

## FRANCISCO FLORES AND FRANCISCO ANGEL, PETITIONERS VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

*G.R. No. L-25769. December 10, 1974*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8a5d9b78397a/>

---

### FERNANDO, J.:

A plea based on the constitutional right to a speedy trial<sup>[1]</sup> led this Court to act affirmatively on a certiorari proceeding for the dismissal of a case pending in the Court of Appeals. Considering the length of time that had elapsed, it is readily discernible why an inquiry into the matter is well-nigh unavoidable. The accusation for robbery against petitioners Francisco Flores and Francisco Angel was filed as far back as December 31, 1951. The decision rendered on November 29, 1955 found them guilty of the crime charged. The notice of appeal was filed on December 8, 1955.<sup>[2]</sup> For a period of three years, until February 10, 1958, no action was taken by the Court of Appeals. On that day, there was a resolution remanding the records of the case to the lower court for a rehearing of the testimony of a certain witness deemed material for the disposition of the case.<sup>[3]</sup> Such a resolution was amended by a second resolution dated August 5, 1959, which granted the motion for counsel of appellants, now petitioners, to set aside the decision so that evidence for the defense on certain new facts or matters may be received and that a new decision in lieu of the old one may be rendered in accordance with the facts as found.<sup>[4]</sup> Accordingly, the case was returned to the lower court with the former decision set aside so that the trial could be had, but nothing was done for about a year because the offended party failed to appear notwithstanding the six or seven dates set for such hearing.<sup>[5]</sup> It was further alleged that when thereafter he did take the witness stand, his testimony was far from satisfactory, characterized as a mere "fiasco" as he could no longer remember the details of the alleged crime; there was even a failure to identify the two accused.<sup>[6]</sup> Instead of rendering a new decision, the former one having been set aside as required by the Court of Appeals, the lower court merely sent back the records to the appellate tribunal.<sup>[7]</sup> At that stage, five more years having elapsed without anything being done, petitioners sought the dismissal of the cases against them due to such inordinate delay in their disposition, which covered the period of December 8, 1955 to May 10, 1965, a period of almost a decade; thus did they invoke their constitutional right to a speedy trial.<sup>[8]</sup> Respondent Court of Appeals was unresponsive, notwithstanding the vigorous plea on the part of counsel for petitioners, its last order being a denial of a second motion for reconsideration dated January 28, 1966. In the answer on behalf of the People of the Philippines, the facts as above set forth were substantially admitted. However, a special and affirmative defense raised was that the case was not properly captioned, as the People of the Philippines, against whom it is filed, is not a tribunal or an office exercising judicial functions and that without the Court of Appeals being made a party to the petition, it cannot be said that it stated facts sufficient to constitute a cause of action. Moreover, on the merits, the view was expressed that under the circumstances, it was not adequately shown that the right to a speedy trial had been violated, as the Court of Appeals had taken all the steps necessary to complete the transcript of stenographic notes of the original trial.

On the above undisputed facts, there is more than sufficient warrant for the conclusion that the right to a speedy trial, so zealously guarded in both the 1935 and the present Constitutions, had not been accorded due respect.

There is thus merit in the petition.

1. The constitutional right to a speedy trial, as was noted in a recent decision, *Acebedo vs. Sarmiento*,<sup>[9]</sup> "means one free from vexatious, capricious and oppressive delays, \*\*\*"<sup>[10]</sup> Thus, if the person accused were innocent, he may within the shortest time possible be spared from anxiety and apprehension arising from a prosecution, and if culpable, he will not be kept long in suspense as to the fate in store for him, within a period of course compatible with his opportunity to present any valid defense. As was also pointed out in *Sarmiento*: "The remedy in the event of a non-observance of this right is by habeas corpus if the accused were restrained of his liberty, or by certiorari, prohibition, or mandamus for the final dismissal of the case."<sup>[11]</sup> The above ruling is a reiteration of the doctrine announced, even before the 1935 Constitution, in *Conde vs. Rivera*,<sup>[12]</sup> a 1924 decision. In that case, Justice Malcolm announced categorically that the trial, to comply with the requirement of the then organic law, the Philippine Autonomy Act, must be "free from vexatious, capricious, and oppressive delays."<sup>[13]</sup> Further: "We lay down the legal proposition that, where a prosecuting officer, without good cause, secures postponements of the trial of a defendant against his protest beyond a reasonable period of time, as in this instance for more than a year, the accused is entitled to relief by a proceeding in mandamus to compel a dismissal of the information, or if he be restrained of his liberty, by habeas corpus to obtain his freedom."<sup>[14]</sup>

