

Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**FRANCISCO N. MAMBA, JR. ET
AL.,**

Accused.

SB-19-CRM-0048 to 0049
For: Violation of Section 3(e) of
R.A. No. 3019, or the Anti-Graft
and Corrupt Practices Act

Present:

**LAGOS, J., Chairperson,
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.**

Promulgated:

April 01, 2024

x

Suzel J. Garcia

RESOLUTION

CORPUS-MAÑALAC, J.:

Before the Court are: (1) Ramon A. Aytona's Motion for Reconsideration¹ dated March 8, 2024, of this Court's Resolution dated March 7, 2024, denying his Motion to Quash² dated January 29, 2024; and (2) the prosecution's Comment/Opposition³ dated March 19, 2024.

On March 7, 2024, the Court denied Ramon A. Aytona's motion to quash. That motion was based on the Supreme Court's order of dismissal in the petition for certiorari filed by all but one of the accused public officers for violation of their right to speedy disposition of cases. The case against the accused public officer who was not a petitioner in the certiorari case had earlier been dismissed due to his death. In denying Aytona's motion to quash, this Court relied upon *People v. Go*⁴ to hold that the order of dismissal would not bar proceeding with the case as regards Aytona, who stands charge as a conspirator private person in SB-19-CRM-0048.

Aytona now urges the Court to reconsider the denial of his motion to quash.⁵

¹ Records, Vol. 7, pp. 460-468.

² Id. at 368-376.

³ Id. at 477-480.

⁴ G.R. No. 168539, March 25, 2014.

⁵ Records, Vol. 7, pp. 460-468.

MP

Endeavoring to show that *People v. Go* is inapplicable to and “factually and legally very different from the present case,”⁶ Aytona drew distinctions between the two cases. Unlike *People v. Go*, Aytona avers, the information in this case was quashed, and there was a finding of inordinate delay during the preliminary investigation, and the death of one of the accused public officers occurred after the Information was filed but before the petition for certiorari was initiated.⁷ Essentially, he reiterates what he had stated in his motion to quash: The dismissal of the cases against the accused public officers for violation of their right to speedy disposition of cases deprives this Court of authority to continue hearing the case against him. He further claims that the inordinate delay finding benefits him and a deceased accused public officer, despite that only the other public officers petitioned to the Supreme Court on certiorari the inordinate delay that attended the preliminary investigation.

In Aytona’s view, the controlling case here is *Go v. Sandiganbayan*,⁸ where the case for violation of Section 3(g) of the Anti-Graft and Corrupt Practices Act⁹ against a conspirator private person was ordered dismissed by reason of the accused public officer’s acquittal.¹⁰

The prosecution opposed Aytona’s motion for reconsideration.¹¹

In opposing Aytona’s motion for reconsideration, the prosecution pointed out, as it did against Aytona’s motion to quash, that “Aytona is not similarly situated with the rest of the accused public officers and employees”¹² and that “[h]aving failed to seasonably invoke his right to a speedy disposition of his case, [he] is now deemed to have waived it.”¹³ The prosecution also lifted some parts from the assailed resolution to argue against the present motion for reconsideration.

RULING

The Court finds no compelling reason to modify or reverse the resolution denying Aytona’s motion to quash. It must be noted that nearly all arguments raised in the instant motion for reconsideration were already considered and addressed by the Court when it resolved Aytona’s motion to quash. Hence, there is no need to elaborate on them.

Aytona attempts to weaken *People v. Go*’s sway over this case by drawing distinctions between that case and this case. But those distinctions are inconsequential. To the Court’s mind, *People v. Go* applies here as it

⁶ Id. at 461.

⁷ Id. at 461-463.

⁸ G.R. No. 172602, April 16, 2009 [Resolution].

⁹ R.A. No. 3019.

¹⁰ Records, Vol. 7, p. 463.

¹¹ Id. at 477-480.

¹² Id. at 478.

¹³ Id. at 479.



demonstrates that a private person alone, like Aytona in this case, may still be prosecuted even if the conspirator public officer can no longer be charged and, consequently, convicted, if the crime has not yet been extinguished and the basis of conspiracy not removed.


Furthermore, the Court disagrees with Aytona's assertion that *Go v. Sandiganbayan* is the controlling case. In that case, the accused public officer was *acquitted* after his demurrer to evidence was granted, which is an adjudication on the merits. It was in that context that *Go v. Sandiganbayan* held that the case against the conspirator private person should be dismissed because "[t]he *acquittal* of [the accused public officer] means that there was no public officer who allegedly violated Section 3 (g) of R.A. No. 3019. There being no public officer, it follows that a private individual . . . could not be said to have conspired with such public officer. *The basis for a finding of conspiracy against petitioner and Rivera has been removed.*"¹⁴ In stark contrast to *Go v. Sandiganbayan*, the cases against the accused public officers here were dismissed either because of death or for violation of their speedy disposition of cases right, neither of which delve into the existence or non-existence of the crime and of the conspiracy.

WHEREFORE, premises considered, Ramon A. Aytona's Motion for Reconsideration dated March 8, 2024, of the Court's Resolution dated March 7, 2024, is **DENIED** for lack of merit.

SO ORDERED.


MARYANN E. CORPUS-MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

¹⁴ *Go v. Sandiganbayan*, G.R. No. 172602, April 16, 2009 [Resolution]. (Emphasis supplied)