

FIRST DIVISION

[G.R. No. 143885-86, January 21, 2002]

**MERCED TY-DAZO AND ROLANDO QUIMINALES, PETITIONERS,
VS. SANDIGANBAYAN, RESPONDENT.**

R E S O L U T I O N

KAPUNAN, J.:

This is a petition for certiorari filed by Merced Ty-Dazo and Rolando Quiminales assailing the Resolutions, dated September 20, 1999 and September 27, 1999, of the Sandiganbayan in Criminal Cases Nos. 23656 and 22021, respectively, which denied their motions to dismiss for lack of merit. Petitioners likewise assail the Sandiganbayan's Joint Resolution, dated May 12, 2000, denying their motions for reconsideration.

The antecedent facts are as follows: on February 19, 1993, the 362nd PNP Mobile Force Company received a report about the illegal cutting of logs near the Salcedo Watershed. In response to said report, several police officers were sent to the watershed to investigate. Along the highway near the watershed, the police saw a mini-truck, then driven by petitioner Quiminales, being loaded with sawed logs. The logs, allegedly owned by petitioner Ty-Dazo, were without the proper permit or license. Hence, the logs were immediately confiscated. Upon recommendation of the local officers of the Department of Environment and Natural Resources (DENR), criminal charges were filed against petitioners for the illegal cutting, gathering and transporting of lumber.

Since petitioner Ty-Dazo was a public official (municipal mayor of Salcedo, Eastern Samar), the charges against petitioners were referred by the Office of the Provincial Prosecutor of Eastern Samar to the Office of the Ombudsman-Visayas. The complaint in Criminal Case No. 22021 (OMB-VIS-CRIM-93-0632) for violation of Sec. 3(e) of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act) was received by the said office of the Ombudsman on September 1, 1993. The information against petitioner Ty-Dazo was filed with the Sandiganbayan on February 17, 1995. Petitioner Ty-Dazo then moved for a reinvestigation on July 4, 1995. The motion for reinvestigation was denied on March 5, 1999.

On the other hand, the complaint in Criminal Case No. 23656 (OMB-VIS-CRIM-03-0347) was received by the Office of the Ombudsman-Visayas on May 11, 1993. The corresponding information against petitioners for violation of Presidential Decree No. 705 (Forestry Code), as amended, was filed with the Sandiganbayan on April 28, 1997. Thereafter, petitioners moved for reinvestigation. Resolving said motion, on January 4, 1999, the special prosecutor recommended the dismissal of the case against petitioners for lack of probable cause. The Ombudsman, however, denied the special prosecutor's recommendation. Instead, he (the Ombudsman) directed the special prosecutor to proceed to trial. On January 25, 1999, the special

prosecutor filed his manifestation with the Sandiganbayan informing the latter of the Ombudsman's directive.

On March 5, 1999, in Criminal Case No. 23656, petitioners filed with the Sandiganbayan a motion to dismiss alleging that the delay in the termination of the preliminary investigation conducted by the Office of the Ombudsman violated their rights to due process and speedy disposition of their case. In the assailed Resolution, dated September 23, 1999, the Sandiganbayan denied petitioners' motion to dismiss.^[1]

Similarly, on September 6, 1999, in Criminal Case No. 22021, petitioner Ty-Dazo filed a motion to dismiss likewise alleging violation of her rights to due process and speedy disposition of the case. On September 27, 1999, the Sandiganbayan issued the assailed Resolution denying petitioner Ty-Dazo's motion to dismiss for lack of merit.^[2]

Petitioners then filed their motions for reconsideration of the aforesaid resolutions of the Sandiganbayan. Acting on these motions, the Sandiganbayan issued the assailed Joint Resolution, dated May 11, 2000, denying these motions for lack of merit.^[3]

Petitioners now come to this Court alleging that the Sandiganbayan committed grave abuse of discretion in denying their motions to dismiss. Petitioners contend that the delay in the termination of the preliminary investigation conducted by the Office of the Ombudsman constitutes a violation of their rights to due process and speedy trial. The Office of the Ombudsman allegedly already received the complaints in Criminal Cases Nos. 23656 and 22021 some time in 1994. However, it was only on April 28, 1997, or three (3) years after the receipt of the complaint, that the corresponding information in Criminal Case No. 23656 was filed with the Sandiganbayan. On the other hand, while the information in Criminal Case No. 22021 was filed with the Sandiganbayan on January 18, 1995, it took the Office of the Ombudsman more than four (4) years to resolve petitioner Ty-Dazo's motion for reinvestigation.

Petitioners take exception to the pronouncement of respondent Sandiganbayan that they are deemed to have waived their right to speedy disposition of their cases by the filing of the motion for reinvestigation. Said motion was allegedly filed precisely to bring to the attention of respondent Sandiganbayan that the unreasonable length of time that it took the Office of the Ombudsman to file the information in Criminal Case No. 23656 violated petitioners' right to due process and right to the speedy disposition of their cases.

To support their contention, petitioners rely mainly on our ruling in *Tatad vs. Sandiganbayan*^[4] where we ruled that the long delay in the termination of the preliminary investigation conducted by the then Tanodbayan violated the constitutional rights of the accused to due process and to the speedy disposition of cases.

The petition lacks merit.

The right to a speedy disposition of cases, like the right to a speedy trial, is deemed