789 Phil. 318

SECOND DIVISION

[G.R. Nos. 205963-64. July 07, 2016]

AMANDO A. INOCENTES, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. ROLAND B. JURADO, IN HIS CAPACITY AS CHAIRPERSON, SANDIGANBAYAN, FIFTH DIVISION, HON. CONCHITA CARPIO MORALES, IN HER CAPACITY AS OMBUDSMAN, AS COMPLAINANT; AND HON. FRANCIS H. JARDELEZA, OFFICE OF THE SOLICITOR GENERAL (OSG), IN ITS CAPACITY AS COUNSEL FOR THE PEOPLE, RESPONDENTS.

DECISION

BRION, J.:

We resolve the Petition[1] filed under Rule 65 of the Rules of Court by petitioner Amando A. Inocentes (*Inocentes*), assailing the Resolutions dated February 8, 2013[2] and October 24, 2012[3] of the Sandiganbayan in Criminal Case Nos. SB-12-CRM-0127-0128 entitled *People of the Philippines v. Amando A. Inocentes, et. al*.

THE FACTUAL ANTECEDENTS

Inocentes, together with four (4) others, was charged with violating Section 3(e) or Republic Act (*R.A.*) No. 3019,[4] as amended. The informations read:

> That on or about October 2001 or immediately prior or subsequent thereto, in Tarlac City, Tarlac, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Amando A. Inocentes, Celestino Cabalitasan, Ma. Victoria Leonardo and Jerry Balagtas, all public officers, being the Branch Manager, Division Chief III, Property Appraiser III, and Senior General Insurance Specialist, respectively, of the Government Service Insurance System, Tarlac City Field Office, committing the crime herein charged in relation to and in taking advantage of their official functions, conspiring and confederating with Jose De

> Guzman, through manifest partiality, evident bad faith or gross inexcusable negligence; did then and there willfully, unlawfully and criminally [gave] undue preference, benefit or advantage to accused Jose De Guzman by processing and approving the housing loans of Four Hundred Ninety-One (491) borrowers of [Jose De Guzman] 's housing project under the GSIS *Bahay Ko Program*, with a total amount of loans amounting to Two Hundred Forty-One Million Fifty-Three Thousand Six Hundred Pesos (Php241,053,600.00), knowing fully well that the said borrowers/grantees were not qualified and were not under the territorial jurisdiction of the Tarlac City Field Office, thereby giving said borrowers/grantees unwarranted benefit and causing damage and prejudice to the government and to public interest in the aforesaid amount.
>
> **CONTRARY TO LAW.**[5]

and

> […] processing, approving and granting loans under the GSIS *Bahay Ko Program* to Fifty-Three (53) borrowers of [Jose De Guzman]'s land development project known as Teresa Homes amounting to Fifty-Two Million and One Hundred Seven Thousand Pesos (Php52,107,000.00), despite the knowledge of the fact that the lots covered were intended for commercial purposes and by causing the over-appraisal in the amount of Thirty-Three Million Two Hundred Forty Thousand Eight Hundred Forty-Eight Pesos and Thirty-Six Centavos (Php33,242,848.36) of the land and buildings offered as collaterals, thus causing undue injury to the Government.
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> **CONTRARY TO LAW.**[6]

On May 10, 2012, the Sandiganbayan issued a minute resolution finding probable cause and ordered the issuance of a warrant of arrest against all the accused.[7] To avoid incarceration, *Inocentes immediately posted bail*.

On July 10, 2012, Inocentes filed an omnibus motion (1) for judicial determination of probable cause; (2) to quash the informations filed against him; and (3) to dismiss the case for violating his right to the speedy disposition of this case (*omnibus motion*).[8] In this motion, he argued as follows:

First, the informations filed against him were fatally defective because they did not allege the specific acts done by him which would have constituted the offense. All that was alleged in the informations was that he conspired and cooperated in the alleged crime.

Second, there is no evidence showing how he cooperated or conspired in the commission of the alleged offense. The findings of the investigating unit revealed that the connivance was perpetuated by the marketing agent and the borrowers themselves by misrepresenting their qualifications. The GSIS Internal Audit Service Group Report even said that it was the marketing agent who had the opportunity to tamper and falsify the documents submitted before Inocentes' office.

