the Informations were filed with the Court.

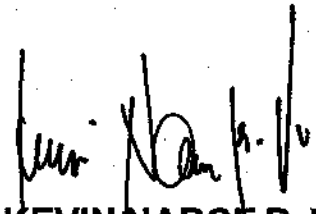
WHEREFORE, the respective *Motions for Reconsideration* of accused Camacho and Chua are hereby DENIED.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice