

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. SPO4 EMILIANO ANONAS, RESPONDENT.

G.R. NO. 156847. January 31, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.

For our resolution is the instant Petition for Review on Certiorari assailing the Decision[1] of the Court of Appeals dated October 11, 2002 in CA-G.R. SP No. 67531.

On November 19, 1996, SPO4 Emiliano Anonas, respondent, assigned at the Western Police District, was apprehended by his colleagues during a raid in Sta. Cruz, Manila. The apprehending police officers claimed that he and four other persons were sniffing methamphetamine hydrochloride, more popularly known as shabu, a regulated drug; and that he was in possession of an unlicensed .38 caliber revolver

On December 9, 1996, the City Prosecutor of Manila filed with the Regional Trial Court (RTC), Branch 53, same city, two separate Informations against respondent, one for illegal possession of methamphetamine hydrochloride, docketed as Criminal Case No. 96-154398, and another for illegal possession of firearm, docketed as Criminal Case No. 96-154399, reproduced as follows:

Criminal Case No. Case 96-154398

That on or about November 19, 1996, in the City of Manila, Philippines, the said accused without being authorized by law to possess or use any regulated drug, did then and there willfully, unlawfully and knowingly have in his possession and under his custody and control white crystalline substance separately contained in five (5) plastic bags marked “AJ” to “AJ4” weighting two hundred twenty and .2462 (222.2462) grams known as “Shabu” containing methamphetamine hydrochloride, a regulated drug, without the corresponding license or prescription thereof.

Criminal Case No. 96-154399,

That on or about November 19, 1996, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and knowingly have in his/her possession and under his/her custody and control .38 caliber revolver without serial number with six (6) live ammos and carrying the same outside his residence without first having secured from the proper authorities the necessary license therefore.

No bail was recommended in Criminal Case No. 96-154398.

On December 18, 1996, respondent filed with the trial court a motion for reinvestigation on grounds that he was apprehended without a warrant of arrest and that no preliminary investigation was conducted.

On January 28, 1997, the trial court granted respondent’s motion.

On April 14, 1998, Prosecutor Virgilio Patag, designated to conduct the reinvestigation, was appointed judge of the RTC in Iloilo. Apparently, he did not inform the prosecutor who took his place about the pending

reinvestigation. Meanwhile, respondent has remained in detention.

On January 4, 2001, respondent filed with the trial court a motion to dismiss the Informations, contending that the delay in the reinvestigation violated his right to due process.

On January 12, 2001, the trial court heard the motion to dismiss. It turned out that Prosecutor Danilo Formoso, who took over the case, was not aware of the pending reinvestigation. The trial court then directed him to terminate the reinvestigation within thirty (30) days.

On February 16, 2001, Prosecutor Formoso manifested before the trial court that the reinvestigation had been terminated and that evidence exist to sustain the allegations in the Informations against respondent.

On August 9, 2001, the trial court issued an Order denying respondent's motion to dismiss the Informations. His motion for reconsideration was likewise denied in an Order dated September 7, 2001.

Respondent then filed a petition for certiorari with the Court of Appeals, docketed as CA-G.R. SP No. 67531, contending that the trial court committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying his motion to dismiss both Informations.

On October 11, 2002, the Court of Appeals granted the petition and set aside the Order of the trial court dated August 9, 2001 and dismissed the criminal charges against respondent.

The Court of Appeals ruled that having been made to wait for the resolution of his motion for reinvestigation for almost five years while being detained, violated his right to due process. The Court of Appeals then ordered that respondent be released from custody.

The Government, represented by the Solicitor General, moved for reconsideration, but in its Resolution dated January 10, 2003, the Court of Appeals denied the same.

The only issue before us is whether the appellate court erred in holding that respondent's right to due process has been violated.

Philippine organic and statutory law expressly guarantees that in all criminal prosecutions, the accused shall enjoy his right to a speedy trial. Section 16, Article III of the 1987 Constitution provides that "All persons shall have the right to speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." This is reinforced by Section 3(f), Rule 112 of the 1985 Rules on Criminal Procedure, as amended, which requires that "the investigating officer shall resolve the case within ten (10) days from the conclusion of the investigation." To ensure a speedy trial of all criminal cases before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court and Municipal Circuit Trial Court, Republic Act No. 8493 (The Speedy Trial Act of 1998) was enacted on February 4, 1998. To implement its provisions, the Court issued SC Circular No. 38-98 dated September 15, 1998 setting a time limit for arraignment and pre-trial for thirty (30) days from the date the court acquires jurisdiction over the person of the accused.

