



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Petitioner,

G.R. No. 274922

Present:

-versus-

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

THE HONORABLE SANDIGANBAYAN
(FIRST DIVISION), TEDDY C.
TUMANG and WILLIAM B. COLIS,
Respondents.

Promulgated:

FEB 17 2025

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DECISION

GAERLAN, J.:

Before the Court is Petition for *Certiorari*¹ under Rule 65 of the Rules of Court filed by the People of the Philippines, through the Office of the Special Prosecutor of the Office of the Ombudsman, assailing the Resolution² dated June 10, 2024 of the Sandiganbayan (First Division) in Criminal Case Nos. SB-24-CRM-0013 to 0043, titled “*People of the Philippines v. Teddy C. Tumang and William B. Colis.*”

The Sandiganbayan (First Division) granted the Motion to Quash Informations and/or Dismiss the Cases³ dated May 30, 2024 filed by respondents Teddy C. Tumang (Tumang) and William B. Colis (Colis).

* On leave.

¹ *Rollo*, pp. 3–39.

² *Id.* at 50–61. Penned by Associate Justice Bayani H. Jacinto and concurred in by Associate Justices Efren N. De La Cruz and Juliet M. Manalo-San Gaspar of the First Division, Sandiganbayan, Quezon City.

³ *Id.* at 62–80.

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Factual Antecedents

The case stemmed from a Complaint-Affidavit⁴ filed by the Field Investigation Bureau of the Office of the Deputy Ombudsman for Luzon on *December 13, 2017*, against Tumang, former Municipal Mayor of Mexico Pampanga, and Colis, the proprietor of Buyu Trading and Construction (Buyu), for violation of Section 3(e) of Republic Act No. 3019, otherwise known as the “*Anti-Graft and Corrupt Practices Act*” and Malversation of Public Funds under Article 217 of the Revised Penal Code.⁵

The Complaint-Affidavit alleged, among others, that sometime in 2006 to 2007, the Municipality of Mexico, Pampanga purchased base coarse and other construction materials from Buyu, for the benefit of the former’s barangays. Further, the Complaint-Affidavit alleged that Tumang, as then Municipal Mayor, illegally and invalidly approved and signed disbursement vouchers and checks in favor of Buyu. Thereafter, the Commission on Audit issued several Notices of Disallowance disallowing the payments covering the purchases made in favor of Buyu.⁶

On *February 7, 2018*, Tumang and Colis received the Office of the Ombudsman’s Order requiring them to file their Counter-Affidavits, which they filed on *February 28, 2018*.⁷

On *November 20, 2018*, Graft Investigation and Prosecution Officer III Esther J. Velasco-Legaspi issued a Resolution⁸ finding probable cause to indict Tumang and Colis, to wit:

WHEREFORE, finding probable cause, public respondent **Teddy C. Tumang** and private respondent **William B. Colis** are hereby **INDICTED** for twenty-nine (29) counts of violation of Section 3(e) of Republic Act No. 3019, as amended, and two (2) counts of violation of Article 217 of the Revised Penal Code. Let the corresponding Informations be filed against them before the proper court.

SO ORDERED.⁹ (Emphasis in the original)

Such Resolution was approved by Director Adoracion A. Agbada and Deputy Ombudsman for Luzon Gerard A. Mosquera on *December 6, 2018*

⁴ *Id.* at 114–136.

⁵ *Id.* at 114.

⁶ *Id.* at 115–124.

⁷ *Id.* at 12.

⁸ *Id.* at 345–363.

⁹ *Id.* at 362–363.