Third, the informations filed against him should be quashed because the Sandiganbayan does not have jurisdiction over the case. At the time of the commission of the alleged offense, Inocentes held a position with a Salary Grade of 26. He likewise claims that he cannot fall under the enumeration of managers of GOCCs because his position as department manager cannot be placed in the same category as the president, general manager, and trustee of the GSIS.

Fourth, Innocentes insisted that the case against him must be dismissed because his right to the speedy disposition of this case had been violated since seven (7) years had lapsed from the time of the filing of the initial complaint up to the time the information was filed with the Sandiganbayan.

After the Office of the Special Prosecutor (*OSP*) filed its opposition and Inocentes filed his reply, the Sandiganbayan issued the first assailed resolution. The Sandiganbayan maintained its jurisdiction over the case because Section 4 of P.D. 1606, as amended by R.A. No. 8249,[9] *specifically* includes managers of GOCCs – whose position may not fall under Salary Grade 27 or higher – who violate R.A. No. 3019. It also ruled that the informations in this case sufficiently allege all the essential elements required to violate Section 3(e) of R.A. No. 3019.

Further, it said that it already determined the existence of probable cause when it issued the warrant of arrest in its minute resolution dated May 10, 2012.

Lastly, it held that the delay in this case was excusable considering that the records of this case were transferred from the Regional Trial Court in Tarlac City, where the case was first filed.

In his motion for reconsideration, Inocentes reiterated the same arguments he raised in his omnibus motion. In addition, he asserted that the present case against him should be dismissed because the Office of the Ombudsman dismissed the estafa case against him for the same transactions. He also filed a supplemental motion attaching a copy of the affidavit of a certain Monico Imperial to show (1) that there existed political persecutions within the GSIS against the critics of then President and General Manager Winston F. Garcia, and (2) that the GSIS branch manager relies on the recommendation of his subordinates in approving or disapproving real estate loan applications.

The Sandiganbayan remained unconvinced. On the contents of the affidavit, it agreed with the prosecution that these are matters of defense that must stand scrutiny in a full-blown trial. With respect to the dismissal of the estafa case against him, the Sandiganbayan said that the dismissal of that case does not necessarily result in the dismissal of the present case because the same act may give rise to two (2) or more separate and distinct offenses.

To contest the denial of his motion for reconsideration, Inocentes filed the present petition asserting, among others, that the quantum of evidence required to establish probable cause for purposes of holding a person for trial and/or for the issuance of a warrant of arrest was not met in this case. He argued that absent any allegation of his specific acts or evidence linking him to the anomalous transactions, probable cause can hardly exist because it would be imprudent to insinuate that Inocentes knew of the criminal design when all he did was only to approve the housing loan applications. Obviously relying on his subordinates, Inocentes claimed that he could not have conspired with them when he had no personal knowledge of any defect.

On April 10, 2013, we required the respondents to comment on Inocentes' petition, and deferred action on the issuance of a temporary restraining order and/or writ of preliminary injunction.

In its comment, the OSP counters that what Inocentes asks at this point is for this Court to examine and weigh all the pieces of evidence and thereafter absolve him of all charges without undergoing trial.

The OSP said that the Office of the Ombudsman did not act arbitrarily in conducting the preliminary investigation and finding probable cause. Moreover, the Sandiganbayan likewise found probable cause after considering all the pleadings and documents submitted before it and saw no sound reason to set aside its finding.

On the other hand, the Office of the Solicitor General filed a manifestation saying that it will no longer submit its comment as the OSP, pursuant to its expanded mandate under R.A. No. 6770,[10] shall represent the People before this Court and the Sandiganbayan.

OUR RULING

We find the present petition meritorious.