The earliest rulings of the Court on speedy trial were rendered in *Conde v. Judge of First Instance*,^[2] *Conde v. Rivera, et al.*,^[3] and *People v. Castañeda*.^[4] These cases held that accused persons are guaranteed a speedy trial by the Bill of Rights and that such right is denied when an accused person, through the vacillation and procrastination of prosecuting officers, is forced to wait many months for trial. Specifically in *Castañeda*, the Court called on courts to 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 the courts to see to it that the criminal proceedings against the accused come to an end and that they be immediately discharged from the custody of the law.

In *Angcangco, Jr. v. Ombudsman*,^[5] the Court found the delay of six years by the Ombudsman in resolving the

criminal complaints to be violative of the constitutionally guaranteed right to a speedy disposition of cases. Similarly, in *Roque v. Office of the Ombudsman*,^[6] the Court ruled that the delay of almost six years disregarded the Ombudsman's duty to act promptly on complaints before him. In *Cervantes v. Sandiganbayan*,^[7] it was held that the Sandiganbayan gravely abused its discretion in not quashing the Information filed six years after the initiatory complaint, thereby depriving petitioner of his right to a speedy disposition of the case.

The inordinate delay in terminating the preliminary investigation of an accused violates his constitutional right to due process. Thus, in *Roque v. Sandiganbayan*,^[8] the Court, restating the pronouncement in *Tatad v. Sandiganbayan*,^[9] held:

We find the long delay in the termination of the preliminary investigation by the Tanodbayan in the instant case to be violative of the constitutional right of the accused to due process. Substantial adherence to the requirements of the law governing the conduct of preliminary investigation, including substantial compliance with the time limitation prescribed by the law for the resolution of the case by the prosecutor, is part of the procedural due process constitutionally guaranteed by the fundamental law. Not only under the broad umbrella of due process clause, but under the constitutional guaranty of "speedy disposition" of cases as embodied in Section 16 of the Bill of Rights (both in the 1973 and 1987 Constitutions), the inordinate delay is violative of the petitioner's constitutional rights. A delay of close to three (3) years cannot be deemed reasonable or justifiable in the light of the circumstances obtaining in the case at bar. We are not impressed by the attempt of the Sandiganbayan to sanitize the long delay by indulging in the speculative assumption that "delay may be due to a painstaking and grueling scrutiny by the Tanodbayan as to whether the evidence presented during the preliminary investigation merited prosecution of a former high-ranking government official." In the first place, such a statement suggests a double standard of treatment, which must be emphatically rejected. Secondly, three out of the five charges against the petitioner were for his alleged failure to file his sworn statement of assets and liabilities required by Republic Act 3019, which certainly did not involve complicated legal and factual issues necessitating such "painstaking and grueling scrutiny" as would justify a delay of almost three years in terminating the preliminary investigation. The other two charges relating to alleged bribery and alleged giving [of] unwarranted benefits to a relative, while presenting more substantial legal and factual issues, certainly do not warrant or justify the period of three years, which it took the Tanodbayan to resolve the case. (Emphasis supplied).

The preliminary investigation of the respondent for the offenses charged took more than four years. He was apprehended for the offenses charged on November 19, 1996. Having been arrested without a warrant of arrest and not having been afforded a formal investigation, he prayed for reinvestigation of the cases. The trial court, in an Order dated January 28, 1997 ordered a reinvestigation which was terminated only on February 16, 2001. In fact, even the Solicitor General admitted "it took some time for the City Prosecutor to terminate and resolve the reinvestigation.

There can be no question that respondent was prejudiced by the delay, having to be confined for more than four oppressive years for failure of the investigating prosecutors to comply with the law on preliminary investigation. As aptly held by the Court of Appeals, respondent's right to due process had been violated.

WHEREFORE, the Court DENIES the petition and AFFIRMS the Decision of the Court of Appeals in CA-G.R. SP No. 67531. No costs.

SO ORDERED.

Puno C.J., (Chairperson), Corona, Azcuna, and Garcia, JJ., concur.

[1] Rollo, pp. 37-45. Penned by Associate Justice Sergio L. Pestano (retired) with Justice Eubolo G. Verzola

(deceased) and Justice Teodoro P. Regino (retired) concurring.

[2] No. 21236, October 1, 1923, 45 Phil. 173.

[3] No. 21741, January 25, 1924, 45 Phil. 650.

[4] No. 42884, September 28, 1936, 63 Phil. 480.

[5] G.R. No. 122778, February 13, 1997, 268 SCRA 301.

[6] G.R. No. 129978, May 12, 1999, 307 SCRA 104.

[7] G.R. No. 108595, May 18, 1999, 307 SCRA 149.

[8] G.R. No. 129978, May 12, 1999, 307 SCRA 104.

[9] No. L-72335-39, March 21, 1988, 159 SCRA 70.

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