



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **November 20, 2019**, which reads as follows:

“G.R. No. 235609 (People of the Philippines v. Sandiganbayan and Dinah C. Barriga). - This Petition for *Certiorari*¹ assails the Resolution² of the Sandiganbayan dated June 29, 2017, which dismissed the case against Dinah C. Barriga (Barriga) on the ground that her right to the speedy disposition of her case has been violated.

Facts of the Case

In 2003, three Informations for Malversation of Public funds were filed against Virginio E. Villamor (Villamor), Municipal Mayor of Carmen, Cebu, in conspiracy with Barriga, Municipal Accountant.³

On March 28, 2003, Barriga filed her Motion for Judicial Determination of Probable Cause⁴ and on March 31, 2003, a Motion to Cancel Scheduled Arraignment.⁵ Upon the Sandiganbayan’s denial of the move to determine probable cause and setting anew her arraignment, she again filed an Urgent Motion to Cancel Scheduled Arraignment.⁶ Eventually, Barriga moved to quash the Informations on the ground that the Sandiganbayan has no jurisdiction to take cognizance of the same. The Sandiganbayan, pursuant to a Resolution⁷ dated October 9, 2003, denied the Motion to Quash.⁸

Upon the denial of Barriga’s motion for reconsideration on the quashal of the Informations, she filed a petition for *certiorari* to this Court. After her eventual arraignment, the Sandiganbayan scheduled her pre-trial, but as previously done, Barriga moved for resetting the same on account of her filing

¹ Rollo, pp. 6-39.

² Penned by Associate Justice Alex L. Quiroz, with Associate Justices Reynaldo P. Cruz and Geraldine Faith A. Econg, concurring; id. at 48-54.

³ Id. at 11.

⁴ Id. at 80-89.

⁵ Id. at 62.

⁶ Rollo, pp. 91-92.

⁷ Not attached to the rollo.

⁸ Rollo, p. 12

a Petition for *Certiorari*.⁹

These manifestations and motions to postpone were continuously filed by Barriga on the belief that her petition for *certiorari* should have restrained the Sandiganbayan from holding trial. On January 20, 2005, Barriga filed a manifestation indicating her unwillingness to appear in the scheduled hearings of the cases until the resolution of her *certiorari* petition.¹⁰

The prosecution eventually rested its case and filed a formal offer of evidence which was admitted by the Sandiganbayan.¹¹ Villamor presented his defense and filed a formal offer of evidence.¹² Meanwhile, Barriga manifested orally her decision not to present evidence in her defense which was treated as a waiver on her part to present evidence embodied in an Order¹³ dated July 31, 2008.¹⁴

After this, nothing was heard from both prosecution and defense even with three notices from the Court dated August 15, 2008, November 17, 2008, and February 1, 2009 in relation to the denial of Barriga's petition for *certiorari*, motion for reconsideration and second motion for reconsideration filed to the Court. Two notices from the counsel of Villamor was, likewise, sent to the parties informing them of the death of the latter.¹⁵

Upon conduct of the case inventory, the Sandiganbayan found that the case has not yet been decided, hence, an Order dated December 14, 2016 was issued submitting the case for decision and setting its promulgation on March 16, 2017. However, on March 14, 2017, Barriga filed a Motion to Dismiss with Prayer for Alternative Relief¹⁶ alleging inordinate delay in the prosecution of the case by the Ombudsman and, in case the Sandiganbayan denies the dismissal sought, for the case to be transferred and heard before the lower court.¹⁷

On June 29, 2017, a Resolution¹⁸ was issued by the Sandiganbayan granting the motion to dismiss filed by Barriga. It was held that delay had been incurred from February 1, 2009, when the Sandiganbayan was notified by the Court of the denial of the second motion for reconsideration of Barriga, until December 14, 2016, when it conducted a case inventory and issued an Order submitting the case for decision or for a period of 7 years and 10 months.¹⁹

⁹ Id.

¹⁰ Id. at 13.

¹¹ Id. at 15.

¹² Id. at 16.

¹³ Penned by Associate Justice Jose R. Hernandez, with Associate Justices Gregory S. Ong and Samuel R. Martires, concurring; id. at 168.

¹⁴ Id. at 168.

¹⁵ Id. at 49-50.

¹⁶ Not attached to the *rollo*.

¹⁷ *Rollo*, p.50.

¹⁸ Id. at 48-54.

¹⁹ Id. at 50.

The Sandiganbayan concluded that while Barriga was not vigilant and allowed the case to stay dormant for many years, the same was also true with the prosecution. It determined that upon receipt of the notices from the Court as well as notice on the death of Villamor, the prosecution should have filed the necessary pleading. Unfortunately, the prosecution never bothered to do anything in relation to the case.²⁰

Based on this, the Sandiganbayan deemed the constitutional right of the accused to speedy disposition of cases to have been transgressed.²¹

The People of the Philippines through the Ombudsman represented by the Special Prosecutor moved for reconsideration but was denied. Hence, the present petition for *certiorari* was filed to this Court.

The Court's Ruling

After a perusal of the records of the case, this Court resolves to grant the petition for *certiorari* and remand the case to the Sandiganbayan for disposition on the merits.

It was clearly established in the records of the case that all throughout the pendency of the same, Barriga has filed numerous pleadings and motions to defer and postpone the different stages of trial under the mistaken and stubborn belief that her petition for *certiorari* grounded on the denial of her motion to quash on the ground of lack of jurisdiction, has the effect of restraining the Sandiganbayan from hearing the case. This dragged on until after her co-accused Villamor rested his case and filed his formal offer of evidence.

It was even established that Barriga manifested her unwillingness to present evidence in her defense. While it is undeniable that the case has stayed dormant for almost eight years, it cannot be said that Barriga is faultless. After Villamor's filing of his formal offer of evidence, the Rules of Procedure do not mandate the prosecution to file other pleadings for the case to be submitted for decision. Nothing more is expected from the prosecution. Hence, when the Sandiganbayan discovered that the case had not yet been decided, it should have issued an order submitting it for decision. Therefore, the Sandiganbayan should have decided the case on the merits and on the evidence adduced by the prosecution and not dismissed the same for violation of Barriga's right to a speedy disposition of her case.

Barriga cannot cling to the defense that the dismissal of a case on the ground of violation of the right to the speedy disposition of cases is tantamount to an acquittal, which can no longer be questioned without offending the right against double jeopardy because a wrongful dismissal of a

²⁰ Id. at 51-53.

²¹ Id. at 53.

case, as in this instance, is not tantamount to an acquittal.

WHEREFORE, premises considered, the instant petition is hereby **GRANTED**. The case is hereby **REMANDED** to the Sandiganbayan for disposition of the case on the merits.

SO ORDERED." (Leonen, J., on official business; Gesmundo, J., designated as Acting Chairperson of the Third Division per Special Order No. 2737; Lazaro-Javier, J., designated as Additional Member of the Third Division per Special Order No. 2728, on official leave.)

Very truly yours,

^{Mis-DC Batt}
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