In the first Supreme Court decision after the 1935 Constitution took effect, *People vs. Castaneda*,<sup>[15]</sup> where it was shown that the criminal case had been dragging on for almost five years and that when the trial did finally take place, it was tainted by irregularities, this Court set aside the appealed decision of conviction and acquitted the accused. As was pointed out by the ponente, Justice Laurel: "The Government should be the last to set an example of delay and oppression in the administration of justice and it is the moral and legal obligation of this court to see that the criminal proceedings against the accused come to an end and that they be immediately discharged from the custody of the law."<sup>[16]</sup> It was on the basis of the above judgment that the dismissal of a second information for frustrated homicide was ordered by this Court, where the evidence disclosed that the first information had been dismissed after a lapse of one year and seven months from the time the original complaint was filed during which time on the three occasions the case was set for trial, the private prosecutor twice asked for postponements and once the trial court itself cancelled the entire calendar for the month it was supposed to have been heard.<sup>[17]</sup> The same result followed in *Esguerra vs. De la Costa*,<sup>[18]</sup> where the first complaint was filed on August 29, 1936, the accused having been criminally prosecuted for an alleged abuse of chastity in a justice of the peace court but after over a year and three months, with the lower court twice dismissing the case, he still had to face trial for the same offense on a new information, thus compelling him to resort to a mandamus suit to compel the lower court to terminate the case as his right to a speedy trial was violated, a remedy deemed appropriate by this Court.

There was another occasion where Justice Laurel spoke for this Court on this specific issue. That was in *Mercado vs. Santos*.<sup>[19]</sup> Here, for a period of about twenty months, the accused was arrested four times on the charge of falsifying his deceased wife's will. Twice, the complaints were subsequently withdrawn. The third time he was prosecuted on the same charge, he was able to obtain a dismissal. Then came on the part of the provincial fiscal, a motion for reinvestigation. The lower court was in a receptive mood. It ordered that the case be heard on the merits. The accused moved to dismiss, but he did not succeed. He tried the Court of Appeals, but he failed again. He elevated the matter to this Court; he prevailed. It was stressed in Justice Laurel's opinion: "An accused person is entitled to a trial at the earliest opportunity. \*\*\* He cannot be oppressed by delaying the commencement of trial for an unreasonable length of time. If the proceedings pending trial are deferred, the trial itself is necessarily delayed."<sup>[20]</sup> The opinion likewise considered as not decisive the fact that the provincial fiscal did not intervene until an information was filed charging the accused with the crime of falsification the third time. Thus: "The Constitution does not say that the right to a speedy trial may be availed of only where the prosecution for crime is commenced and undertaken by the fiscal. It does not exclude from its operation cases commenced by private

individuals. Where once a person is prosecuted criminally, he is entitled to a speedy trial, irrespective of the nature of the offense or the manner in which it is authorized to be commenced." [21] The latest decision in point, *Acebedo vs. Sarmiento*, [22] presented an even clearer case. The information for damage to property was filed on August 3, 1959. There the matter rested until May 19, 1965, when the accused moved to dismiss. The lower court denied the motion in his order of July 10, 1965. Two more years elapsed, the period now covering almost eight years, when the trial was commenced. When one of the witnesses for the prosecution failed to appear, the provincial fiscal sought the postponement, but the accused countered with a motion for dismissal. The lower court acceded, and this Court sustained him, even if thereafter it changed its mind and reinstated the case.