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and *December 11, 2018*, respectively.¹⁰ Thereafter, the same was approved by Ombudsman Samuel R. Martires on *March 28, 2019*.¹¹

Tumang and Colis filed their Motions for Reconsideration on *May 2, 2019*¹² and *May 6, 2019*,¹³ respectively. However, the Office of the Ombudsman only denied the Motions for Reconsideration in its Resolution dated *April 23, 2024*. Consequently, the corresponding Informations were filed only on *April 25, 2024*. Thereafter, the cases were raffled to the Sandiganbayan (First Division) and were docketed as SB-24-CRM-0013-0043.¹⁴

On May 30, 2024, before being arraigned, Tumang and Colis filed their Motion to Quash Informations and/or Dismiss the Cases.¹⁵ In support of their Motion, they raised the following issues:

- I. That the facts charged in the Informations, assuming were true, do not constitute an offense;
- II. That the Informations contain averments which, if true, would constitute a legal excuse or justification;
- III. That the Informations failed to allege any kind of conspiracy and/or any overt act of conspiracy between and among the accused; and
- IV. That there is a violation of their right to speedy trial from the time the criminal investigation commenced up to the time the Informations were filed before the Honorable Court.¹⁶

On June 3, 2024, the Office of the Ombudsman filed its Opposition¹⁷ to Tumang and Colis's Motion. Subsequently, the Sandiganbayan (First Division) rendered its June 10, 2024 Resolution,¹⁸ the dispositive portion of which reads:

ACCORDINGLY, the *Motion to Quash Informations and/or Dismiss the Cases* dated May 30, 2024 filed by accused Teddy Canlas Tumang and William Bonus Colis is **GRANTED**. The cases against the accused docketed as SB-24-CRM-0013 to 0043 are **DISMISSED**, the cash bonds they posted for their provisional liberty are ordered **RELEASED**,

¹⁰ *Id.*

¹¹ *Id.* at 12.

¹² *Id.* at 365–375.

¹³ *Id.* at 377–383.

¹⁴ *Id.* at 62–82.

¹⁵ *Id.* at 62–80.

¹⁶ *Id.* at 65.

¹⁷ *Id.* at 94–110.

¹⁸ *Id.* at 50–61.

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subject to the usual accounting and auditing procedures, and the Hold Departure Order issued against them is ordered **LIFTED**.

SO ORDERED.¹⁹ (Emphasis in the original)

In granting Tumang and Colis’s Motion to Quash Informations and/or Dismiss the Cases, the Sandiganbayan (First Division) agreed that their right to speedy disposition of cases was violated when the preliminary investigation proceedings conducted against them lasted for more than six years—counted from the date the Complaint-Affidavit was initiated on December 13, 2017, to the date the Informations were filed before the Sandiganbayan.²⁰

Moreover, the Sandiganbayan (First Division) did not give credence to the Office of the Ombudsman’s invocation of the COVID-19 pandemic as justification for its delay. Specifically, the Sandiganbayan (First Division) pointed out that the state of national emergency brought about by the COVID-19 pandemic was lifted on July 23, 2023. Yet, the Office of the Ombudsman only resolved Tumang and Colis’s Motions for Reconsideration on April 23, 2024, or nine months thereafter.²¹

Finally, the Sandiganbayan (First Division) underscored that the delay in preliminary investigation proceedings in this case impaired and prejudiced the Tumang and Colis’s ability to defend themselves.²²

The Petition before the Court

On August 9, 2024, the Office of the Ombudsman filed the instant Petition for *Certiorari*²³ raising the following arguments:

- A. THE HONORABLE SANDIGANBAYAN ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION WHEN IT RULED THAT THERE WAS INORDINATE DELAY IN THE PRELIMINARY INVESTIGATION AND THAT THE SAME WAS IN VIOLATION OF PRIVATE RESPONDENTS’ RIGHT TO SPEEDY DISPOSITION OF THEIR CASES.
- B. THE HONORABLE SANDIGANBAYAN ARBITRARILY DID NOT CONSIDER THE OUTBREAK OF THE COVID-19 AS AN EXTRAORDINARY COMPLICATION OR EVENT EXTERNAL TO THE OFFICE OF THE OMBUDSMAN WHICH EFFECTIVELY

¹⁹ *Id.* at 61.
²⁰ *Id.* at 54–56.
²¹ *Id.* at 59.
²² *Id.* at 60.
²³ *Id.* at 3–39.

