



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

ANA LIZA ARRIOLA PERALTA,  
Petitioner,

G.R. No. 261107

Present:

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

- versus -

COMMISSION ON ELECTIONS,  
represented by the CAMPAIGN  
FINANCE UNIT,

Promulgated:

Respondent.

January 30, 2024

X-

*[Handwritten Signature]*

DECISION

INTING, J.:

\* Took no part.

*[Handwritten mark]*

Before the Court is a Petition for *Certiorari*<sup>1</sup> assailing Resolution No. 18-0656<sup>2</sup> dated August 8, 2018, and Resolution No. 21-0472-57<sup>3</sup> dated July 14, 2021, issued by the respondent Commission on Elections (COMELEC) *En Banc* in E.O. Case No. 15-954. In the assailed issuances, the COMELEC found probable cause to hold Ana Liza A. Peralta (petitioner) for trial and directed the filing of an Information against her for election overspending under Section 100<sup>4</sup> in relation to Section 262<sup>5</sup> of Batas Pambansa No. (BP) 881, otherwise known as the Omnibus Election Code (OEC), as amended by Republic Act No. 7166.<sup>6</sup>

### *The Antecedents*

Petitioner ran for the position of Mayor in the Municipality of San Marcelino, Zambales, during the May 10, 2010, National and Local Elections (2010 NLE).<sup>7</sup> At the time, there were 20,301 registered voters in the municipality.<sup>8</sup>

In a Letter<sup>9</sup> to petitioner dated October 1, 2014, Atty. Ferdinand T. Rafanan (Atty. Rafanan), Head of the Campaign Finance Unit of the COMELEC, stated that petitioner spent the amount of PHP 285,500.00 during the 2010 NLE per the Statement of Contributions & Expenditures

<sup>1</sup> *Rollo*, pp. 3–29.

<sup>2</sup> *Id.* at 30–38. Signed by Chair[person] Sheriff M. Abas and Commissioners Al A. Parreño, Luie Tito F. Guia, Ma. Rowena Amelia V. Guanzon, Socorro B. Inting, Marlon S. Casquejo and Antonio T. Kho, Jr. (Now a Member of the Court).

<sup>3</sup> *Id.* at 39–43. Signed by Chair[person] Sheriff M. Abas and Commissioners Ma. Rowena Amelia V. Guanzon, Marlon S. Casquejo, Antonio T. Kho, Jr., (Now a Member of the Court) and Aimee P. Ferolino.

<sup>4</sup> SEC. 100. *Limitations upon expenses of candidates.* — No candidate shall spend for his election campaign an aggregate amount exceeding one peso and fifty centavos for every voter currently registered in the constituency where he filed his candidacy: *Provided*, That the expenses herein referred to shall include those incurred or caused to be incurred by the candidate, whether in cash or in kind, including the use, rental or hire of land, water or aircraft, equipment, facilities, apparatus and paraphernalia used in the campaign: *Provided, further*, That where the land, water or aircraft, equipment, facilities, apparatus and paraphernalia used is owned by the candidate, his contributor or supporter, the Commission is hereby empowered to assess the amount commensurate with the expenses for the use thereof, based on the prevailing rates in the locality and shall be included in the total expenses incurred by the candidate.

<sup>5</sup> SEC. 262. *Other election offenses.* — Violation of the provisions, or pertinent portions, of the following sections of this Code shall constitute election offenses: Sections 9, 18, 74, 75, 76, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 122, 123, 127, 128, 129, 132, 134, 135, 145, 148, 150, 152, 172, 173, 174, 178, 180, 182, 184, 185, 186, 189, 190, 191, 192, 194, 195, 196, 197, 198, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 223, 229, 230, 231, 233, 234, 235, 236, 239 and 240.

<sup>6</sup> Titled “An Act Providing for Synchronized National And Local Elections And For Electoral Reforms, Authorizing Appropriations Therefor, And For Other Purposes.” (1991).

