

**REPUBLIC OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN
(SPECIAL SECOND DIVISION) AND LEONARDO B. ROMAN,
RESPONDENTS.***G.R. No. 231144. February 19, 2020*

Ponente: LEONEN, J.

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While the Constitution guarantees the right of the accused to speedy disposition of cases, this constitutional right is not a magical invocation which can be cunningly used by the accused for his or her advantage. This right is not a last line of remedy when accused find themselves on the losing end of the proceedings. The State's duty to prosecute cases is just as equally important and cannot be disregarded at the whim of the accused, especially when it appears that the alleged violation was raised as a mere afterthought.

This resolves a Petition for Certiorari[1] filed by the People of the Philippines assailing the Sandiganbayan Resolutions in Criminal Case No. SC-15-CRM-0100, which granted the Urgent Motion to Quash Information[2] filed by Leonardo B. Roman (Roman). The Sandiganbayan ruled that Roman's right to speedy disposition of cases was violated.

Roman was the former Governor of the Province of Bataan. In November 2003, Roman entered into a contract with V.F. Construction for the construction of a mini-theater in Bataan State College Abucay Campus. The project costs P3,660,000.00.[3]

On February 23, 2004, Roman executed a Certificate of Acceptance, attesting that the project was fully completed in accordance with the contract per the Accomplishment Report and other documents. Roman further executed an Affidavit reiterating the completion of the project.[4]

Following the purported completion of the project, two (2) Land Bank of the Philippines checks were issued by Roman and Provincial Treasurer Pastor P. Vichuaco in favor of V.F. Construction in the total amount of P3,310,636.36.[5] V.F. Construction then issued receipts acknowledging the payments made.[6]

However, in August 2004, Enrique T. Garcia, Jr. (Garcia), Roman's successor, inspected the project and found that the construction remained unfinished, contrary to Roman's claim.[7]

Thus, a September 1, 2004 Complaint was filed against Roman, other local government officials of the Province of Bataan, and the owner of V.F. Construction for Malversation of Public Funds through Falsification of Public Documents punished under Article 217, in relation to Article 171 of the Revised Penal Code, and violation of Section 3(a) and (e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.[8]

Subsequently, the Office of the Ombudsman issued a May 30, 2006 Resolution dismissing the Complaint against Roman and his co-accused for lack of probable cause.[9] The Office of the Ombudsman reasoned that the mere signature on the voucher or certification is not enough evidence to establish conspiracy among the accused.[10] However, the case for falsification of public documents proceeded against other officials.[11]

On June 23, 2008, the Resolution was approved by the Ombudsman.[12]

Garcia then moved for a partial reconsideration of the Resolution, but it was denied on October 9, 2009.[13] Thus, on July 22, 2011, Garcia filed a Petition for Certiorari before this Court, asserting that the Office of the Ombudsman acted with grave abuse of discretion in dismissing the complaint against Roman and his co-accused.[14]

On November 19, 2014, this Court issued a Decision,[15] partially reversing the findings of the Office of the Ombudsman and ordering the filing of an Information for violation of Section 3(e) of Republic Act No. 3019 against Roman and his co-accused.[16] The dispositive portion reads:

WHEREFORE, the petition is PARTLY GRANTED. The Resolution dated May 30, 2006 and the Order dated October 9, 2009 of the Office of the Ombudsman in OMB-L-C-05-0084-A, insofar as they dismissed the criminal charge against respondents Leonardo B. Roman, Romeo L. Mendiola, Pastor P. Vichuaco, Aurora J. Tiambeng, and Numeriano G. Medina (respondents), for Malversation of Public Funds through Falsification of Public Documents, are AFFIRMED. However, the said Resolution and Order, insofar as they dismissed the criminal charge against respondents for violation of Section 3(e), Republic Act No. (RA) 3019 of the "Anti-Graft and Corrupt Practices Act" are REVERSED and SET ASIDE. The Ombudsman is ORDERED to file in the proper court the necessary information for violation of Section 3(e), RA 3019 against respondents. Finally, for reasons herein discussed, the criminal charge against respondents for Technical Malversation is DISMISSED, without prejudice to its proper re-filing.[17]

Hence, on February 13, 2015, the Office of the Ombudsman filed an Information before the Sandiganbayan, charging Roman and his co-accused.[18] The Information reads:

That from April 30 to June 2, 2004, or sometime prior or subsequent thereto, in the Province of Bataan, Philippines, and within the jurisdiction of this Honorable Court, accused Provincial Governor Leonardo B. Roman, Executive Assistant Romeo L. Mendiola, Provincial Treasurer Pastor P. Vichauco, Provincial Budget Officer Aurora Tiambeng and Provincial Accountant Numeriano G. Medina, all of the Province of Bataan, Philippines, all public officers, committing the crime charged in relation to their duties and taking advantage of their official positions, acting with evident bad faith, manifest partially or at the very least, gross inexcusable negligence, and conspiring and confederating with each other, did then and there, willfully, unlawfully and criminally caused undue injury to the government and give unwarranted benefit, advantage or preference to V.F. Construction, by awarding a contract for the construction of a Mini-Theater Project, and causing the disbursement/payment/release of public funds in the amount of THREE MILLION SIX HUNDRED SIXTY THOUSAND PESOS (Php3,660,000.00) in favor of V.F. Construction, despite the fact that the project was not completed and notwithstanding the absence of a valid allotment and/or appropriation for the said project as found by the Commission on Audit (COA) in its Audit Observation Memorandum (AOM), which rendered all accused's authorizations, approval and/or certification for the payment thereof irregular and illegal, in violation of pertinent laws and government auditing and accounting rules and regulations, thereby causing undue injury to the government in the aforesaid amount and giving unwarranted benefits, advantage of preference to V.F. Construction, to the damage and prejudice of the government.

