



Republic of the Philippines
Supreme Court
 Manila

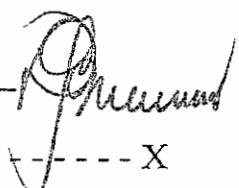
FIRST DIVISION

APOLINARIO T. CAMSOL, G.R. No. 242892
ANECITA C. SUYAT, MARCELINO
ENDI, and ASANO E. ABAN, Present:
Petitioners,

- versus -

GESMUNDO, C.J.,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

SEVENTH DIVISION OF THE
SANDIGANBAYAN, headed by its
Chairperson, ASSOCIATE JUSTICE
MA. THERESA DOLORES C.
GOMEZ-ESTEOSTA, and Division
Member – ASSOCIATE JUSTICE
GEORGINA D. HIDALGO and
ASSOCIATE JUSTICE ZALDY V.
TRESPESES,

Respondents. Promulgated:
JUL 06 2022 

X-----X

DECISION

ZALAMEDA, J.:

The inordinate and unexplained delay of approximately six years from the filing of the complaint with the Office of the Ombudsman to the filing of the Information with the Sandiganbayan amounts to a violation of the right to speedy disposition of cases and warrants the dismissal of this case.



The Case

This is a Petition for *Certiorari*, Prohibition, and Mandamus with Urgent Prayer for the Issuance of a Temporary Restraining Order and/or Preliminary Prohibitory Injunction¹ seeking to annul and set aside the Minute Resolution² dated 17 September 2018 and the Minute Resolution³ dated 11 October 2018 of the Sandiganbayan Seventh Division in SB-18-CRM-0293.

Antecedents

The case arose from a Complaint⁴ filed on 01 July 2011 by the Task Force Abono of the Field Investigation Office of the Office of the Ombudsman against petitioners who are former officials of the Municipality of Buguias, Benguet, namely: Mayor Apolinario T. Camsol (Camsol), Municipal Treasurer Anecita C. Suyat (Suyat), Municipal Accountant Marcelino P. Endi, and Municipal Agricultural Officer Asano E. Aban (Aban). Petitioners were charged with violations of Section 3(b), (e), and (g) of Republic Act No. (RA) 3019⁵ and Article 315, paragraph 1(b) of the Revised Penal Code in connection with the so-called *Fertilizer Fund Scam*.⁶

The amount of ₱1,050,000.00 was released to the Municipality of Buguias, Benguet, represented by then Mayor Camsol. An undated purchase request for the procurement of certain fungicides and insecticides in the total amount of ₱1,049,992.00 was prepared by Camsol and Aban. Thereafter, Suyat and Camsol conducted a personal canvass for the insecticides and fungicides. Canvass sheets were sent to three suppliers, including PMB Agro Goods and Services (PMB Agro), which submitted their respective quotations. PMB Agro submitted the lowest prices. Subsequently, Camsol issued an undated and unnumbered purchase order in favor of PMB Agro. Despite the lack of delivery receipt, an undated and unnumbered inspection and acceptance report signed by Suyat attesting the delivery of the insecticides and fungicides was issued. Payment was released to PMB Agro after petitioners affixed their signatures on the disbursement voucher.⁷

¹ *Rollo*, pp. 3-46.

² *Id.* at 49-57; penned by Associate Justice Georgina D. Hidalgo and concurred in by Associate Justices Ma. Theresa Dolores C. Gomez-Estoesta and Zaldy V. Trespeses of the Seventh (7th) Division, Sandiganbayan, Quezon City.

³ *Id.* at 59-62; Penned by Associate Justice Georgina D. Hidalgo and concurred in by Associate Justices Ma. Theresa Dolores C. Gomez-Estoesta and Zaldy V. Trespeses of the Seventh (7th) Division, Sandiganbayan, Quezon City.

⁴ Records, pp. 1-3.

⁵ Entitled "Anti-Grant and Corrupt Practices Act," approved on 17 August 1960.

⁶ *Rollo*, p. 49.

⁷ *Id.* at 50.



