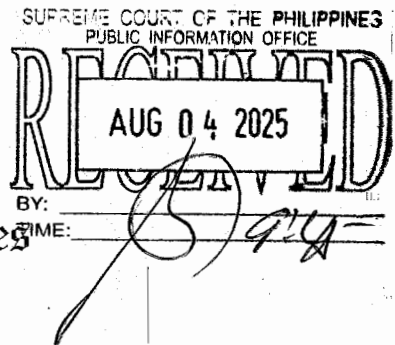




Republic of the Philippines  
**Supreme Court**  
Baguio City



**SECOND DIVISION**

**DEPARTMENT OF FINANCE-  
REVENUE INTEGRITY  
PROTECTION SERVICE (DOF-  
RIPS), represented by JOEL M.  
APOLONIO and JOHNNY S.  
LASSIN,**

Petitioner,

**G.R. No. 270948**

- versus -

**OFFICE OF THE OMBUDSMAN  
AND RAFAEL MENDOZA  
MERENCILLA (SG-24), Chief  
Customs Control Officer, Bureau  
of Customs, RAINIER R.  
MERENCILLA, RUPERT R.  
MERENCILLA, RIANE R.  
MERENCILLA, and RYAN R.  
MERENCILLA,**

Respondents.

**Present:**

LEONEN, *Chairperson*  
LAZARO-JAVIER,  
LOPEZ, M.,  
LOPEZ, J., and  
KHO, JR., *JJ.*

**Promulgated:**

**APR 02 2025**

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**DECISION**

**LOPEZ, M., J.:**

The Ombudsman is not bound to blindly implement the previous rulings or resolutions of its predecessor. Far from being a mere rubber stamp, the Ombudsman wields the power to revoke or modify past rulings or

resolutions and may also order a review of a complaint, provided it remains within the bounds of the law.<sup>1</sup>

Before the Court is a Petition for *Certiorari*<sup>2</sup> under Rule 65 of the Rules of Court filed by the Department of Finance-Revenue Integrity Protection Service (DOF-RIPS) seeking to set aside the November 17, 2022 Order<sup>3</sup> and the August 18, 2023 Order<sup>4</sup> of the Office of the Ombudsman (OMB) in OMB-C-C-11-0244-E (F). The assailed Orders reversed the OMB’s July 11, 2013 Resolution<sup>5</sup> and March 5, 2014 Joint Order finding probable cause to charge private respondents Rafael Mendoza Merencilla (Rafael) and his children Rainer R. Merencilla, Rupert R. Merencilla, Riane R. Merencilla, and Ryan R. Merencilla with violation of Republic Act No. 1379.<sup>6</sup>

*Antecedents*

On May 4, 2011, the DOF-RIPS filed a Joint Complaint Affidavit before the OMB charging Rafael with violation of Republic Act No. 1379. At that time, Rafael was the Chief Customs Operations Officer at the Bureau of Customs (BOC) assigned at Port Area, South Harbor, Manila.<sup>7</sup>

The DOF-RIPS alleged that Rafael’s primary source of income comes from his employment at the BOC, where he has worked since 1979. Rafael’s salary increased from an initial PHP 5,928.00 per year to PHP 449,676.00 annually. From 1979 to 2011, he earned a total of PHP 3,616,465.36, while his now-deceased wife earned PHP 1,573,260.00, bringing their combined income from 1997 to 2011 to PHP 5,189,725.36. Despite this, the DOF-RIPS claimed that Rafael and his family accumulated properties disproportionate to their lawful earnings.<sup>8</sup>

The DOF-RIPS further averred that Rafael’s real estate acquisitions significantly increased in 1988, 1990, 1992, 1996, and 2002. The properties declared in his Statements of Assets, Liabilities, and Net Worth (SALNs) are as follows:

Properties Acquired	Year Declared in the SALN
No real estate declared	1988

<sup>1</sup> *Binay v. Office of the Ombudsman*, 858 Phil. 1004, 1018 (2019) [Per J. Leonen, Third Division]; *Dela Cruz v. Office of the Ombudsman*, G.R. No. 256337, February 13, 2023 [Per J. Hernando, First Division].  
<sup>2</sup> *Rollo*, pp. 3–23.  
<sup>3</sup> *Id.* at 28–33.  
<sup>4</sup> *Id.* at 62–64.  
<sup>5</sup> *Id.* at 34–60.  
<sup>6</sup> An Act Declaring Forfeiture in Favor of the State Any Property Found to Have been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings Therefor, (1955).  
<sup>7</sup> *Rollo*, pp. 34.  
<sup>8</sup> *Id.* at 35.