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SLOWED DOWN ITS NORMAL WORK ACTIVITY AND AFFECTED THE SEASONABLE COMPLETION OF THE PRELIMINARY INVESTIGATION PROCEEDINGS.

- C. THE HONORABLE SANDIGANBAYAN ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION WHEN IT RULED THAT THERE WAS INORDINATE DELAY IN THE PRELIMINARY INVESTIGATION, CONSIDERING THAT PRIVATE RESPONDENTS DID NOT ASSERT THEIR RIGHT TO SPEEDY DISPOSITION OF THEIR CASES AT ANY TIME DURING THE PRELIMINARY INVESTIGATION AS THEY, IN FACT, AVAILED OF THE REMEDIES TO MAXIMIZE THE BENEFIT OF THE OFFICE OF THE OMBUDSMAN'S PROCESSES, THEREBY RELISHING THE PERIOD THAT LAPSED.
- D. THE HONORABLE SANDIGANBAYAN ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF OR IN EXCESS OF JURISDICTION WHEN IT RULED THAT THERE WAS INORDINATE DELAY IN THE PRELIMINARY INVESTIGATION, CONSIDERING THAT THERE WAS NO SHOWING THAT PRIVATE RESPONDENTS WERE PREJUDICED BY THE LENGTH OF THE PROCEEDINGS.²⁴

The Court's Ruling

The Petition for *Certiorari* must be dismissed.

*Cagang v. Sandiganbayan, Fifth Division, Quezon City*²⁵ laid out the guidelines that must be considered in cases concerning inordinate delay and the right to speedy disposition of cases:

First, the right to speedy disposition of cases is different from the right to speedy trial. While the rationale for both rights is the same, the right to speedy trial may only be invoked in criminal prosecutions against courts of law. The right to speedy disposition of cases, however, may be invoked before any tribunal, whether judicial or quasi-judicial. What is important is that the accused may already be prejudiced by the proceeding for the right to speedy disposition of cases to be invoked.

Second, a case is deemed initiated upon the filing of a formal complaint prior to a conduct of a preliminary investigation. This Court acknowledges, however, that the Ombudsman should set reasonable periods for preliminary investigation, with due regard to the complexities and nuances of each case. Delays beyond this period will be taken against the prosecution. The period taken for fact-finding investigations prior to

²⁴ *Id.* at 17–18.

²⁵ 837 Phil. 815 (2018) [Per J. Leonen, *En Banc*].

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.²⁶ (Underscoring supplied; citations omitted)

²⁶ *Id.* at 880–882.

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Applying the foregoing, it is clear that in resolving issues concerning the right to speedy disposition of cases, the Court must determine if there is inordinate delay by taking into consideration the following: (1) the length of delay—counted from the filing of a formal complaint and the conduct of the preliminary investigation; (2) the reasons for the delay; (3) the time when the right is invoked; and (4) the prejudice caused by the delay, if any. With this in mind, the Court agrees with the Sandiganbayan (First Division) that there exists inordinate delay in this case, and that Tumang and Colis's right to speedy disposition of their cases was violated, considering that:

First, as borne by records of the case, the Office of the Ombudsman failed to observe the prescribed periods in the conduct of preliminary investigation proceedings.

During the filing of the Complaint-Affidavit on December 13, 2017, the Rules of Procedure of the Office of the Ombudsman under Administrative Order No. 07²⁷ did not prescribe specific time periods within which the Office of the Ombudsman must conduct preliminary investigation proceedings. Nonetheless, pursuant to Rule V, Section 3²⁸ of Administrative Order No. 07, the Rules of Court finds suppletory application.

Rule 112, Section 3²⁹ of the Rules of Court provides that in preliminary investigation proceedings, the investigating officer must determine whether there is sufficient ground to hold a respondent for trial within *10 days* from

²⁷ Promulgated on April 10, 1990.

²⁸ Section 3. Rules of Court, application. — In all matters not provided in these rules, the Rules of Court shall apply in a suppletory character, or by analogy whenever practicable and convenient.

