

DANTE T. TAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 173637. April 21, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before this Court is a Petition for Review on Certiorari filed under Rule 45 of the Revised Rules of Court seeking the reversal and setting aside of the Decision[1] dated 22 February 2006 and Resolution[2] dated 17 July 2006 issued by the Court of Appeals in CA-G.R. SP No. 83068 entitled, "People of the Philippines v. Hon. Briccio C. Ygana, in his capacity as Presiding Judge of Branch 153, Regional Trial Court, Pasig City and Dante Tan."

The assailed Decision reinstated Criminal Case No. 119830, earlier dismissed by the trial court due to an alleged violation of petitioner Dante T. Tan's right to speedy trial. The assailed Resolution denied his Motion for Reconsideration and Motion to Inhibit.

The factual and procedural antecedents of the instant petition are as follows:

On 19 December 2000, a Panel of Prosecutors of the Department of Justice (DOJ), on behalf of the People of the Philippines (People), filed three Informations against Dante T. Tan (petitioner) before the Regional Trial Court (RTC) of Pasig City. The cases were docketed as Criminal Cases No. 119830, No. 119831 and No. 119832, all entitled, "People of the Philippines v. Dante Tan."

Criminal Case No. 119830[3] pertains to allegations that petitioner employed manipulative devices in the purchase of Best World Resources Corporation (BW) shares. On the other hand, Criminal Cases No. 119831[4] and No. 119832[5] involve the alleged failure of petitioner to file with the Securities and Exchange Commission (SEC) a sworn statement of his beneficial ownership of BW shares.

In two other related cases, two Informations were filed against a certain Jimmy Juan and Eduardo G. Lim for violation of the Revised Securities Act involving BW shares of stock. These were docketed as Criminal Cases No. 119828 and No. 119829.

On the same day, the DOJ, through Assistant Chief State Prosecutor Nilo C. Mariano, filed a Motion for Consolidation praying that Criminal Cases No. 119830, No. 119831 and No. 119832 be consolidated together with Criminal Cases No. 119828 and No. 119829, which the trial court granted.

On 21 December 2000, Criminal Cases No. 119830, No. 119831 and No. 119832 were raffled off to the Pasig RTC, Branch 153, presided by Judge Briccio C. Ygana. Criminal Cases No. 119828 and No. 119829 also went to the same court.

Petitioner was arraigned on 16 January 2001, and pleaded not guilty to the charges.[6]

On 6 February 2001, the pre-trial was concluded, and a pre-trial order set, among other things, the first date of trial on 27 February 2001.[7]

Atty. Celia Sandejas of the Securities and Exchange Commission (SEC), under the direct control and supervision of Public Prosecutor Nestor Lazaro, entered her appearance for the People; Atty. Agnes Maranan for petitioner Dante Tan; Atty. Sigfrid Fortun for Eduardo Lim, Jr.; and Atty. Rudolf Brittanico for Jimmy Juan. State Prosecutors Susan Dacanay and Edna Villanueva later on took over as lawyers for the People.

The People insists that during the pendency of the initial hearing on 27 February 2001, the parties agreed that Criminal Cases No. 119831 and No. 119832 would be tried ahead of Criminal Case No. 119830, and that petitioner would not interpose any objection to its manifestation, nor would the trial court disapprove it.

Thereafter, the People presented evidence for Criminal Cases No. 119831 and No. 119832. On 18 September 2001, the prosecution completed the presentation of its evidence and was ordered by the RTC to file its formal offer of evidence within thirty days.

After being granted extensions to its filing of a formal offer of evidence, the prosecution was able to file said formal offer for Criminal Cases No. 119831 and No. 119832 on 25 November 2003.[8]

On 2 December 2003, petitioner moved to dismiss Criminal Case No. 119830 due to the People's alleged failure to prosecute. Claiming violation of his right to speedy trial, petitioner faults the People for failing to prosecute the case for an unreasonable length of time and without giving any excuse or justification for the delay. According to petitioner, he was persistent in asserting his right to speedy trial, which he had allegedly done on several instances. Finally, he claimed to have been substantially prejudiced by this delay.