Apartment in Sampaloc Manila allegedly inherited in 1980	1990
Lots in Batangas City and Parañaque City	1992
Four townhouses in Las Piñas City (acquired in 1996) and an apartment in Sampaloc, Manila (acquired in 1997)	1997
Lot in Batangas City (acquired in 1999) Lot in Parañaque City (acquired in 2000) Farm in Lipa City (acquired in 2011)	2002

The DOF-RIPS likewise stated that Rafael failed to declare in his SALNs several properties, including expensive vehicles registered under his name and that of his wife and children.<sup>9</sup>

A Net Worth Analysis by the DOF-RIPS revealed a steady rise in Rafael's real estate acquisitions and increase in his cash on hand from PHP 30,000.00 in 1997 to PHP 9,145,493.04 in 2009. To explain his real estate purchases, Rafael claimed he financed two townhouses through Pag-IBIG and Government Service Insurance System (GSIS) loans. However, investigations found no record of such loans from the GSIS.<sup>10</sup>

The DOF-RIPS also reported inconsistencies in Rafael's business activities, including over-declared properties without official records, and undeclared assets. Further, it highlighted Rafael's unauthorized travel to the United States, Hawaii, Japan, and Thailand.<sup>11</sup>

The DOF-RIPS pointed out that based on his SALN in 2009, Rafael's total declared assets amounted to PHP 29,301,380.64. It then accused Rafael of amassing unexplained wealth disproportionate to his legitimate income, and making misrepresentations and misleading statements in his SALNs to conceal his illicit acquisitions.<sup>12</sup>

For his part, Rafael denied the allegations, explaining that some properties were declared as improvements, acquired through legitimate means, or registered under his children's names. He also claimed additional sources of income, including rental properties, a passenger jeepney business, and jewelry trading, as well as unexpected financial gains from insurance claims and winnings from horse racing.<sup>13</sup>

In its *July 11, 2013 Joint Resolution*, the OMB found probable cause to indict petitioner Rafael and his children for violation of Republic Act No.

<sup>9</sup> *Id.* at 36–37.

<sup>10</sup> *Id.* at 37.

<sup>11</sup> *Id.* at 37–38.

<sup>12</sup> *Id.* at 38–39.

<sup>13</sup> *Id.* at 39–44.

1379. The OMB also ordered the filing of a petition before the Regional Trial Court (RTC) to initiate forfeiture proceedings for the recovery of the alleged unexplained wealth of Rafael and his children, thus:

**WHEREFORE**, this Office finds that there exists probable cause to charge respondents **RAFAEL MENDOZA MERENCILLA, RAINIER R. MERENCILLA, RUPERT R. MERENCILLA, RAINE R. MERENCILLA, and RYAN R. MERENCILLA**, for violation of the provisions of RA 1379, and as such a Petition for Forfeiture proceedings be filed before the Regional Trial Court of Manila.

**SO RESOLVED.**<sup>14</sup>

Rafael and his children filed separate motions for reconsideration, which the OMB denied in its *March 5, 2014 Joint Order*, viz.:

WHEREFORE, this Office, through the undersigned and for reasons stated above, DENIES: (a) public respondent Rafael M. Merencilla's Motion for Reconsideration dated 24 February 2014; (b) private respondent Rupert R. Merencilla's Motion for Reconsideration dated 10 February 2014; (c) private respondents Rian R. Merencilla and Ryan R. Merencilla's Motion for Reconsideration dated 10 February 2014; and (d) private respondent Rainier R. Merencilla's Motion for Reconsideration dated 10 February 2014 for lack of merit.