²⁹ Section 3. *Procedure*. — The preliminary investigation shall be conducted in the following manner:

....
(b) Within ten (10) days after the filing of the complaint, the investigating officer shall either dismiss it if he[/she] finds no ground to continue with the investigation or issue a subpoena to the respondent attaching to it a copy of the complaint and its supporting affidavits and documents.

....
(c) Within ten (10) days from receipt of the subpoena with the complaint and supporting affidavits and documents, the respondent shall submit his[/her] counter-affidavit and that of his[/her] witnesses and other supporting documents relied upon for his[/her] defense. The counter-affidavits shall be subscribed and sworn to and certified as provided in paragraph (a) of this section, with copies thereof furnished by him to the complainant. The respondent shall not be allowed to file a motion to dismiss in lieu of a counter-affidavit.

(d) If the respondent cannot be subpoenaed, or if subpoenaed, does not submit counter-affidavits within the ten (10) day period, the investigating officer shall resolve the complaint based on the evidence presented by the complainant.

(e) The investigating officer may set a hearing if there are facts and issues to be clarified from a party or a witness. The parties can be present at the hearing but without the right to examine or cross-examine. They may, however, submit to the investigating officer questions which may be asked to the party or witness concerned.

The hearing shall be held within ten (10) days from submission of the counter-affidavits and other documents or from the expiration of the period for their submission. It shall be terminated within five (5) days.

(f) Within ten (10) days after the investigation, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.

the filing of the Complaint. In addition, Rule 112, Section 4³⁰ of the Rules of Court mandates that the investigating prosecutor must forward their resolution to the Ombudsman, their deputy, and they must act on the same within 10 days.

Given these time periods, it is undeniable that there was delay in this case, specifically in the approval of the Office of the Ombudsman of the Resolution finding probable cause, as well as in the filing of the Informations before the Sandiganbayan, as shown below:

DATE	INCIDENT
December 13, 2017	Filing of the Complaint-Affidavit against Tumang and Colis
February 7, 2018	Tumang and Colis received the Order requiring them to file their Counter-Affidavits
February 28, 2018	Tumang and Colis filed their Counter-Affidavits
November 20, 2018	Graft Investigation and Prosecution Officer III Esther J. Velasco Legaspi issued a Resolution finding probable cause to indict Tumang and Colis
March 28, 2019	The Ombudsman approved the Resolution finding probable cause to indict them
May 2, 2019 and 6, 2019	Tumang and Colis filed their Motions for Reconsideration
April 23, 2024	The Ombudsman denied the Motions for Reconsideration
April 25, 2024	The Informations were filed in Court

Clearly, the preliminary investigation proceedings were resolved beyond the 10-day period prescribed by the Rules of Court. Consequently, following *Cagang*, the Office of the Ombudsman must establish that the delay was not inordinate. However, the Office of the Ombudsman failed to prove that the delay was reasonable and justified.

Second, the Office of the Ombudsman failed to justify the unreasonable delay in the conduct of the preliminary investigation proceedings.

³⁰ Section 4. *Resolution of investigating prosecutor and its review.* — If the investigating prosecutor finds cause to hold the respondent for trial, he shall prepare the resolution and information. He shall certify under oath in the information that he, or as shown by the record, an authorized officer, has personally examined the complainant and his witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof; that the accused was informed of the complaint and of the evidence submitted against him; and that he was given an opportunity to submit controverting evidence. Otherwise, he shall recommend the dismissal of the complaint.
Within five (5) days from his[her] resolution, he shall forward the record of the case to the provincial or city prosecutor or chief state prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction. They shall act on the resolution within ten (10) days from their receipt thereof and shall immediately inform the parties of such action.
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As declared in *Cagang*, once delay is established, the burden of proof shifts to the prosecution to prove the following to justify the delay: (1) it followed the prescribed procedure in the conduct of preliminary investigation and in the prosecution of the case; (2) the complexity of the issues and the volume of evidence made the delay inevitable; and (3) no prejudice was suffered by the respondents as a result of the delay. This, the Office of the Ombudsman failed to do.

