



Republic of the Philippines  
**Supreme Court**  
 Manila

**THIRD DIVISION**

**JOAN V. ALARILLA,**  
 Petitioner,

**G.R. No. 240124**

Present:

- versus -

**CAGUIOA, J.,**  
*Chairperson,*  
**INTING,**  
**GAERLAN,**  
**DIMAAMPAO, and**  
**SINGH, JJ.**

**ROLANDO L. LORENZO,**  
 Respondent.

Promulgated:  
**August 31, 2022**

*Mis-DCBatt*

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**DECISION**

**GAERLAN, J.:**

This resolves the Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court filed by Joan V. Alarilla (petitioner) praying for the reversal of the January 30, 2018 Decision<sup>2</sup> and June 6, 2018 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 151397. The CA affirmed the November 2, 2016 Decision<sup>4</sup> and March 1, 2017 Order<sup>5</sup> of the Office of the Ombudsman (OMB) in OMB-L-A-08-0022-A, which found petitioner administratively liable for grave misconduct and serious dishonesty.

**Antecedents**

Eduardo Alarilla (Eduardo) was the former Mayor of Meycauayan, Bulacan from 1992 to 1995. He was re-elected in 1998, and served three

<sup>1</sup> *Rollo*, pp. 47-91.

<sup>2</sup> *Id.* at 10-39; penned by Associate Justice Franchito N. Diamante, with Associate Justices Fernanda Lampas Peralta and Maria Elisa Sempio Diy, concurring.

<sup>3</sup> *Id.* at 41-42.

<sup>4</sup> *Id.* at 128-150. The OMB Decision was approved on December 16, 2016

<sup>5</sup> *Id.* at 153-159.

consecutive terms that ended in 2007.<sup>6</sup> Eduardo is the petitioner's husband.<sup>7</sup>

Thereafter, the petitioner was elected as the Mayor of Meycauayan in the May 2007 elections. Then, she was re-elected for the same position during the May 2010 and May 2013 elections.<sup>8</sup> During the petitioner's term, Eduardo served as the General Consultant of the Meycauayan City government.<sup>9</sup>

From July to August 2007, the petitioner approved the disbursement of 41 checks, all drawn from the account of the Municipality of Meycauayan.<sup>10</sup> Said checks were issued as payment to LC San Pascual Construction Supply (LC San Pascual) and VSP Trading and General Merchandise (VSP Trading) for the goods and services they delivered.<sup>11</sup>

Meanwhile, on January 18, 2008, Rolando L. Lorenzo (respondent) filed a complaint against the petitioner and Eduardo for grave misconduct and dishonesty, and malversation through falsification of public documents, docketed as OMB-L-A-08-0022-A and OMB-L-C-08-0025, respectively.<sup>12</sup> He narrated that from July 2007 to August 2007, the petitioner, in concert with her husband and with abuse of authority, misappropriated and converted to her own use public funds amounting to ₱5,130,329.14, by issuing checks as payment for goods and/or services purportedly delivered by LC San Pascual and VSP Trading, when no such goods and services were actually delivered.<sup>13</sup> He accused the petitioner of receiving the proceeds of the said checks.

On May 7, 2008, the OMB issued an Order requiring the petitioner and Eduardo to file their Counter-Affidavits and other controverting evidence.<sup>14</sup>

In compliance, on July 9, 2008, the petitioner and Eduardo filed their Joint Counter-Affidavit, vehemently denying the allegations hurled against them.<sup>15</sup>

Subsequently, on July 10, 2008, the OMB directed the parties to file their respective position papers.<sup>16</sup>

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<sup>6</sup> Id. at 1124.  
<sup>7</sup> Id.  
<sup>8</sup> Id. at 52.  
<sup>9</sup> Id.  
<sup>10</sup> Id. at 1125.  
<sup>11</sup> Id.  
<sup>12</sup> Id. at 52.  
<sup>13</sup> Id. at 53.  
<sup>14</sup> Id.  
<sup>15</sup> Id. at 54.  
<sup>16</sup> Id. at 55.