CONTRARY TO LAW.[19]

Roman moved for the reconsideration of this Court's Decision. He likewise filed motions with the Sandiganbayan, seeking the suspension of the proceedings that were waiting for the resolution of his motion for reconsideration.[20]

In a September 16, 2015 Resolution, pending Roman's Motion for Reconsideration before this Court, the Sandiganbayan denied his motions explaining that a Rule 65 petition does "not interrupt the course of the lower court[.]" unless there is a directive from this Court for the lower court to defer action on the case.[21]

Roman moved for the reconsideration of the Sandiganbayan's September 16, 2015 Resolution, which was then granted in the February 15, 2016 Resolution. In granting the motion, the Sandiganbayan opined that it was more prudent to await the Court's resolution on Roman's Motion for Reconsideration.[22]

The prosecution moved for the reconsideration of the Sandiganbayan's Resolution. Pending the resolution of this motion before the Sandiganbayan, this Court denied with finality Roman's Motion for Reconsideration.[23]

On October 14, 2016, Roman then filed an Urgent Motion to Quash Information, arguing that his right to a speedy disposition of the case was violated.[24] He asserts that 11 years have already lapsed since the filing of the Complaint before the Ombudsman until the Information was filed before the Sandiganbayan. Roman avers that this constituted inordinate delay, which warrants the quashal of the information.[25]

The prosecution opposed the motion, contending that the delay in the proceedings cannot be deemed "vexatious" to merit the dismissal of the case.[26] It stressed that there is no delay in the preliminary investigation, considering that it only took less than two (2) years from the filing of the complaint until the issuance of the Ombudsman's Resolution.[27]

It also emphasized that it only took the Ombudsman a year to resolve Roman's Motion for Reconsideration.[28] Moreover, the prosecution avers that the period of the case's elevation to this Court should not be taken into consideration when determining the existence of inordinate delay.[29] It argued that Roman already waived his right to a speedy disposition of the case when he failed to invoke this right before the Office of the Ombudsman and this Court.[30]

On December 14, 2016, the Sandiganbayan issued a Resolution,[31] granting Roman's Urgent Motion to Quash the Information, thus:

WHEREFORE, in the light of the foregoing, the Court hereby GRANTS the Urgent Motion to Quash Information filed by accused Leonardo B. Roman on the ground of violation of his constitutional right to speedy disposition of cases. Accordingly, the case against accused is DISMISSED.[32] (Emphasis in the original)

The Sandiganbayan explained that Roman's right to speedy disposition of cases was violated when the preliminary investigation was terminated only after five (5) years. The Sandiganbayan noted that the Complaint was filed on September 1, 2004 but the Order denying the motion for reconsideration was issued only on October 9, 2009.[33]

Further, the Sandiganbayan ruled that the prosecution failed to present a justification for the delay in the preliminary investigation, particularly, why it needed two (2) years to resolve the preliminary investigation and one (1) year to resolve the motion for reconsideration.[34]

The Sandiganbayan ruled that Roman timely asserted his right. He could not have raised the contention at an earlier time because the complaint was initially dismissed by the Ombudsman, and Garcia's subsequent motion for reconsideration was also denied. The Information was only filed on February 13, 2016; thus, it cannot be said that Roman allowed the case to drag on before he raised this issue.[35] The Sandiganbayan further ruled that Roman was not required to follow up on the prosecution on the case.[36]

Lastly, the Sandiganbayan concluded that Roman was prejudiced due to the prolonged resolution of the case. It explained that the case caused Roman: (1) anxiety; (2) hostility; (3) additional expenses; and (4) a weakened defense due to the passage of time, considering that there is an increased risk of losing witnesses and evidence.[37]

The prosecution then moved for the reconsideration of the Resolution, but it was denied.[38] Hence, this Petition was filed.[39]

Petitioner argues that private respondent Roman (private respondent) failed to seasonably assert his right during the conduct of the preliminary investigation and during the pendency of the case before this Court. Petitioner points out that private respondent did not raise the issue at the first instance after the Information was filed before the Sandiganbayan. In fact, it was a mere afterthought since private respondent only raised the issue after this Court denied his Motion for Reconsideration.[40]

According to petitioner, respondent Sandiganbayan erred in ruling that defendants in a preliminary investigation are not required to follow up on their case. Citing jurisprudence,[41] petitioner avers that the inaction of private respondent translates to his acquiescence to the delay.[42]

Petitioner further disagrees that private respondent was prejudiced by any delay in the preliminary investigation proceedings. If he had been prejudiced, he should have moved for the early resolution of the complaint, or private complainant Garcia's (private complainant) motion for reconsideration, before the Ombudsman.[43] However, private respondent slept on his right.[44] Further, petitioner argues that respondent Sandiganbayan's finding that private respondent suffered prejudice is only a conjecture.[45] Respondent Sandiganbayan's conclusion that private complainant suffered "tactical disadvantages...especially on the preparation of his defense" is not specific to satisfy the requirement of prejudice.[46]

Further, while respondent Sandiganbayan initially agreed that the pendency of the petition before this Court should not be taken into account in reckoning delay, it contradicted itself when it counted this period in determining the length of delay.[47]

Petitioner contends that the pendency of the petition before this Court should not be regarded as part of the preliminary investigation because the petition is an independent action.[48] Moreover, the proceedings before this Court should be excluded under Section 10 of Republic Act No. 8493, otherwise known as the Speedy Trial Act.[49]

Nevertheless, petitioner points out that the period that lapsed is reasonable and respondent Sandiganbayan miserably failed to consider the factors that justified the preliminary investigation's delay. In particular, there were multiple respondents to the case, voluminous documents to be evaluated, and the resolution had to go through various levels of approval processes while the Office of the Ombudsman is swamped with a heavy docket.[50]

Petitioner further argues that respondent Sandiganbayan grossly misappreciated the facts of the case. For instance, respondent Sandiganbayan inadvertently stated that the Complaint was filed on September 1, 2004, but the records show that it was received by the Office of the Ombudsman only on January 18, 2005.[51]

Records also show that private respondent contributed to the delay when he requested for additional time to file his counter-affidavit before the Office of the Ombudsman twice. In fact, it was only received by the Ombudsman on April 18, 2005. Meanwhile, private complainant asked thrice for an extension to file his Reply-Affidavit.[52]

Petitioner further contends that respondent Sandiganbayan erred in including the period when the complaint was not yet ripe for resolution. Petitioner points out that due process dictates that it is premature to resolve a case while awaiting receipt of the last pleading. Thus, the length of delay should have been counted from June 29, 2005, when the Ombudsman received the consolidated Reply-Affidavit of private complainant.[53]