<sup>7</sup> *Rollo*, pp. 31–32.

<sup>8</sup> *Id.* at 44.

<sup>9</sup> *Id.* at 68.

(SOCE) which she submitted to the COMELEC on June 7, 2010. Under Section 100 of the OEC, as amended by Section 13 of Republic Act No. 7166, the maximum allowable expenditure for petitioner was PHP 3.00 per registered voter or a total of PHP 60,903.00. Thus, as petitioner appeared to have exceeded the limit set by law, Atty. Rafanan directed her to submit her written explanation as to why no charges should be filed against her for the election offense of overspending under Section 262 in relation to the OEC, Section 100, as amended by Republic Act No. 7166 Section 13.

In her letter-response<sup>10</sup> dated March 2, 2015, petitioner attached the respective affidavits of her contributors, along with their corresponding explanations or clarifications on the declarations made in the Schedule of Contributions Received and Reports of Contributors,<sup>11</sup> as follows:

1. Lance Stefan L. Flamiano – the amount of his tarpaulin contributions was mistakenly written as PHP 30,000.00 instead of PHP 3,000.00;<sup>12</sup>
2. Noel P. Cacho – his contribution amounting to PHP 7,000.00 partook of the nature of copying and classifying the list of voters, investigating the registered voters on the list, and printing of sample ballots; however, it was erroneously indicated as meals and snacks in the report of his contribution;<sup>13</sup>
3. Maria Christina P. Penaflor – her contribution amounting to PHP 18,000.00 partook of the nature of copying and classifying the list of voters, investigating the registered voters on the list, and printing of sample ballots; however, it was erroneously indicated as meals and snacks in the report of her contribution;<sup>14</sup>
4. Rolando A. Flamiano – he contributed PHP 10,000.00 worth of home-made sample ballots; however, in his report of contribution, he caused the word “leaflets” to be written in conformity with the report’s suggested description and as

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<sup>10</sup> *Id.* at 70–72.

<sup>11</sup> *Id.* at 46–61.

<sup>12</sup> *Id.* at 73.

<sup>13</sup> *Id.* at 75.

<sup>14</sup> *Id.* at 77.

understood by him as being the nearest description of his contribution;<sup>15</sup>

5. Daniel A. Villanueva – his contribution of PHP 12,000.00 was not for meals and snacks as reflected in his report of contribution; upon careful recollection, he contributed PHP 8,000.00 for home-made printing of sample ballots and PHP 4,000.00 for copying and classifying the lists of voters;<sup>16</sup>
6. Heidi P. Villanueva – her report of contribution erroneously reflected meals and snacks in the amount of PHP 84,000.00; however, she only contributed PHP 2,000.00 for meals and snacks while the remaining PHP 82,000.00 was for copying and classifying the lists of voters, investigating the registered voters on the list, and printing of home-made sample ballots;<sup>17</sup>
7. Isabelita Peralta – she contributed the amount of PHP 5,000.00 for copying and classifying the lists of voters; however, the description in the schedule of contributions reflected “papers/pens”,<sup>18</sup>
8. Jonathan S. Peralta - he contributed the amount of PHP 11,000.00 for copying and classifying the lists of voters, investigating the registered voters on the list, and printing of home-made sample ballots; he denied giving PHP 3,000.00 for vehicle and PHP 8,000.00 for meals and snacks, as reflected in the schedule of contributions;<sup>19</sup> and
9. Apolinario Abelon – he contributed home-made sample ballots amounting to PHP 3,000.00 only and corrected the figure of PHP 30,000.00 for meals and snacks appearing on the schedule of contributions.<sup>20</sup>

Petitioner further indicated in her letter that she underwent hip stress fracture surgery on December 10, 2014, after suffering serious injuries from a vehicular accident in Cancun, Mexico, on November 10,

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<sup>15</sup> *Id.* at 79.

<sup>16</sup> *Id.* at 81.

