

ELPIDIO C. CERVANTES, PETITIONER, VS. THE SANDIGANBAYAN, FIRST DIVISION, THE SPECIAL PROSECUTOR, AND PEDRO ALMENDRAS, RESPONDENTS.

G.R. No. 108595. May 18, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a special civil action for certiorari and prohibition with preliminary injunction seeking to annul and set aside the resolution of the Sandiganbayan, First Division,[1] that denied petitioner's motion to quash the information against him for violation of Section 3 (e), Republic Act 3019, and to restrain or enjoin the Sandiganbayan from proceeding with his arraignment and trial. The motion is based on the ground that the filing of the information against petitioner over six (6) years after the initial complaint with the Tanodbayan (predecessor of the Ombudsman) violated his right to speedy disposition of the case, and that the acts charged in the information do not constitute an offense.

We grant the petition.

The facts are as follows:

On March 6, 1986, one Pedro Almendras filed with the Office of the Tanodbayan (predecessor of the Ombudsman) a sworn complaint[2] against Alejandro Tapang for falsification of complainant's "salaysay" alleging that Alejandro Tapang made complainant sign a piece of paper in blank on which paper a "salaysay" was later inscribed stating that complainant had been paid his claim in the amount of P17,594.00, which was not true. In the said complaint, Pedro Almendras mentioned that he sought the help of petitioner Elpidio C. Cervantes who worked as analyst in the office of labor arbiter Teodorico L. Ruiz.[3]

On October 2, 1986, Alejandro Tapang submitted to the Office of the Tanodbayan a counter-affidavit stating that the letter complaint of Almendras was the subject of a labor case decided by Arbiter Teodorico L. Ruiz; that the letter "is full of lies and improbabilities" and "that it is vague." [4]

On October 16, 1986, petitioner Elpidio C. Cervantes filed with the office of the Tanodbayan an affidavit stating that he had nothing to do with the blank paper that Almendras signed, as admitted by the latter in a confrontation in the presence of National Labor Relations Commission (NLRC) vice chairman Diego Atienza.[5]

On May 18, 1992, more than six (6) years after the filing of the initiatory complaint with the Tanodbayan, Special Prosecution Officer II, Office of the Special Prosecutor Luz L. Quinones-Marcos filed with the Sandiganbayan, assigned to the First Division, an Information charging petitioner Elpidio C. Cervantes, together with Teodorico L. Ruiz and Alejandro Tapang with violation of Section 3 (e), Republic Act 3019, committed as follows:

"That on or about June 16, 1984, or for sometime subsequent thereto, in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Teodorico L. Ruiz, a public officer, being then a Labor Arbiter, National Labor Relations Commission, NCR, Department of Labor and Elpidio Cervantes,

also a public officer, being then a Labor Analyst, National Labor Relations Commission, NCR, Department of Labor, in the exercise of their official and administrative functions, conspiring, confederating and conniving with private respondent Alejandro Tapang, did then and there, wilfully, unlawfully and criminally with evident bad faith and manifest partiality cause undue injury to one Pedro Almendras by then and there inducing Pedro Almendras to sign a blank paper, on which a statement was later typed and attributed as his (Almendras) statement in which statement Almendras allegedly acknowledged that the whole amount awarded to him by the NLRC in a decision in NCR Case No. 10-731-81 had been paid by Alejandro Tapang and therefore, he is no longer pursuing any claim against Tapang, thereby giving said Alejandro Tapang unwarranted benefits and advantage to the damage and prejudice of Pedro Almendras.

"CONTRARY TO LAW."[6]

On May 28, 1992, petitioner filed a motion for reconsideration with the Office of the Special Prosecutor reiterating that he never met complainant Almendras on June 29, 1984, that complainant filed a case before the City Fiscal of Quezon City, claiming that his counsel together with Tapang conspired to deprive him of his monetary award and that the case was dismissed.[7]

On October 2, 1992, petitioner filed with the Sandiganbayan, Manila, a "motion to defer arraignment due to pendency of reinvestigation or motion to quash and motion to recall warrant of arrest" on the ground that (a) petitioner filed with the office of the Special Prosecutor a motion for reinvestigation; (b) that the case against Cervantes "has prescribed" due to unreasonable delay in the resolution of the preliminary investigation, and (c) that the acts charged in the information do not constitute an offense.[8]

On October 2, 1992, the Ombudsman denied petitioner's motion for reconsideration,[9] and simultaneously filed with the Sandiganbayan an amended information. The amendment consisted of the insertion of the total amount involved.[10]

By minute resolution dated December 24, 1992, the Sandiganbayan denied petitioner's motion, ruling that there was no "unwarranted postponement nor any denial by the Tanodbayan or of the Ombudsman of any step taken by the accused to accelerate the disposition on the matter." [11]

Hence, this petition.

