



Republic of the Philippines
 Supreme Court
 Manila

SECOND DIVISION

LUZ S. ALMEDA,
 Petitioner,

G.R. No. 204267

Present:

- versus -

CARPIO, Chairperson,
 BRION,
 DEL CASTILLO,
 MENDOZA, and
 LEONEN, JJ.

OFFICE OF THE OMBUDSMAN
 (MINDANAO) and THE PEOPLE
 OF THE PHILIPPINES,
 Respondents.

Promulgated:
 25 JUL 2016

X-----X

DECISION

DEL CASTILLO, J.:

This Petition for *Certiorari*¹ seeks to set aside the September 6, 2012 Order² of the Office of the Ombudsman for Mindanao (Ombudsman) in OMB-MIN-01-0183 denying herein petitioner's Motion for Reconsideration³ of the Ombudsman's March 19, 2003 Resolution⁴ indicting her for violation of Section 3(g) of Republic Act No. 3019 (RA 3019),⁵ and directing that the corresponding Information therefor be filed with the Regional Trial Court of Dapa, Surigao del Norte.

¹ Rollo, pp. 3-39.

² Id. at 40-51; penned by Graft Investigation and Prosecution Officer II Hilde C. dela Cruz-Likit and approved by Deputy Ombudsman for Mindanao Humphrey T. Monteroso.

³ Id. at 86-104.

⁴ Id. at 52-85; penned by Graft Investigation and Prosecution Officer II Hilde C. dela Cruz-Likit and approved by Ombudsman Simeon V. Marcelo.

⁵ The Anti-Graft and Corrupt Practices Act, which provides:

Sec. 3. *Corrupt practices of public officers.* - in addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

Factual Antecedents

In 2001, petitioner Luz S. Almeda, then Schools Division Superintendent of the Department of Education, Culture and Sports (DepEd), Surigao del Norte, and several other public officers and employees were charged administratively and criminally before the Ombudsman, in connection with the alleged improper use and disbursement of the Countrywide Development Fund (CDF) allotted to petitioner's co-respondent Constantino H. Navarro, Jr. (Navarro), Surigao del Norte Congressman, and implemented through the Department of Interior and Local Government (DILG) and the DepEd. The criminal charges were consolidated and docketed as OMB-MIN-01-0183. On March 19, 2003, a Resolution was issued in said case by Graft Investigation and Prosecution Officer (GIPO) II Hilde C. dela Cruz-Likit (dela Cruz-Likit), to the effect that probable cause existed to indict petitioner and her co-accused for violation of Sections 3(e) and (g) of RA 3019.⁶ This Resolution was disapproved in part by then Ombudsman Simeon V. Marcelo (Marcelo), who made minor modifications and instructions thereto.

The Office of the Special Prosecutor (OSP) then took over the case, and it prepared the corresponding Information against petitioner, which was approved by then Special Prosecutor Dennis M. Villa-Ignacio and Marcelo. On May 19, 2003, the Information was forwarded to the Deputy Ombudsman for Mindanao, who in turn indorsed and forwarded the same, together with the Ombudsman's Resolution, to the Provincial Prosecutor of Surigao del Norte on June 3, 2003, for appropriate filing in court.⁷

Petitioner received a copy of the Ombudsman's March 19, 2003 Resolution on May 29, 2003. On July 3, 2003, she filed via a commercial courier service⁸ her Motion for Reconsideration, with a prayer for reversal of the Ombudsman's ruling and to hold in abeyance the filing of an information against her until the motion is resolved. An advance copy of the motion was transmitted to the Ombudsman by fax on June 16, 2003.⁹

On July 7, 2003, petitioner filed a Motion to Hold in Abeyance the Filing of Information¹⁰ before the Office of the Provincial Prosecutor of Surigao del Norte, which in turn referred the said motion to the Ombudsman.¹¹

⁶ Section 3(e) states:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

⁷ *Rollo*, pp. 183-184.

⁸ LBC.

⁹ *Rollo*, pp. 4, 46-47, 237.

¹⁰ *Id.* at 105-106.

¹¹ *Id.* at 9, 184, 237.