**SO ORDERED.**<sup>15</sup>

Thereafter, the OMB issued its *November 17, 2022 Order* stating that there was insufficient evidence to warrant the filing of a Petition for Forfeiture. The OMB declared that "the change in the leadership in [the OMB] necessitated the review of certain cases with incidents requiring the action of the current Ombudsman."<sup>16</sup> It reversed the previous finding that Rafael had accumulated unexplained wealth, as he satisfactorily demonstrated multiple sources of income, including his salary, business earnings, and financial benefits from the GSIS and life insurance proceeds, which he received after his wife's death. The OMB further held that the DOF-RIPS failed to verify Rafael's income from his businesses or consider his net worth from the time he entered government service in 1979 and relied solely on his SALNs from 1997 to 2009. Given this incomplete assessment, it concluded that the claim of unexplained wealth was not substantiated.<sup>17</sup> The *fallo* of the Order reads:

**WHEREFORE**, the Joint Resolution dated 11 July 2013 directing the filing of a Petition for Forfeiture against **RAFAEL MENDOZA MERENCILLA, RAINIER R. MERENCILLA, RUPERT R.**

<sup>14</sup> *Id.* at 59–60.

<sup>15</sup> *Id.* at 11.

<sup>16</sup> *Id.* at 28.

<sup>17</sup> *Id.* at 29–31.

**MERENCILLA, RIANE R. MERENCILLA and RYAN R. MERENCILLA** is reversed and set aside insofar as it directed the filing of a Petition for Forfeiture Proceedings. The instant case against them is **DISMISSED** for lack of merit.

**SO ORDERED.**<sup>18</sup> (Emphasis in the original)

The DOF-RIPS moved for reconsideration, but it was denied in the OMB's **August 18, 2023 Order**.<sup>19</sup>

Hence, the instant recourse. The DOF-RIPS argues that the OMB committed grave abuse of discretion in dismissing the charge of unexplained wealth against Rafael and his children. It asserts that having found probable cause to indict them for violation of Republic Act No. 1379, the OMB was duty-bound to initiate the forfeiture proceedings before the RTC as directed in its July 11, 2013 Joint Resolution. It further contends that overturning the OMB's finding of probable cause after nine years violated its right to speedy disposition of the case.<sup>20</sup>

On the other hand, Rafael and his children pray for the dismissal of the petition. They assert that the DOF-RIPS failed to grant Rafael the opportunity to rectify his omission or mistakes in his SALN. They contend that failure to provide such an opportunity violates the public official's right to due process.<sup>21</sup>

For its part, the OMB filed a Manifestation<sup>22</sup> stating that it shall not participate in this case to avoid advocating for the private respondents' innocence, as doing so would conflict with its role as an anti-corruption agency.

### Court's Ruling

The petition lacks merit.

The 1987 Constitution and Republic Act No. 6770<sup>23</sup> or The Ombudsman Act of 1989 vest the OMB wide latitude of investigatory and

<sup>18</sup> *Id.* at 32.

<sup>19</sup> *Id.* at 62–64.

<sup>20</sup> *Id.* at 17–23.

<sup>21</sup> *Id.* at 83–90.

<sup>22</sup> Temporary rollo, unpaginated.

<sup>23</sup> Republic Act No. 6770, An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman, and for Other Purposes, (1989), sec. 15. — Powers, Functions, and Duties. — The Office of Ombudsman shall have the following powers, functions; and duties:

(1) *Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient.* It has primary jurisdiction over cases cognizable by the

prosecutory prerogatives in the exercise of its power to pass upon criminal complaints against public officials and employees. Specifically, the determination of whether probable cause exists is a function that belongs to the OMB. It has the sole discretion to determine, based on the attendant facts and circumstances, whether a criminal case should be filed against the respondent.<sup>24</sup>