The prosecution opposed the Motion, insisting on its claim that the parties had an earlier agreement to defer the trial of Criminal Case No. 119830 until after that of Criminal Cases No. 119831-119832, as the presentation of evidence and prosecution in each of the five cases involved were to be done separately. The presentation of evidence in Criminal Cases No. 119831-119832, however, were done simultaneously, because they involved similar offenses of non-disclosure of beneficial ownership of stocks proscribed under Rule 36(a)-1[9] in relation to Sections 32(a)-1[10] and 56[11] of Batas Pambansa Bilang 178, otherwise known as the "Revised Securities Act." Criminal Case No. 119830 pertains to alleged violation of Section 27 (b),[12] in relation to Section 56 of said act.

On 22 December 2003, Judge Briccio C. Ygana of the Pasig RTC, Branch 153, ruled that the delays which attended the proceedings of petitioner's case (Criminal Case No. 119830) were vexatious, capricious and oppressive, resulting in violation of petitioner's right to speedy trial. The RTC ordered[13] the dismissal of Criminal Case No. 119830, disposing as follows:

WHEREFORE, foregoing premises duly considered and finding the motion to dismiss to be meritorious, the Court hereby orders Criminal Case No. 119830 DISMISSED.

On motion for reconsideration, the prosecution insisted that the parties agreed to hold separate trials of the BW cases, with petitioner acquiescing to the prosecution of Criminal Cases No. 119831 and No. 119832 ahead of Criminal Case No. 119830. In an Order dated 20 January 2004, the RTC denied the Motion for Reconsideration for lack of merit.

The RTC's order of dismissal was elevated to the Court of Appeals via a petition for certiorari, with the People contending that:

RESPONDENT JUDGE GRAVELY ABUSED HIS DISCRETION IN RULING THAT THE PEOPLE VIOLATED DANTE TAN'S RIGHT TO SPEEDY TRIAL, ALBEIT, THE LATTER AND RESPONDENT JUDGE HIMSELF HAVE CONFORMED TO THE DEFERMENT OF CRIMINAL CASE NO. 119830 PENDING HEARING OF THE TWO OTHER RELATED CASES.

Setting aside the trial court's order of dismissal, the Court of Appeals granted the petition for certiorari in its Decision dated 22 February 2006. In resolving the petition, the appellate court reinstated Criminal Case No. 119830 in this wise:

WHEREFORE, the petition is granted and the assailed Orders dated December 22, 2003 and January 20, 2004 are set aside. Criminal Case No. 119830 is reinstated and the trial court is ordered to conduct further proceedings in said case immediately.[14]

Petitioner moved for a reconsideration of the Decision and filed a motion for inhibition of the Justices who decided the case.

On 17 July 2006, the Court of Appeals denied both motions.

Petitioner Dante Tan, henceforth, filed the instant petition for review on certiorari, raising the following issues:

I.

WHETHER OR NOT THE ACTING SECRETARY OF JUSTICE MAY VALIDLY EXECUTE THE CERTIFICATE OF NON-FORUM SHOPPING ATTACHED TO THE PETITION FOR CERTIORARI FILED BY THE PEOPLE WITH THE COURT OF APPEALS EVEN THOUGH THE CRIMINAL ACTION WAS INSTITUTED BY A COMPLAINT SUBSCRIBED BY THE AUTHORIZED OFFICERS OF THE SECURITIES AND EXCHANGE COMMISSION.

II.

WHETHER OR NOT THE PETITION FOR CERTIORARI VIOLATED TAN'S RIGHT AGAINST DOUBLE JEOPARDY.

III.

WHETHER OR NOT CRIMINAL CASE NO. 119830 WAS CORRECTLY DISMISSED BY THE TRIAL COURT ON THE GROUND OF VIOLATION OF TAN'S RIGHT TO SPEEDY TRIAL.

IV.

WHETHER OR NOT THE TRIAL COURT COMMITTED GRAVE ABUSE OF DISCRETION.

We first resolve the preliminary issues.

In an attempt at having the instant petition dismissed, petitioner contends that the certificate of non-forum shopping attached to the People's appeal before the Court of Appeals should have been signed by the Chairman of the SEC as complainant in the cases instead of Acting DOJ Secretary Merceditas N. Gutierrez.