On July 18, 2003, dela Cruz-Likit issued an Order¹² giving due course to petitioner's Motion for Reconsideration and a similar motion filed by one of her co-respondents. The Order states, among others:

In their Motions for Reconsiderations [sic], both respondents-movants are united in pointing to co-respondent ex-Congressman Constantino H. Navarro, Jr., as the one who entered into the transaction of purchasing the nine computers delivered to DepEd Siargao, which transaction is made the basis of their indictment for Violation of Section 3(g) of RA 3019.

Before taking further action on the motions thus filed, let copies thereof be served to respondent Constantino H. Navarro Jr. and to complainant, or them to file their respective Comment or Opposition thereto.

WHEREFORE, PREMISES considered, this office resolves to give due course to the motions under consideration. Accordingly, let copies of the Motions for Reconsideration and Motion to Hold in Abeyance the Filing of Information be served to then Representative Constantino H. Navarro, Jr. and to COA Auditors Rosalinda G. Salvador and Mila L. Lopez, who are hereby directed to file their Comment and or [sic] Opposition thereto within ten (10) days from receipt hereof. Failure to comply with this order will be deemed a waiver and the herein motions will be resolved accordingly.

SO ORDERED.¹³

Navarro filed his Comment¹⁴ to petitioner's Motion for Reconsideration.

On August 25, 2003, petitioner filed before the Ombudsman her Supplemental motion for reconsideration.¹⁵

Through a June 16, 2004 Indorsement of the Ombudsman for Mindanao, petitioner's motion for reconsideration and all other pleadings, orders, and communications relative thereto were forwarded to Marcelo for appropriate action, pursuant to Office Order No. 31 entitled "Review and Consideration of Motions for Reconsideration Filed in Relation to Orders and Resolutions Issued by the Tanodbayan," which pertains to cases where the Ombudsman disapproves orders, resolutions, or decisions emanating from sectoral offices, and considering that the OSP has taken over the case.¹⁶

In another Indorsement dated October 11, 2004, then Deputy Ombudsman for Mindanao Antonio E. Valenzuela forwarded a copy of an October 11, 2004 Order which ultimately closed and terminated OMB-MIN-01-0183 as far as the

¹² Id. at 114-116.

¹³ Id. at 115.

¹⁴ Id. at 117-121.

¹⁵ Id. at 108-113.

¹⁶ Id. at 185.

Ombudsman for Mindanao is concerned, pursuant to an August 4, 2004 Order issued by Marcelo ordering the OSP to conduct the preliminary investigation of the case.¹⁷

On May 25, 2010, petitioner sent a letter of even date to the Ombudsman, seeking the early resolution of her motions.¹⁸ However, the letter was not acted upon, as the handling Graft Investigation and Prosecution Officer (GIPO), dela Cruz-Likit, was then on official study leave and no GIPO was as yet assigned to the case.¹⁹

On September 1, 2011, petitioner filed before the Ombudsman a Manifestation,²⁰ seeking resolution of her Motion for Reconsideration. On November 18, 2011, she filed a second Manifestation²¹ with the Ombudsman with a prayer for dismissal of OMB-MIN-01-0183 as against her.

Meanwhile, petitioner received copies of Indorsements dated September 28, 2011 and December 9, 2011 and signed by Deputy Ombudsman for Mindanao Humphrey T. Monteroso, referring and forwarding to the OSP petitioner's September 1, 2011 Manifestation and other pleadings and documents filed in OMB-MIN-01-0183, and noting and informing that the entire record of the case has been forwarded previously to the OSP.²²

On August 8, 2012, petitioner filed a third Manifestation before the Ombudsman, instead of the OSP, entitled "Manifestation Reiterating the Right of the Accused to Speedy Trial with Prayer for Dismissal of the Case."²³ This time petitioner bewailed the inaction and procedure taken by the Ombudsman and OSP in not taking cognizance of OMB-MIN-01-0183 and instead indorsing and repeatedly tossing the case back and forth to each other. She cited a June 18, 2012 Memorandum²⁴ within the OSP recommending that her Motion for Reconsideration and Manifestations be resolved by the Ombudsman for Mindanao instead and not the OSP, which had no jurisdiction over petitioner since she is not a high-ranking public official charged before the *Sandiganbayan*; she also noted a June 21, 2012 Indorsement²⁵ by the OSP to the Ombudsman for Mindanao, referring back petitioner's Motion for Reconsideration and Manifestations for action by the latter. She claimed that as a result, her Motion for Reconsideration remained unresolved to date; that said flip-flopping attitude of these two offices

¹⁷ Id. at 185-186.