Petitioners can thus invoke the constitutional guarantee that the trial should be speedy. In the absence of any valid decision, the stage of trial has not been completed. In this case then, as of May 10, 1965, when they moved to dismiss in the Court of Appeals, petitioners could validly contend that they had not been accorded their right to be tried as promptly as circumstances permit. It was not the pendency in the Court of Appeals of their cases that should be deemed material. It is at times unavoidable that appellate tribunals cannot, even with due diligence, put an end to suits elevated to them. What is decisive is that with the setting aside of the previous decision in the resolution of August 5, 1959, petitioners could validly premise their plea for dismissal on this constitutional safeguard. That is the sole basis for the conclusion reached by us — considering the controlling doctrine announced with such emphasis by this Court time and time again.

2. That is about all that needs be said. The crucial issue has been met. The decisive question has been answered. There is an affirmation of the worth of the constitutional right to a speedy trial. Not too much significance should be attached to the procedural defect pointed out in the answer of the People of the Philippines that the Court of Appeals should have been made the party respondent. What cannot be sanctioned was its failure to accord respect to this particular constitutional right. It did amount at the very least to a grave abuse of discretion. Whatever deficiency in the pleading may then be singled out, it cannot obscure the obvious disregard of one of the most important safeguards granted an accused. To deny petitioners the remedy sought would be to exalt form over substance. At any rate, the petition could be considered, and rightly so, as being directed at the Court of Appeals. Moreover, the defenses that could have interposed to justify the action taken were invoked by the People of the Philippines. They certainly did not avail. Our decisions on the right to a speedy trial speak too categorically to be misread. This is one of those situations then where, in the apt language of the then Justice, now Chief Justice, Makalintal, "technicalities should give way to the realities of the situation." [23]

WHEREFORE, the petition for certiorari is granted, and the order of the Court of Appeals in CA-GR No. 16641-R entitled, *People vs. Francisco Flores, et al.*, of September 28, 1965 denying the motion to dismiss as well as its order of January 8, 1966 denying the motion for reconsideration, and the order of January 28, 1966 denying the second motion for reconsideration are hereby set aside, nullified, and considered of no force and effect. The criminal case against petitioners in the aforesaid CA-GR No. 16641-R are ordered dismissed. Costs de oficio.

Makalintal, C.J., Fernandez, and Aquino, JJ., concur.

Barredo, J., took no part.

Antonio, J., files a separate brief Concurring Opinion.

---

[1] According to Article III, Sec. 1, par. 17 of the 1935 Constitution: "In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf." Such a provision is reproduced substantially as worded in Article IV, Section 19 of the present

Constitution. The requirement at present includes an impartial as well as a speedy and public trial. Moreover, after arraignment, trial may proceed notwithstanding the absence of the accused, provided that he has been duly notified and his failure to appear is unjustified.

[2] Petition, pars. 1-3.

[3] Ibid, par. 4.

[4] Ibid, par. 5.

[5] Ibid, par. 6.

[6] Ibid, par. 7.

[7] Ibid, par. 8.

[8] Ibid, par. 9.

[9] L-28025, December 16, 1970, 36 SCRA 247.

[10] Ibid, 249.

[11] Ibid, 250.

[12] 45 Phil. 650.

[13] Ibid, 651.

[14] Ibid, 652.

[15] 63 Phil. 480 (1936).

[16] Ibid, 486.

[17] Cf. Kalaw vs. Apostol, 64 Phil. 852 (1937).

[18] 66 Phil. 134 (1938).

[19] 66 Phil. 215 (1938).

[20] Ibid, 234-235.

[21] Ibid, 234.

[22] L-28025, December 16, 1970, 36 SCRA 217.

[23] Urbayan vs. Caltex (Phil.), Inc., L-15379, August 31, 1962, 5 SCRA 1016.

---

### CONCURRING OPINION

**ANTONIO, J.:**

My concurrence is predicated upon the fact that the previous decision was set aside by the Resolution of August 5, 1959 of the Court of Appeals. There is, therefore, no abandonment or modification of the principle enunciated in Talabon vs. Iloilo Provincial Warden (78 Phil., 608-609).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.