<sup>17</sup> *Id.* at 83.

<sup>18</sup> *Id.* at 85.

<sup>19</sup> *Id.* at 86.

<sup>20</sup> *Id.* at 87.

2014. Thus, her mobility was very restricted and limited from such date. In addition, petitioner maintained that the distance between her and her contributors restricted her from easily conducting verification considering that she was based in Makati City, while almost all of her contributors were based in the Province of Zambales. She then requested that she be allowed to submit relevant documents as soon as they become available.<sup>21</sup>

Petitioner's explanation notwithstanding, the COMELEC was constrained to file a complaint against her for overspending, as communicated in the COMELEC's letter to petitioner dated May 4, 2015.<sup>22</sup>

In the *motu proprio* Complaint<sup>23</sup> filed before its Law Department on May 9, 2015, the COMELEC, through its Campaign Finance Unit, sought the determination of probable cause against petitioner for violation of the OEC, Section 100 in relation to Section 262, as amended by Republic Act No. 7166 (election overspending). The complaint alleged, among others, the following:

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5. For the 2010 NLE, SAN MARCELINO, ZAMBALES had a total of Twenty Thousand Three Hundred One (20,301) registered voters.

.....

7. Section 13 of RA 7166, allows a candidate who belongs to a political party to spend THREE PESOS (PHP 3.00) only for every registered voter in the constituency where she seeks to be elected. Hence, the law allowed [petitioner] who belonged to the LP Party to spend only Sixty Thousand Nine Hundred Three Pesos (PHP 60,903.00) for her election campaign.

8. In her *Statement of Contributions and Expenditures* ("SOCE", Annex "E" up to Annex "E-24") which she filed with the Comelec on June 07, 2010, [petitioner] declared expenditures in the total amount of Two Hundred Eight[y] Five Thousand Five Hundred Pesos (PHP 285,500.00).

9. [Petitioner] exceeded the expenditure limit of Sixty Thousand Nine Hundred Three Pesos (PHP 60,903.00) for a candidate for the position of MUNICIPAL MAYOR of SAN MARCELINO, ZAMBALES by Two Hundred Twenty Four Thousand Five Hundred Ninety Seven

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<sup>21</sup> *Id.* at 71-72.

<sup>22</sup> *Id.* at 90.

<sup>23</sup> *Id.* at 92-99.

Pesos (PHP 224,597.00) or Three Hundred Sixty Eight and Seventy Seven/Hundredths Percent (368.77%).<sup>24</sup>

The case was docketed as E.O. Case No. 15-954.

In the Subpoena to the [Petitioner]<sup>25</sup> dated June 29, 2015, the COMELEC directed her to appear and submit her counter-affidavit and other supporting documents or affidavits of her witnesses, if any, during the hearing set on August 20, 2015.<sup>26</sup> Petitioner submitted her counter-affidavit on September 24, 2015, after she was granted two extensions of time to file it.<sup>27</sup>

In her Counter-Affidavit,<sup>28</sup> petitioner denied the allegations hurled against her in that there is neither any factual nor legal basis to charge her for election overspending. Moreover, petitioner maintained that the dismissal of the complaint is warranted considering that the factual allegations therein were not sufficient to support a finding of probable cause that she committed the offense of overspending under the OEC.<sup>29</sup>

More particularly, petitioner averred that upon receipt of the letter from Atty. Rafanan of the COMELEC, she coordinated with her contributors for the 2010 NLE to check whether they relayed the correct amount and nature of their respective contributions to petitioner's representative; that she discovered that some of the contributions were mistakenly reflected by her representative in the Reports of Contributor that were submitted together with her SOCE; that while the SOCE bore her signature, she believed in good faith that the figures and descriptions contained therein reflected the true amounts and natures of the contributions she received during the 2010 NLE; that after it became clear to her that her bid for the mayoralty position was unsuccessful, she made preparations to return to Manila to address her professional obligations; that she entrusted one Veron P. Tadena (Tadena) to prepare her SOCE under clear instructions to reflect the correct amount and nature of the contributions received; that despite her clear instructions, Tadena mistakenly reflected some of the contributions she received; that she requested some of her contributors to execute affidavits to indicate the correct nature and amount of their contributions during the 2010 NLE;<sup>30</sup>

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<sup>24</sup> *Id.* at 96-97.