As an independent constitutional body, the OMB's power to investigate and prosecute is plenary and unqualified.<sup>25</sup> Generally, the OMB's findings as to whether probable cause exists are not reviewable by this Court. We do not interfere with the OMB's exercise of its investigative and prosecutorial powers, and respects the initiative and independence inherent in its office which, "beholden to no one, acts as the champion of the people and the preserver of the integrity of the public service."<sup>26</sup> Moreover, not being a trier of facts, the Court defers to the sound judgment of the OMB as it is in a better position to assess the facts and circumstances necessary to find probable cause. The only exception is when there is grave abuse of discretion amounting to lack or excess of jurisdiction.<sup>27</sup>

Grave abuse of discretion implies a capricious and whimsical exercise of judgment tantamount to lack of jurisdiction. This means that the OMB must have exercised its investigatory and prosecutorial powers in an arbitrary or despotic manner, which must be as patent and gross as to amount to an evasion of a positive duty, or a virtual refusal to perform the duty enjoined, or to act at all in contemplation of law.<sup>28</sup> Here, the DOF-RIPS failed to show that the OMB's assailed Orders were issued with grave abuse of discretion.

Pertinent portions of the assailed November 17, 2022 Order read:

After a re-examination of the complaint and the entire records of this case, this Office finds that there is insufficient evidence to warrant the filing of a Petition for Forfeiture.

Respondent Rafael was able to explain the other sources of his income including that of his wife, Chona Merencilla (Chona) which if considered by complainant could have affected their conclusion that respondent Rafael has unexplained wealth. Complainant failed to make an extensive discussion on respondent Rafael's income (compensation, salary,

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Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases;

- (11) *Investigate and initiate the proper action for the recovery of ill-gotten and/or unexplained wealth amassed after 25 February 1986 and the prosecution of the parties involved therein.* (Emphasis supplied.)

<sup>24</sup> *Casing v. Ombudsman*, 687 Phil. 468, 475 (2012) [Per J. Brion, Second Division].

<sup>25</sup> *Vergara v. Ombudsman*, 600 Phil. 26, 41 (2009) [Per J. Carpio, *En Banc*].

<sup>26</sup> *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Desierto*, 415 Phil 145, 151 (2001) [Per J. Pardo, *En Banc*].

<sup>27</sup> *Quiogue v. Estacio, Jr.*, 893 Phil. 674, 685 (2021) [Per J. M. Lopez, Second Division].

<sup>28</sup> *Id.*



allowances, business and winnings). It is evident in respondent Rafael's Statement of Assets Liabilities and Net Worth (SALNs) that he and his wife, Chona have businesses but no verification was made to determine the income of these businesses.

Aside from his compensation and business income, respondent Rafael was able to provide evidence that he received financial benefits from the Government Service Insurance System (GSIS) and Sun Life Financial due to the death of his wife. He also presented his winnings from the Manila Jockey Club, Inc. and the Philippine Racing Club, Inc.

Complainant also failed to take into account respondent Rafael's net worth from the time he entered the government service in 1979. Per his Service Record, respondent Rafael started as Customs Bonded Warehouse (CBW) Policeman (temporary status) from 01 February 1979 to 31 March 1979. He was later on appointed as CBW Guard (permanent status) on 01 April 1979, a position he held until 30 April 1979. Complainant only made a net worth analysis of respondent Rafael's Statements of Assets Liabilities and Net worth (SALNs) from 1997 to 2009.

In the case of *Ombudsman vs. Bernardo*, it was stated that:

His beginning net worth must be considered for purposes of determining whether his disposable income was more than sufficient to justify his property acquisitions and foreign travels for the covered period, and whether he possesses the financial capability to acquire or purchase properties as reported in his SALNs. Such net worth of the respondent as declared in the statement filed by him from the first day of his employment with the government shall be considered as his true new worth as of such date, for purposes of determining his capacity for future property acquisitions during his tenure as a public officer.

Therefore, respondent's net worth on his first day as a government employee should be considered to determine his capacity for future property acquisitions during his tenure as a public officer. Ultimately, respondent's net worth from the time he became a public officer should be taken into consideration in determining whether he amassed wealth that is grossly disproportionate to his lawful income.