Petitioner's argument is futile. The Court of Appeals was correct in sustaining the authority of Acting DOJ Secretary Merceditas Gutierrez to sign the certificate of non-forum shopping of the petition for certiorari before said court. It must be stressed that the certification against forum shopping is required to be executed by the plaintiff.[15] Although the complaint-affidavit was signed by the Prosecution and Enforcement Department of the SEC, the petition before the Court of Appeals originated from Criminal Case No. 119830, where the plaintiff or the party instituting the case was the People of the Philippines. Section 2, Rule 110 of the Rules of Court leaves no room for doubt and establishes that criminal cases are prosecuted in the name of the People of the Philippines, the offended party in criminal cases. Moreover, pursuant to Section 3, paragraph (2) of the Revised Administrative Code, the DOJ is the executive arm of the government mandated to investigate the commission of crimes, prosecute offenders and administer the probation and correction system. It is the DOJ, through its prosecutors, which is authorized to prosecute criminal cases on behalf of the People of the Philippines.[16]

Prosecutors control and direct the prosecution of criminal offenses, including the conduct of preliminary investigation, subject to review by the Secretary of Justice. Since it is the DOJ which is the government agency tasked to prosecute criminal cases before the trial court, the DOJ is best suited to attest whether a similar or related case has been filed or is pending in another court of tribunal. Acting DOJ Secretary Merceditas N. Gutierrez, being the head of the DOJ, therefore, had the authority to sign the certificate of non-forum shopping for Criminal Case No. 119830, which was filed on behalf of the People of the Philippines.

The preliminary issues having been resolved, the Court shall proceed to discuss the main issues.

At the crux of the controversy is the issue of whether there was a violation of petitioner Dante Tan's right to speedy trial.

Petitioner Dante Tan assails the Decision and Resolution of the Court of Appeals in CA-G.R. SP No. 83068. The appellate court determined that he "impliedly agreed" that Case No. 119830 would not be tried until after termination of Criminal Cases No. 119831-119832, which finding was grounded entirely on speculations, surmises and conjectures.

Both parties concede that this issue is factual. It is a basic rule that factual issues are beyond the province of this Court in a petition for review, for it is not our function to review evidence all over again.[17] Rule 45 of the Rules of Court provides that only questions of law may be raised in this Court in a petition for review on certiorari.[18] The reason is that the Court is not a trier of facts.[19] However, the rule is subject to several exceptions.[20] Under these exceptions, the Court may delve into and resolve factual issues, such as in cases where the findings of the trial court and the Court of Appeals are absurd, contrary to the evidence on record, impossible, capricious or arbitrary, or based on a misappreciation of facts.

In this case, the Court is convinced that the findings of the Court of Appeals on the substantial matters at hand, while conflicting with those of the RTC, are adequately supported by the evidence on record. We, therefore, find no reason to deviate from the jurisprudential holdings and treat the instant case differently.

An accused's right to "have a speedy, impartial, and public trial" is guaranteed in criminal cases by Section 14(2) of Article III of the Constitution. This right to a speedy trial may be defined as one free from vexatious, capricious and oppressive delays, its "salutary objective" being to assure that an innocent person may be free from the anxiety and expense of a court litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose.[21] Intimating historical perspective on the evolution of the right to speedy trial, we reiterate the old legal maxim, "justice delayed is justice denied." This oft-repeated adage requires the expeditious resolution of disputes, much more so in criminal cases where an accused is constitutionally guaranteed the right to a speedy trial.[22]

Following the policies incorporated under the 1987 Constitution, Republic Act No. 8493, otherwise known as "The Speedy Trial Act of 1998," was enacted, with Section 6 of said act limiting the trial period to 180 days from the first day of trial.[23] Aware of problems resulting in the clogging of court dockets, the Court implemented the law by issuing Supreme Court Circular No. 38-98, which has been incorporated in the 2000 Rules of Criminal Procedure, Section 2 of Rule 119.[24]

In *Corpuz v. Sandiganbayan*,[25] the Court had occasion to state -

The right of the accused to a speedy trial and to a speedy disposition of the case against him was designed to prevent the oppression of the citizen by holding criminal prosecution suspended over him for an indefinite time, and to prevent delays in the administration of justice by mandating the courts to proceed with reasonable

dispatch in the trial of criminal cases. Such right to a speedy trial and a speedy disposition of a case is violated only when the proceeding is attended by vexatious, capricious and oppressive delays. The inquiry as to whether or not an accused has been denied such right is not susceptible by precise qualification. The concept of a speedy disposition is a relative term and must necessarily be a flexible concept.