Petitioner asserts that in dismissing the case, respondent Sandiganbayan deprived the State of due process and reasonable opportunity to prosecute. Lastly, petitioner argues that since this Court already directed the filing of

the Information, the Sandiganbayan should have just honored the directive. Clearly, this Court did not discuss the issue of inordinate delay, precisely because private complainant failed to raise this contention; thus, waiving his objection to whatever delay that transpired.[54]

In his Comment,[55] private respondent mainly argues that respondent Sandiganbayan correctly dismissed the case against him on the ground of the violation of his constitutional right to speedy disposition of cases.[56]

First, private respondent argues that he did not waive his right to speedy disposition of cases, contending that he could not have raised the issue at an earlier time. He recalls that he can only raise the contention once this Court has ruled and ordered the filing of the complaint. This is in accordance with the requirement under Rule 117 of the Rules of Court which states that an accused may move to quash the complaint or information against him at any time before arraignment.[57]

Moreover, private respondent claims that respondent Sandiganbayan correctly ruled that he is not required to follow up on the preliminary investigation.[58] In any case, he argues that the better rule is to consider the defendant's assertion of—or failure to assert—his right as one of the factors to be considered in determining whether there was a violation of the right to speedy trial.[59] He likewise asserts that he could not have waived his right, because a waiver must be an intentional abandonment of a known right.[60] He stresses that petitioner's insistence that he waived his right must be rejected, considering that the right involved is constitutionally conferred.[61]

Second, private respondent maintains that he suffered prejudice in the 11 long years that he had to face baseless charges. He claims that the case caused serious anxiety, wasteful expenses, and hostility against him.[62]

Third, he argues that the length of delay was not justified. He points out that as early as May 30, 2006, the Office of the Ombudsman already issued a Resolution dismissing the case, but it was only approved on June 23, 2008.[63] Verily, the pendency of the approval of the Ombudsman caused the delay of the preliminary investigation. Private respondent adds that the resolution of private complainant's Motion for Reconsideration also took almost one (1) year. Thus, it is clear that the Office of the Ombudsman spent an unusually longer period to investigate the Complaint filed against him. Three (3) years was inordinate delay and has constituted violation of his right to speedy disposition of cases.[64]

Fourth, private respondent maintains that respondent Sandiganbayan considered the period when all the requisite pleadings were already with the Office of the Ombudsman for resolution.[65] Even assuming that the Ombudsman received the Complaint only on January 18, 2005, or four (4) months later than its actual date on September 1, 2004, the fact remains that the Ombudsman's resolution was only approved after more than three (3) years or on June 23, 2008.[66]

Lastly, private respondent argues that the State was not unjustly deprived of its right to prosecute the case.[67] Respondent Sandiganbayan correctly considered all factors that support its pronouncement, and justly rendered a decision which upheld his constitutional right.[68]

The sole issue for this Court's resolution is whether or not private respondent's right to speedy disposition of cases was violated.

I

The right to speedy disposition of cases is constitutionally guaranteed. Under Article III, Section 16 of the Constitution:

SECTION 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.[69]

This right is different and distinct from the right to speedy trial, which is enshrined under Article III, Section 14(2):

SECTION 14.

....

(2) In all criminal prosecutions, the accused shall be presumed 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, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable. (Emphasis supplied)

Under the 1973 Constitution, the right to speedy disposition of cases was first crafted and integrated into our legal system. Prior to this, the 1935 Constitution only carried the right to speedy trial, which may only be cited in criminal prosecutions. Thus, the right to speedy disposition of cases, which may be raised even before quasi-judicial and administrative bodies involving civil, criminal, and administrative cases, provides a broader scope of protection. In *Abadia v. Court of Appeals*:^[70]

The Bill of Rights provisions of the 1987 Constitution were precisely crafted to expand substantive fair trial rights and to protect citizens from procedural machinations which tend to nullify those rights. Moreover, Section 16, Article III of the Constitution extends the right to a speedy disposition of cases to cases "before all judicial, quasi-judicial and administrative bodies." This protection extends to all citizens, including those in the military and covers the periods before, during and after the trial, affording broader protection than Section 14(2) which guarantees merely the right to a speedy trial.^[71]

The third constitutional provision mandating speedy dispensation of justice is found in Article VIII, Section 15, which provides for a period within which a case must be decided and resolved by courts.^[72] Nevertheless, the right to speedy disposition of cases still embraces a greater scope because Article VIII, Section 15 only covers the period after the submission of cases.^[73]

Similar to the right to speedy trial, the right to speedy disposition of cases primarily seeks to prevent delay in the administration of justice.^[74] As laid down in *Corpuz v. Sandiganbayan*:^[75]

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.^[76] (Citations omitted)

The right to speedy disposition of cases is violated only when there is inordinate delay, such that the proceedings are "attended by vexatious, capricious, and oppressive delays; or when unjustified postponements of the trial are

asked for and secured, or when without cause or unjustifiable motive, a long period of time is allowed to elapse without the party having his case tried." [77]

Inordinate delay was first introduced in *Tatad v. Sandiganbayan*. [78] In *Tatad*, this Court ruled that the inordinate delay in the conclusion of preliminary investigation and subsequent filing of information will result to the violation of the right to speedy disposition of cases and right to due process. In so ruling, this Court considered several circumstances such as: (1) the political motivation which propelled the prosecution; (2) the patent violation of procedural rules; and (3) the unjustified delay attending the investigation. Ultimately, *Tatad* held that the determination of whether or not there is a violation of speedy disposition of cases applies on a case-to-case basis:

In a number of cases, this Court has not hesitated to grant the so-called "radical relief" and to spare the accused from undergoing the rigors and expense of a full-blown trial where it is clear that the has been deprived of due process of law or other constitutionally guaranteed rights. Of course, it goes without saying that in the application of the doctrine enunciated in those cases, particular regard must be taken of the facts and circumstances peculiar to each case. [79] (Citation omitted)

Thus, the concept of speedy disposition is relative. There is no hard-and-fast mathematical rule on the reckoning of time involved and facts peculiar to each case must be taken into account. [80]

Nevertheless, this Court carved a standard test in resolving these cases. *Martin v. Ver* [81] adopted the "balancing test" which provides four (4) factors as its guide in determining the existence of inordinate delay, namely: (1) length of delay; (2) reason for delay; (3) defendant's assertion or non-assertion of his or her right; and (4) prejudice caused to the defendant as a result of the delay. [82] However, these factors must be taken into account together with the other circumstances of the case. Furthermore, the totality of the facts must be weighed and evaluated. [83]

In determining the length of delay, *Dansal v. Hernandez* [84] recognized that the period must include the investigation even before the trial commenced. In criminal prosecutions, rules on preliminary investigation under Rule 112, Section 3 of the Rules of Court come to play. Section 1 of Republic Act No. 8493, otherwise known as the Speedy Trial Act, also laid down the time limit of 180 days for the entire trial. The Guidelines for Decongesting Holding Jails by Enforcing the [Right] of [the] Accused to Bail and to Speedy Trial [85] likewise provide for strict time limits that must be observed, among other laws.

