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Republic of the Philippines
Supreme Court
Baguio City

EN BANC

GLEND A BURAY ECLEO,
Petitioner,

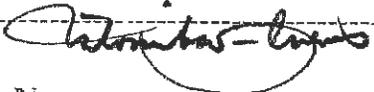
G.R. No. 263061

- versus -

COMMISSION ON ELECTIONS,
Respondent.

Present:
GISMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.
GAERLAN,
ROSARIO,
LOPEZ, J.
DIMAAMPAO,
MARQUEZ,
KHO, JR.,** and
SINGH, JJ.

Promulgated:
January 10, 2023

x-----


DECISION

SINGH, J.:

This is a *Petition for Certiorari*¹ under Rule 64 with a prayer for injunctive relief filed by Glenda Buray Ecleo (Ecleo), assailing Resolution

* On leave.
** No pari.
¹ *Polio*, pp. 3-22.

No. 21-0424-29 (assailed Resolution),² dated June 23, 2021, issued by the Commission on Elections (COMELEC) *En Banc*, in E.O. Case No. 14-598 entitled *Commission on Elections, as represented by the Campaign Finance Unit, vs. Glenda Buray Ecleo*, that directed the COMELEC Law Department to file an Information against her.

Petitioner Ecleo, a member of Lakas-Kampi party, was a candidate for Governor of Dinagat Islands during the 2010 elections.³ She won and subsequently ran during the 2013 elections, where she was re-elected for her second term of office.⁴

On June 8, 2010, Ecleo filed her Statement of Contributions and Expenditures (SOCE),⁵ following the elections, as required by law.

On December 13, 2014, the COMELEC, represented by the Campaign Finance Unit (CFU), filed a Complaint⁶ *motu proprio* against Ecleo with the COMELEC Law Department for an alleged violation of Section 100, in relation to Section 262 of the Omnibus Election Code.⁷

The Complaint alleged that Ecleo exceeded the expenditure limit provided by law for campaign spending, in violation of Section 13 of Republic Act No. 7166 (R.A. 7166),⁸ which allows a candidate, other than for presidency and vice presidency, to spend an amount of ₱3.00 for every voter currently registered in the constituency where he/she filed his/her certificate of candidacy.⁹

At the time of the 2010 elections, Dinagat Islands had 70,353 registered voters, and Ecleo was authorized to spend ₱3.00 on each of them.¹⁰ Thus, Ecleo's allowable expenditure limit as provided by law was ₱211,059.00.¹¹ However, based on her SOCE, Ecleo spent ₱230,000.00 in the 2010 election, exceeding the limit by ₱18,941.00, or 8.97% above the allowable threshold.¹²

² Id. at 23-35.

³ Id.

⁴ Id.

⁵ Id. at 48-53.

⁶ Id. at 36-42.

⁷ Id.

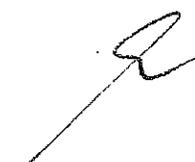
⁸ An Act for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations Therefor, and for other Purposes. Approved on November 26, 1991.

⁹ *Rollo*, at p. 41.

¹⁰ Id.

¹¹ Id.

¹² Id.



In her Counter-Affidavit,¹³ Ecleo vehemently denied the allegations against her, and maintained that she is not guilty of overspending.¹⁴ She asserted that she did not even have to campaign hard in order to win the elections, as demonstrated by her landslide victory over her “unheard-of” opponent and her subsequent re-election to the same position.¹⁵ She also stated that it is public knowledge that she has widespread popularity in Dinagat Islands, and is fondly called by her constituents as “Mommy Glen,” by virtue of being the Founding Mother of the Philippine Benevolent Missionaries Association, as well as the matriarch of the influential Ecleo political clan.¹⁶

Ecleo also claimed that her secretary, who prepared the SOCE, merely surmised the amounts as she was not in possession of the receipts at the time.¹⁷ Moreover, she alleged that her SOCE is patently erroneous because it contained unsubstantiated amounts.¹⁸