Preliminary Considerations

The Constitution, under Section 1, Article VIII, empowers the courts to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.[11] This is an overriding authority that cuts across all branches and instrumentalities of government and is implemented through the petition for *certiorari* that Rule 65 of the Rules of Court provides.[12]

Inocentes, through this remedy, comes before this Court asserting that there was grave abuse on the part of the Sandiganbayan when it exercised its discretion in denying his omnibus motion. This extraordinary writ solely addresses lower court actions rendered without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of jurisdiction. Grave abuse of discretion is a circumstance beyond the legal error committed by a decision-making agency or entity in the exercise of its jurisdiction; this circumstance affects even the authority to render judgment.[13]

Under these terms, if the Sandiganbayan merely *legally erred* while acting within the confines of its jurisdiction, then its ruling, even if erroneous, is not the proper subject of a petition for *certiorari*. If, on the other hand, the Sandiganbayan ruling was *attended by grave abuse of discretion amounting to lack or excess of jurisdiction*, then this ruling is fatally defective on jurisdictional ground and should be declared null and void.[14]

In the present case, the Sandiganbayan denied Inocentes' omnibus motion (1) to judicially determine the existence of probable cause; (2) quash the information that was filed against him; and/or (3) dismiss the case against him for violation of his right to speedy trial. In determining whether the Sandiganbayan committed grave abuse in the exercise of its discretion, we shall review the Sandiganbayan's judgment denying the omnibus motion in the light of each cited remedy and the grounds presented by Inocentes to support them.

The Sandiganbayan hardly committed any grave abuse of discretion in denying the motion to quash the information.

Inocentes is unyielding in his position that the informations filed against him should be quashed based on the following grounds: (1) that all the information alleged is that Inocentes conspired and confederated with his co-accused without specifying how his specific acts contributed to the alleged crime; and (2) that the Sandiganbayan has no jurisdiction over Inocentes because he was occupying a position with a salary grade less than 27.

On the contention that the informations did not detail Inocentes' individual participation in the conspiracy, we have underscored before the fact that under our laws conspiracy should be understood on two levels, *i.e.*, a mode of committing a crime or a crime in itself.[15]

In *Estrada v. Sandiganbayan*,[16] we explained that when conspiracy is charged as a crime, the act of conspiring and all the elements and all the elements must be set forth in the information, but when it is not and conspiracy is considered as a mode of committing the crime, there is less necessity of reciting its particularities in the information because conspiracy is not the gravamen of the offense, to wit:

> *To reiterate, when conspiracy is charged as a crime, the act of conspiring and all the elements of said crime must be set forth in the complaint or information.*
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> x x x x x x x x x
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> *The requirements on sufficiency of allegations are different when conspiracy is not charged as a crime in itself but only as the mode of committing the crime as in the case at bar.* There is *less necessity* of reciting its particularities in the information *because conspiracy is not the gravamen of the offense charged*. The conspiracy is significant only because it changes the criminal liability of all the accused in the conspiracy and makes them answerable as co-principals regardless of the degree of their participation in the crime. The liabilities of the conspirators is collective and each participant will be equally responsible for the acts of others, for the act of one is the act of all. In *People v. Quitlong*, we ruled how conspiracy as the mode of committing the offense should be alleged in the information, *viz*:

> *A conspiracy indictment need not, of course, aver all the components of conspiracy or allege all the details thereof like the part that each of the parties therein have performed, the evidence proving the common design or the facts connecting all the accused with one another in the web of conspiracy. Neither is it necessary to describe conspiracy with the same degree of particularity required in describing a substantive offense. It is enough that the indictment contains a statement of facts relied upon to be constitutive of the offense in ordinary and concise language, with as much certainty as the nature of the case will admit, in a manner that can enable a person of common understanding to know what is intended, and with such precision that the accused may plead his acquittal or conviction to a subsequent indictment based on the same facts.*
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> x x x x x x x x x
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> *Again, following the stream of our own jurisprudence, it is enough to allege conspiracy as a mode in the commission of an offense in either of the following manner*: (1) by use of the word, "conspire," or its derivatives or synonyms, such as confederate, connive, collude, etc; or (2) by allegations basic facts constituting the conspiracy in a manner that a person of common understanding would know what is intended, and with such precision as would enable the accused to competently enter a plea to a subsequent indictment based on the same facts.[17] [italics supplied]

With these guidelines in mind, Inocentes' challenge with respect to the informations filed against him necessarily fails as he could gather that he is one of those GSIS officials who conspired in approving the anomalous transactions. Accordingly, the informations filed against Inocentes in this case are valid because they adequately provide the material allegations to apprise him of the nature and cause of the charge.