On 23 June 2006, the Commission on Audit (COA) issued Notice of Disallowance No. 06-01 disallowing in audit the amount of ₱1,049,992.00 since the purchase was made through personal canvass, and considering the amount involved, should have been made through competitive bidding. There was also no documentary evidence to show that prior to the purchase of the farm supplies, consultations and/or meetings with the farmer beneficiaries were conducted to obtain the consensus of the farmers on what products to purchase.⁸

After preliminary investigation, the Office of the Ombudsman issued Resolution dated 10 November 2015 which found probable cause to indict petitioners with violation of Section 3(e) of RA 3019. On 20 April 2018, an Information⁹ dated 05 January 2018 was filed. The relevant portion thereof reads:

That in 2004, or sometime prior or subsequent thereto, in Buguias, Benguet, Philippines, and within the jurisdiction of this Honorable Court, accused public officers Municipal Mayor **APOLINARIO T. CAMSOL Y TINO**, Municipal Treasurer **ANECITA CALABIAS SUYAT**, Municipal Accountant **MARCELINO PABLO ENDI** and Municipal Agricultural Officer **ASANO ESTEBAN ABAN**, all of the Municipality of Buguias, Benguet, while in the performance of their official functions, acting in relation to and taking advantage of their offices, conspiring and confederating with one another, with evident bad faith and/or manifest partiality, did then and there willfully, unlawfully and criminally give unwarranted benefits, advantage, and preference to PMB-Agro Goods and Services by awarding it the contract for the purchase of insecticides and fungicides, sans any public bidding and with particular reference to brand names, both in violation of Republic Act 9184 (Government Procurement Reform Act), thereby causing undue injury to the Municipality of Buguias, Benguet in the total amount of ONE MILLION FIFTY THOUSAND PESOS (₱1,050,000.00), Philippine currency, more or less.¹⁰

The arraignment and pre-trial was set on 31 July 2018. However, petitioners filed an Entry of Appearance with Motion to Defer Arraignment and Pre-trial and to Dismiss¹¹ dated 02 July 2018 based on inordinate delay. Despite objection to the deferment, the prosecution was required to file its comment and/or opposition to the said motion.¹²

Consequently, the Sandiganbayan, in its Order¹³ dated 31 July 2018 cancelled and reset the arraignment and pre-trial to 21 September 2018 and deemed the incident submitted for resolution.¹⁴

⁸ Id.

⁹ Id. at 68-70.

¹⁰ Id. at 68-69.

¹¹ *Records*, pp. 309-315.

¹² Id.

¹³ Id. at 341.

¹⁴ *Rollo*, p. 50.

Petitioners argued that inordinate delay attended the filing of the complaint and preliminary investigation that led to the filing of the Information, in violation of their right to speedy disposition of cases. Specifically, petitioners averred that from COA's Notice of Disallowance issued on 23 June 2006, it took more than four years to file the complaint. In a decision dated 10 November 2015, the Office of the Ombudsman found petitioners guilty of grave misconduct and prejudicial to the interest of the service. Petitioners claimed that seven years had lapsed from the time the complaint was lodged with the Office of the Ombudsman to the filing of the Information with the Sandiganbayan on 20 April 2018.¹⁵

In its comment/opposition, the prosecution countered that the motion to dismiss is anchored only on the length of delay and failed to consider the three other factors, namely: the reason for the delay, the defendant's assertion of his right, and prejudice against the defendant. Thus, it was prayed that the motion to dismiss be denied for lack of merit and for being *pro forma*.¹⁶

Ruling of the Sandiganbayan

In its Minute Resolution dated 17 September 2018, the Sandiganbayan denied the motion to dismiss and ruled in favor of the prosecution by stating that there was no violation of the right to speedy disposition of cases and the delay is not inordinate and unjustified. The dispositive portion states:

WHEREFORE, the Motion to Defer Arraignment and Pre-Trial and to Dismiss the Above-Entitled Case dated July 2, 2018 is **DENIED**.

Set the arraignment and pre-trial on September 21, 2018 at 8:30 in the morning as originally scheduled in this Court's July 31, 2018 Order.