To recount, the Office of the Ombudsman only raised the COVID-19 pandemic as justification for the delay. In particular, the Office of the Ombudsman argued that the outbreak of the COVID-19 pandemic adversely affected the completion of the preliminary investigation proceedings because its operations and working activities were interrupted, and a considerable number of its employees were infected.

While it is true that the Court can take judicial notice of the perilous effects of the COVID-19 pandemic, it bears emphasis that the Complaint-Affidavit in this case was filed in 2017, and the Resolution finding probable cause to indict Tumang and Colis was issued in 2018, even before the COVID-19 pandemic hit the Philippines. Additionally, and as aptly pointed out by the Sandiganbayan (First Division), the state of emergency was lifted on July 23, 2023. Yet, the Office of the Ombudsman only resolved the Motions for Reconsideration filed by Tumang and Colis in 2024. It is, therefore, undeniable that the COVID-19 pandemic cannot justify the more than six-year delay and inaction of the Office of the Ombudsman in the termination of the preliminary investigation proceedings in this case.

Third, Tumang and Colis timely asserted their right to speedy disposition of their cases. It must be recalled that as soon as the Informations were filed against them before the Sandiganbayan, Tumang and Colis prayed that the same be quashed, and that the cases against them be dismissed on the ground of inordinate delay in the conduct of the preliminary investigation proceedings. Hence, it cannot be said that they have waived their right to the speedy disposition of their cases.

Fourth, there was prejudice suffered by Tumang and Colis on account of the Office of the Ombudsman's delay in the disposition of their case.

In *Cagang*, the Court discussed the nature and extent of prejudice suffered in relation to inordinate delay in the disposition of cases in the following manner:

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The prosecution must likewise prove that no prejudice was suffered by the accused as a result of the delay. *Corpuz v. Sandiganbayan* defined prejudice to the accused as:

Prejudice should be assessed in the light of the interest of the defendant that the speedy trial was designed to protect, namely: to prevent oppressive pre-trial incarceration; to minimize anxiety and concerns of the accused to trial; and to limit the possibility that his defense will be impaired. Of these, the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system. There is also prejudice if the defense witnesses are unable to recall accurately the events of the distant past. Even if the accused is not imprisoned prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion and often, hostility. His financial resources may be drained, his association is curtailed, and he is subjected to public obloquy.

In *Coscolluela v. Sandiganbayan*:

Lest it be misunderstood, the right to speedy disposition of cases is not merely hinged towards the objective of spurring dispatch in the administration of justice but also to prevent the oppression of the citizen by holding a criminal prosecution suspended over him for an indefinite time. Akin to the right to speedy trial, its “salutary objective” is to assure that an innocent person may be free from the anxiety and expense of litigation or, if otherwise, of having his guilt determined within the shortest possible time compatible with the presentation and consideration of whatsoever legitimate defense he may interpose. This looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual.³¹ (Underscoring in the original)

Further, in *People v. Sandiganbayan, Fifth Division*,³² the Court held that:

The Court recognizes that the inordinate delay places the accused in a protracted period of uncertainty which may cause “anxiety, suspicion, or even hostility.” The Court also recognizes that the lengthy delay would result to the accused’s inability to adequately prepare for the case which would result to the deterioration or loss of evidence, leading to impairment of the accused’s defense.³³ (Citations omitted)

³¹ 837 Phil. 815, 874–875 (2018) [Per J. Leonen, *En Banc*].

³² 920 Phil. 300 (2022) [Per J. Hernando, Second Division].

³³ *Id.* at 316.

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Undoubtedly, the long period of time while they were waiting for the resolution of the preliminary investigation proceedings constitute actual prejudice suffered by Tumang and Colis.

Considering all the foregoing, the Court is convinced that the Sandiganbayan (First Division) did not commit grave abuse of discretion when it resolved to dismiss the cases against Tumang and Colis given the inordinate delay of more than six years in the conduct of the preliminary investigation proceedings, and the glaring failure on the part of the Office of the Ombudsman's to provide sufficient and reasonable justification for the delay.