Eduardo passed away on March 4, 2009.<sup>17</sup>

### **Ruling of the OMB**

On November 2, 2016, the OMB rendered a Decision<sup>18</sup> declaring the petitioner liable for grave misconduct and serious dishonesty. However, the OMB dismissed the complaint against Eduardo for lack of jurisdiction, considering that the latter's term had ended when the complaint was filed, and in view of his demise. The OMB also explained that Eduardo's designation as "General Consultant" of the city government did not give rise to an employer-employee relationship that would subject him to administrative liability.<sup>19</sup>

Accordingly, the OMB disposed of the case as follows:

**WHEREFORE**, finding substantial evidence, judgment is hereby rendered finding respondent Joan V. Alarilla administratively liable for GRAVE MISCONDUCT and SERIOUS DISHONESTY, and meted the penalty of **DISMISSAL FROM THE SERVICE** with the corresponding accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification from re-employment in the service, pursuant to Section 46(A)(1) and (3), Rule 10 of the Revised Rules on the Administrative Cases in the Civil Service, and Section 10, Rule III, Administrative Order No. 07, as amended by A.O. No. 17, in relation to Section 25 of R.A. No. 6770.

In the event that the penalty of **DISMISSAL FROM THE SERVICE** can no longer be enforced due to separation from the service of [petitioner], the same shall be converted into **FINE** in the amount equivalent to her salary for ONE (1) YEAR, payable to the Office of the Ombudsman, and may be deductible from her retirement benefits, accrued leave credits or any receivable from office. It is understood, however, that the accessory penalties of forfeiture of retirement benefits, cancellation of eligibility and perpetual disqualification to hold public office shall still be applied.

The Honorable Secretary of the Department of Interior and Local Government is hereby directed to implement this DECISION immediately upon receipt pursuant to Rule III, Section 7 of A.O. No. 07 (Ombudsman Rules of Procedure), as amended by A.O. No. 17 in relation to Memorandum Circular No. 1, series of 2006 dated April 11, 2006, and to promptly inform this Office of the action taken thereon.

The complaint against respondent Eduardo A. Alarilla is hereby *dismissed* for lack of jurisdiction.

**SO ORDERED.**<sup>20</sup> (Emphases in the original)

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<sup>17</sup> Id. at 60.

<sup>18</sup> Id. at 128-150.

<sup>19</sup> Id. at 135.

<sup>20</sup> Id. at 149-150.

The OMB Decision was approved on December 16, 2016.<sup>21</sup>

Aggrieved, the petitioner sought reconsideration, which was denied in the OMB's March 1, 2017 Order.<sup>22</sup>

Dissatisfied with the ruling, on June 29, 2017,<sup>23</sup> the petitioner filed with the CA a Petition for Review (With Application for the Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction)<sup>24</sup> under Rule 43 of the Rules of Court.<sup>25</sup> She reiterated that she is not guilty of grave misconduct and serious dishonesty, and claimed that there was inordinate delay in the handling of her case.<sup>26</sup>

### Ruling of the CA

In a Decision<sup>27</sup> dated January 30, 2018, the CA affirmed the OMB ruling. The CA agreed that the petitioner is guilty of grave misconduct and serious dishonesty. Moreover, it rejected the petitioner's claim that her right to the speedy disposition of her case was violated, absent proof that the alleged delay was vexatious and capricious.<sup>28</sup>

The dispositive portion of the CA ruling states:

**WHEREFORE**, in view of the foregoing, the instant petition is hereby **DISMISSED**. The *Decision* dated November 2, 2016 of the Office of the Deputy Ombudsman for Luzon which was approved by the Office of the Ombudsman (OMB) through a *Decision* dated December 16, 2016 and *Order* dated March 1, 2017, in the case docketed as OMB-L-A-08-0022-A are **AFFIRMED**.

**SO ORDERED**.<sup>29</sup> (Emphases and italics in the original)

On March 2, 2018, the petitioner filed a Motion for Reconsideration, which was denied for lack of merit in the CA's June 6, 2018 Resolution.<sup>30</sup>

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<sup>21</sup> Id. at 151.

<sup>22</sup> Id. at 153-159.