On the issue on jurisdiction, it is of no moment that Inocentes does not occupy a position with a salary grade of 27 since he was the branch manager of the GSIS' field office in Tarlac City, a government-owned or -controlled corporation, at the time of the commission of the offense, which position falls within the coverage of the Sandiganbayan's jurisdiction.

The applicable law provides that violations of R.A. No. 3019 committed by presidents, directors or trustees, or *managers of government-owned or -controlled corporations*, and state universities shall be within the exclusive original jurisdiction of the Sandiganbayan.[18] We have clarified the provision of law defining the jurisdiction of the Sandiganbayan by explaining that the Sandiganbayan maintains its jurisdiction over those officials specifically enumerated in (a) to (g) of Section 4(1) of P.D. No. 1606, as amended, regardless of their salary grades.[19] Simply put, those that are classified as Salary Grade 26 and below may still fall within the jurisdiction of the Sandiganbayan, provided they hold the positions enumerated by the law.[20] In this category, it is the position held, not the salary grade, which determines the jurisdiction of the Sandiganbayan.[21]

Furthermore, as the Sandiganbayan correctly held, even low-level management positions fall under the jurisdiction of the Sandiganbayan. We settled this point in *Lazarte v. Sandiganbayan*[22] and *Geduspan v. People*[23].

Based on the foregoing, we find that the Sandiganbayan was correct in denying Inocentes' motion to quash; hence, there was no grave abuse in the exercise of its discretion regarding this matter.

A redetermination of a judicial finding of probable cause is futile when the accused voluntarily surrenders to the jurisdiction of the court.

In the present case, the Office of the Ombudsman and the Sandiganbayan separately found that probable cause exists to indict and issue a warrant of arrest against Inocentes. However, what Inocentes brings before this Court right now is only the finding of the Sandiganbayan of probable cause for the issuance of a warrant of arrest.

Under our jurisdiction, any person may avail of this remedy since it is well-established in jurisprudence that the court may, in the protection of one's fundamental rights, dismiss the case if, upon a personal assessment of evidence, it finds that the evidence does not establish probable cause.[24]

In *People v. Castillo*,[25] we discussed the two kinds of determination of probable cause, thus:

> There are two kinds of determination of probable cause: executive and judicial. The executive determination of probable cause is one made during preliminary investigation. It is a function that properly pertains to the public prosecutor who

> is given a broad discretion to determine whether probable cause exists and to charge those whom he believes to have committed the crime as defined by law and thus should be held for trial. Otherwise stated, such official has the quasi-judicial authority to determine whether or not a criminal case must be filed in court. Whether or not that function has been correctly discharged by the public prosecutor, *i.e.*, whether or not he has made a correct ascertainment of the existence of probable cause in a case, is a matter that the trial court itself does not and may not be compelled to pass upon.
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> The judicial determination of probable cause, on the other hand, is one made by the judge to ascertain whether a warrant of arrest should be issued against the accused. The judge must satisfy himself that based on the evidence submitted, there is necessity for placing the accused under custody in order not to frustrate the ends of justice. If the judge finds no probable cause, the judge cannot be forced to issue the arrest warrant.
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> Corollary to the principle that a judge cannot be compelled to issue a warrant of arrest if he or she deems that there is no probable cause for doing so, the judge in turn should not override the public prosecutors' determination of probable cause to hold an accused for trial on the ground that the evidence presented to substantiate the issuance of an arrest warrant was insufficient. It must be stressed that in our criminal justice system, the public prosecutor exercises a wide latitude of discretion in determining whether a criminal case should be filed in court, and that courts **must respect** the exercise of such discretion when the information filed against the person charged is valid on its face, and that no manifest error or grave abuse of discretion can be imputed to the public prosecutor.
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> Thus, absent a finding that an information is invalid on its face or that the prosecutor committed manifest error or grave abuse of discretion, a judge's determination of probable cause is limited only to the judicial kind or for the purpose of deciding whether the arrest warrants should be issued against the accused. [emphasis supplied; citations omitted]

Under this ruling, we made it clear that the judge does not act as an appellate court of the prosecutor and has no capacity to review the prosecutor's determination of probable cause;

rather, he makes a determination of probable cause independently of the prosecutor's finding.[26] Despite the fact that courts should avoid reviewing an executive determination of probable cause, we are not completely powerless to review this matter under our expanded judicial power under the Constitution.

