

**## Title:**

Brig. Gen. (Ret.) Jose Ramiscal, Jr. vs. Sandiganbayan and People of the Philippines

**## Facts:**

1. **\*\*Background:\*\*** Petitioner Jose S. Ramiscal, Jr. served as President of the Armed Forces of the Philippines – Retirement and Separation Benefits System (AFP-RSBS) from April 5, 1994, to July 27, 1998.
2. **\*\*Land Transaction:\*\*** During Ramiscal’s tenure, the AFP-RSBS Board of Trustees approved the acquisition of 15,020 square meters of land in General Santos City for development as housing projects. On August 1, 1997, bilateral deeds of sale were signed between AFP-RSBS, represented by Ramiscal, and the attorney-in-fact of 12 individual vendors, agreeing upon a price of P10,500.00 per square meter.
3. **\*\*Payment and Unilateral Deeds:\*\*** Payments at the agreed price were made to the vendors. Attorney Flaviano executed unilateral deeds of sale for the same properties indicating a lower purchase price of P3,000 per square meter, which were registered and became the basis for the transfer certificates of title.
4. **\*\*Complaint Filed:\*\*** Congresswoman Luwalhati R. Antonino filed a complaint against Ramiscal and 27 others on December 18, 1997, for violations of RA 3019 (Anti-Graft and Corrupt Practices Act) and malversation of public funds or property through falsification of public documents.
5. **\*\*Preliminary Investigations:\*\*** The Ombudsman found probable cause against Ramiscal for 12 counts of falsification of public documents and violations of Section 3(e) of RA 3019. Consequently, several informations were filed in the Sandiganbayan.
6. **\*\*Proceedings:\*\*** Ramiscal filed two motions for reconsideration, which were handled by various internal departments of the Ombudsman, leading to different recommendations. Ultimately, the panel of prosecutors reaffirmed the probable cause against Ramiscal.
7. **\*\*Arraignment and Sandiganbayan Decision:\*\*** Despite filing a second motion for reconsideration, the Sandiganbayan arraigned Ramiscal on February 26, 2006, where he refused to enter a plea resulting in a not-guilty plea entered by the court. On April 5, 2006, the Sandiganbayan denied Ramiscal’s motion to set aside his arraignment.

**## Issues:**

1. **Main Issue:** Did the Sandiganbayan commit grave abuse of discretion in denying the petitioner's motion to set aside his arraignment pending resolution of his second motion for reconsideration of the Ombudsman's finding of probable cause?

**Court's Decision:**

1. **Violation of Rules:** The Court highlighted that the Rules of the Ombudsman only allow for one motion for reconsideration and that the filing of such a motion does not bar the filing of the information or the arraignment of the accused.

2. **Arraignment Validity:** The Court pointed out that there was no valid ground to suspend the arraignment under the given circumstances.

3. **Abuse of Discretion:** Establishing that there was no grave abuse of discretion on Sandiganbayan's part, the Court noted that the defenses raised by Ramiscal are matters of evidence that should be resolved in a full trial rather than preliminary proceedings.

4. **Right to Speedy Trial:** The 30-day requirement for arraignment post the court's acquisition of jurisdiction was upheld as stipulated by Section 7 of RA 8493 and Section 1(g) of Rule 116 of the Rules of Court.

**Conclusion:** The Supreme Court denied the petition by Ramiscal, emphasizing adherence to procedural rules and processes by both the Ombudsman and the Sandiganbayan.

**Doctrine:**

1. **Procedural Adherence:** The ruling reiterates the doctrine that the filing of a motion for reconsideration does not bar the prosecution from proceeding with the filing of charges and the necessary arraignment as stipulated in Section 7, Rule II of the Rules of Procedure of the Office of the Ombudsman.

2. **Limitations on Judicial Review:** The decision affirms that judicial bodies should respect the investigatory and prosecutory authority of the Ombudsman unless there is clear evidence of gross abuse of discretion.

**Class Notes:**

- **Charges and Authority:** Recognize the roles and powers of AFP-RSBS officials and the limits of their decision-making authority relating to the RA 3019 and the falsification of documents.

- **Probable Cause:** Understand the process of determining probable cause by the

Ombudsman and how it affects the filing of information and subsequent arraignment.

- **\*\*Procedural Rules:\*\*** Note the specific periods for motions for reconsideration and the critical distinction between the roles of the Ombudsman and the judiciary once proceedings are transferred to the court.

- **\*\*Statutory References:\*\***

- RA 3019, Section 3(e)

- RA 8493 (Speedy Trial Act), Section 7

- Rule 116, Section 1(g) and Section 11 of the Rules of Court

- Ombudsman's Rules of Procedure, Section 7, Rule II

### **## Historical Background:**

The case falls within a historical context of pervasive efforts to curb graft and corruption within the Philippine military and government institutions, especially regarding the mismanagement and misappropriation of public funds and property. The stringent procedures and prosecutorial powers of the Ombudsman reflect legislative and executive efforts to reinforce integrity and accountability within these sectors.