SO ORDERED.¹⁷

In its Minute Resolution¹⁸ dated 11 October 2018, the Sandiganbayan denied petitioners' Motion for Reconsideration.¹⁹ Hence, the instant petition.²⁰

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. at 57.

¹⁸ Id. at 59-62.

¹⁹ Id. at 63-67.

²⁰ Id. at 59-62.



Issue

Whether the Sandiganbayan has gravely abused its discretion when it failed to uphold the right of petitioners to speedy disposition of cases considering the failure of the prosecution to explain the delay of approximately six (6) years in this case.

Ruling of the Court

The Petition is meritorious.

On the procedural aspect of this case, the prosecution claims that the petition is infirm since the denial of a motion to quash/dismiss is not subject to appeal as it is merely interlocutory. As such, the prosecution maintains that a petition for *certiorari* or *mandamus* under Rule 65 of the Rules of Court is not proper as there is a plain, speedy, and adequate remedy available to petitioners.²¹

The prosecution misapprehended the discussion in *Cagang v. Sandiganbayan, Fifth Division*²² (*Cagang*) which recognized that a party can question the denial of a motion to quash/dismiss if it can establish that the denial is tainted with grave abuse of discretion, thus:

Ordinarily, the denial of a motion to quash simply signals the commencement of the process leading to trial. The denial of a motion to quash, therefore, is not necessarily prejudicial to the accused. During trial, and after arraignment, prosecution proceeds with the presentation of its evidence for the examination of the accused and the reception by the court. Thus, in a way, the accused is then immediately given the opportunity to meet the charges on the merits. Therefore, if the case is intrinsically without any grounds, the acquittal of the accused and all his [or her] suffering due to the charges can be most speedily acquired.

The rules and jurisprudence, thus, balance procedural niceties and the immediate procurement of substantive justice. In our general interpretation, therefore, the accused is normally invited to meet the prosecution's evidence squarely during trial rather than skirmish on procedural points.

A party may, however, question the denial in a petition for *certiorari* if the party can establish that the denial was tainted with grave abuse of discretion:

[A] direct resort to a special civil action for *certiorari* is an

²¹ Id. at 104.

²² 837 Phil. 815 (2018).

exception rather than the general rule, and is a recourse that must be firmly grounded on compelling reasons. In past cases, we have cited the interest of a "more enlightened and substantial justice;" the promotion of public welfare and public policy; cases that "have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof;" or judgments on order attended by grave abuse of discretion, as compelling reasons to justify a petition for *certiorari*.

In grave abuse of discretion cases, *certiorari* is appropriate if the petitioner can establish that the lower court issued the judgment or order without or in excess of jurisdiction or with grave abuse of discretion, and the remedy of appeal would not afford adequate and expeditious relief. The petitioner carries the burden of showing that the attendant facts and circumstances fall within any of the cited instances. (Citations omitted.)²³

As will be further discussed below, the Sandiganbayan committed grave abuse of discretion when it failed to dismiss the criminal case after a showing that the right to speedy disposition of cases of petitioners has been violated.

Furthermore, in *Angchangco, Jr. v. Ombudsman*,²⁴ the Court has recognized the propriety of *mandamus* to compel the Ombudsman to dismiss a case for violation of the constitutional right to speedy disposition of cases as it amounts to gross abuse of discretion, manifest injustice, or palpable excess of authority, thus:

It is correct, as averred in the comment that in the performance of an official duty or act involving discretion, the corresponding official can only be directed by *mandamus* to act, but not to act one way or the other. However, this rule admits of exceptions such as in cases where there is gross abuse of discretion, manifest injustice, or palpable excess of authority (*Kant Kwong vs. PCGG*, 156 SCRA 222, 232 [1987]).