<sup>23</sup> The date indicated in the Petition for Review on *Certiorari* is June 29, 2018. However, the petitioner received respondent's Comment on September 15, 2017; id. at 63.

<sup>24</sup> Id. at 160-193.

<sup>25</sup> Id. at 63.

<sup>26</sup> Id.

<sup>27</sup> Id. at 10-39.

<sup>28</sup> Id. at 36.

<sup>29</sup> Id. at 38.

<sup>30</sup> Id. at 41-42.

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Undeterred, the petitioner filed the instant Petition for Review on *Certiorari*<sup>31</sup> under Rule 45 of the Rules of Court.

### Issues

Petitioner raises the following issues, namely: (i) whether or not her right to the speedy disposition of her case was violated; and (ii) whether or not she is administratively liable for grave misconduct and serious dishonesty.<sup>32</sup>

Petitioner laments that her right to the speedy disposition of her case was violated. She bewails that it took the OMB nine years to resolve the case, sans any justification for the delay.<sup>33</sup> She likewise decries the OMB ruling finding her guilty of grave misconduct and serious dishonesty. She maintains that there were actual government projects that warranted the payment of funds.<sup>34</sup> Further, she urges that she complied with the proper procedure for the procurement of the goods and services.<sup>35</sup>

On the other hand, the respondent counters that the petitioner's right to the speedy disposition of her case was not violated.<sup>36</sup> He urges that the OMB performed its duty regularly,<sup>37</sup> and that the purported delay was reasonable and necessary.<sup>38</sup> He postulates that there is no showing that the delay was vexatious and capricious.<sup>39</sup> Furthermore, he retorts that the petitioner approved the disbursement of public funds for fictitious, illegal and unconscionable transactions.<sup>40</sup>

### Ruling of the Court

**The petition is granted.**

#### *The right to speedy disposition of cases*

Section 16, Article III of the Constitution guarantees every person's right to the speedy disposition of his/her case:

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<sup>31</sup> Id. at 47-91.  
<sup>32</sup> Id. at 65.  
<sup>33</sup> Id. at 68.  
<sup>34</sup> Id. at 74.  
<sup>35</sup> Id. at 82.  
<sup>36</sup> Id. at 1140.  
<sup>37</sup> Id. at 1146.  
<sup>38</sup> Id. at 1147.  
<sup>39</sup> Id.  
<sup>40</sup> Id. at 1140.

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

This sacrosanct right is not limited to criminal proceedings, but extends to civil or administrative cases, and judicial or quasi-judicial proceedings. Consequently, any party to a case may demand expeditious action from all officials tasked with the administration of justice.<sup>41</sup>

Particularly, for administrative cases, Section 12, Article XI of the Constitution requires the OMB to act promptly on all complaints filed before it:

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

This constitutional mandate is further emphasized in Republic Act (R.A.) No. 6770 or the Ombudsman Act of 1989, which states:

**Section 13. Mandate.** — The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.<sup>42</sup>

Interestingly however, Section 16, Article III; Section 12, Article XI; and Section 13 of R.A. No. 6770 do not provide specific periods to measure promptness, or furnish criteria to determine delay in the disposition of complaints. Thus, jurisprudence fills this lacuna, and describes how “promptness” may be gauged, and how “inordinate delay” may be ascertained.<sup>43</sup>

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<sup>41</sup> *Bautista v. Sandiganbayan Sixth Division*, G.R. No. 238579-80, July 24, 2019, citing *Coscolluela v. Sandiganbayan*, 714 Phil. 55, 61 (2013), citing *Capt. Roquero v. The Chancellor of UP Manila*, 628 Phil. 628, 639 (2010).

<sup>42</sup> *Republic v. Sandiganbayan (Special Second Division)*, G.R. No. 231144, February 19, 2020, citing *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018.

<sup>43</sup> *Id.*

Remarkably, in the landmark case of *Cagang v. Sandiganbayan (Fifth Division)*<sup>44</sup> (*Cagang*), the Court set comprehensive guidelines for resolving alleged violations of the right to speedy trial or disposition of cases:

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

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<sup>44</sup> G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018.