While justice is administered with dispatch, the essential ingredient is orderly, expeditious and not mere speed. It cannot be definitely said how long is too long in a system where justice is supposed to be swift, but deliberate. It is consistent with delays and depends upon circumstances. It secures rights to the accused, but it does not preclude the rights of public justice. Also, it must be borne in mind that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons; hence, courts are to give meaning to that intent.

The Court emphasized in the same case that:

A balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an ad hoc basis.

In determining whether the accused has been deprived of his right to a speedy disposition of the case and to a speedy trial, four factors must be considered: (a) length of delay; (b) the reason for the delay; (c) the defendant's assertion of his right; and (d) prejudice to the defendant. x x x.

Closely related to the length of delay is the reason or justification of the State for such delay. Different weights should be assigned to different reasons or justifications invoked by the State. x x x.[26]

Exhaustively explained in *Corpuz v. Sandiganbayan*, an accused's right to speedy trial is deemed violated only when the proceeding is attended by vexatious, capricious, and oppressive delays. In determining whether petitioner was deprived of this right, the factors to consider and balance are the following: (a) duration of the delay; (b) reason therefor; (c) assertion of the right or failure to assert it; and (d) prejudice caused by such delay.[27]

From the initial hearing on 27 February 2001 until the time the prosecution filed its formal offer of evidence for Criminal Cases No. 119831-119832 on 25 November 2003, both prosecution and defense admit that no evidence was presented for Criminal Case No. 119830. Hence, for a period of almost two years and eight months, the prosecution did not present a single evidence for Criminal Case No. 119830.

The question we have to answer now is whether there was vexatious, capricious, and oppressive delay. To this, we apply the four-factor test previously mentioned.

We emphasize that in determining the right of an accused to speedy trial, courts are required to do more than a mathematical computation of the number of postponements of the scheduled hearings of the case. A mere mathematical reckoning of the time involved is clearly insufficient,[28] and particular regard must be given to the facts and circumstances peculiar to each case.[29]

In *Alvizo v. Sandiganbayan*,[30] the Court ruled that there was no violation of the right to speedy trial and speedy disposition. The Court took into account the reasons for the delay, i.e., the frequent amendments of procedural laws by presidential decrees, the structural reorganizations in existing prosecutorial agencies and the creation of new ones by executive fiat, resulting in changes of personnel, preliminary jurisdiction, and the functions and powers of prosecuting agencies. The Court also considered the failure of the accused to assert such right, and the lack of prejudice caused by the delay to the accused.

In *Defensor-Santiago v. Sandiganbayan*,[31] the complexity of the issues and the failure of the accused to invoke her right to speedy disposition at the appropriate time spelled defeat for her claim to the constitutional guarantee.

In *Cadalin v. Philippine Overseas Employment Administration's Administrator*,^[32] the Court, considering also the complexity of the cases and the conduct of the parties' lawyers, held that the right to speedy disposition was not violated therein.

Petitioner's objection to the prosecution's stand that he gave an implied consent to the separate trial of Criminal Case No. 119830 is belied by the records of the case. No objection was interposed by his defense counsel when this matter was discussed during the initial hearing.^[33] Petitioner's conformity thereto can be deduced from his non-objection at the preliminary hearing when the prosecution manifested that the evidence to be presented would be only for Criminal Cases No. 119831-119832. His failure to object to the prosecution's manifestation that the cases be tried separately is fatal to his case. The acts, mistakes and negligence of counsel bind his client, except only when such mistakes would result in serious injustice.^[34] In fact, petitioner's acquiescence is evident from the transcript of stenographic notes during the initial presentation of the People's evidence in the five BW cases on 27 February 2001, herein quoted below:

COURT: Atty. Sandejas, call your witness.

ATTY. SANDEJAS [SEC Prosecuting Lawyer]: May we make some manifestation first, your Honor, before we continue presenting our witness. First of all, this witness will only be testifying as to two (2) of the charges: non-disclosure of beneficial ownership of Dante Tan x x x.

x x x x

COURT: (to Atty. Sandejas) Call your witness.