At this juncture, it must be underscored that the dismissal of the criminal cases against Tumang and Colis is tantamount to an acquittal, and therefore, they can no longer be re-litigated because double jeopardy has already attached. Significantly, the proscription against placing an accused in double jeopardy is enshrined in the Article III, Section 21 of the 1987 Constitution, which provides that:

Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Further, Rule 117, Section 7 of the Rules of Court provides:

Section. 7. *Former conviction or acquittal; double jeopardy.* - When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.

Based on the foregoing, the elements of double jeopardy are: (1) the complaint or information was sufficient in form and substance to sustain a conviction; (2) the court had jurisdiction; (3) the accused had been arraigned and had pleaded; and (4) the accused was convicted or acquitted, or the case was dismissed without his express consent.³⁴

³⁴ *People v. Sandiganbayan (Second Division)*, 863 Phil. 563 (2019) [Per J. Peralta, Third Division].

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While it is true that not all the foregoing elements are present in this case, there is a certain instance when double jeopardy attaches even when the dismissal of the criminal case is made upon motion of the accused. In *Saldariega v. Panganiban*,³⁵ the Court held that:


Further, the proscription against double jeopardy presupposes that an accused has been previously charged with an offense, and the case against him is terminated either by his acquittal or conviction, or dismissed in any other manner without his consent. As a general rule, the following requisites must be present for double jeopardy to attach: (1) a valid indictment, (2) before a court of competent jurisdiction, (3) the arraignment of the accused, (4) a valid plea entered by him, and (5) the acquittal or conviction of the accused, or the dismissal or termination of the case against him without his express consent. However, there are two (2) exceptions to the foregoing rule, and double jeopardy may attach even if the dismissal of the case was with the consent of the accused: first, when there is insufficiency of evidence to support the charge against him; and second, where there has been an unreasonable delay in the proceedings, in violation of the accused's right to speedy trial.³⁶ (Underscoring supplied; citations omitted)

Moreover, in *Almario v. Court of Appeals*,³⁷ the Court categorically declared that: “[d]ouble jeopardy may attach when the proceedings have been prolonged unreasonably, in violation of the accused’s right to speedy trial.”³⁸

Undoubtedly, therefore, double jeopardy has attached in this case given that the reason for the dismissal of Tumang and Colis’s criminal cases is the inordinate delay in the proceedings. In other words, these criminal cases against Tumang and Colis can no longer be re-opened or re-litigated.

ACCORDINGLY, the Petition for *Certiorari* dated August 8, 2024 is **DISMISSED**, and the Sandiganbayan First Division’s Resolution dated June 10, 2024 is **AFFIRMED**. Criminal Case Nos. SB-24-CRM-0013 to 0043 against Teddy C. Tumang and William B. Colis are **DISMISSED** on the ground that the Office of the Ombudsman violated their right to the speedy disposition of their cases.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

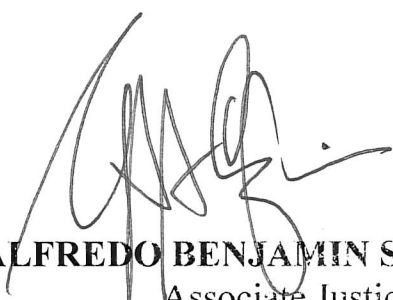
³⁵ 758 Phil. 244 (2015) [Per J. Peralta, Third Division].

³⁶ *Id.* at 252–253.


³⁷ 407 Phil. 279 (2001) [Per J. Quisumbing, Second Division].

³⁸ *Id.* at 286.

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

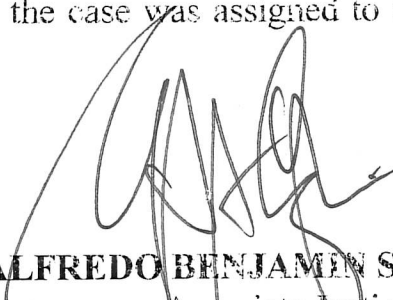


JAPAR B. DIMAAMPAO
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

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CERTIFICATION

Pursuant to Article VIII, Section 13 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

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