<sup>25</sup> *Id.* at 91.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* at 32-33.

<sup>28</sup> *Id.* at 102-108.

<sup>29</sup> *Id.* at 102.

<sup>30</sup> *Id.* at 103-104.

and that considering the corrections made by her contributors, her total expenditures was only PHP 51,500.00 and not PHP 285,500.00 as stated in the complaint.<sup>31</sup>

In her *Sinumpaang Salaysay*<sup>32</sup> attached to petitioner's Counter-Affidavit, Tadena narrated that she was the personal secretary of petitioner who prepared the latter's SOCE and coordinated with the contributors. However, she admitted that she did not know how to categorize some of the contributions that she just placed them under "meals and snacks."<sup>33</sup> Moreover, Tadena asseverated that she committed errors in figures in that she wrote PHP 30,000.00 instead of PHP 3,000.00 as the respective amounts of contribution of Lance Stefan Flamiano and Apolinario Abelon.<sup>34</sup> She added that she had limited knowledge on law-related matters and did not expect that petitioner would encounter problems regarding the contributions of her supporters, considering that she did not win the 2010 NLE.<sup>35</sup>

#### *The Ruling of the COMELEC*

In its Resolution No. 18-0656<sup>36</sup> dated August 8, 2018, the COMELEC *En Banc* adopted the recommendation of its Law Department that found probable cause to charge petitioner for the offense of election overspending under the OEC. Thus:

The Commission RESOLVED, as it hereby RESOLVES, to adopt the recommendation of the Law Department finding probable cause to hold respondent ANA LIZA A. PERALTA for trial and the filing of Information for violation of Section 100 of B.P. Blg. 881, otherwise known as the Omnibus Election Code (OEC), as amended by R.A. No. 7166, in relation to Section 262 of the same Code.

Let the Law Department implement this Resolution.<sup>37</sup>

In its recommendation to file an Information against petitioner for election overspending, the COMELEC Law Department stated that petitioner cannot deny responsibility by claiming that she did not personally prepare her SOCE. It noted that petitioner is a former councilor

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<sup>31</sup> *Id.* at 106.

<sup>32</sup> *Id.* at 109–112.

<sup>33</sup> *Id.* at 110.

<sup>34</sup> *Id.* at 111.

<sup>35</sup> *Id.* at 112.

<sup>36</sup> *Id.* at 30–38.

<sup>37</sup> *Id.* at 38.

and a lawyer by profession who is expected to know and understand campaign finance laws and the consequences of violating them. Still, petitioner left every step of the preparation of her SOCE to her secretary who is now being blamed for her alleged inadvertence and insufficient knowledge on campaign finance laws. As it appeared, petitioner simply signed the documents prepared by her secretary without reviewing them. As to the affidavits of her contributors without official receipts, the COMELEC Law Department posited that they cannot overcome the Report of Contributions attached in the SOCE which the contributors themselves earlier signed.<sup>38</sup>

Petitioner sought a reconsideration,<sup>39</sup> but the COMELEC *En Banc* denied the motion in the COMELEC Resolution No. 21-0472-57<sup>40</sup> dated July 14, 2021.