On June 23, 2021, the COMELEC *En Banc* issued the assailed Resolution, adopting the recommendation of the Law Department to file an Information against Ecleo for violation of Section 100, in relation to Section 262 of the Omnibus Election Code.¹⁹

On July 20, 2022, Ecleo received a copy of the assailed Resolution.²⁰

Hence, on August 12, 2022, Ecleo filed this Petition for *Certiorari* under Rule 64 before the Court, alleging grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the COMELEC *En Banc* for (1) issuing the assailed Resolution seven years from the time of the filing of the complaint, resulting in inordinate and gross delay; (2) refusing to consider that the complaint is moot and academic, considering that she has not only finished her term, but has in fact been re-elected and finished her second term as Governor of Dinagat Islands; and (3) considering the inherently defective SOCE which formed the basis for the complaint.²¹ Moreover, Ecleo also prays for the grant of injunctive relief in order to prevent its execution.²²

¹³ Id. at 54-58.

¹⁴ Id. at 54-55.

¹⁵ Id. at 54.

¹⁶ Id.

¹⁷ Id. at 55.

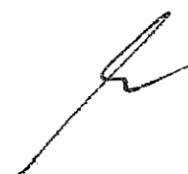
¹⁸ Id. at 56.

¹⁹ Id. at 23-25.

²⁰ Id. at 4.

²¹ Id. at 8.

²² Id. at 16.



The Issues

1. Did the COMELEC gravely abuse its discretion when it issued the assailed Resolution seven years from the time of the filing of the complaint amounting to inordinate delay?
2. Did the COMELEC gravely abuse its discretion when it refused to consider the complaint as moot and academic?
3. Did the COMELEC gravely abuse its discretion when it considered the inherently defective SOCE, which formed the basis for the complaint?

The Ruling of the Court

The Court grants the Petition for *Certiorari* under Rule 64 filed by Ecleo. The COMELEC gravely abused its discretion when it directed its Law Department to file an Information against Ecleo seven years after the filing of the complaint against her, and finds that it is guilty of inordinate delay in the conduct of preliminary investigation.

Article III, Section 16 of the 1987 Constitution provides for the constitutional right to speedy disposition of cases:

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

The concept of speedy disposition is a flexible one, and the test to determine whether such right has been violated consists of four factors, which are: (1) the length of the delay; (2) the reasons for such delay; (3) defendant's assertion or non-assertion of his or her right; and (4) the prejudice caused to the defendant as a result of the delay.²³ The four factors must be appreciated as a whole, as "none of the factors in the balancing test is either necessary or sufficient condition; they are related and must be considered together with other relevant circumstances."²⁴

The case of *Cagang v. Sandiganbayan*²⁵ provides a comprehensive overview of the right to speedy trial, the factors to be considered in

²³ *Martin v. Ver*, 208 Phil. 658, 664 (1983).

²⁴ *Remulla v. Maliksi*, 808 Phil. 739, 754 (2017).

²⁵ 837 Phil. 815 (2018).

determining whether there has been inordinate delay, as well as the burden of proof in establishing whether such right has been violated:

To summarize, inordinate delay in the resolution and termination of a preliminary investigation violates the accused's right to due process and the speedy disposition of cases, and may result in the dismissal of the case against the accused. The burden of proving delay depends on whether delay is alleged within the periods provided by law or procedural rules. If the delay is alleged to have occurred during the given periods, the burden is on the respondent or the accused to prove that the delay was inordinate. If the delay is alleged to have occurred beyond the given periods, the burden shifts to the prosecution to prove that the delay was reasonable under the circumstances and that no prejudice was suffered by the accused as a result of the delay.