In cases filed before quasi-judicial agencies, there is no law providing for the period to be observed in terms of disposition of the case. In cases before the Office of the Ombudsman, the Constitution only mandates it to act promptly on cases. As observed in *Cagang v. Sandiganbayan*: [86]

The right to speedy disposition of cases is most commonly invoked in fact-finding investigations and preliminary investigations by the Office of the Ombudsman since neither of these proceedings form part of the actual criminal prosecution. The Constitution itself mandates the Office of the Ombudsman to "act promptly" on complaints filed before it:

Section 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.

As if to underscore the importance of its mandate, this constitutional command is repeated in Republic Act No. 6770, which provides:

Section 13. Mandate. — The Ombudsman and his Deputies, as protectors of the people, shall act promptly on

complaints filed in any form or manner against officers or employees of the government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

Neither the Constitution nor Republic Act No. 6770 provide for a specific period within which to measure promptness. Neither do they provide for criteria within which to determine what could already be considered as delay in the disposition of complaints. Thus, judicial interpretation became necessary to determine what could be considered "prompt" and what length of time could amount to unreasonable or "inordinate delay." [87] (Citations omitted)

Cagang clarified that in cases before the Office of the Ombudsman, the fact-finding investigation is not deemed included in the preliminary investigation for the purpose of determining the existence of inordinate delay, because the investigations are not yet adversarial proceedings against the accused. Thus, in evaluating cases invoking the right to speedy disposition of cases, "a case is deemed to have commenced from the filing of the formal complaint and the subsequent conduct of the preliminary investigation." [88]

The Ombudsman ought to provide a reasonable period based on: (1) its experience; (2) the number of the accused; (3) the complexity of the evidence; and (4) the issues involved. However, the burden of proving that there was violation of the right to speedy disposition lies with the defense. It must be able to show that the proceedings were prolonged longer than what is reasonably necessary. [89]

Moreover, the defense must show that it exerted efforts to protect its constitutional rights. Failure to timely raise the alleged violation of its right operates against the defendant because sleeping on the right indicates his or her acquiescence to the delay. [90] As held in *Dela Peña v. Sandiganbayan*: [91]

Moreover, it is worthy to note that it was only on 21 December 1999, after the case was set for arraignment, that petitioners raised the issue of the delay in the conduct of the preliminary investigation. As stated by them in their Motion to Quash/Dismiss, "[o]ther than the counter-affidavits, [they] did nothing." Also, in their petition, they averred: "Aside from the motion for extension of time to file counter-affidavits, petitioners in the present case did not file nor send any letter-queries addressed to the Office of the Ombudsman for Mindanao which conducted the preliminary investigation." They slept on their right — a situation amounting to laches. The matter could have taken a different dimension if during all those four years, they showed signs of asserting their right to a speedy disposition of their cases or at least made some overt acts, like filing a motion for early resolution, to show that they were not waiving that right. Their silence may, therefore be interpreted as a waiver of such right. As aptly stated in *Alvizo*, the petitioner therein was "insensitive to the implications and contingencies" of the projected criminal prosecution posed against him "by not taking any step whatsoever to accelerate the disposition of the matter, which inaction conduces to the perception that the supervening delay seems to have been without his objection, [and] hence impliedly with his acquiescence." [92]

The delay must not be attributable to the defense to conclude that there is a violation of the right to speedy disposition of cases. Delaying tactics employed by the accused will be taken against him or her. This covers situations such as "failing to appear despite summons, filing needless motions against interlocutory actions, or requesting unnecessary postponements that will prevent courts or tribunals to properly adjudicate the case." [93]

Cagang summarizes the clearer guide in resolving cases on right to speedy disposition of cases or right to speedy trial. Thus:

First, the right to speedy disposition of cases is different from the right to speedy trial. While the rationale for both rights is the same, the right to speedy trial may only be invoked in criminal prosecutions against courts of law. The right to speedy disposition of cases, however, may be invoked before any tribunal, whether judicial or

quasi-judicial. What is important is that the accused may already be prejudiced by the proceeding for the right to speedy disposition of cases to be invoked.

Second, a case is deemed initiated upon the filing of a formal complaint prior to a conduct of a preliminary investigation. This Court acknowledges, however, that the Ombudsman should set reasonable periods for preliminary investigation, with due regard to the complexities and nuances of each case. Delays beyond this period will be taken against the prosecution. The period taken for fact-finding investigations prior to the filing of the formal complaint shall not be included in the determination of whether there has been inordinate delay.

Third, courts must first determine which party carries the burden of proof. If the right is invoked within the given time periods contained in current Supreme Court resolutions and circulars, and the time periods that will be promulgated by the Office of the Ombudsman, the defense has the burden of proving that the right was justifiably invoked. If the delay occurs beyond the given time period and the right is invoked, the prosecution has the burden of justifying the delay.

If the defense has the burden of proof, it must prove first, whether the case is motivated by malice or clearly only politically motivated and is attended by utter lack of evidence, and second, that the defense did not contribute to the delay.

Once the burden of proof shifts to the prosecution, the prosecution must prove first, that it followed the prescribed procedure in the conduct of preliminary investigation and in the prosecution of the case; second, that the complexity of the issues and the volume of evidence made the delay inevitable; and third, that no prejudice was suffered by the accused as a result of the delay.

Fourth, determination of the length of delay is never mechanical. Courts must consider the entire context of the case, from the amount of evidence to be weighed to the simplicity or complexity of the issues raised.