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.<sup>45</sup> (Emphases supplied)

**Based on the aforementioned standards, this Court finds that the OMB violated the petitioner's right to the speedy disposition of her case.**

*The case unreasonably dragged beyond the prescribed periods for resolving administrative cases*

At the time the complaint was filed, Administrative Order (A.O.) No. 7 or the Rules of Procedure of the OMB, as amended by A.O. No. 17 dated September 7, 2003, imposed the period for the resolution of administrative cases:

**RULE III  
PROCEDURE IN ADMINISTRATIVE CASES**

x x x x

**Section 6. Rendition of decision.** – Not later than thirty (30) days after the case is declared submitted for resolution, the Hearing Officer shall submit a proposed *decision* containing his findings and recommendation for the approval of the Ombudsman. Said proposed decision shall be reviewed by the Directors, Assistant Ombudsmen and Deputy Ombudsmen concerned. With respect to low ranking public officials, the Deputy Ombudsman concerned shall be the approving authority. Upon approval, copies thereof shall be served upon the parties and the head of the office or agency of which the respondent is an official or employee for his information and compliance with the appropriate directive contained therein.

Essentially, under A.O. No. 17, Series of 2003, the hearing officer is tasked to submit a proposed decision containing his/her findings and

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<sup>45</sup> Id.

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recommendation within 30 days from the time the case is deemed submitted for resolution. Thereafter, the proposed decision shall be reviewed by the Directors, Assistant Ombudsmen, and Deputy Ombudsmen concerned, although the period for their approval was not specified.

However, on August 15, 2020, the OMB issued A.O. No. 1, Series of 2020, imposing a more precise schedule for resolving administrative cases:

### **RULE III. ADMINISTRATIVE ADJUDICATION**

**Section 11.** *Period for the adjudication of administrative cases.* — **The proceedings for the adjudication of administrative cases shall not exceed twelve months (12) months**, subject to the following considerations:

- (a) Whenever a verified complaint, grievance or request for assistance is subject to both preliminary investigation and administrative adjudication, the periods prescribed for preliminary investigation under Section 8, Rule II hereof shall be observed.
- b) Any delay incurred in the proceedings, whenever attributable to the respondent, shall suspend the running of the period for purposes of completing the adjudication of the administrative complaint/case.
- c) The period herein prescribed may be extended by written authority of the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.

**Section 12.** *Termination of Administrative Adjudication.* - The proceedings in the adjudication of administrative cases shall be deemed terminated when the resolution of the complaint, including any motion for reconsideration filed in relation to the result thereof, as recommended by the Ombudsman investigators/prosecutors and their immediate supervisors, is approved by the Ombudsman or the Overall Deputy Ombudsman/Deputy Ombudsman concerned.

Plainly, under the OMB's new rules of procedure, the period for the adjudication of administrative cases is stringently set to 12 months, subject to an extension through a written authority of the Ombudsman or the overall Deputy Ombudsman for justifiable reasons, which shall not exceed one year.

Certainly, both the old and new rules of procedure echo the OMB's mandate to act promptly on all cases filed before it. Specifically, A.O. No. 17, Series of 2003 promotes the quick resolution of administrative cases by ordering the submission of the proposed decision within 30 days from the date the case is deemed submitted for resolution. In the same vein, A.O. No. 1, Series of 2020, albeit providing a longer period to resolve the case, also advances the speedy disposition of administrative cases within 12 months, subject to one extension, which shall not exceed one year. Hence, based on the OMB rules, the resolution

of administrative cases should be completed at the latest, within a period of two (2) years.

Lamentably, the OMB, in stark violation of its own rules of procedure, allowed the instant case to remain inactive for a period of almost eight (8) years. The following timeline reveals that after December 23, 2008, when the respondent filed his Supplemental Position Paper, the case laid dormant for seven (7) years and ten (10) months, to wit:

DATE	ACTION
January 18, 2008	Respondent filed the complaint against the petitioner and her husband. <sup>46</sup>
January 21, 2008	Respondent filed an Amended Complaint, changing the amount involved from ₱9,930,329.74 to ₱5,130,329.14. <sup>47</sup>
May 7, 2008	The OMB issued an Order directing the petitioner and Eduardo to file their Counter-Affidavits. <sup>48</sup>
July 9, 2008	Petitioner and Eduardo filed their Joint Counter-Affidavit. <sup>49</sup>
July 10, 2008	The OMB issued an Order directing the parties to file within ten (10) days from notice their verified position papers. <sup>50</sup>
July 15, 2008	Petitioner submitted the affidavits of her witnesses. <sup>51</sup>
July 15, 2008	Petitioner and Eduardo received a copy of the OMB's July 10, 2008 Order, directing the parties to file their respective verified position papers. <sup>52</sup> Petitioner moved for extension of time to file the verified position paper. <sup>53</sup>
August 4, 2008	Petitioner and Eduardo filed their verified position paper. <sup>54</sup>
August 15, 2008	Respondent filed his Reply. <sup>55</sup>
September 2, 2008	Respondent filed a Supplemental Reply. <sup>56</sup>
September 11, 2008	Respondent filed a Motion to Admit Additional Vital Evidence attaching the affidavit of one Mario D. Mangalindan. <sup>57</sup>
September 16, 2008	Respondent filed his position paper. <sup>58</sup>
December 5, 2008	Petitioner filed a Supplemental Position Paper. <sup>59</sup>

<sup>46</sup> *Rollo*, p. 52.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 53.

<sup>49</sup> *Id.* at 54.

<sup>50</sup> *Id.* at 55 and 135.

<sup>51</sup> *Id.* at 55.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 55-56.

<sup>54</sup> *Id.* at 56.

<sup>55</sup> *Id.* at 58.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 59.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

December 23, 2008	Respondent filed a Supplemental Position Paper. <sup>60</sup>
November 2, 2016	The OMB rendered its Decision. <sup>61</sup>
December 16, 2016	The November 2, 2016 OMB Decision was approved. <sup>62</sup>
February 16, 2017	Petitioner filed a Motion for Reconsideration. <sup>63</sup>
March 1, 2017	The OMB issued an Order <sup>64</sup> denying the Motion for Reconsideration.

Obviously, seven years and 10 months fall outside the normal period for resolving administrative cases. As culled from *Cagang*,<sup>65</sup> “[t]he Ombudsman ought to provide a reasonable period based on: [i] its experience; [ii] the number of the accused; [iii] the complexity of the evidence; and [iv] the issues involved.”<sup>66</sup> In addition, “[t]he Court shall consider the entire context of the case, from the amount of evidence to be weighed, to the simplicity or complexity of the issues raised.”<sup>67</sup>

In the case at bar, the administrative case involved a complaint for grave misconduct and dishonesty against two accused – petitioner and her husband Eduardo. Based on the OMB’s Decision, the evidence weighed consisted of forty-three (43) checks, affidavits from witnesses, Commission on Audit (COA) inspection reports for supplies and materials; certifications from barangay officials and city government officers attesting to the existence of the projects, and bidding documents.<sup>68</sup> These pieces of evidence cannot be regarded as voluminous and complex, that would have taken almost eight years to sift through.

Moreover, it is noted that in *Alarilla v. The Honorable Sandiganbayan (Fourth Division)*<sup>69</sup> (*Alarilla*) involving the criminal case against the petitioner, the Court declared that the “petitioner’s right to speedy disposition of cases was indeed violated by the [OMB’s] inordinate delay in conducting preliminary investigation.”<sup>70</sup> In the said case, the Court noted that “the formal complaint was filed on January 18, 2008. Petitioner and her husband were able to submit their joint counter affidavit on July 9, 2008. However, after filing their counter-affidavit, it took the [OMB] more than eight (8) years to issue the Resolution dated November 3, 2016 finding probable cause against petitioner.”<sup>71</sup>

<sup>60</sup> Id. at 60.

<sup>61</sup> Id. at 128-150.

<sup>62</sup> Id. at 10.

<sup>63</sup> Id. at 62.

<sup>64</sup> Id. at 153-159.

<sup>65</sup> Supra note 44.

<sup>66</sup> Supra note 42.

<sup>67</sup> *Cagang v. Sandiganbayan (Fifth Division)*, supra note 44.

<sup>68</sup> *Rollo*, p. 132.