ATTY. SANDEJAS: Our witness is Mr. Wilfredo Baltazar of the Securities and Exchange Commission, your Honor. We are presenting this witness for the purpose of non-disclosure of beneficial ownership case...

COURT: I would advise the counsel from the SEC to make it very clear your purpose in presenting your first witness.

ATTY. SANDEJAS: Yes, your Honor. Can I borrow the file?

COURT: Show it to counsel.

ATTY. SANDEJAS: Crim. Case Nos. 119831 and 119832, for Violation of RA Rule 36(a)1, in relation to Sec. 32 (a)-1 of the Revised Securities Act when he failed to disclose his beneficial ownership amounting to more than 10% which requires disclosure of such fact.^[35]

During the same hearing, the People manifested in open court that the parties had agreed to the separate trials of the BW Cases:

PROSECUTOR LAZARO:

May we be allowed to speak, your Honor?

Your Honor please, as we x x x understand, this is not a joint trial but a separate trial x x x so as manifested by the SEC lawyer, the witness is being presented insofar as 119831 and 119832 as against Dante Tan only x x x.^[36]

The transcript of stenographic notes taken from the 3 April 2001 hearing further clarifies that only the two cases against Dante Tan were being prosecuted:

ATTY. DE LA CRUZ [new counsel for accused Eduardo Lim, Jr.]:

Your Honor, please, may I request clarification from the prosecutors regarding the purpose of the testimony of

the witness in the stand. While the Private Prosecutor stated the purpose of the testimony of the witness. . .

x x x x

PROSECUTOR LAZARO:

I was present during the last hearing. I was then going over the transcript of this case, well, I believe the testimony x x x mainly [is] on accused Dante Tan, your Honor. As a matter of fact, there was a clarification made by the parties and counsels after the witness had testified that the hearing in these cases is not a joint trial because it involves separate charges, involving different documents, your Honor. That is why the witness already testified only concerning Dante Tan. Per the query made by Atty. Fortun, because at that time, Atty. Fortun was still representing Mr. Lim, I believe, your Honor, then I understand that the testimony of this witness cannot just be adopted insofar as the other accused, your Honor.

ATTY. MARANAN:

We confirm that, your Honor, since x x x particularly since this is already cross, it is clear that the direct examination dealt exclusively with Mr. Dante Tan.

PROS. LAZARO:

Mr. Dante Tan, involving the 2 (two) cases.[37]

Moreover, although periods for trial have been stipulated, these periods are not absolute. Where periods have been set, certain exclusions are allowed by law.[38] After all, this Court and the law recognize that it is but a fact that judicial proceedings do not exist in a vacuum and must contend with the realities of everyday life. In spite of the prescribed time limits, jurisprudence continues to adopt the view that the fundamentally recognized principle is that the concept of speedy trial is a relative term and must necessarily be a flexible concept.[39]

As to the assertion that delay in the presentation of evidence for Criminal Case No. 119830 has prejudiced petitioner because the witnesses for the defense may no longer be available at this time, suffice it to say that the burden of proving his guilt rests upon the prosecution.[40] Should the prosecution fail for any reason to present evidence sufficient to show his guilt beyond reasonable doubt, petitioner will be acquitted. It is safely entrenched in our jurisprudence that unless the prosecution discharges its burden to prove the guilt of an accused beyond reasonable doubt, the latter need not even offer evidence in his behalf.[41]

In the cases involving petitioner, the length of delay, complexity of the issues and his failure to invoke said right to speedy trial at the appropriate time tolled the death knell on his claim to the constitutional guarantee.[42] More importantly, in failing to interpose a timely objection to the prosecution's manifestation during the preliminary hearings that the cases be tried separately, one after the other, petitioner was deemed to have acquiesced and waived his objection thereto.

For the reasons above-stated, there is clearly insufficient ground to conclude that the prosecution is guilty of violating petitioner's right to speedy trial. Grave abuse of discretion defies exact definition, but generally refers to "capricious or whimsical exercise of judgment as is equivalent to lack of jurisdiction." Any capricious or whimsical exercise of judgment in dismissing a criminal case is equivalent to lack of jurisdiction. This is true in the instant case.