The failure of the complainant to take into consideration respondent Rafael's net worth from the time he entered the government service and the failure to take into consideration all his possible sources of income in relation to his real and personal properties do not support the conclusion that he has unexplained wealth considering his true net worth was not determined. This warrants the reversal of this Office's findings that respondent amassed wealth that is grossly disproportionate to his lawful income.<sup>29</sup>

Under Section 3 of Republic Act No. 1379,<sup>30</sup> a petition for forfeiture must state the approximate amount of property an official acquired during his

<sup>29</sup> *Id.* at 29-31.

<sup>30</sup> Republic Act No. 1379, sec. 3 provides:

The petition. The petition shall contain the following information:



or her incumbency in *past and present offices and employments* and the total amount of his government salary and *other proper earnings and income from legitimately acquired property*, to establish whether such official's lawful income justifies his or her assets. In this case, the DOF-RIPS failed to conduct an exhaustive analysis of Rafael's total earnings, including his salary, allowances, business income, and financial benefits. Its failure to account for all lawful sources of income, including proceeds from business ventures and government benefits, further weakens the allegation that Rafael's wealth was unexplained. The incomplete assessment disregarded his accumulated assets over decades of public service, making it impossible to determine whether his property acquisitions exceeded his legitimate financial capacity. Without a well-rounded and substantiated assessment of Rafael's financial history and potential sources of income, there is no valid basis to conclude that his assets were unlawfully acquired. The OMB reinvestigated Rafael's case based on its independent evaluation of the relevant facts and circumstances, and the evidence submitted during the initial investigation. As such, the OMB cannot be deemed to have gravely abused its discretion in overturning its predecessor's ruling and dismissing the case.

It bears stressing that the OMB does not *ipso facto* lose authority over a case after the determination of the presence or absence of probable cause. In line with its mandate to safeguard the people's interests and its prosecutorial duty to uphold public accountability, the OMB may *motu proprio* initiate the reinvestigation of the case.<sup>31</sup> In *Roxas v. Vasquez*,<sup>32</sup> the Court did not uphold the parties' claim that the OMB lost its jurisdiction after the initial dismissal of the charges against them. The Court enunciated:

In criminal prosecutions, a reinvestigation, like an appeal, renders the entire case open for review. It matters not that the complainants did not seek a reinvestigation or reconsideration of the dismissal of the charges against petitioners. *Consistent with its independence as protector of the people and as prosecutor to ensure accountability of public officers, the Ombudsman is not and should not be limited in its review by the action or inaction of complainants.* On the other hand, it is clear from Section 15 of R.A. 6770 that the Ombudsman may *motu proprio* conduct a reinvestigation to assure that the guilty do not go unpunished.

Likewise, petitioners' insistence that the Ombudsman and the Sandiganbayan had lost jurisdiction over them after the initial dismissal of

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(a) The name and address of the respondent.

(b) The public officer or employment he holds and such other public offices or employment which he has previously held.

(c) The approximate amount of property he has acquired during his incumbency in his past and present offices and employments.

(d) A description of said property, or such thereof as has been identified by the Solicitor General.

(e) The total amount of his government salary and other proper earnings and incomes from legitimately acquired property, and

(f) Such other information as may enable the court to determine whether or not the respondent has unlawfully acquired property during his incumbency.

<sup>31</sup> *Dela Cruz v. Office of the Ombudsman*, G.R. No. 256337, February 13, 2023 [Per J. Hernando, First Division].

<sup>32</sup> 411 Phil 276, (2001) [Per J. Ynares-Santiago, First Division].



the charges against them is untenable. In the case of *Abdula v. Guiani*, this Court held:

With respect to the allegation that the respondent had no legal authority to order a reinvestigation of the criminal charge considering that the said charge had been previously dismissed as against them, we hold that respondent did not abuse his discretion in doing so.