#### *The Petition Before the Court*

Petitioner now comes before the Court imputing grave abuse of discretion on the part of the COMELEC in that (1) there was inordinate delay in the conduct of the preliminary investigation resulting in violation of petitioner's right to speedy disposition of cases; (2) it found probable cause against petitioner despite the absence of all the elements constituting the election offense; and (3) it found probable cause against petitioner notwithstanding the absence of substantial basis that she spent beyond the limits of the law.<sup>41</sup>

As to the alleged inordinate delay, petitioner avers that while she submitted her SOCE on June 7, 2010, it was only on May 9, 2015, or around four years (4) and eleven (11) months thereafter that the COMELEC Campaign Finance Unit initiated its complaint against her. Moreover, petitioner maintains that the COMELEC failed to observe its prescribed period in terminating the preliminary investigation when it recommended the filing of an information against her on July 14, 2021, or more than six (6) years from the time when the COMELEC Campaign Finance Unit filed the complaint on May 9, 2015. Petitioner sought a reconsideration, but she received a copy of the resolution denying her motion for reconsideration only after more than two years from her filing of the motion.<sup>42</sup>

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<sup>38</sup> *Id.* at 36.

<sup>39</sup> *Id.* at 123-135.

<sup>40</sup> *Id.* at 39-43.

<sup>41</sup> *Id.* at 9.

<sup>42</sup> *Id.* at 12.

On the charge of election overspending, petitioner argues that the COMELEC failed to prove with substantial evidence that the amount she actually spent exceeded the allowable expenses during the 2010 NLE. *First*, the COMELEC purportedly relied on the erroneously prepared SOCE;<sup>43</sup> and *second*, it was allegedly grave reversible error on the part of the COMELEC when it treated petitioner's simple inadvertence and plain error in her SOCE as a confession of violation of the campaign finance laws. She adds that the SOCE was the result of an error which has been corrected and sufficiently clarified by the sworn affidavits of her contributors.<sup>44</sup>

For its part, the COMELEC, as represented by the Office of the Solicitor General, counters that *certiorari* does not lie in the case because a plain, speedy, and adequate remedy is available to petitioner; that is, to allow the criminal case against her to proceed and to adduce evidence of her innocence therein. Moreover, the COMELEC maintains that it did not commit grave abuse of discretion in finding probable cause to charge petitioner with the offense of election overspending as the SOCE which petitioner herself signed showed on its face that she exceeded the allowable campaign expenditures. It avers that petitioner's submission that the SOCE contained errors allegedly committed by her personal secretary, as well as her attempt to correct the errors, is a mere afterthought that was not properly substantiated.<sup>45</sup>

In her Reply,<sup>46</sup> petitioner insists that *certiorari* is the proper remedy because there was inordinate delay in conducting the preliminary investigation resulting in the violation of her right to speedy disposition of cases. She emphasizes that because of the inexplicable delay of twelve (12) years in the resolution of her election offense, she had already been deprived of her right to the speedy disposition of her case.<sup>47</sup> This is considering that the case did not involve any complicated factual or legal issues.<sup>48</sup> Also, she asseverates that it will be unfair on her part if she will be further subjected to trial because the prolonged preliminary investigation had already impaired her defenses, as she is now unsure of the whereabouts of some of her witnesses.<sup>49</sup>

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<sup>43</sup> *Id.* at 17.

<sup>44</sup> *Id.* at 22.

<sup>45</sup> *Id.* at 157-158.

<sup>46</sup> *Id.* at 171-177.

<sup>47</sup> *Id.* at 172.

<sup>48</sup> *Id.* at 173.

<sup>49</sup> *Id.* at 172-173.

### *The Issue*

In sum, the issue to be resolved in the present case is whether the COMELEC committed grave abuse of discretion amounting to lack or excess of jurisdiction when it issued the assailed Resolutions finding probable cause to charge petitioner with the election offense of overspending.

### *The Ruling of the Court*

The Court grants the petition.

There was inordinate delay in the conduct of the preliminary investigation before the COMELEC which violated petitioner's right to speedy disposition of cases. Hence, the dismissal of the complaint against her is warranted.