We are aware, however, that Inocentes availed of this remedy after he had posted bail before the Sandiganbayan which, in our jurisdiction, is tantamount to voluntary surrender.[27] Simply put, questioning the findings of probable cause by the Sandiganbayan at this point would be pointless as it has already acquired jurisdiction over Inocentes.

It is well-settled that jurisdiction over the person of the accused is acquired upon (1) his arrest or apprehension, with or without a warrant, or (2) his voluntary appearance or submission to the jurisdiction of the court. For this reason, in *Cojuangco, Jr. v. Sandiganbayan*[28] we held that even if it is conceded that the warrant issued was void (for nonexistence of probable cause), the accused waived all his rights to object by appearing and giving a bond, *viz*:

> On this score, the rule is well-settled that the giving or posting of bail by the accused is tantamount to submission of his person to the jurisdiction of the court. […]
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> By posting bail, herein petitioner cannot claim exemption from the effect of being subject to the jurisdiction of respondent court. **While petitioner has exerted efforts to continue disputing the validity of the issuance of the warrant of arrest despite his posting bail, his claim has been negated when he himself invoked the jurisdiction of respondent court through the filing of various motions that sought other affirmative reliefs.**[29] [omission and emphasis ours]

Therefore, at this point, we no longer find it necessary to dwell on whether there was grave abuse on the part of the Sandiganbayan in finding the existence of probable cause to issue a warrant of arrest. Had Inocentes brought this matter before he posted bail or without voluntarily surrendering himself, the outcome could have been different. But, for now, whether the findings of probable cause was tainted with grave abuse of discretion – thereby making the warrant of arrest void – does not matter anymore as even without the warrant the Sandiganbayan still acquired jurisdiction over the person of Inocentes.

The Sandiganbayan should have granted Inocentes' motion to dismiss for violation of his right to speedy disposition of cases; it took seven long years before the information was filed before it.

The Office of the Ombudsman, for its failure to resolve the criminal charges against Inocentes for seven (7) years, violated Inocentes' constitutional right to due process and to a speedy disposition of the case against him, as well as its own constitutional duty to act promptly on complaints filed before it.

A person's right to a speedy disposition of his case is guaranteed under Section 16, Article III of the Constitution:

> All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

This constitutional right is not limited to the accused in criminal proceedings but extends to all parties in all cases, be it civil or administrative in nature, as well as in all proceedings, either judicial or quasi-judicial.[30] In this accord, any party to a case may demand expeditious action of all officials who are tasked with the administration of justice.[31]

In *Tatad v. Sandiganbayan*,[32] we held that the long delay of close to three (3) years in the termination of the preliminary investigation conducted by the Tanodbayan constituted a violation not only of the constitutional right of the accused under the broad umbrella of the due process clause, but also of the constitutional guarantee to "speedy disposition" of cases as embodied in Section 16 of the Bill of Rights, *viz*:

> **We find the long delay in the termination of the preliminary investigation by the Tanodbayan in the instant case to be violative of the constitutional right of the accused to due process. Substantial adherence to the requirements of the law governing the conduct of preliminary investigation, including substantial compliance with the time limitation prescribed by the law for the resolution of the case by the prosecutor, is part of the procedural due process constitutionally guaranteed by the fundamental law. Not only under the broad umbrella of the due process clause, but under the constitutional guarantee of "speedy disposition" of cases as embodied in Section 16 of the Bill of Rights (both in the 1973**