¹⁸ Id. at 186.

¹⁹ Id.

²⁰ Id. at 122-124.

²¹ Id. at 125-127.

²² Id. at 174.

²³ Id. at 175-177.

²⁴ Id. at 189-191.

²⁵ Id. at 188; signed by Special Prosecutor Wendell E. Barreras-Sulit.

resulted in unwarranted delay and unending torment, which has unduly affected her work; and consequently, her constitutional right to speedy trial was violated. Petitioner thus prayed for dismissal of her case.

On September 6, 2012, the Ombudsman through dela Cruz-Likit issued the assailed Order denying petitioner's Motion for Reconsideration, stating as follows:

This resolves the Motions for Reconsideration filed by respondents Luz S. Almeda and Miguela S. Ligutom, seeking reconsideration to [sic] the Resolution dated March 19, 2003, indicting them for Violation of Section 3(g) of RA No. 3019.

x x x x

The motions should be denied.

As informed by respondent Almeda, she received a copy of the approved Resolution on May 29, 2003. Her motion for reconsideration dated June 12, 2003, with request to hold in abeyance the filing of the Information in court, was sent through the Courier on July 3, 2003. On the other hand, respondent Ligutom's Motion for Reconsideration, with request to hold in abeyance the filing of the Information in court, was filed on June 9, 2003. While counsel of respondent Almeda sent by fax an advance copy of the Motion for Reconsideration on June 16, 2003, both motions were still filed out of time.

Section 7(a), Rule II, of Administrative Order No. 07, which provides for the Ombudsman Rules of Procedure in criminal cases, states:

“Only one motion for reconsideration or reinvestigation of an approved order or resolution shall be allowed, the same to be filed within five (5) days from notice thereof with the Office of the Ombudsman, or the proper Deputy Ombudsman as the case may be, with corresponding leave of court in cases where the information has already been filed in court.”

Accordingly, the motions, on procedural grounds, should be denied.

On the other hand, the matters raised by respondents Almeda and Ligutom in their motions for reconsideration were already passed upon by this Office, and need not be discussed all over again. Moreover, these are evidentiary in nature, and are best threshed out in court.

x x x x

We also took note of respondents Almeda's [sic] and Ligutom's manifestation for the dismissal of the case for alleged violation of their right to speedy trial, on the ground that until now, no information was filed in court, and that their Motions for Reconsideration were not resolved despite the lapse of a considerable period of time.

OMB-MIN could not be faulted for the non-filing of the Information in court because as the records would show, both respondents Almeda and Ligutom

were the ones who moved to hold in abeyance the filing of the Information. The motions to hold in abeyance the filing of the Information were not only filed with this Office, but also with the Office of the Provincial Prosecutor of Surigao del Norte, and as shown by the records, the Information was already indorsed to the OPP but was indorsed back to OMB-MIN, in view of the motions to hold in abeyance the filing of such Information in court. Significantly, OMB-MIN has nothing to do with the delay in the resolution of the motions for reconsideration because as the records would show, all motions and pleadings filed by respondents were appropriately and timely acted upon.

WHEREFORE, Premises considered, the motions for reconsideration are hereby DENIED. Let the corresponding Information for Violation of Section 3(g) of RA No. 3019 approved by then Ombudsman Simeon V. Marcelo, be filed with the Regional Trial Court of Dapa, Surigao del Norte.

SO ORDERED.²⁶

Hence, the instant Petition.

Issues

In a February 5, 2014 Resolution,²⁷ this Court resolved to give due course to the instant Petition, which contains the following assignment of errors:

V.a

DID PUBLIC RESPONDENT VIOLATE PETITIONER'S CONSTITUTIONAL RIGHT TO SPEEDY TRIAL AND PROMPT DISPOSITION OF CASES WHEN IT FAILED TO RESOLVE THE MOTION FOR RECONSIDERATION AND MOTION TO HOLD IN ABEYANCE THE FILING OF INFORMATION FOR A PERIOD OF NINE (9) YEARS FROM THE DATE OF ITS FILING?