On February 22, 1993, the Court required respondents to comment on the petition (not to file a motion to dismiss) within ten (10) days from notice, and issued a temporary restraining order enjoining respondent Sandiganbayan from continuing with the arraignment and trial or from further proceeding with Criminal Case No. 17673. On December 14, 1993, respondents filed their comment. On March 10, 1994, petitioner filed a reply to comment. On November 22, 1994, respondents filed a rejoinder.

We resolve to give due course to the petition and decide the case.

The issues raised are (a) whether the acts charged in the information filed against petitioner for violation of Section 3 (e), R. A. 3019 do not constitute an offense; and (b) whether the Sandiganbayan acted with grave abuse of discretion in denying his motion to quash for violation of the right to speedy disposition of the case.

We shall first resolve the second issue. We find petitioner's contention meritorious. He was deprived of his right to a speedy disposition of the case, a right guaranteed by the Constitution.[12] It took the Special Prosecutor (succeeding the Tanodbayan) six (6) years from the filing of the initiatory complaint before he decided to file an information for the offense with the Sandiganbayan. The latter complaint was filed with the Tanodbayan on March 6, 1986. The affidavit of the petitioner was filed therein on October 16, 1986. The Special Prosecutor resolved the case on May 18, 1992. In their comment to the petition at bar,[13] the Sandiganbayan and the Special

Prosecutor try to justify the inordinate delay in the resolution of the complaint by stating that "no political motivation appears to have tainted the prosecution of the case" in apparent reference to the case of Tatad vs. Sandiganbayan, (footnote: 159 SCRA 70, 81-82.) where the Court ruled that the "long delay (three years) in the termination of the preliminary investigation by the Tanodbayan" was violative of the Constitutional right of "speedy disposition" of cases because "political motivations played a vital role in activating and propelling the prosecutorial process in this case."

The Special Prosecutor also cited Alvizo vs. Sandiganbayan (footnote 220 SCRA 55, 64) alleging that, as in Alvizo, the petitioner herein was "insensitive to the implications and contingencies thereof by not taking any step whatsoever to accelerate the disposition of the matter."

We cannot accept the Special Prosecutor's ratiocination. It is the duty of the prosecutor to speedily resolve the complaint, as mandated by the Constitution, regardless of whether the petitioner did not object to the delay or that the delay was with his acquiescence provided that it was not due to causes directly attributable to him.

Consequently, we rule that the Sandiganbayan gravely abused its discretion in not quashing the information for violation of petitioner's Constitutional right to the speedy disposition of the case in the level of the Special Prosecutor, Office of the Ombudsman.[14]

We deem it unnecessary to resolve the first issue in view of the foregoing ruling.

WHEREFORE, the Court hereby GRANTS the petition and ANNULS the minute resolution of the Sandiganbayan, dated December 24, 1992, in Criminal Case No. 17673. The Court directs the Sandiganbayan to dismiss the case, with costs de officio.

The temporary restraining order heretofore issued is made permanent.

No costs in this instance.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Hon. Francis E. Garchitorena, Presiding Justice, Hon. Nathanael M. Grospe, Associate Justice, and Hon. Sabino R. de Leon, Jr., Associate Justice, members.

[2] Petition, Annex "G", Rollo, pp. 41-42.

[3] Died in February, 1992.

[4] Petition, Annex "F", Rollo, pp. 39-40.

[5] Petition, Annex "H", Rollo, pp. 43-44.

[6] Petition, Annex "I", Rollo, pp. 45-46.

[7] Petition, Annex "J", Rollo, pp. 47-52.

[8] Petition, Annex "K", Rollo, pp. 53-64.

[9] Petition, Annex "M", Rollo, pp. 74-77.

[10] Petition, Annex "N", Rollo, pp. 78-80.

[11] Petition, Annex "A", Rollo, p. 26.

[12] Article III, Section 16, Constitution.

[13] Comment, Rollo, pp. 148-159, at p. 155.

[14] Cf. *Tatad vs. Sandiganbayan*, 159 SCRA 70; *People vs. CFI of Rizal*, 161 SCRA 249; *Que vs. Cosico*, 177 SCRA 410; *Caes vs. Intermediate Appellate Court*, 179 SCRA 54; *People vs. Laya*, 161 SCRA 327; *Angchangco, Jr. vs. Ombudsman*, 268 SCRA 301; *Roque vs. Ombudsman*, G. R. No. 129978, May 12, 1999.

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