Here, the Office of the Ombudsman, due to its failure to resolve the criminal charges against petitioner for more than six years, has transgressed on the constitutional right of petitioner to due process and to a speedy disposition of the cases against him, as well as the Ombudsman's own constitutional duty to act promptly on complaints filed before it. For all these past 6 years, petitioner has remained under a cloud, and since his retirement in September 1994, he has been deprived of the fruits of his retirement after serving the government for over 42 years all because of the inaction of respondent Ombudsman. If we wait any longer, it may be too late for petitioner to receive his retirement benefits, not to speak of clearing his name. This is a case of plain injustice which calls for the issuance of the writ prayed for.²⁵

²³ Id. at 846-847.

²⁴ 335 Phil. 766 (1997).

²⁵ Id. at 772.

On the substantive aspect of this case, the right to speedy disposition of case is enshrined under Section 16, Article III of the 1987 Constitution which states that all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies. In cases involving the enforcement of this right, the Court has set forth the guidelines in *Cagang*:

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.²⁶ (Citation omitted)

The ruling in *Cagang* has been further explained and applied in the subsequent rulings of the Court such as in *Alarilla v. Sandiganbayan (Fourth Division)*²⁷ (*Alarilla*), *Catamco v. Sandiganbayan Sixth Division*²⁸ (*Catamco*), *Javier v. Sandiganbayan*²⁹ (*Javier*), and *Martinez III v. People*³⁰ (*Martinez*), among others. In *Alarilla*, it has been noted that the Office of the Ombudsman has introduced Administrative Order No. (AO) 1, Series of 2020 which provided the time periods for conducting its preliminary investigation:

Section 8. Period for the conduct of Preliminary Investigation. - Unless otherwise provided for in a separate issuance, such as an Office Order creating a special panel of investigators/prosecutors and prescribing the period for completion of the preliminary investigation, the proceedings therein shall not exceed twelve months for simple cases or twenty-four months (24) months for complex cases, subject to the following considerations:

- (a) The complexity of the case shall be determined on the basis of factors such as, but not limited to, the number of respondents, the number of offenses charged, the volume of documents, the geographical coverage, and the amount of public funds involved.
- (b) Any delay incurred in the proceedings, whenever attributable to the respondent, shall suspend the running of the period for purposes of completing the preliminary investigation.
- (c) The period herein prescribed may be extended by written authority of the Ombudsman, or the Overall Deputy Ombudsman/Special

²⁶ *Cagang v. Sandiganbayan, Fifth Division*, supra note 18.

²⁷ G.R. Nos. 236177-210, 03 February 2021.

²⁸ G.R. Nos. 243560-62 & 243261-63, 28 July 2020.

²⁹ G.R. No. 237997, 10 June 2020.

³⁰ G.R. No. 232574, 01 October 2019.

Prosecutor/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.

We nevertheless recognize that the foregoing issuance was promulgated after the preliminary investigation in this case. Prior to the foregoing issuance, it has been noted in *Javier* that there was no specific time period yet to conclude preliminary investigations before the Office of the Ombudsman. As such, the Rules of Court was applied in a suppletory manner, particularly Sec. 3, Rule 112 of the Rules of Criminal Procedure which provides that the investigating prosecutor has ten days after the investigation to determine whether or not there is sufficient ground to hold the respondent for trial.

We now consider the propriety of the relevant period which lapsed in this case. The records show that delay in this case is approximately six years and nine months from the filing of the complaint on 01 July 2011 until the filing of the Information with the Sandiganbayan on 20 April 2018. Even if counted from the last pleading filed by Camsol which was received by the Office of the Ombudsman on 03 May 2012,³¹ the delay is more than five years and eleven months until the time of the filing of the Information with the Sandiganbayan. In either case, the delay is unreasonable under the circumstance since it is way beyond what is provided under the Rules of Court, and even if AO 1, Series of 2020 is retroactively applied using the 3-year period stated therein by assuming that the case is complex and the Office of the Ombudsman has justifiably exercised the 1-year extension period. Given this, and applying *Cagang*, the burden of proof to justify the delay in this case has shifted to the prosecution.

In this regard, We find that the prosecution also failed to justify the delay of approximately six years in the preliminary investigation of this case until the filing of the Information with the Sandiganbayan.