An exception to this rule is if there is an allegation that the prosecution of the case was solely motivated by malice, such as when the case is politically motivated or when there is continued prosecution despite utter lack of evidence. Malicious intent may be gauged from the behavior of the prosecution throughout the proceedings. If malicious prosecution is properly alleged and substantially proven, the case would automatically be dismissed without need of further analysis of the delay.

Another exception would be the waiver of the accused to the right to speedy disposition of cases or the right to speedy trial. If it can be proven that the accused acquiesced to the delay, the constitutional right can no longer be invoked.

In all cases of dismissals due to inordinate delay, the causes of the delays must be properly laid out and discussed by the relevant court.

Fifth, the right to speedy disposition of cases or the right to speedy trial must be timely raised. The respondent or the accused must file the appropriate motion upon the lapse of the statutory or procedural periods. Otherwise, they are deemed to have waived their right to speedy disposition of cases.[94] (Citation omitted, emphasis in the original)

II

Applying these guidelines to this case, this Court finds that there was no violation of private respondent's right to speedy disposition of cases.

Based on the records, below is the timeline of the events leading to the filing of this case:

September 1, 2004

Date of the complaint.[95]

January 18, 2005

The complaint was received by the Office of the Ombudsman.[96]

February 10, 2005

The Office of the Ombudsman ordered the October 17, 2016 respondents to submit a counter-affidavit.[97]

March 1, 2005

Roman filed his first motion for extension of time. Other respondents Capistrano and Mendiola filed motions for extension of time as well.[98]

March 22, 2005

Roman filed another motion for additional time to submit his counter-affidavit until April 5, 2005.[99]

April 15, 2005

Roman filed a motion to consolidate two (2) complaints filed against him.[100]

April 18, 2005

Roman filed his counter-affidavit dated April 15, 2005. The rest of the respondents have submitted their counter-affidavits earlier.[101]

April 27, 2005

Garcia filed a motion for extension of time to file his reply-affidavit.[102]

June 2, 2005

Garcia filed another motion for extension of time.[103]

June 24, 2005

Garcia filed his third motion for extension of time.[104]

June 29, 2005

The consolidated reply-affidavit of private complainant Garcia was received by the Office of the Ombudsman.[105]

May 30, 2006

The resolution was issued.[106]

June 23, 2008

The resolution was approved by the Ombudsman.[107]

August 29, 2008

Private complainant Garcia filed his motion for reconsideration.[108]

October 20, 2008

Private complainant Garcia filed a supplemental motion for reconsideration.[109]

October 9, 2009

The Office of the Ombudsman denied the Garcia's motions.[110]

July 22, 2011

Garcia filed a Petition for Certiorari before this Court.[111]

November 19, 2014

This Court ruled on the Petition for Certiorari.[112]

January 26, 2015

Roman filed his motion for reconsideration on this Court's decision.[113]

February 13, 2015

The Information was filed before the Sandiganbayan.[114]

August 3, 2016

This Court denied Roman's motion for reconsideration.[115]

October 17, 2016

Roman filed an Urgent Motion to Quash Information before the Sandiganbayan.[116]

December 14, 2016

The Sandiganbayan granted Roman's motion.[117]

January 11, 2017

The prosecution filed a motion for reconsideration.[118]

March 2, 2017

The Sandiganbayan denied the prosecution's motion for reconsideration.[119]

First, it must be determined who has the burden of proof. Following the Cagang guidelines, it is clear that the prosecution bears the burden of proof. From the time the Complaint was filed on January 18, 2005, until the Resolution was finally approved by the Ombudsman on June 23, 2008, it took the prosecution three (3) and a half years to conclude the preliminary investigation. This is beyond the prescribed period for the determination of probable cause.

Rule 112, Sections 3 and 4 of the Rules of Court and Rules of Procedure of the Office of the Ombudsman provides the period within which the preliminary investigation may be conducted. The pertinent paragraphs of Rule 112, Sections 3 and 4 provide:

Section 3. Procedure. — The preliminary investigation shall be conducted in the following manner:

(a) The complaint shall state the address of the respondent and shall be accompanied by the affidavits of the complainant and his witnesses, as well as other supporting documents to establish probable cause....

(b) Within ten (10) days after the filing of the complaint, the investigating officer shall either dismiss it if he finds no ground to continue with the investigation, or issue a subpoena to the respondent attaching to it a copy of the complaint and its supporting affidavits and documents.

....

(c) Within ten (10) days from receipt of the subpoena with the complaint and supporting affidavits and documents, the respondent shall submit his counter-affidavit and that of his witnesses and other supporting documents relied upon for his defense...

(d) If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within the ten (10) day period, the investigating officer shall resolve the complaint based on the evidence presented by the complainant.

(e) The investigating officer may set a hearing if there are facts and issues to be clarified from a party or a witness. The parties can be present at the hearing but without the right to examine or cross-examine. They may, however, submit to the investigating officer questions which may be asked to the party or witness concerned.

The hearing shall be held within ten (10) days from submission of the counter-affidavits and other documents or from the expiration of the period for their submission. It shall be terminated within five (5) days.

(f) Within ten (10) days after the investigation, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.

Section 4. Resolution of investigating prosecutor and its review. — If the investigating prosecutor finds cause to hold the respondent for trial, he shall prepare the resolution and information... Otherwise, he shall recommend the dismissal of the complaint.

Within five (5) days from his resolution, he shall forward the record of the case to the provincial or city prosecutor or chief state prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction. They shall act on the resolution within ten (10) days from their receipt thereof and shall immediately inform the parties of such action.

No complaint or information may be filed or dismissed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy.

Where the investigating prosecutor recommends the dismissal of the complaint but his recommendation is disapproved by the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy on the ground that a probable cause exists, the latter may, by himself, file the information against the respondent, or direct another assistant prosecutor or state prosecutor to do so without conducting another preliminary investigation.

If upon petition by a proper party under such rules as the Department of Justice may prescribe or *motu proprio*, the Secretary of Justice reverses or modifies the resolution of the provincial or city prosecutor or chief state prosecutor, he shall direct the prosecutor concerned either to file the corresponding information without conducting another preliminary investigation, or to dismiss or move for dismissal of the complaint or information with notice to the parties. The same rule shall apply in preliminary investigations conducted by the officers of the Office of the Ombudsman.

