

**\*\*Title:\*\*** Roger N. Abardo vs. The Honorable Sandiganbayan

**\*\*Facts:\*\***

Roger N. Abardo, the provincial assessor of Camarines Sur, faced two separate informations filed by the Office of the Ombudsman for falsification of public documents (Criminal Case Nos. 16744 and 16745) on May 21, 1991. These charges involved the fraudulent reclassification and valuation of properties in the name of United Coconut Planters Bank (UCPB) and subsequently transferred to Sharp International Marketing (Phil.) Inc. Abardo's arraignment faced multiple postponements due to filed motions including a Motion to Quash and a subsequent Petition for Certiorari to the Supreme Court, which was ultimately dismissed on March 5, 1992. Following this, years of delays ensued, marked by motions for reconsideration, requests for reinvestigation, and changes within the Sandiganbayan including its reorganization. These events prolonged the trial, with the prosecution's failure to complete a reinvestigation contributing significantly to the delay. Abardo's motions to dismiss based on mootness given the government's purchase of the contested estate, and violations of the Speedy Trial Act of 1998, were denied by the Sandiganbayan.

**\*\*Issues:\*\***

1. Whether the purchase by the Philippine government of the Garchitorena estate rendered the criminal cases moot and academic.
2. Whether the prosecution's delay in conducting the trial violated Abardo's right to a speedy trial under the Speedy Trial Act of 1998 and the 1987 Philippine Constitution.

**\*\*Court's Decision:\*\***

The Court granted Abardo's petition, setting aside the Sandiganbayan's resolutions and ordering the dismissal of the criminal cases. It held that neither the government's purchase of the estate nor the stipulations of the Speedy Trial Act directly applied to Abardo's arraignment timeframe. However, the Court found that the prolonged delay and the prosecution's failure to complete the reinvestigation constituted a violation of Abardo's constitutional right to a speedy disposition of his cases. The Court highlighted the undue length of time, the inaction of the Ombudsman, and the resulting prejudice to Abardo, including the withholding of his retirement benefits.

**\*\*Doctrine:\*\***

The Court reiterated the constitutional right to a speedy disposition of cases, emphasizing that delays must be balanced against the reasons provided, the assertion of the right by the accused, and the resulting prejudices. It pointed out that the causes for the extinction of

criminal liability do not include the transactions or changes concerning the properties involved in the criminal charges.

**\*\*Class Notes:\*\***

- The constitutional right to a speedy disposition of cases is not just for the trial phase but for all proceedings, including pre-trial and reinvestigation stages.
- Factors to consider in determining a violation of the right to a speedy trial include duration of the delay, reason for the delay, assertion of the right, and prejudice to the accused.
- Causes for the extinction of criminal liability (Article 89 of the Revised Penal Code) do not cover events such as government actions related to the subject of the criminal case.

**\*\*Historical Background:\*\***

The case reflects the challenges within the Philippine judicial system regarding delays and the assessment of the right to a speedy trial versus procedural maneuvers by both defense and prosecution. Abardo's case occurred amid legislative and judicial efforts, including the enactment of the Speedy Trial Act of 1998 (Republic Act No. 8493), to address systemic delays in the disposition of cases.