It is not material either that no new matter or evidence was presented during the reinvestigation of the case. It should be stressed that reinvestigation, as the word itself implies, is merely a repeat investigation of the case. New matters or evidence are not prerequisites for a reinvestigation, which is simply a chance for the prosecutor, or in this case the Office of the Ombudsman, to review and re-evaluate its findings and the evidence already submitted. (Emphasis supplied)

The above ruling was cited in *Dela Cruz v. Office of the Ombudsman*,<sup>33</sup> where the Court affirmed the OMB's authority to reinvestigate and reconsider its earlier rulings. This authority is particularly significant when the ruling under review was issued by a predecessor. The principle that a sitting Ombudsman may review and overturn a predecessor's ruling is entrenched in jurisprudence. In *Binay v. Office of the Ombudsman*,<sup>34</sup> the Court held that "a sitting Ombudsman has the power to revoke or alter the rulings of a predecessor within the bounds of law."<sup>35</sup> It aligns with the Court's pronouncements in *Alvarez v. People*<sup>36</sup> and *Trinidad v. Office of the Ombudsman*<sup>37</sup> that the Ombudsman is not precluded from ordering another review of a complaint, for he or she may revoke, repeal, or abrogate the acts or previous rulings of a predecessor in office.

Here, the OMB reviewed Rafael's case in the exercise of its authority to reinvestigate and/or revoke, or modify the rulings of its predecessor. To justify its reinvestigation of Rafael's case, the OMB explained that the change in leadership required a review of certain cases, particularly those needing action from the incumbent Ombudsman. It is crucial to recognize that the incumbent Ombudsman bears the responsibility of initiating the proper legal action for the recovery of Rafael's alleged unexplained wealth, as determined by a predecessor's ruling. In this regard, a case review enables the OMB to devise an effective prosecutorial strategy to ensure that all assets disproportionate to the respondent's lawful income are properly forfeited in favor of the State. Also, such a review helps determine whether coordination with other government agencies is necessary to gather additional evidence and strengthen the forfeiture case. Moreover, reassessing the case ensures that only cases with strong legal and factual foundation proceed to court. Thus, if, upon review, the incumbent Ombudsman determines that the facts and

<sup>33</sup> G.R. No. 256337, February 13, 2023 [Per J. Hernando, First Division].

<sup>34</sup> 858 Phil. 1004 (2019) [Per J. Leonen, Third Division].

<sup>35</sup> *Id.* at 1018.

<sup>36</sup> 668 Phil 216, 253 (2011) [Per J. Villarama, Jr., First Division].

<sup>37</sup> 564 Phil 382, 390 (2007) [Per J. Carpio-Morales, *En Banc*].

circumstances relied upon by its predecessor do not sufficiently establish probable cause, it is not only within its authority but also its duty to dismiss the case. For hastily filing cases, such as a petition for forfeiture, with inadequate evidentiary support not only exposes the government to unnecessary procedural challenges, but also leads to a waste of resources on a case that is likely to fail in court. Suffice it to say that the OMB's review and reinvestigation of Rafael's case was not arbitrary but a rightful exercise of its power to revoke, modify, or overturn the rulings of its predecessor.

As regards the claim of a violation of the right to speedy disposition of the case, the Court holds that the DOF-RIPS' invocation of this right is misplaced.

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." The right applies to all cases pending before all judicial, quasi-judicial or administrative bodies. 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.<sup>38</sup> No branch of government is above the duty to observe this constitutional safeguard as the right ensures protection from any arbitrary delay. Hence, under the Constitution, any party to a case has the right to demand prompt action from all officials tasked with administering justice, including the Ombudsman.<sup>39</sup>

In *Chingkoe v. Sandiganbayan (First Division) (Chingkoe)*,<sup>40</sup> We have enunciated that the violation of the right to speedy disposition of cases can lead to the dismissal of cases. Dismissal has been regarded as a "radical relief" or an extraordinary remedy to shield individuals whose constitutional rights have been violated from the burdens of prolonged litigation. The Court eruditely expounded in *Chingkoe*:

The right to speedy disposition of cases under Article III, Section 16 of the Constitution provides the broadest scope of protection relative to the right to speedy trial under Article III, Section 14 (2) and the right guaranteed to have a case resolved within a specific period under Article VIII, Section 15 of the Constitution. It may be invoked by any citizen before, during, and after trial before any judicial, quasi-judicial, and administrative bodies:

The Bill of Rights provisions of the 1987 Constitution were precisely crafted to expand substantive fair trial rights and to protect citizens from procedural machinations which tend to nullify those rights. Moreover, Section 16, Article III of the Constitution extends the right to a speedy disposition of cases to cases "before all judicial, quasi-judicial and

<sup>38</sup> *Almeda v. Office of the Ombudsman (Mindanao)*, 791 Phil. 129, 142 (2016) [Per J. Del Castillo, Second Division].