Rule II, Section 4 of the Rules of Procedure of the Office of the Ombudsman reads:

Section 4. Procedure. — The preliminary investigation of cases falling under the jurisdiction of the Sandiganbayan and Regional Trial Courts shall be conducted in the manner prescribed in Section 3, Rule 112 of the Rules of Court, subject to the following provisions:

a) If the complaint is not under oath or is based only on official reports, the investigating officer shall require the complainant or supporting witnesses to execute affidavits to substantiate the complaints.

b) After such affidavits have been secured, the investigating officer shall issue an order, attaching thereto a

copy of the affidavits and other supporting documents, directing the respondent to submit, within ten (10) days from receipt thereof, his counter-affidavits and controverting evidence with proof of service thereof on the complainant. The complainant may file reply affidavits within ten (10) days after service of the counter-affidavits.

c) If the respondent does not file a counter-affidavit, the investigating officer may consider the comment filed by him, if any, as his answer to the complaint. In any event, the respondent shall have access to the evidence on record.

d) No motion to dismiss shall be allowed except for lack of jurisdiction. Neither may a motion for a bill of particulars be entertained. If respondent desires any matter in the complainant's affidavit to be clarified, the particularization thereof may be done at the time of clarificatory questioning in the manner provided in paragraph (f) of this section.

e) If the respondent cannot be served with the order mentioned in paragraph 6 hereof, or having been served, does not comply therewith, the complaint shall be deemed submitted for resolution on the basis of the evidence on record.

f) If, after the filing of the requisite affidavits and their supporting evidences, there are facts material to the case which the investigating officer may need to be clarified on, he may conduct a clarificatory hearing during which the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine the witness being questioned. Where the appearance of the parties or witnesses is impracticable, the clarificatory questioning may be conducted in writing, whereby the questions desired to be asked by the investigating officer or a party shall be reduced into writing and served on the witness concerned who shall be required to answer the same in writing and under oath.

g) Upon the termination of the preliminary investigation, the investigating officer shall forward the records of the case together with his resolution to the designated authorities for their appropriate action thereon.

No information may be filed and no complaint may be dismissed without the written authority or approval of the Ombudsman in cases falling within the jurisdiction of the Sandiganbayan, or of the proper Deputy Ombudsman in all other cases.

To reiterate, the hearing must be concluded 15 days from the submission of the counter-affidavits and afterwards, the investigating officer must determine whether or not there is probable cause to formally charge the accused 10 days after the hearing. Subsequently, the rules require that five (5) days after the resolution, it must be forwarded to the Ombudsman, who shall act upon the resolution within 10 days from receipt.

In this case, the conduct of the preliminary investigation was clearly beyond the period prescribed by the rules. The Reply-Affidavits were submitted on June 29, 2005^[120] but the Resolution was only issued almost a year later, or on May 30, 2006.^[121] Moreover, the Resolution was approved only after two (2) years, or on June 23, 2008,^[122] when the rules only mandate a period of 10 days. Bearing the burden of proof, the prosecution must show that it followed the rules in the conduct of the preliminary investigation, that the complexity of the issues and volume of evidence caused the delay, and that there is no prejudice caused to the accused.

First, petitioner showed that it followed the procedure leading to the resolution of the preliminary investigation. When the Complaint was filed before the Office of the Ombudsman, it required the counter-affidavits of respondents. It even granted the motions for extension filed by private respondent as well as the other accused. It also allowed the motions for extension filed by private complainant. When all the affidavits were submitted, it issued a resolution, which was subsequently approved by then Acting Ombudsman Orlando C. Casimiro, albeit rather late. Likewise, private respondent did not allege any irregularity in the conduct of the preliminary investigation and approval of the Resolution.

Second, petitioner succinctly explained that the multiple respondents and numerous documents involved made the case more complex and difficult to resolve. Verily, there were 10 respondents charged in the Complaint before the Office of the Ombudsman and the documents involved, consisting of certifications, affidavits of completion, disbursement slips signed by each accused, would require verification. The investigating officer needed to evaluate whether each accused impleaded is probably guilty of the charges.

The Office of the Ombudsman further expounded that the approval of the Resolution was prolonged by the heavy docket of the Ombudsman. The levels of review and approval are required and are necessary to have a thorough study of the case. Corollarily, while the rules provide a ten-day period for the Ombudsman to act on the resolution, this merely directory. In *Raro v. Sandiganbayan*:^[123]

The Court is not unmindful of the duty of the Ombudsman under the Constitution and Republic Act No. 6770 to act promptly on Complaints brought before him. But such duty should not be mistaken with a hasty resolution of cases at the expense of thoroughness and correctness. Judicial notice should be taken of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to freely lodge their Complaints against wrongdoings of government personnel, thus resulting in a steady stream of cases reaching the Office of the Ombudsman."^[124] (Citation omitted)

Third, this Court agrees with petitioner that the allegations of private respondent are insufficient to conclude that there was prejudice. A claim of prejudice must have a conclusive and factual basis. Pure speculation and mere generalization will not work in favor of the accused and there must be an actual, specific, and real injury to his or her rights.^[125] Prejudice cannot be established by "conjectural supplications of prejudice or by dubious invocations of constitutional rights."^[126]

In the recent case of *Republic v. Sandiganbayan*,^[127] this Court ruled that claims of "endured financial drain, restrained freedom of movement, public ridicule, embarrassment, anguish, sleepless nights, restless moments, and isolation from friends and other people[,] are vague allegations and are typical consequences and problems experienced in every criminal prosecution. Nevertheless, while these experiences are indeed burdensome on the accused, it must be shown that they are of the nature and degree that it becomes "oppressive, unnecessary[,] and notoriously disproportionate" to merit the case's dismissal.^[128]

Similar to this case, private respondent failed to elaborate and specifically allege that the prejudice caused towards him by the prolonged proceedings are actual and real, and that the nature and degree of these problems were oppressive. Further, while private respondent claims that the delay weakened his defense, this Court already settled that this dilemma is equally shared by the prosecution, because the passage of time may also make it difficult for the prosecution to gather evidence and find the witnesses.^[129] Thus, private respondent's generalized claims should not be given credence.

Fourth, private respondent contributed to the delay. As revealed by the records, private respondent moved twice for an extension to file his counter-affidavit, and before eventually filing, he filed another motion to consolidate the case with another complaint against him. His co-accused likewise filed motions for extension.