V.b

GIVEN THE FACTS OF THE CASE, DID THE RESPONDENT OMBUDSMAN ACT WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT REFUSED TO ORDER THE DISMISSAL OF THE CASE DESPITE THE CLEAR AND PATENT VIOLATION OF THE PETITIONER'S CONSTITUTIONAL RIGHT TO SPEEDY TRIAL AND PROMPT DISPOSITION OF CASES?²⁸

Petitioner's Arguments

In seeking reversal of the assailed Order and dismissal of OMB-MIN-01-0183 as against her, with additional prayer for injunctive relief, petitioner contends

²⁶ Id. at 40, 46-50.

²⁷ Id. at 267-268.

²⁸ Id. at 17.

in her Petition and Opposition²⁹ to the Ombudsman's Comment, which the Court treats as her Reply,³⁰ that the Ombudsman's failure to promptly act on her case for nine years from the filing of her motion for reconsideration, or from July 2003 to September 2012, is a violation of her constitutional right to a speedy disposition of her case; that despite her repeated manifestations and follow-ups, no action was taken on her case; that the Ombudsman and OSP's actions constitute gross neglect and indifference; that the Ombudsman's erroneous action of endorsing her case to the OSP despite the fact that the latter had no jurisdiction over her is the sole cause of the long period of inaction and delay which prejudiced her; and that contrary to the Ombudsman's argument, she should not be deemed estopped, for filing a motion to suspend the filing of the information against her, from claiming her right to a speedy disposition of her case.

Respondents' Arguments

In their joint Comment,³¹ respondents contend that there is no grave abuse of discretion on the part of the Ombudsman in denying petitioner's motion for reconsideration; that her constitutional right to speedy disposition of her case was not violated, as the delay in the proceedings was not attended by vexatious, capricious, and oppressive acts on the Ombudsman's part; that in determining whether the right is violated, each case must be approached on an *ad hoc* basis, and the length of and reasons for the delay, assertion or failure to assert the right, prejudice caused by the delay, and the conduct of the parties, must be carefully considered and balanced;³² that the delay in the resolution of petitioner's motion for reconsideration and filing of the information in court was justified in that petitioner's motion for reconsideration was filed out of time and she herself sought to hold in abeyance the filing of the information; that for being equally responsible for the delay, petitioner is not entitled to dismissal of her case; and that no injunctive relief should issue as petitioner has no right *in esse* that needs to be protected since, as a public officer who serves on public trust, she has no vested right to her position.

Our Ruling

The Court grants the Petition.

Section 16, Article III of the 1987 Constitution guarantees that "[a]ll persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." This right applies to all cases

²⁹ Id. at 257-262.

³⁰ Id. at 265; Resolution dated August 14, 2013.

³¹ Id. at 232-250.

³² Citing *Bernat v. Sandiganbayan*, G.R. No. 158018, May 20, 2004, 428 SCRA 787; *Mendoza-Ong v. Sandiganbayan*, 483 Phil. 451 (2004); and *Corpuz v. Sandiganbayan*, 484 Phil. 899 (2004).

pending before all judicial, quasi-judicial or administrative bodies;³³ it 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 all proceedings, either judicial or quasi-judicial. In this accord, any party to a case may demand expeditious action to [sic] all officials who are tasked with the administration of justice.”³⁴ It “includes within its contemplation the periods before, during and after trial,”³⁵ such as preliminary investigations and fact-finding investigations conducted by the Office of the Ombudsman.³⁶

[T]he right to speedy disposition of cases is not merely hinged towards the objective of spurring dispatch in the administration of justice but also to prevent the oppression of the citizen by holding a criminal prosecution suspended over him for an indefinite time. Akin to the right to speedy trial, its ‘salutary objective’ is to assure that an innocent person may be free from the anxiety and expense of litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose. This looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual. x x x³⁷

[T]he right to a speedy disposition of a case, like the right to speedy trial, is deemed violated only when the proceeding is attended by vexatious, capricious, and oppressive delays; or when unjustified postponements of the trial are asked for and secured, or when without cause or justifiable motive a long period of time is allowed to elapse without the party having his case tried. Equally applicable is the balancing test used to determine whether a defendant has been denied his right to a speedy trial, or a speedy disposition of a case for that matter, in which the conduct of both the prosecution and the defendant are weighed, and such factors as length of the delay, reason for the delay, the defendant's assertion or non-assertion of his right, and prejudice to the defendant resulting from the delay, are considered.³⁸

“The concept of speedy disposition is relative or flexible. A mere mathematical reckoning of the time involved is not sufficient. Particular regard must be taken of the facts and circumstances peculiar to each case.”³⁹ For this reason, “[a] balancing test of applying societal interests and the rights of the accused necessarily compels the court to approach speedy trial cases on an *ad hoc* basis.”⁴⁰

Regarding delays, it may be said that “[i]t is almost a universal experience that the accused welcomes delay as it usually operates in his favor, especially if he

³³ *People v. Sandiganbayan*, 723 Phil. 444, 489 (2013).

