

JAIME C. DACANAY, PETITIONER, VS. PEOPLE OF THE PHILIPPINES AND THE HONORABLE SANDIGANBAYAN, RESPONDENTS.

G.R. No. 101302. January 25, 1995

Ponente: QUIASON, J.

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QUIASON, J.:

This is a “Petition for Review on Certiorari” which we treated as a petition under Rule 65 of the Revised Rules of Court to set aside the Resolutions dated April 24, 1991 and August 6, 1991 of the Sandiganbayan in Criminal Case No. 11957.

I

In 1985, petitioner was the vice-president of the National Sugar Trading Corporation (NASUTRA).

In 1986, a criminal complaint for economic sabotage through smuggling, with regard to the importation of raw sugar in 1983 and 1984 by NASUTRA, was filed with the Tanodbayan against the principal officers of the said corporation including petitioner.

On October 10, 1986, the Tanodbayan approved the resolution of the team of Special Prosecutors who investigated the case. It found sufficient prima facie evidence against petitioner and his co-accused to warrant the filing of an information with respondent Sandiganbayan for violation of Section 3(e) of Republic Act No. 3019, as amended.

The corresponding information was filed with the Sandiganbayan. On November 20, petitioner filed a motion to quash but he later withdrew the same.

On October 14, 1988, a resolution was issued by Special Prosecutors Margarito P. Gervacio and Robert E. Kallos, recommending the dismissal of the complaint against petitioner and his co-accused for lack of sufficient evidence and the withdrawal of the information filed in court. The resolution was approved by Acting Special Prosecutor Jose Ferrer.

On January 6, 1989, the resolution issued by Prosecutors Gervacio and Kallos was reviewed by Special Prosecutor Wilfredo Orenca, who recommended its disapproval. The recommendation of Prosecutor Orenca was approved by Acting Special Prosecutor Jose F. Guerrero and by Ombudsman Conrado Vasquez.

On February 22, Jose Unson, a co-accused of petitioner, filed a motion to quash the information in the Sandiganbayan. The motion was adopted by petitioner.

On December 12, the Sandiganbayan denied the motion to quash. Likewise, the motion for reconsideration filed by Unson and adopted by petitioner was denied.

On April 3, 1991 petitioner filed a motion for immediate and separate trial invoking his constitutional right to a speedy trial (Rollo , p. 25).

On April 23, respondent People of the Philippines opposed the said motion on the ground that a separate trial for petitioner would entail a lengthy and repetitious proceeding (Rollo , p. 28).

In a resolution dated April 24, 1991, the Sandiganbayan denied petitioner's motion (Rollo , p. 20).

On June 6, petitioner filed a motion for reconsideration setting forth as grounds therefor his advanced age and the protection of his reputation.

On July 9, respondent People of the Philippines filed a comment to petitioner's motion for reconsideration and alleged that the parties should first await the resolution of the petition for certiorari filed by his co-accused Jose Unson with the Supreme Court.

On July 17, petitioner filed a reply to the said comment.

In a resolution dated August 6, 1991, the Sandiganbayan denied petitioner's motion for reconsideration (Rollo , p. 21).

Hence, this petition.

II

The pivotal issue of this petition is whether or not petitioner is entitled to a separate trial.

The petition is impressed with merit.

Section 8, Rule 119 of the 1985 Rules on Criminal Procedure explicitly states: "When two or more accused are jointly charged with any offense, they shall be tried jointly, unless the court in its discretion upon motion of the fiscal or any accused orders separate trials for one or more accused."

The main objection of respondent People of the Philippines to the separate trial asked by petitioner is that such a procedure would entail a repetitive presentation of evidence. A separate trial necessarily requires a repetition of the presentation of the same evidence. But the resulting in convenience and expense on the part of the Government cannot be given preference over the right to speedy trial and the protection to a person's life, liberty or property accorded by the Constitution. This is particularly true in the case of petitioner where the prosecutors' opposition to the request for separate trial was based on the ground that the principal accused in the case, the former President of NASUTRA, was abroad and was not yet arrested. If an accused cannot be placed under arrest because he remains outside the territorial jurisdiction of the Philippines, with more reason should his co-accused, who are under arrest, be entitled to a separate trial.

However, the principal accused has since returned to the country and even entered into a compromise agreement with the Presidential Commission on Good Government, which we approved on March 31, 1992 in G.R. No. 96087. If the compromise agreement included the dropping of the criminal case against the principal accused, with more reason should petitioner be entitled to a separate trial in Criminal Case No. 11957 of the Sandiganbayan.

A separate trial is in consonance with the right of an accused to a speedy trial as guaranteed to him by the 1987 Constitution, more specifically under Section 14(2) of Article III thereof. As defined in the case of *Flores v. People*, 61 SCRA 331 (1974), a speedy trial is one "conducted according to the law of criminal procedure and the rules and regulations, free from vexatious, capricious and oppressive delays." The primordial purpose of this constitutional right is to prevent the oppression of an accused by delaying criminal prosecution for an indefinite period of time. Likewise, it is intended to prevent delays in the administration of justice by requiring judicial tribunals to proceed with reasonable dispatch in the trial of criminal prosecutions (*Shepherd v. U.S.*, 163 F.2d.

974 [1947]).

It has been eight years since the information against petitioner was filed, but the case against him has yet to be tried. The long delay has clearly prejudiced petitioner, who is now more than seventy-three years of age.

WHEREFORE, respondents are ORDERED to proceed with the trial of petitioner in Criminal Case No. 11957, separately if it need be.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.

Francisco, J., no part.

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