There is also no merit to petitioner's claim that a reversal of the RTC's Order dismissing Criminal Case No. 119830 is a violation of his constitutional right against double jeopardy which dismissal was founded on an alleged violation of his right to speedy trial.

The constitutional protection against double jeopardy shields one from a second or later prosecution for the same

offense. Article III, Section 21 of the 1987 Constitution declares that no person shall be twice put in jeopardy of punishment for the same offense, providing further that if an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Following the above constitutional provision, Section 7, Rule 117 of the Revised Rules of Court found it apt to stipulate:

SEC. 7. Former conviction or acquittal; double jeopardy. - When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.

For double jeopardy to attach then, the following elements in the first criminal case must be present:

- (a) The complaint or information or other formal charge was sufficient in form and substance to sustain a conviction;
- (b) The court had jurisdiction;
- (c) The accused had been arraigned and had pleaded; and
- (d) He was convicted or acquitted or the case was dismissed or otherwise terminated without the express consent of the accused.[43]

Among the above-cited elements, we are concerned with the fourth element, conviction or acquittal, or the case was dismissed or otherwise terminated without the express consent of the accused. This element is crucial since, as a general rule, the dismissal of a criminal case resulting in acquittal, made with the express consent of the accused or upon his own motion, will not place the accused in double jeopardy.[44] This rule, however, admits of two exceptions, namely: insufficiency of evidence and denial of the right to speedy trial.[45] While indeed petitioner was in fact the one who filed the Motion to Dismiss Criminal Case No. 119830, the dismissal thereof was due to an alleged violation of his right to speedy trial, which would otherwise put him in double jeopardy should the same charges be revived. Petitioner's situation is different. Double jeopardy has not attached, considering that the dismissal of Criminal Case No. 119830 on the ground of violation of his right to speedy trial was without basis and issued with grave abuse of discretion amounting to lack or excess of jurisdiction. Where the right of the accused to speedy trial has not been violated, there is no reason to support the initial order of dismissal.

Following this Court's ruling in *Almario v. Court of Appeals*,^[46] as petitioner's right to speedy trial was not transgressed, this exception to the fourth element of double jeopardy - that the defendant was acquitted or convicted, or the case was dismissed or otherwise terminated without the express consent of the accused - was not met. Where the dismissal of the case was allegedly capricious, certiorari lies from such order of dismissal and does not involve double jeopardy, as the petition challenges not the correctness but the validity of the order of dismissal; such grave abuse of discretion amounts to lack of jurisdiction, which prevents double jeopardy from attaching.[47]

As this Court ruled in *People v. Tampal*,^[48] reiterated in *People v. Leviste*,^[49] where we overturned an order of dismissal by the trial court predicated on the right to speedy trial -

It is true that in an unbroken line of cases, we have held that dismissal of cases on the ground of failure to

prosecute is equivalent to an acquittal that would bar further prosecution of the accused for the same offense. It must be stressed, however, that these dismissals were predicated on the clear right of the accused to speedy trial. These cases are not applicable to the petition at bench considering that the right of the private respondents to speedy trial has not been violated by the State. x x x.

From the foregoing, it follows that petitioner cannot claim that double jeopardy attached when said RTC order was reversed by the Court of Appeals. Double jeopardy does not apply to this case, considering that there is no violation of petitioner's right to speedy trial.

The old adage that justice delayed is justice denied has never been more valid than in our jurisdiction, where it is not a rarity for a case to drag in our courts for years and years and even decades. It was this difficulty that inspired the constitutional requirement that the rules of court to be promulgated by the Supreme Court shall provide for a simplified and inexpensive procedure for the speedy trial and disposition of cases.[50] Indeed, for justice to prevail, the scales must balance, for justice is not to be dispensed for the accused alone.[51]

Evidently, the task of the pillars of the criminal justice system is to preserve our democratic society under the rule of law, ensuring that all those who appear before or are brought to the bar of justice are afforded a fair opportunity to present their side. As correctly observed by the Court of Appeals, Criminal Case No. 119830 is just one of the many controversial cases involving the BW shares scam where public interest is undoubtedly at stake. The State, like any other litigant, is entitled to its day in court, and to a reasonable opportunity to present its case. A hasty dismissal, instead of unclogging dockets, has actually increased the workload of the justice system and unwittingly prolonged the litigation.[52]

Finally, we reiterate that the rights given to the accused by the Constitution and the Rules of Court are shields, not weapons. Courts are tasked to give meaning to that intent. There being no capricious, vexatious, oppressive delay in the proceedings, and no postponements unjustifiably sought, we concur in the conclusions reached by the Court of Appeals.