The determination of whether the delay was inordinate is not through mere mathematical reckoning but through the examination of the facts and circumstances surrounding the case. Courts should appraise a reasonable period from the point of view of how much time a competent and independent public officer would need in relation to the complexity of a given case. If there has been delay, the prosecution must be able to satisfactorily explain the reasons for such delay and that no prejudice was suffered by the accused as a result. The timely invocation of the accused's constitutional rights must also be examined on a case-to-case basis.²⁶

Applying the four-fold test in Ecleo's scenario will yield the finding that her right to speedy disposition of cases has been violated. The COMELEC took an unreasonable amount of time to conduct its preliminary investigation, on an issue that could be resolved by simple arithmetic, without offering a valid explanation for the delay. The uncertainty of this case's outcome caused mental anguish on the part of Ecleo, to her prejudice.

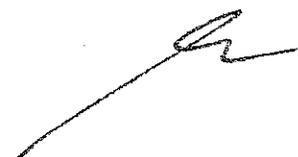
To recall, the COMELEC, as represented by the CFU, initiated the filing of a complaint against Ecleo in 2014. However, it was only in 2021 that the COMELEC issued a Resolution directing the Law Department to file the appropriate Information against Ecleo for violation of the Omnibus Election Code, in flagrant violation of its own internal rules of procedure.

Section 8, Rule 34 of the COMELEC Rules of Procedure provides:

Sec. 8. Duty of Investigating Officer — The preliminary investigation must be terminated within twenty (20) days after receipt of the counter-affidavits and other evidence of the respondents, and resolution thereof shall be made within five (5) days thereafter.²⁷

²⁶ Id. at 876-877.

²⁷ COMELEC Rules of Procedure, Rule 34, sec. 8. Emphasis supplied.



In stark contrast to its self-prescribed timelines, the COMELEC took seven long years to determine probable cause on the part of Ecleo for violation of an election offense. Much had already transpired in the span of time between the filing of the complaint and the issuance of the assailed Resolution. Not only did Ecleo complete her term as Governor of Dinagat Islands, she had even been re-elected to the same post and had already completed her second term. Yet, preliminary investigation for an election-related charge filed during her first term was still ongoing.

The Supreme Court ruling in *Peñas v. COMELEC (Peñas)*²⁸ squarely applies in this case. There, the Court held that there was inordinate delay on the part of the COMELEC for issuing a Resolution directing that an Information be filed against Mayor Peñas, more than six years after the filing of a complaint for violation of Section 100, in relation to Section 262, of the Omnibus Election Code, the very same violation for which Ecleo is presently charged.

Moreover, the ruling in *Peñas* provided that the issue of whether there was election overspending was not complex nor intricate, as it can be solved by a “simple mathematical equation.”²⁹ The Court elaborated:

Petitioner’s case did not at all involve complex or intricate issues which require voluminous records or evidence. The lone issue needed to be resolved was whether petitioner went beyond the prescribed campaign expenditure limit. To determine if there had indeed been an excess, a simple mathematical equation is all that is required: multiply the number of registered voters in Digos City by three pesos (P3.00). The product must then be parried with the amount actually spent by petitioner. If the amount spent was greater than the product, then there is probable cause to charge petitioner with election overspending, subject to any valid defense which petitioner may raise in his counter-affidavit.

Indeed, why the preliminary investigation lasted for an unreasonable period of time is clearly unfathomable considering the simplicity of the issue, that there is only one respondent charged in the complaint, and the evidence involved here was not at all voluminous.³⁰

Considering the simplicity and straightforwardness of the issue, which did not even need the examination of voluminous records, the Court cannot comprehend why it took this long for the COMELEC to complete its preliminary investigation. Moreover, the COMELEC did not offer an explanation for the delay, and gave no justification as to why it flouted its own procedural rules in the conduct of its preliminary investigation. It is worth emphasizing that the COMELEC itself *motu proprio* filed a complaint against

²⁸ UDK-16915, February 15, 2022.

²⁹ Id.

³⁰ Id. Emphasis supplied.

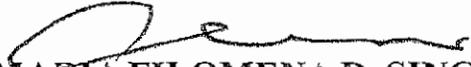
Ecleo. All the more should it be circumspect in ensuring the prosecution of election offenses in a prompt manner, in accordance with its mandate.