> **and the 1987 Constitutions), the inordinate delay is violative of the petitioner's constitutional rights.** A delay of close to three (3) years cannot be deemed reasonable or justifiable in the light of the circumstance obtaining in the case at bar. We are not impressed by the attempt of the Sandiganbayan to sanitize the long delay by indulging in the speculative assumption that "the delay may be due to a painstaking and gruelling scrutiny by the Tanodbayan as to whether the evidence presented during the preliminary investigation merited prosecution of a former high ranking government official." In the first place, such a statement suggests a double standard of treatment, which must be emphatically rejected. Secondly, three out of the five charges against the petitioner were for his alleged failure to file his sworn statement of assets and liabilities required by Republic Act No. 3019, which certainly did not involve complicated legal and factual issues necessitating such "painstaking and gruelling scrutiny" as would justify a delay of almost three years in terminating the preliminary investigation. The other two charges relating to alleged bribery and alleged giving of unwarranted benefits to a relative, while presenting more substantial legal and factual issues, certainly do not warrant or justify the period of three years, which it took the Tanodbayan to resolve the case.[33] [emphasis ours]

The Sandiganbayan insists that the delay in this case is justifiable because the informations were initially filed before the RTC in Tarlac City. However, after going over the records of the case, we find that the period of time in between the incidents that could have contributed to the delay were unreasonable, oppressive, and vexatious.

According to the Sandiganbayan, the complaint in the case at bar was filed sometime in 2004. After the preliminary investigation, on September 15, 2005, the Office of the Ombudsman issued a resolution finding probable cause to charge Inocentes. Following the denial of his motion for reconsideration on November 14, 2005, the prosecution filed the informations with the RTC of Tarlac City. However, on **March 14, 2006**, the Office of the Ombudsman ordered the withdrawal of the informations filed before the RTC. From this point, it took almost **six (6) years** (or only on **May 2, 2012**) before the informations were filed before the Sandiganbayan.

To our mind, even assuming that transfers of records from one court to another oftentimes entails significant delays, the period of six (6) years is too long solely for the transfer of

records from the RTC in Tarlac City to the Sandiganbayan. This is already an inordinate delay in resolving a. criminal complaint that the constitutionally guaranteed right of the accused to due process and to the speedy disposition of cases. Thus, the dismissal of the criminal case is in order.[34]

Moreover, the prosecution cannot attribute the delay to Inocentes for filing numerous motions because the intervals between these incidents are miniscule compared to the six-year transfer of records to the Sandiganbayan.

The prosecution likewise blames Inocentes for not seasonably invoking his right to a speedy disposition of his case. It claims that he has no right to complain about the delay when the delay is because he allegedly slept on his rights.

We find this argument unworthy of merit, in the same way we did in *Coscolluela v. Sandiganbayan*:

> Records show that they could not have urged the speedy resolution of their case because they were unaware that the investigation against them was still ongoing. They were only informed of the March 27, 2003 resolution and information against them only after the lapse of six (6) long years, or when they received a copy of the latter after its filing with the SB on June 19, 2009. In this regard, they could have reasonably assumed that the proceedings against them have already been terminated. This serves as a plausible reason as to why petitioners never followed up on the case altogether. Instructive on this point is the Court's observation in *Duterte v. Sandiganbayan*, to *wit*:
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> > Petitioners in this case, however, could not have urged the speedy resolution of their case because they were completely unaware that the investigation against them was still ongoing. Peculiar to this case, we reiterate, is the fact that petitioners were merely asked to comment, and not file counter-affidavits which is the proper procedure to follow in a preliminary investigation. After giving their explanation and after four long years of being in the dark, petitioners, naturally, had reason to assume that the charges against them had already been dismissed.

> On the other hand, the Office of the Ombudsman failed to present any plausible, special or even novel reason which could justify the four-year delay in terminating its investigation. Its excuse for the delay – the many layers of review that the case had to undergo and the meticulous scrutiny it had to entail – has lost its novelty and is no longer appealing, as was the invocation in the Tatad case. The incident before us does not involve complicated factual and legal issues, specially (sic) in view of the fact that the subject computerization contract had been mutually cancelled by the parties thereto even before the Anti-Graft League filed its complaint.