<sup>39</sup> *Cojuangco, Jr. v. Sandiganbayan*, 901 Phil. 531, 547 (2021) [Per J. Delos Santos, Third Division].

<sup>40</sup> 931 Phil. 62 (2022) [Per J. Leonen, Second Division].

administrative bodies.” This protection extends to all citizens, including those in the military and covers the periods before, during and after the trial, affording broader protection than Section 14(2) which guarantees merely the right to a speedy trial.

*It is true that the Rules did not specifically provide the violation of the right to speedy disposition of cases as a ground for dismissal of a case, unlike the right to speedy trial under Rule 119, Section 9. Nonetheless, this does not prevent the courts from dismissing cases upon a finding of violation of the right to speedy disposition of cases as shown in Tatad v. Sandiganbayan:*

In a number of cases, this Court has not hesitated to grant the so-called “radical relief” and to spare the accused from undergoing the rigors and expense of a full-blown trial where it is clear that [they have] been deprived of due process of law or other constitutionally guaranteed rights. Of course, it goes without saying that in the application of the doctrine enunciated in those cases, particular regard must be taken of the facts and circumstances peculiar to each case.

*As a “radical relief,” courts may order the dismissal of cases against the accused if there is a proven violation of the right to speedy disposition of cases.*

In *Angchangco v. Ombudsman*, this Court directly dismissed the criminal case against a trial court sheriff given the Office of the Ombudsman's inordinate delay in resolving the case, thereby transgressing their rights to due process and speedy disposition of cases. This was despite the petition being one for mandamus to compel the Office of the Ombudsman to dismiss the criminal cases.

In *Roque v. Office of the Ombudsman*, this Court also directly dismissed the criminal cases upon finding of violation of the right to speedy disposition of cases. Similar to *Angchangco*, the petition filed before this Court was a petition for mandamus.

The same decision was arrived at in *Lopez, Jr. v. Office of the Ombudsman*, where this Court ordered the dismissal of the case on the ground of violation of the right to speedy disposition of cases.

Thus, this Court has been directly dismissing cases on the ground of violation of the right to speedy disposition of cases.<sup>41</sup> (Emphases and underscoring supplied)

It is evident from the foregoing that the right to speedy disposition of cases exists *to protect the accused from prolonged and oppressive litigation*. In criminal cases, this right is intended to prevent undue hardship on the accused by ensuring that criminal prosecution is not indefinitely suspended over them and that courts administer justice without unnecessary delay.<sup>42</sup> Extending this principle to civil and administrative cases before judicial or quasi-judicial bodies, the respondent or defending party—the one against

<sup>41</sup> *Id.* at 71–73.

<sup>42</sup> *Corpuz v. Sandiganbayan*, 484 Phil 899, 917 (2004) [Per J. Callejo, Sr., Second Division].

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whom the case is filed—is likewise entitled to protection against excessive and arbitrary delay. Thus, it is the party facing liability – the one who would ultimately suffer prejudice from undue delay – who may properly invoke this constitutional safeguard and seek the dismissal of the case against him or her.