<sup>69</sup> G.R. Nos. 236177-210, February 3, 2021.

<sup>70</sup> Id.

<sup>71</sup> Id.

Indeed, both the administrative and criminal cases stemmed from the same complaint, involved the same facts, and were resolved within the same lengthy period. Consequently, the finding that the petitioner's right to speedy disposition was violated because of the inordinate delay in the resolution finding probable cause, equally holds true with respect to the delayed resolution of the administrative case.

Finally, anent *Cagang's*<sup>72</sup> last requirement that the right to speedy disposition must be timely raised, the petitioner invoked her right to the speedy disposition of her case in her Motion for Reconsideration. Although seemingly late, it is well to emphasize that a motion to dismiss is a prohibited pleading in administrative cases before the OMB.<sup>73</sup>

In fact, in *Alarilla*,<sup>74</sup> and *Javier v. Sandiganbayan*,<sup>75</sup> the Court noted that the OMB's own procedural rules prohibit motions to dismiss, except on the ground of lack of jurisdiction. On this score, persons with pending cases before the OMB have no legitimate avenues to assert their fundamental right to speedy disposition of cases at the preliminary investigation level. Thus, it is sufficient for the accused to timely assert their right at the earliest possible opportunity, even after preliminary investigation. This rule equally applies to administrative cases, which likewise prohibit the filing of motions to dismiss.

Considering that the administrative complaint against the petitioner is dismissible due to the violation of her right to the speedy disposition of her case, this Court shall no longer belabor on the other issues raised.

All told, a lapse of almost eight years to resolve the administrative case, sans sufficient justification warranting the delay, transgressed the petitioner's right to the speedy disposition of her case. The OMB's inaction for such length of time cannot be countenanced. Certainly, the right to speedy disposition of cases is not an empty rhetoric, but a potent reminder for all government officials tasked with the administration of justice to act promptly on all cases.

**WHEREFORE**, premises considered, the January 30, 2018 Decision and June 6, 2018 Resolution of the Court of Appeals in CA-G.R. SP No. 151397, which affirmed the November 2, 2016 Decision and March 1, 2017 Order of the Office of the Ombudsman in OMB-L-A-08-0022-A, are **REVERSED and SET ASIDE**. Accordingly, the administrative complaint for grave misconduct and serious dishonesty against petitioner **Joan V. Alarilla** is hereby **DISMISSED** for violation of her Constitutional right to speedy disposition of cases.

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<sup>72</sup> Supra note 44.

<sup>73</sup> ADMINISTRATIVE ORDER NO. 17, Series of 2003.


<sup>74</sup> Supra note 69.

<sup>75</sup> G.R. No. 237997, June 10, 2020.

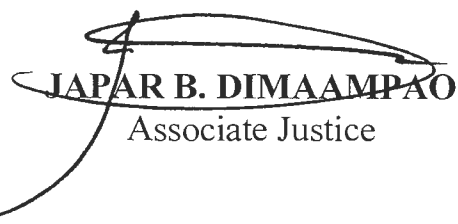
**SO ORDERED.**

  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

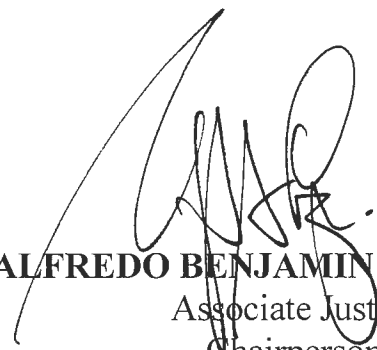
  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**MARIA FILOMENA D. SINGH**  
Associate Justice

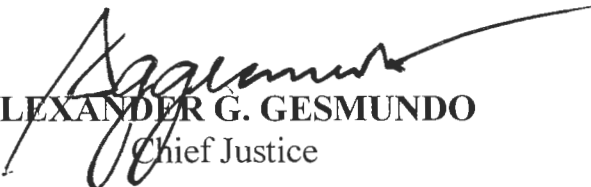
**ATTESTATION**

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.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
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.



**ALEXANDER G. GESMUNDO**  
Chief Justice