

### Title: Benjamin “Kokoy” T. Romualdez vs. Hon. Simeon V. Marcelo, et al.

### Facts:

The case revolves around Benjamin “Kokoy” T. Romualdez, a former Philippine Ambassador and a government official, who was charged with violations of Section 7 of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019) for failure to file Statements of Assets and Liabilities for various years during his tenure. The journey to the Supreme Court traversed several legal battles beginning with the filing of a complaint by the then Solicitor General with the Presidential Commission on Good Government (PCGG) in 1987, leading to the filing of informations against Romualdez in 1989.

Romualdez contested these charges in various judicial forums, resulting in the dismissal of these charges by the Sandiganbayan in 2004 based on a Supreme Court decision in G.R. Nos. 143618-41 (Romualdez vs. Sandiganbayan). He argued these cases were dismissed and thereby could not be refiled. However, the Office of the Ombudsman conducted another preliminary investigation and found probable cause, leading to the filing of 24 new informations against him for the same charges. Romualdez then filed a petition with the Supreme Court challenging these new charges.

### Issues:

1. Whether the preliminary investigation conducted by the Ombudsman in the re-filed cases was valid.
2. Whether the offenses for which Romualdez was charged have already prescribed.

### Court’s Decision:

The Supreme Court granted Romualdez’s motion for reconsideration, thus overturning its prior decision. It held that:

1. The preliminary investigation conducted by the Ombudsman was valid, despite the prior dismissal of the charges by the Sandiganbayan. The dismissal was grounded not on the merit or innocence of the petitioner but on procedural flaws.
2. The charges against Romualdez have indeed prescribed. Using the periods described in Act No. 3326 and Article 91 of the Revised Penal Code, the Court found that the 10- and 15-year prescriptive periods for the alleged offenses had lapsed without interruption by lawful actions that would toll the prescription.

### Doctrine:

- The Supreme Court reiterated the principle that statutes of limitation on criminal charges

are to be liberally construed in favor of the accused. This is because such statutes are acts of amnesty by the state, ceasing prosecution after a certain time has elapsed.

- The assignment of an identical docket number for subsequent and related cases does not warrant a procedural flaw as long as the preliminary investigation adheres to the principles of due process.

### ### Class Notes:

- **\*\*Statutes of Limitation on Criminal Charges\*\***: They are liberally construed in favor of the accused, emphasizing the law's intent as an act of amnesty rather than procedural hurdles.

- **\*\*Act No. 3326 and Article 91 of the RPC\*\***: Essential for understanding the computation of prescription periods for offenses under special laws and the exceptions to such computations.

- **\*\*Prescription of Criminal Offenses\*\***: Begins to run from the commission of the alleged offense or its discovery if not known at the time, and may be interrupted by lawful judicial or administrative proceedings against the accused.

### ### Historical Background:

This case highlights the intricate paths of legal recourse and remedies available within the Philippine judicial system, especially concerning high-profile figures and charges of corruption. It underscores the balance between procedural propriety and the substantive rights of the accused, including the right against double jeopardy and the impact of statutes of limitations on the state's ability to re-prosecute.