In this case, the DOF-RIPS cannot invoke the right to speedy disposition of the case. *First*, the DOF-RIPS is the complainant in the present case. As such, it is not at risk of any punishment or penalty and will not suffer the same prejudicial consequences from the alleged delay in the conduct of the preliminary investigation. To stress, the right to speedy disposition of a case is not a tool for the complainant to demand expedited proceedings, but a safeguard to the accused against oppressive prosecution brought by inordinate delay. *Second*, the right is inherently personal and exists to protect individuals who may suffer from delays in investigations or litigations. In *Abadia v. Court of Appeals*,<sup>43</sup> the Court clarified that:

*The Bill of Rights provisions of the 1987 Constitution were precisely crafted to expand substantive fair trial rights and to protect citizens from procedural machinations which tend to nullify those rights. Moreover, Section 16, Article III of the Constitution extends the right to a speedy disposition of cases to cases “before all judicial, quasi-judicial and administrative bodies.” This protection extends to all citizens, including those in the military and covers the periods before, during and after the trial, affording broader protection than Section 14(2) which guarantees merely the right to a speedy trial.*<sup>44</sup> (Emphasis and italics supplied.)

The right to speedy disposition is not a right that can be invoked by a fact-finding body like the DOF-RIPS as it is not a natural person capable of experiencing the harm that the right seeks to prevent. *Third*, the DOF-RIPS’ invocation of the right is inconsistent with the nature of the relief it prayed for. When a court finds that the right to speedy disposition of cases has been violated, the regular consequence is the dismissal of the case. Dismissal serves as a remedy for the accused or the party against whom the case is filed and effectively bars the continuation of proceedings against them. However, in this instance, the DOF-RIPS is not seeking dismissal, but rather the reinstatement of the case and for the OMB to proceed with forfeiture proceedings before the court. Obviously, it contradicts the purpose and effect of invoking the right to speedy disposition—which would, if upheld, lead to the termination of proceedings rather than their continuation. On this point, the DOF-RIPS is patently misguided in asserting that its invocation of the right substantiates the relief it seeks before the Court.

All told, this Court finds no compelling reason to depart from the policy of non-interference in the OMB’s constitutionally mandated powers. A mere disagreement with the OMB’s findings does not, on its own, amount to grave

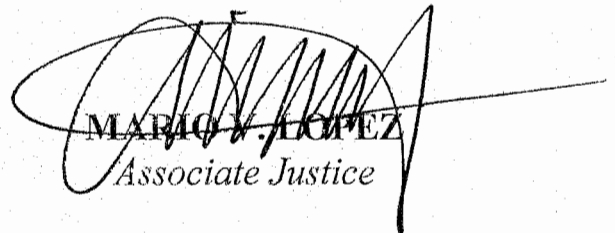
<sup>43</sup> 306 Phil. 690 (1994) [Per J. Kapunan, *En Banc*].

<sup>44</sup> *Id.* at 698–699.

abuse of discretion.<sup>45</sup> In the absence of a clear showing of such abuse, as in this case, We affirm the OMB's findings and accord them due deference.

**ACCORDINGLY**, the Petition for *Certiorari* is **DISMISSED**. The November 17, 2022 Order and the August 18, 2023 Order of the Office of the Ombudsman in OMB-C-C-11-0244-E (F) are **AFFIRMED**.

**SO ORDERED.**

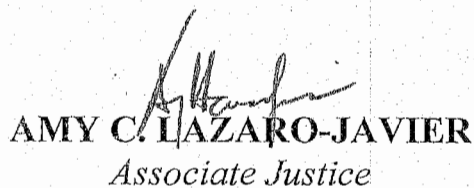


MARIO V. LOPEZ  
*Associate Justice*

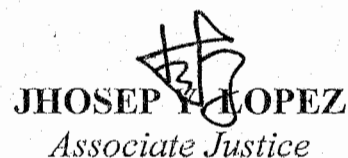
**WE CONCUR:**



MARVIC M.V. F. LEONEN  
*Senior Associate Justice*  
*Chairperson*



AMY C. LAZARO-JAVIER  
*Associate Justice*



JHOSEP Y. LOPEZ  
*Associate Justice*




ANTONIO T. KHO, JR.  
*Associate Justice*

<sup>45</sup> *Arroyo v. Sandiganbayan Fifth Division*, 869 Phil. 400, 421 (2020) [Per J. Leonen, Third Division].

**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.

  
**MARVIC M. F. LEONEN**

*Senior 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*