WHEREFORE, the petition is DISMISSED. The assailed 22 February 2006 Decision and 17 July 2006 Resolution issued by the Court of Appeals in CA-G.R. SP No. 83068 are hereby AFFIRMED.

The instant case is REMANDED to the Regional Trial Court, Branch 153, Pasig City for further proceedings in Criminal Case No. 119830 with reasonable dispatch.

SO ORDERED.

Ynares-Santiago, (Chairperson), Carpio Morales[*], Velasco, Jr.[**], and Leonardo-De Castro[***], JJ., concur.

[*] Per Special Order No. 602, dated 20 March 2009, signed by Chief Justice Reynato S. Puno, designating Associate Justice Conchita Carpio Morales to replace Associate Justice Ma. Alicia Austria-Martinez, who is on official leave.

[**] Associate Justice Presbitero J. Velasco, Jr. was designated to sit as additional member replacing Associate Justice Antonio Eduardo B. Nachura per Raffle dated 14 January 2008.

[***] Associate Justice Teresita J. Leonardo-De Castro was designated to sit as additional member replacing Associate Justice Antonio T. Carpio per Raffle dated 15 April 2009.

[1] Penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Josefina Guevara-Salonga and Sesinando E. Villon, concurring; rollo, pp. 90-100.

[2] Id. at 102-112.

[3] Id. at 228-230.

[4] Id. at 231-232.

[5] Id. at 233-235.

[6] Records, p. 194.

[7] Id. at 253-259.

[8] Rollo, pp. 247-253.

[9] Section 36. Directors, officers and principal stockholders.--

(a) Every person who is directly or indirectly the beneficial owner of more than ten per centum of any class of any equity security which is registered pursuant to this Act, or who is a director or an officer of the issuer of such security, shall file, at the time of the registration of such security on a securities exchange or by the effective date of a registration statement or within ten days after he becomes such a beneficial owner, director, or officer, a statement with the Commission and, if such security is registered on a securities exchange, also with the exchange, of the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership during such month, shall file with the Commission, and if such security is registered on a securities exchange, shall also file with the exchange, a statement indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

[10] Section 32. Reports. - (a) (1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to this Act, is directly or indirectly the beneficial owner of more than ten (10%) per centum of such class shall, within ten days after such acquisition or such reasonable time as fixed by the Commission, submit to the issuer of the security, to the stock exchanges where the security is traded, and to the Commission a sworn statement x x x.

[11] Penalties. Any person who violates any of the provisions of this Act, or the rules and regulations promulgated by the Commission under authority thereof, or any person who, in a registration statement filed under this Act, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall, upon conviction, suffer a fine of not less than five thousand (P5,000.00) pesos nor more than five hundred thousand (P500,000.00) pesos or imprisonment of not less than seven (7) years nor more than twenty one (21) years, or both in the discretion of the court. If the offender is a corporation, partnership or association or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation, and if such officer is an alien, he shall, in addition to the penalties prescribed, be deported without further proceedings after service of sentence.

[12] Section 27. Manipulative and deceptive devices. It shall be unlawful for any person, directly or indirectly, by the use of any facility of any exchange -

x x x x

(b) To use or employ, in connection with the purchase or sale of any security, any manipulative or deceptive device or contrivance.

[13] Rollo, pp. 835-855.

[14] Id. at 99-100.

[15] Regalado, REMEDIAL LAW, p. 729.

[16] Revised Administrative Code, Section 3(2).

[17] Centeno v. Viray, 440 Phil. 881, 887 (2002).

[18] Busmente, Jr. v. National Labor Relations Commission, G.R. No. 73647, 8 April 1991, 195 SCRA 710, 713.