> Being the respondents in the preliminary investigation **proceedings, it was not the petitioners' duty to follow up on the prosecution of their case. Conversely, it was the Office of the Ombudsman's responsibility to expedite the same within the bounds of reasonable timeliness in view of its mandate to promptly act on all complaints lodged before it. As pronounced in the case of *Barker v. Wingo***:
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> **A defendant has no duty to bring himself to trial: the State has that duty as well as the duty of insuring that the trial is consistent with due process.**[35]

Plainly, the delay of at least seven (7) years before the informations were filed skews the fairness which the right to speedy disposition of cases seeks to maintain. Undoubtedly, the delay in the resolution of this case prejudiced Inocentes since the defense witnesses he would present would be unable to recall accurately the events of the distant past.

Considering the clear violation of Inocentes' right to the speedy disposition of his case, we find that the Ombudsman gravely abused its discretion in not acting on the case within a reasonable time after it had acquired jurisdiction over it.

WHEREFORE, premises considered, Inocentes' petition is **GRANTED**. The resolutions dated February 8, 2013 and October 24, 2012 of the Sandiganbayan in Criminal Case Nos. SB-12-CRM-0127-0128 are hereby **REVERSED** and **SET ASIDE**. For violating Inocentes' right to a speedy disposition of his case, the Sandiganbayan is hereby **ORDERED** to **DISMISS** the case against him.

SO ORDERED.

Carpio, (Chairperson), Del Castillo, and *Leonen, JJ.*, concur.
Mendoza, J., on official leave.

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[1] For *Certiorari*, Prohibition, and Mandamus with Prayer for Temporary Restraining Order and Preliminary Injunction. *Rollo*, pp. 3-23.

[2] Id. at 26-34; penned by Associate Justice Amparo M. Cabotaje-Tang, and concurred in by Associate Justice Roland B. Jurado and Associate Justice Alexander G. Gesmundo.

[3] Id. at 36-57.

[4] Otherwise known as the Anti-Graft and Corrupt Practices Act.

[5] *Rollo*, pp. 60-62.

[6] Id. at 63-65.

[7] Id. at 59.

[8] Id. at 68-81.

[9] An Act Further Defining the Jurisdiction of the Sandiganbayan.

[10] Otherwise known as the Ombudsman Act of 1989.

[11] *Reyes v. Belisario*, G.R, No. 154652, August 14, 2009, 596 SCRA 31, 45.

[12] Ibid.

[13] Id. at 46-47.

[14] *People v. Romualdez*, 581 Phil. 462, 479 (2008).

[15] *Lazarte v. Sandiganbayan*, 600 Phil. 475, 493 (2009).

[16] 427 Phil. 820 (2002). *See* also *Enrile v. People*, G.R. No. 213455, August 11, 2015.

[17] Id. at 859-862.

[18] P.D. 1606, as amended by R.A. 8249, Section 4 (1)(g).

[19] *Inding v. Sandiganbayan*, 478 Phil. 506, 507 (2004).

[20] *People v. Sandiganbayan*, 613 Phil. 407, 409 (2009).

[21] *Alzaga v. Sandiganbayan*, 536 Phil. 726, 731 (2006).

[22] *Supra*, note 15.

[23] G.R. No. 158187, February 11, 2005, 451 SCRA 187, 192-193.

[24] *Mendoza v. People*, G.R. No. 197293, April 21, 2014, sc.judiciary.gov.ph.

[25] 607 Phil. 754, 755 (2009).

[26] *supra* note 24.

[27] See *People v. Go*, G.R. No. 168539, March 25, 2014, sc.judiciary.gov.ph.

[28] G.R. No. 134307, December 21, 1998, 300 SCRA 367.

[29] Id. at 387.

[30] *Roquero v. Chancellor of UP-Manila*, G.R. No. 181851, March 9, 2010, 614 SCRA 723; *Binay v. Sandiganbayan*, 314 Phil. 413, 446-447 (1999).

[31] Ibid.

[32] G.R. Nos. 72335-39, March 21, 1988, 159 SCRA 70.

[33] Id. at 82-83.

[34] *Anchangco, Jr. v. Ombudsman*, G R. No. 122728, February 13, 1997, 268 SCRA 301, 302.

[35] G.R. No. 191411, July 15, 2013, 701 SCRA 188, 197-199.

Date created: March 22, 2018