The 1987 Constitution, Article III, Section 16,<sup>50</sup> guarantees the right of all persons to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies. This constitutional right is available not only to the accused in criminal proceedings but also to all parties in all cases, whether civil or administrative in nature, as well as all proceedings, either judicial or quasi-judicial. Pursuant thereto, any party to a case may demand expeditious action from all officials who are tasked with the administration of justice.<sup>51</sup>

In resolving whether petitioner's right to the speedy disposition of her case was violated, the guidelines set forth by the Court in *Cagang v. Sandiganbayan*,<sup>52</sup> find relevance:

*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.

<sup>50</sup> CONST., Art. III Sec.16, provides:

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

<sup>51</sup> *Coscolluela v. Sandiganbayan, et al.*, 714 Phil. 55, 61 (2013).

<sup>52</sup> 837 Phil. 815 (2018).

*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 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>53</sup>

Considering that the case pertains to the conduct of a preliminary investigation, there is no question that petitioner can invoke her constitutional right to the speedy disposition of her case before the COMELEC. It is important to note, however, that the right to a speedy disposition of a case is a relative or flexible concept; a mere mathematical reckoning of the time involved is not sufficient as particular regard must be taken of the facts and circumstances peculiar to each case. Thus, in the determination of whether the right has been violated, the factors that may be considered and balanced are the length of the delay, the reasons for the delay, the aggrieved party's assertion or failure to assert such right, and the prejudice caused by the delay.<sup>54</sup>

Based on the assailed resolutions and the submissions of the parties, the following timeline of events was established:

June 7, 2010	Petitioner submitted her SOCE
October 1, 2014	Letter of Atty. Rafanan of COMELEC directing petitioner to submit her written explanation as to why no charges should be filed against her for election overspending.
October 21, 2014	Petitioner received Atty. Rafanan's letter. <sup>55</sup>
March 2, 2015	Petitioner submitted her letter-response. <sup>56</sup>
May 9, 2015	Complaint was filed against petitioner. <sup>57</sup>

<sup>53</sup> *Id.* at 880–882.

<sup>54</sup> *Enriquez v. Office of the Ombudsman*, 569 Phil. 309, 316 (2008).

<sup>55</sup> *Rollo*, p. 5.

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

<sup>57</sup> *Id.* at 6.

August 20, 2015 and September 9, 2015	Case was set for preliminary investigation; petitioner moved for two extensions of time to file her counter-affidavit. <sup>58</sup>
September 24, 2015	Petitioner submitted her counter-affidavit. <sup>59</sup>
August 8, 2018	COMELEC issued Resolution No. 18-0656 finding probable cause against petitioner for election overspending.
February 18, 2020	Petitioner received a copy of Resolution No. 18-0656. <sup>60</sup>
February 24, 2020	Petitioner filed her motion for reconsideration. <sup>61</sup>
July 14, 2021	COMELEC issued Resolution No. 21-0472-57 denying petitioner's motion for reconsideration.
May 25, 2022	Petitioner received a copy of Resolution No. 21-0472-57. <sup>62</sup>

Records show that the COMELEC Campaign Finance Unit filed the complaint against petitioner on May 9, 2015. Three years and nearly three months thereafter, or on August 8, 2018, the COMELEC issued Resolution No. 18-0656 finding probable cause against her for election overspending. However, petitioner was only furnished with a copy of the Resolution after more than a year and a half from its issuance, or on February 18, 2020. She sought a reconsideration from the COMELEC; however, after one year and over four months, the COMELEC denied her motion in Resolution No. 21-0472-57, and she received a copy thereof only after more than ten (10) months following its issuance.

In other words, it took the COMELEC more than six years to finally recommend the filing of an Information against petitioner for overspending, or from the filing of the complaint on May 9, 2015, until the resolution of petitioner's motion for reconsideration on July 14, 2021. Clearly, the preliminary investigation was terminated way beyond the 20-day period provided under Section 6, Rule 34 of the COMELEC Rules of Procedure, as follows:

<sup>58</sup> *Id.* at 32–33.