[19] Tad-y v. People, G.R. No. 148862, 11 August 2005, 466 SCRA 474, 492; Romago Electric Co., Inc. v. Court of Appeals, 388 Phil. 964, 975 (2000).

[20] Palon v. Nino, 405 Phil. 670, 681 (2001).

[21] Acebedo v. Sarmiento, 146 Phil. 820, 823 (1970).

[22] PHILIPPINE CONSTITUTION, Art. III, Sec. 14(2).

[23] SECTION 6. Time Limit for Trial. - In criminal cases involving persons charged of a crime, except those subject to the Rules on Summary Procedure, or where the penalty prescribed by law does not exceed six (6) months imprisonment, or a fine of One thousand pesos (P1,000.00) or both, irrespective of other imposable penalties, the justice or judge shall, after consultation with the public prosecutor and the counsel for the accused, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Chief Justice of the Supreme Court pursuant to Section 3, Rule 22 of the Rules of Court.

[24] SEC. 2. Continuous trial until terminated; postponements.--Trial once commenced shall continue from day to day as far as practicable until terminated. It may be postponed for a reasonable period of time for good cause.

The court shall, after consultation with the prosecutor and defense counsel, set the case for continuous trial on a weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire trial period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Supreme Court.

The time limitations provided under this section and the preceding section shall not apply where special laws or circulars of the Supreme Court provide for a shorter period of trial.

[25] G.R. No. 162214, 11 November 2004, 442 SCRA 294, 312-313.

[26] Id. at 313-314.

[27] Abardo v. Sandiganbayan, 407 Phil. 985, 999-1000 (2001); Dela Pena v. Sandiganbayan, 412 Phil. 921, 929 (2001).

[28] Socrates v. Sandiganbayan, 324 Phil. 151, 170 (1996); Tai Lim v. Court of Appeals, 375 Phil. 971, 977 (1999).

[29] Santiago v. Garchitorena, G.R. No. 109266, 2 December 1993, 228 SCRA 214, 221.

[30] G.R. No. 101689, 17 March 1993, 220 SCRA 55.

[31] 408 Phil. 767 (2001).

[32] G.R. No. 104776, 5 December 1994, 238 SCRA 721.

- [33] TSN, 27 February 2001.
- [34] Producers Bank of the Philippines v. Court of Appeals, 430 Phil. 812, 823 (2002); People v. Hernandez, 328 Phil. 1123, 1143 (1996).
- [35] TSN, 27 February 2001, pp. 3-7; CA rollo, pp. 87-91.
- [36] Id. at 71-74; id. at 155-156.
- [37] TSN, 3 April 2001, pp. 5-10; id. at 225-230.
- [38] Solar Team Entertainment, Inc. v. Judge How, 393 Phil. 172, 184 (2000).
- [39] Id.
- [40] Republic v. Sandiganbayan and Marcos, 461 Phil. 598, 615 (2003).
- [41] People v. Ganguso, G.R. No. 115430, 23 November 1995, 250 SCRA 268, 274-275; People v. Abellanosa, 332 Phil. 760, 788 (1996), citing People v. Baclayon, G.R. No. 110837, 29 March 1994, 231 SCRA 578, 584, citing People v. Garcia, G.R. No. 94187, 4 November 1992, 215 SCRA 349, 358-359.
- [42] Santiago v. Garchitorena, supra note 29.
- [43] Condrada v. People, 446 Phil. 635, 641 (2003).
- [44] Id.
- [45] Id.; Philippine Savings Bank v. Bermoy, G.R. No. 151912, 26 September 2005, 471 SCRA 94, 106, citing People v. Bans, G.R. No. 104147, 8 December 1994, 239 SCRA 48, 55.
- [46] 407 Phil. 279 (2002).
- [47] Regalado, REMEDIAL LAW COMPENDIUM (Vol. II, 2001), p. 503.
- [48] 314 Phil. 35, 45 (1995).
- [49] 325 Phil. 525, 537 (1996).
- [50] Justice Isagani Cruz, PHILIPPINE POLITICAL LAW, p. 292.
- [51] Dimatulac v. Villon, 358 Phil. 328, 366 (1998); People v. Subida, G.R. No. 145945, 27 June 2006, 493 SCRA 125, 137.
- [52] People v. Leviste, supra note 49.

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