Fifth, while there is no precise mathematical reckoning of the delay, the Sandiganbayan erred in the computation of the period. While it took 10 years from the filing of the Complaint until the Information was filed before the Sandiganbayan, respondent Sandiganbayan failed to take into account that there was a pending petition for certiorari filed before this Court. Thus, the delay was inevitable. It was only after the resolution of the petition for certiorari that the information was ordered to be filed. Furthermore, it must be stressed that it was also the private respondent who filed a motion before the Sandiganbayan to suspend the proceedings pending the resolution of the petition for certiorari.

Lastly, private respondent is deemed to have waived his right. In the span of three (3) years of preliminary investigation, he never raised this contention and instead, he allowed the investigation to drag on. Further, even if the approval of the Resolution took a protracted time of almost two (2) years, private respondent still did not bother to raise the issue. Finally, after the Information was filed before the Sandiganbayan, it took one and half years before private respondent brought to attention the alleged violation. In fact, it was only after this Court's denial of the motion for reconsideration that private respondent decided to question the prolonged preliminary investigation.

Clearly, private respondent was well aware of the case and proceedings against him, and while he conduct of the investigation and approval of the resolution were already in delay, he remained indifferent with the passage of time.

While the Constitution guarantees the right of the accused to speedy disposition of cases, this right is not a magical invocation which can be cunningly used by the accused for his or her advantage. This right is not a last line of remedy when accused find themselves at the losing end of the proceedings. The State's duty to prosecute cases is equally as important, and this cannot be disregarded at the whim of the accused, especially when it appears that the contention was raised as a mere afterthought.

In any case, this Court finds that the period from the filing of the Complaint, to the conduct of the preliminary investigation, and up to the filing of the Information, was not attended or characterized by inordinate delay. There was nothing vexatious, capricious, and oppressive which would warrant the outright dismissal of the case.

WHEREFORE, the Petition is GRANTED. The Resolutions of the Sandiganbayan dated December 14, 2016 and March 2, 2017, which granted private respondent Leonardo B. Roman's Urgent Motion to Quash are hereby REVERSED and SET ASIDE. The Sandiganbayan is hereby DIRECTED to proceed with dispatch in the disposition of Criminal Case No. SB-15-CRM-0100.

SO ORDERED.

Gesmundo, Carandang, Zalameda, and Gaerlan, JJ., concur.

[1] Rollo, pp. 6-42.

[2] Id. at 44-56.

[3] Id. at 9.

[4] Id.

[5] Id. at 9-10.

[6] Id. at 10.

[7] Id.

[8] Id. at 122-129. The Complaint was received by the Office of the Deputy Ombudsman for Luzon on January 18, 2005. Assistant Romeo L. Mendiola, former Provincial Treasurer Pastor P. Vichuaco, former Budget Officer Aurora J. Tiambeng, former Provincial Accountant Numeriano G. Medina, Provincial Engineer Amelia R. De Pano, Assistant Provincial Engineer Angelito A. Rodriguez, Engineer Noel G. Jimenez, and Architect Bernardo T. Capistrano, as well as Noel Valdecanas, owner and manager of V.F. Construction of Balanga City.

[9] Id. at 10.

[10] Id. at 45.

[11] Id. at 10. The Resolution dismissed the Complaint against Roman, former Executive Assistant Romeo L. Mendiola, former Provincial Treasurer Pastor P. Vichuaco, former Budget Officer Aurora J. Tiambeng, and former Provincial Accountant Numeriano G. Medina. However, the case for Falsification of Public Documents proceeded against Provincial Engineer Amelia R. De Pano, Assistant Provincial Engineer Angelito A. Rodriguez, Engineer Noel G. Jimenez, and Architect Bernardo T. Capistrano.

[12] Id. at 376.

[13] Id. at 10, 45.

[14] Id. at 10.

[15] Garcia, Jr. v. Office of the Ombudsman, 747 Phil. 445 (2014) [Per J. Perlas-Bernabe, First Division].

[16] Rollo, p. 11.

[17] Id.

[18] Id.

[19] Id. at 12.

[20] Id.

[21] Id. at 12-13.

[22] Id. at 13.

[23] Id.

[24] Id.

[25] Id. at 44.

[26] Id. at 13.

[27] Id. at 47.

[28] Id.

[29] Id.

[30] Id. at 13.

[31] Id. at 44-56. The Resolution dated December 14, 2016 was penned by Associate Justice Michael Frederick L. Musngi, and concurred in by Associate Justice Samuel R. Martires (Chair) and Associate Justice Geraldine Faith A. Econg of the Special Second Division, Sandiganbayan, Quezon City.

[32] Id. at 56.

[33] Id. at 53.

[34] Id.

[35] Id.

[36] Id. Citing Coscolluela v. Sandiganbayan, 714 Phil. 55 (2013) [Per J. Bernabe, Second Division].

[37] Id. at 54.

[38] Id. at 57-59. The Resolution dated March 2, 2017 was penned by Associate Justice Michael Frederick L. Musngi, and concurred in by Associate Justice Samuel R. Martires (Chair) and Associate Justice Geraldine Faith A. Econg of the Special Second Division, Sandiganbayan, Quezon City.

[39] Id. at 17.

[40] Id. at 25.

[41] Id. at 24, citing *Gonzales v. Sandiganbayan*, 276 Phil. 323 (1991) [Per J. Regalado, En Banc]; *Alvizo v. Sandiganbayan*, 292-A Phil. 144 (1993) [Per J. Regalado, En Banc]; *Dela Peña v. Sandiganbayan*, 412 Phil. 921 (2011) [Per C.J. Davide, Jr., En Banc]; *Guiani v. Sandiganbayan*, 435 Phil. 467 (2002) [Per J. Ynares-Santiago, En Banc]; and *Gaas v. Mitmug*, 576 Phil. 323 (2008) [Per J. Quisumbing, En Banc].

[42] Id. at 18-21.

[43] Id. at 26.

[44] Id.

[45] Id. at 28.

[46] Id. at 29.

[47] Id. at 28.

[48] Id.

[49] Id.

[50] Id. at 29-30.

[51] Id. at 32.

[52] Id. at 33.

[53] Id.

[54] Id. at 34.

[55] Id. at 361-385.

[56] Id. at 361.

[57] Id. at 362-363.

[58] Id. at 365-366.

