

FIRST DIVISION

[G.R. No. 108595, May 18, 1999]

**ELPIDIO C. CERVANTES, PETITIONER, VS. THE
SANDIGANBAYAN, FIRST DIVISION, THE SPECIAL PROSECUTOR,
AND PEDRO ALMENDRAS, RESPONDENTS.**

D E C I S I O N

PARDO, J.:

The case before the Court is a special civil action for *certiorari* and prohibition with preliminary injunction seeking to annul and set aside the resolution of the Sandiganbayan, First Division,^[1] that denied petitioner's motion to quash the information against him for violation of Section 3 (e), Republic Act 3019, and to restrain or enjoin the Sandiganbayan from proceeding with his arraignment and trial. The motion is based on the ground that the filing of the information against petitioner over six (6) years after the initial complaint with the Tanodbayan (predecessor of the Ombudsman) violated his right to speedy disposition of the case, and that the acts charged in the information do not constitute an offense.

We grant the petition.

The facts are as follows:

On March 6, 1986, one Pedro Almendras filed with the Office of the Tanodbayan (predecessor of the Ombudsman) a sworn complaint^[2] against Alejandro Tapang for falsification of complainant's "salaysay" alleging that Alejandro Tapang made complainant sign a piece of paper in blank on which paper a "salaysay" was later inscribed stating that complainant had been paid his claim in the amount of P17,594.00, which was not true. In the said complaint, Pedro Almendras mentioned that he sought the help of petitioner Elpidio C. Cervantes who worked as analyst in the office of labor arbiter Teodorico L. Ruiz.^[3]

On October 2, 1986, Alejandro Tapang submitted to the Office of the Tanodbayan a counter-affidavit stating that the letter complaint of Almendras was the subject of a labor case decided by Arbiter Teodorico L. Ruiz; that the letter "is full of lies and improbabilities" and "that it is vague."^[4]

On October 16, 1986, petitioner Elpidio C. Cervantes filed with the office of the Tanodbayan an affidavit stating that he had nothing to do with the blank paper that Almendras signed, as admitted by the latter in a confrontation in the presence of National Labor Relations Commission (NLRC) vice chairman Diego Atienza.^[5]

On May 18, 1992, more than six (6) years after the filing of the initiatory complaint with the Tanodbayan, Special Prosecution Officer II, Office of the Special Prosecutor

Luz L. Quinones-Marcos filed with the Sandiganbayan, assigned to the First Division, an Information charging petitioner Elpidio C. Cervantes, together with Teodorico L. Ruiz and Alejandro Tapang with violation of Section 3 (e), Republic Act 3019, committed as follows:

"That on or about June 16, 1984, or for sometime subsequent thereto, in Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Teodorico L. Ruiz, a public officer, being then a Labor Arbiter, National Labor Relations Commission, NCR, Department of Labor and Elpidio Cervantes, also a public officer, being then a Labor Analyst, National Labor Relations Commission, NCR, Department of Labor, in the exercise of their official and administrative functions, conspiring, confederating and conniving with private respondent Alejandro Tapang, did then and there, wilfully, unlawfully and criminally with evident bad faith and manifest partiality cause undue injury to one Pedro Almendras by then and there inducing Pedro Almendras to sign a blank paper, on which a statement was later typed and attributed as his (Almendras) statement in which statement Almendras allegedly acknowledged that the whole amount awarded to him by the NLRC in a decision in NCR Case No. 10-731-81 had been paid by Alejandro Tapang and therefore, he is no longer pursuing any claim against Tapang, thereby giving said Alejandro Tapang unwarranted benefits and advantage to the damage and prejudice of Pedro Almendras.

"CONTRARY TO LAW."^[6]

On May 28, 1992, petitioner filed a motion for reconsideration with the Office of the Special Prosecutor reiterating that he never met complainant Almendras on June 29, 1984, that complainant filed a case before the City Fiscal of Quezon City, claiming that his counsel together with Tapang conspired to deprive him of his monetary award and that the case was dismissed.^[7]

On October 2, 1992, petitioner filed with the Sandiganbayan, Manila, a "motion to defer arraignment due to pendency of reinvestigation or motion to quash and motion to recall warrant of arrest" on the ground that (a) petitioner filed with the office of the Special Prosecutor a motion for reinvestigation; (b) that the case against Cervantes "has prescribed" due to unreasonable delay in the resolution of the preliminary investigation, and (c) that the acts charged in the information do not constitute an offense.^[8]

On October 2, 1992, the Ombudsman denied petitioner's motion for reconsideration,^[9] and simultaneously filed with the Sandiganbayan an amended information. The amendment consisted of the insertion of the total amount involved.^[10]

By minute resolution dated December 24, 1992, the Sandiganbayan denied petitioner's motion, ruling that there was no "unwarranted postponement nor any denial by the Tanodbayan or of the Ombudsman of any step taken by the accused to accelerate the disposition on the matter."^[11]

Hence, this petition.