A perusal of the prosecution's Comment³² dated 03 May 2019 shows that the justification mainly centered on the character of the *Fertilizer Fund Scam* as complex, thus:

35. The Reason for the delay.

It must be noted that the instant case is just one of the so many cases investigated nationwide by the Task Force Abono. The so-called *Fertilizer Fund Scam* is not a simple case considering the staggering amount involved (₱728 Million) spread over the entire country to all [representatives], governors, mayors and government agencies. It is a controversy which has elicited public outrage. The number of individuals charged, the agencies and entities involved and the countless/voluminous documents examined and

³¹ *Rollo*, p. 108.

³² *Id.* at 100-117.

scrutinized is beyond imagining. The Complaint itself charged six (6) crimes – violation of Sections 3(e) and (g) of R.A. No. 3019, violation of Section 18, Article VI, Section 31, Article VII, and Section 65, Article XXI of R.A. No. 9184, and violation of Article 315(1)(b) of the Revised Penal Code plus the administrative aspect thereof. Each of the criminal and administrative complaints had different elements to be evaluated in relation to the evidence at hand. The findings of the handling prosecutor were also subjected to the different levels of review by the Bureau Director, Deputy Ombudsman and then Ombudsman Morales.

36. Thus, the time spent in resolving the Complaint was reasonable and cannot be considered as capricious and vexatious. Likewise, there is no showing that the preliminary investigation was deliberately delayed, politically motivated or attended by malice. What is undeniable in this case is the fact that the usual procedure was duly observed.³³

As similarly ruled in *Javier*, the prosecution justified the delay by merely claiming that the case had countless/voluminous documents examined, without offering any proof as to the said assertion or at least specifying how voluminous such records were in this case.

Moreover, We cannot also agree with the prosecution's attempt to justify the delay in this case by relying on the blanket characterization of it being related to the *Fertilizer Fund Scam* cases. The statement of the prosecution as to the extent of the whole scam does not, by itself, justify the delay in the resolution of this case. The prosecution has failed to state reasons and justifications which specifically relate to the case at hand. As held in *Martinez*, there was no allegation, to start with, that petitioners had conspired with those involved in the *Fertilizer Fund Scam* cases, which might have explained the long period necessary for the preliminary examination.

In *Binay v. Sandiganbayan*,³⁴ the Court noted specific reasons in determining that the case being tried is sufficiently complex as it involved ten charges and the investigation and examination of thousands of vouchers, payrolls, and supporting documents.

The complexity of this case was not sufficiently demonstrated by the prosecution. Mere invocation of the gravity and notoriety of the overarching illegal scheme or activity upon which a specific case relates, will not suffice as justifications for the delay in its resolution. Following the prosecution's logic, all cases related to the said scam are warranted to be delayed. This should not be the case. The issue of complexity in this regard should be decided on a case-by-case basis. This is further confirmed by the rulings of this Court in *Catamco*, *Javier*, and *Martinez* which went beyond the relation

³³ Id. at 109.

³⁴ 374 Phil. 413 (1999).

of the said cases to the *Fertilizer Fund Scam*. As in this case, there was no valid justification for the delay in its resolution.

Also, while the Court acknowledges the realities faced by the Office of the Ombudsman in terms of its docket, this is not a justification for the delays in the resolution of its cases. *Javier* is also instructive on this point:

At this juncture, it is well to point out that the Ombudsman cannot repeatedly hide behind the “steady stream of cases that reach their office” despite the Court’s recognition of such reality. The Court understands the reality of clogged dockets — from which it suffers as well — and recognizes the current inevitability of institutional delays. However, “steady stream of cases” and “clogged dockets” are not talismanic phrases that may be invoked at whim to magically justify each and every case of long delays in the disposition of cases. Like all other facts that courts take into consideration in each case, the “steady stream of cases” should still be subject to proof as to its effects on a particular case, bearing in mind the importance of the right to speedy disposition of cases as a fundamental right.³⁵

As to whether petitioners belatedly raised the issue of inordinate delay before the Sandiganbayan, We find that the filing of a motion to quash prior to arraignment is sufficient to show that the right to speedy disposition of cases was timely raised. As held in *Javier*:

For one, the case of *Coscolluela v. Sandiganbayan (Coscolluela)* provides that respondents in preliminary investigation proceedings do not have any duty to follow up on the prosecution of their case. The Court categorically stated:

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.