<sup>59</sup> *Id.* at 7, 33.

<sup>60</sup> *Id.* at 3.

<sup>61</sup> *Id.* at 4.

<sup>62</sup> *Id.* at 8.

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.

In its Comment to the petition, apart from discussing the merits of the supposed election overspending of petitioner, the COMELEC did not offer any explanation or any special circumstance that would justify the delay in the conduct of its preliminary investigation.

At this point, the Court reiterates its ruling in *Peñas v. Commission on Elections*,<sup>63</sup> the facts of which are on all fours with the present case. In brief, therein petitioner Joseph Roble Peñas was a candidate for Mayor of Digos City, Davao Del Sur, during the 2010 NLE. The COMELEC likewise filed a *motu proprio* complaint against him in 2014 for election overspending or for allegedly exceeding the expenditure limit as reported in his SOCE. However, the preliminary investigation in *Peñas* was concluded after more than six years from the filing of the complaint or only in 2020. In ruling that there was inordinate delay in *Peñas*, the Court ratiocinated:

As stated, the complaint against petitioner was filed on November 12, 2014. Subsequently, petitioner filed his counter-affidavit on February 9, 2015. By Resolution No. 18-0665 dated November 5, 2018, or **about four (4) years from when the complaint was filed**, the COMELEC ordered the filing of an Information against petitioner. Petitioner moved for reconsideration and this time, **it took the COMELEC another two (2) years** to issue Resolution No. 220-00121-33 dated December 9, 2020 to deny the motion. Indubitably, the COMELEC went beyond the prescribed period for the conduct of a preliminary investigation.

*Third.* In view of the COMELEC's failure to observe its own prescribed period for resolving petitioner's case, the burden of justifying the delay is shifted to it. Consequently, it 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. The COMELEC, however, failed to establish these circumstances.

*For one.* Instead of proving compliance with its own prescribed procedure, the COMELEC merely attempted to justify the

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<sup>63</sup> UDK-16915, February 15, 2022.

delay by citing the two (2) general elections which it had to administer during the pendency of the investigation, *i.e.*, the 2016 and 2019 NLE.

But this hardly justifies the delay it took the COMELEC to conclude the preliminary investigation. On the contrary, a prolonged investigation should have been avoided at all cost *precisely* because of the looming elections at that time.<sup>64</sup> (Emphasis in the original)

Neither can COMELEC justify the conduct of the preliminary investigation for more than six years as the case did not involve a complex issue or require voluminous records or evidence. As further explained in *Peñas*:

*For another.* 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 (PHP 3.00). 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. As the Court pronounced in *Alarilla v. Sandiganbayan*, absent any extraordinary complication which the prosecution must adequately prove, such as the degree of difficulty of the questions involved in the case, or any event external thereto that effectively stymied the prosecution's normal work activity, any delay in the resolution of the preliminary investigation is not justified.

.....

Clearly, the COMELEC failed to discharge its burden to justify the length of time it took for it to conclude the preliminary investigation in this case. There was no showing that the COMELEC followed its prescribed procedure to the letter in order to obviate any delay in the proceedings. Nor was it established that the issues were too complex and the evidence required voluminous, making delay inevitable. Indubitably, therefore, inordinate delay attended the

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<sup>64</sup> *Id.*

COMELEC's conduct of the preliminary investigation of petitioner's case.<sup>65</sup> (Emphasis in the original)

Here, as with *Peñas*, the complaint was filed against petitioner on May 9, 2015, and the preliminary investigation was concluded only on July 14, 2021, or after more than six (6) years. Too, no reasonable justification was offered by the COMELEC for the delay in the conduct thereof as the issue involved, *i.e.*, whether the petitioner exceeded the election spending limits under the law, was not complex or novel and did not entail the review or examination of voluminous records. Verily, the Court's ruling in *Peñas* as to the finding of inordinate delay finds application in the present case.