³⁴ *Coscolluela v. Sandiganbayan*, 714 Phil. 55, 61 (2013).

³⁵ *Id.* at 67, citing *Dansal v. Judge Fernandez, Sr.*, 383 Phil. 897, 905 (2000).

³⁶ *People v. Sandiganbayan*, *supra* note 33 at 490-491.

³⁷ *Coscolluela v. Sandiganbayan*, *supra* note 34 at 65.

³⁸ *Gonzales v. Sandiganbayan (1st Div.)*, 276 Phil. 323, 333-334 (1991).

³⁹ *Dela Peña v. Sandiganbayan*, 412 Phil. 921, 929 (2001).

⁴⁰ *Corpuz v. Sandiganbayan*, *supra* note 32 at 917.

greatly fears the consequences of his trial and conviction. He is hesitant to disturb the hushed inaction by which dominant cases have been known to expire.”⁴¹ These principles should apply to respondents in other administrative or quasi-judicial proceedings as well. It must also be remembered that generally, respondents in preliminary investigation proceedings are not required to follow up on their cases; it is the State’s duty to expedite the same “within the bounds of reasonable timeliness.”⁴²

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.⁴³

“It is the duty of the prosecutor to speedily resolve the complaint, as mandated by the Constitution, regardless of whether the (respondent) did not object to the delay or that the delay was with his acquiescence provided that it was not due to causes directly attributable to him.”⁴⁴ Failure or inaction may not have been deliberately intended, yet unjustified delay nonetheless causes just as much vexation and oppression.⁴⁵ Indeed, delay prejudices the accused or respondent – and the State just the same.

x x x Prejudice should be assessed in the light of the interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed, and he is subjected to public obloquy.

Delay is a two-edge sword. It is the government that bears the burden of proving its case beyond reasonable doubt. The passage of time may make it difficult or impossible for the government to carry its burden. x x x⁴⁶

Not only should the adjudication of cases be “done in an orderly manner that is in accord with the established rules of procedure but must also be promptly decided to better serve the ends of justice. Excessive delay in the disposition of cases renders the rights of the people guaranteed by the Constitution and by various legislations inutile.”⁴⁷

⁴¹ *People v. Lacson*, 448 Phil. 317, 388 (2003).

⁴² *Coscolluela v. Sandiganbayan*, supra note 34 at 64.

⁴³ *Id.*, citing *Barker v. Wingo*, 407 U.S. 514 (1972).

⁴⁴ *Cervantes v. Sandiganbayan*, 366 Phil. 602, 609 (1999).

⁴⁵ *Licaros v. Sandiganbayan*, 421 Phil. 1075, 1092 (2001).

⁴⁶ *Corpuz v. Sandiganbayan*, supra note 32 at 917-918.

⁴⁷ *Capt. Roquero v. The Chancellor of UP-Manila*, 628 Phil. 628, 640 (2010).

Finally, the Court has held that inordinate delay in resolving a criminal complaint is violative of the constitutionally guaranteed right to due process and to the speedy disposition of cases, which warrants the dismissal of the criminal case.⁴⁸

Using the foregoing as guides and applying them to the instant case, the Court finds that petitioner's right to a speedy disposition of OMB-MIN-01-0183 was violated, which must result in the dismissal thereof.

First of all, the preliminary investigation proceedings in said case took more than 11 long years to resolve, or from March 23, 2001 when the proceedings were initiated and docketed,⁴⁹ to September 6, 2012 when petitioner's Motion for Reconsideration was denied.