Having failed in this regard, the Court finds that the COMELEC is guilty of inordinate delay in the conduct of its preliminary investigation against Ecleo, and violating its own rules of procedure. It is apparent that the COMELEC's act of issuing the assailed Resolution against Ecleo seven years after the filing of the complaint is tainted with grave abuse of discretion. Consequently, it is superfluous to discuss the other issues raised.

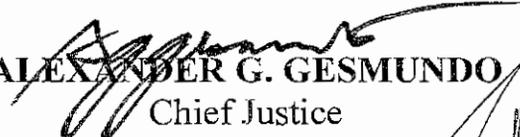
Thus, the Court grants the Rule 64 Petition for *Certiorari* filed by Ecleo, and nullifies the assailed Resolution issued by the COMELEC directing the Law Department to file an Information against Ecleo for violation of Section 100, in relation to Section 262, of the Omnibus Election Code.

WHEREFORE, the Petition for *Certiorari* is **GRANTED**. The assailed Resolution No. 21-0424-29, dated June 23, 2021, of the Commission on Elections in E.O. Case No. 14-598 is **NULLIFIED**, having been issued with grave abuse of discretion. E.O. Case No. 14-598 against the petitioner Glenda Buray Ecleo is **DISMISSED**.

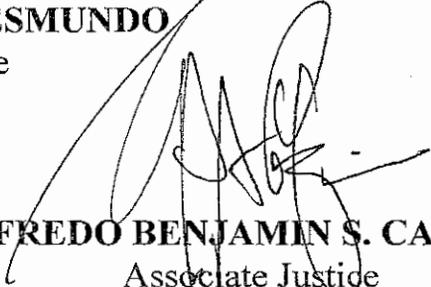
SO ORDERED.


MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice

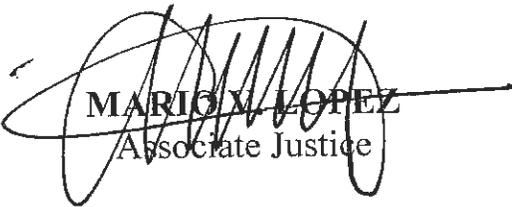

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

(on leave)
RAMON PAUL L. HERNANDO
Associate Justice

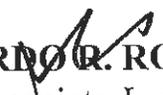

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice

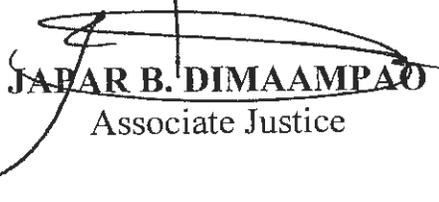

RODIL V. ZALAMEDA
 Associate Justice

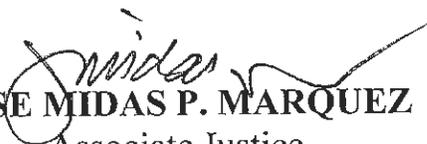

MARIO X. LOPEZ
 Associate Justice


SAMUEL H. GAERLAN
 Associate Justice


RICARDO R. ROSARIO
 Associate Justice


JHOSEP Y. LOPEZ
 Associate Justice

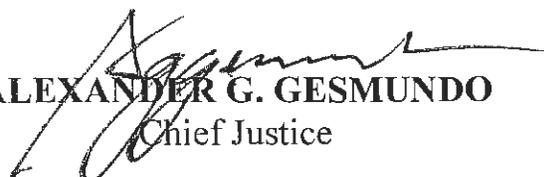

JAPAR B. DIMAAMPAO
 Associate Justice


JOSE MIDAS P. MARQUEZ
 Associate Justice

(no part)
ANTONIO T. KHO, JR.
 Associate Justice

CERTIFICATION

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


ALEXANDER G. GESMUNDO
 Chief Justice

CERTIFIED TRUE COPY

JENNIE LYN C. SAGUID
 SC Chief Judicial Staff Officer
 Office of the Clerk of Court
 Supreme Court of the Philippines