The ruling in *Peñas* was reiterated in *Ecleo v. Commission on Elections*<sup>66</sup> which likewise involved identical facts and issues:

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.

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

<sup>65</sup> *Id.*

<sup>66</sup> G.R. No. 263061, January 10, 2023.

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.<sup>67</sup>

Indeed, the underlying principle of the right to speedy disposition of cases remains to be the prevention, not only of delay in the administration of justice, but also of oppression of the citizen by indefinitely suspending criminal prosecution. A violation of this right results in the grant of the radical relief of immediate dismissal of the case.<sup>68</sup>

Applying the foregoing pronouncements in *Peñas* and *Ecleo*, the Court finds that the COMELEC is guilty of inordinate delay in the conduct of its preliminary investigation against petitioner. Consequently, the issuance of the assailed resolutions is tainted with grave abuse of discretion that warrants their nullification. With this, the Court no longer finds the need to discuss the other issues raised in the petition pertaining to the merits of the election offense purportedly committed by petitioner.

**ACCORDINGLY**, the petition is **GRANTED**. Resolution No. 18-0656 dated August 8, 2018, and Resolution No. 21-0472-57 dated July 14, 2021, of the Commission on Elections *En Banc* in E.O. Case No. 15-954, are **NULLIFIED** for having been issued with grave abuse of discretion. The complaint against petitioner Ana Liza Arriola Peralta for alleged election overspending is **DISMISSED**.

**SO ORDERED.**

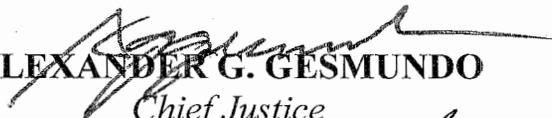
  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

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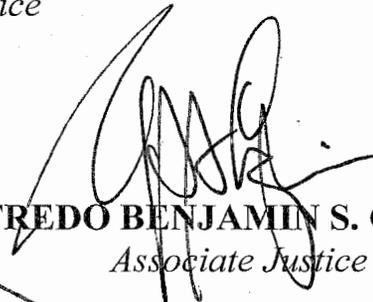
<sup>67</sup> *Id.*

<sup>68</sup> *People v. Sandiganbayan (First Division)*, G.R. No. 229656, 860 Phil. 53, 68 (2019).

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

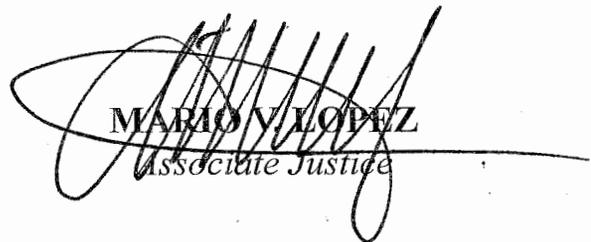
  
**MARVIC M.V.F. LEONEN**  
*Associate Justice*

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

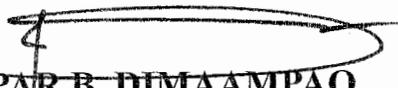
  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**MARIO V. LOPEZ**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**RICARDO R. ROSARIO**  
*Associate Justice*

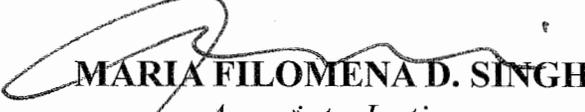
  
**JHOSEP V. LOPEZ**  
*Associate Justice*

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*

(No part)  
**ANTONIO T. KHO, JR.**  
*Associate Justice*

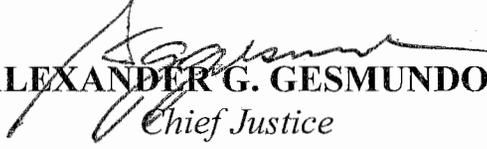




**MARIA FILOMENA D. SINGH**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court.



**ALEXANDER G. GESMUNDO**  
*Chief Justice*