Secondly, the delay in the proceedings was caused solely by the repeated indorsement of the Ombudsman and the OSP, which may be attributed to the Ombudsman's failure to realize that petitioner was not under the jurisdiction of the OSP or the *Sandiganbayan*. Moreover, when dela Cruz-Likit, the handling GIPO, went on official study leave, no GIPO was assigned to OMB-MIN-01-0183; as a result, the case was neglected. Even if, as respondents argue, petitioner's Motion for Reconsideration was tardy and that she filed a motion to defer the filing of the information, these have no bearing as in fact they are irrelevant to the issue; the fact remains that the Ombudsman's resolution of the case took too long; the fact that the ground for denying the Motion for Reconsideration involved a simple procedural issue highlights the Ombudsman's failure to timely resolve the same.

Third, petitioner had no hand in the delay. As a matter of fact, she sent a letter and filed written manifestations seeking the immediate resolution of her case. While they were filed only in 2010 and 2011, petitioner's letter and manifestations cannot be considered late, and no waiver or acquiescence may be attached to the same, as she was not required as a rule to follow up on her case; instead, it is the State's duty to expedite the same.

Fourth, the pendency of OMB-MIN-01-0183 undoubtedly prejudiced petitioner. The case hung like a hangman's cord above her all these years, causing distress, anxiety, and embarrassment. As was held in the *Corpuz*⁵⁰ case, the passage of time affects the parties' and their witnesses' ability to prepare a cogent case or defense; secure witnesses; and preserve honor and reputation, financial resources, memory, and evidence.

⁴⁸ *Angchangco, Jr. v. Hon. Ombudsman*, 335 Phil. 766, 770 (1997).

⁴⁹ *Rollo*, p. 180.

⁵⁰ *Supra* note 32.

Finally, the Ombudsman's explanation for the delay is not at all acceptable. Instead, it can be seen that it failed to apply a basic rule that in the investigation and prosecution of public officers and employees accused of graft, specific rules on jurisdiction based on rank apply. What ensued was an administrative "ping-pong," as petitioner puts it.

In *Coscolluela*,⁵¹ the fact that it took the Ombudsman eight years to resolve a case under preliminary investigation was considered violative of the right to speedy disposition of cases. In *Cervantes*,⁵² it took the OSP six years from the filing of the initiatory complaint before deciding to file an information; this was struck down as well. In *Tatad v. Sandiganbayan*,⁵³ a three-year delay in the termination of the preliminary investigation by the *Tanodbayan* was considered violative of the right. In *Lopez, Jr. v. Office of the Ombudsman*,⁵⁴ the preliminary investigation was resolved close to four years from the time all the counter- and reply-affidavits were submitted to the Ombudsman, and this was similarly struck down. In *People v. Sandiganbayan*,⁵⁵ the fact-finding investigation and preliminary investigation by the Ombudsman lasted nearly five years and five months, which the Court considered an inordinate delay. The same is true in *Angchangco, Jr.*⁵⁶ and *Roque v. Office of the Ombudsman*,⁵⁷ where the delay involved a period of six years, more or less. In *Licaros*,⁵⁸ the failure of the *Sandiganbayan* to decide the case even after the lapse of more than 10 years after it was submitted for decision was declared to involve "more than just a mere procrastination in the proceedings."

WHEREFORE, the Petition is **GRANTED**. The September 6, 2012 Order of the Office of the Ombudsman for Mindanao in OMB-MIN-01-0183 is **REVERSED** and **SET ASIDE**. OMB-MIN-01-0183 and all proceedings or actions arising therefrom are ordered **DISMISSED**.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

⁵¹ Supra note 34.

⁵² Supra note 44.

⁵³ 242 Phil. 563 (1988).

⁵⁴ 417 Phil. 39 (2001).

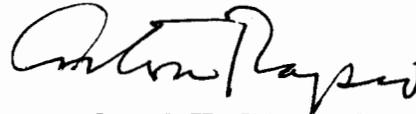
⁵⁵ Supra note 33.

⁵⁶ Supra note 48.

⁵⁷ 366 Phil. 568 (1999).

⁵⁸ Supra note 45 at 1090.

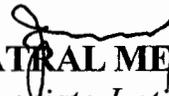
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ARTURO D. BRION
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

ATTESTATION

I attest 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.

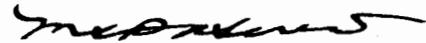


ANTONIO T. CARPIO
Associate Justice
Chairperson



CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



MARIA LOURDES P. A. SERENO

Chief Justice