The Court in *Cagang* did not explicitly abandon *Coscolluela* — considering that it explicitly abandoned *People v. Sandiganbayan* in the said case — and even cited it in one of its discussions. Thus, the pronouncements in *Coscolluela* remain good law, and may still be considered in determining whether the right to speedy disposition of cases was properly invoked.

Moreover, the Court is not unreasonable in its requirements. **The Ombudsman’s own Rules of Procedure provides that motions to dismiss, except on the ground of lack of jurisdiction, are prohibited.** Thus, respondents like Javier and Tumamao have no legitimate avenues to assert their fundamental right to speedy disposition of cases at the

³⁵ *Javier v. Sandiganbayan*, supra note 29.

preliminary investigation level. It would be unreasonable to hold against them — and treat it as acquiescence — the fact that they never followed-up or asserted their right in a motion duly filed.

Lastly, **the Court holds that Javier and Tumamao timely asserted their rights because they filed the Motion to Quash at the earliest opportunity.** Before they were even arraigned, they already sought permission from the Sandiganbayan to file the Motion to Quash to finally be able to assert their right to speedy disposition of cases. To the mind of the Court, this shows that Javier and Tumamao did not sleep on their rights, and were ready to assert the same given the opportunity. Certainly, this could not be construed as acquiescence to the delay.³⁶ (Citations omitted)

As in this case, petitioners raised at the earliest possible time, the issue of inordinate delay when they filed a motion to dismiss the case with the Sandiganbayan prior to their arraignment.

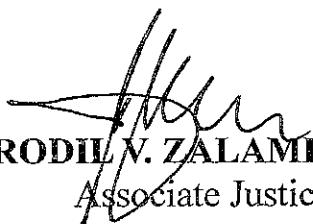
Finally, as to the prejudice on the part of petitioners in this case, it has been elucidated in *Martinez* that:

To just close our eyes to the unusually long delay incurred in this uncomplicated case that the Office of the Ombudsman has not even satisfactorily justified is to sanction the impairment of their valuable right to be given the reasonable opportunity to counteract or to refute the additional accusation against them. All the dire consequences befalling them now constitute the actual prejudice that the mandate for speedy disposition under the Constitution has sought to prevent.³⁷

Considering the failure of the prosecution to explain the delay of approximately six (6) years in this case, the Sandiganbayan has gravely abused its discretion when it failed to uphold the right of petitioners to speedy disposition of cases. As such, the criminal case against them should perforce be dismissed.

WHEREFORE, the Petition is **GRANTED**. The Minute Resolutions dated 17 September 2018 and 11 October 2018 of the Sandiganbayan Seventh Division in Crim. Case No. SB-18-CRIM-0293 are **ANNULLED** and **SET ASIDE**. The Sandiganbayan is likewise ordered to **DISMISS** Criminal Case No. SB-18-CRM-0293.


SO ORDERED.

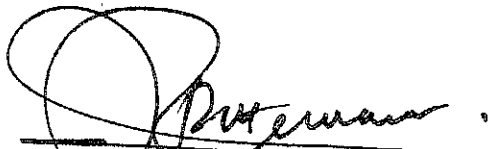

RODIL V. ZALAMEDA
Associate Justice

³⁶ Id.


³⁷ *Martinez III v. People*, supra note 30.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

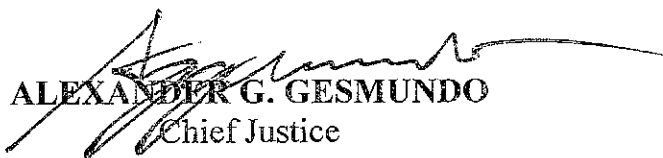

RAMON PAUL L. HERNANDO
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

CERTIFICATION

Pursuant to the Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