[59] Id. at 366.

[60] Id. at 367.

[61] Id. at 367-368.

[62] Id. at 369.

[63] Id. at 371.

[64] Id. at 372-374, citing *Tatad v. Sandiganbayan*, 242 Phil. 563 (1988) [Per J. Yap, En Banc].

[65] Id. at 375.

[66] Id. at 376.

[67] Id. at 377.

[68] Id. at 378-379.

[69] CONST., art. III, sec. 16.

[70] 306 Phil. 690 (1994) [Per J. Kapunan, En Banc].

[71] Id. at 698-699.

[72] CONST., art. VIII, sec. 15 provides:

Section 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

(2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pending, brief, or memorandum required by the Rules of Court or by the court itself.

(3) Upon the expiration of the corresponding period, a certification to this effect signed by the Chief Justice or the presiding judge shall forthwith be issued and a copy thereof attached to the record of the case or matter, and served upon the parties. The certification shall state why a decision or resolution has not been rendered or issued within said period.

(4) Despite the expiration of the applicable mandatory period, the court, without prejudice to such responsibility as may have been incurred in consequence thereof, shall decide or resolve the case or matter submitted thereto for determination, without further delay.

[73] *Dansal v. Fernandez, Sr.*, 383 Phil. 897 (2000) [Per J. Purisima, Third Division]; *Talabon v. Iloilo Provincial Warden*, 78 Phil. 599 (1947) [Per J. Feria, En Banc].

[74] *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64581>> [Per J. Leonen, En Banc].

[75] 484 Phil. 899 (2004) [Per J. Callejo, Sr., Second Division].

[76] Id. at 917.

[77] *Ty-Dazo v. Sandiganbayan*, 424 Phil. 945, 950-951 (2002) [Per J. Kapunan, First Division].

[78] The doctrine in *Tatad v. Sandiganbayan* was applied in subsequent cases, such as *Angchanco v. Ombudsman*, 335 Phil. 766 (1997) [Per J. Melo, Third Division]; *Duterte v. Sandiganbayan*, 352 Phil. 557 (1998) [Per J. Kapunan, Third Division]; *Roque v. Sandiganbayan* 366 Phil. 368 (1999) [Per J. Panganiban, Third Division]; *Cervantes v. Sandiganbayan*, 366 Phil. 602 (1999) [Per J. Pardo, First Division]; *Lopez, Jr. v. Ombudsman*, 417 Phil. 39 (2001) [Per J. Gonzaga-Reyes, Third Division]; *Licaros v. Sandiganbayan*, 421 Phil. 1075 (2001) [Per J. Panganiban, En Banc]; *People v. SPO4 Anonas*, 542 Phil. 539 (2007) [Per J. Sandoval-Gutierrez, First Division]; *Enrique v. Ombudsman*, 569 Phil. 309 (2008) [Per J. Sandoval-Gutierrez, First Division]; *People v. Sandiganbayan*, First Division, 723 Phil. 444 (2013) [Per J. Bersamin, First Division]; *Inocentes v. People*, 789 Phil. 318 (2016) [Per J. Brion, Second Division]; *Almeda v. Ombudsman*, G.R. No. 204267, July 25, 2016, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/62157>> [Per J. Del Castillo, Second Division]; *People v. Sandiganbayan*, Fifth Division, G.R. Nos. 199151-56, July 25, 2016,

<<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/62189>> [Per J. Peralta, Third Division]; *Torres v. Sandiganbayan*, G.R. Nos. 221562-69, October 5, 2016, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/62371>> [Per J. Velasco, Jr., Third Division]; *Remulla v. Sandiganbayan*, G.R. No. 218040, April 17, 2017, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63005>> [Per J. Mendoza, Second Division].

[79] *Tatad v. Sandiganbayan*, 242 Phil. 563,573 (1988) [Per J. Yap, En Banc].

[80] *Dela Peña v. Sandiganbayan*, 412 Phil. 921, 929 (2001) [Per C.J. Davide, Jr., En Banc].

[81] 208 Phil. 658 (1983) [Per J. Plana, En Banc].

[82] *Id.* at 664.

[83] *Tumbocon v. Sandiganbayan* Sixth Division, G.R. Nos. 235412-15, November 5, 2018, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64902>> [Per J. Tijam, First Division].

[84] 383 Phil. 897 (2000) [Per J. Purisima, Third Division].

[85] *Adm. Matter No. 12-11-2-SC* (2014).

[86] G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, [Per J. Leonen, En Banc].

[87] *Id.*

[88] *Id.*

[89] *Id.*

[90] *Alvizo v. Sandiganbayan*, 292-A Phil. 144, 156 (1993) [Per J. Regalado, En Banc].

[91] 412 Phil. 921 (2001) [Per C.J. Davide, Jr., En Banc].

[92] *Id.* at 932.

[93] *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, [Per J. Leonen, En Banc].

[94] *Id.*

[95] *Rollo*, p. 128.

[96] *Id.* at 122.

[97] *Id.* at 15.

[98] *Id.*

[99] *Id.*

[100] *Id.*

[101] *Id.*

[102] *Id.*

[103] *Id.*

[104] *Id.*

[105] Id. at 33.

[106] Id. at 130-143.

[107] Id. at 142.

[108] Id. at 45.

[109] Id.

[110] Id.

[111] Id. at 46.

[112] Id.

[113] Id.

[114] Id.

[115] Id. at 47.

[116] Id.

[117] Id. at 44-56.

[118] Id. at 14.

[119] Id. at 17.

[120] Rollo, p. 33.

[121] Id. at 130-143.

[122] Id. at 142.

[123] 390 Phil. 917 (2000) [Per J. Ynares-Santiago, En Banc].

[124] Id. at 948.

[125] *People v. Sandiganbayan* (First Division), G.R. Nos. 233557-67, June 19, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65233>> [Per J. A.B. Reyes, Jr., Third Division].

[126] *Alvizo v. Sandiganbayan*, 292-A Phil. 144, 156 (1993) [Per J. Regalado, En Banc].

[127] G.R. Nos. 233557-67, June 19, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65233>> [Per J. A.B. Reyes, Jr., Third Division].

[128] Id.

[129] See *Corpuz v. Sandiganbayan*, 484 Phil. 899 (2004) [Per J. Callejo, Sr., Second Division].

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