

SECOND DIVISION

[G.R. No. 219548, October 17, 2018]

**GERARDA H. VILLA, PETITIONER, V. STANLEY FERNANDEZ,
FLORENTINO AMPIL, JR., AND NOEL CABANGON, RESPONDENTS.**

D E C I S I O N

CARPIO, J.:

The Case

Before us is a Petition for Review on Certiorari^[1] filed by petitioner Gerarda H. Villa (Villa) seeking to reverse the Decision^[2] dated 13 February 2015 and the Resolution^[3] dated 23 July 2015 of the Court of Appeals (CA) in CA-G.R. SP No. 127891, which dismissed Criminal Case No. C-38340 against respondents Stanley Fernandez (Fernandez), Florentino Ampil, Jr.^[4] (Ampil), and Noel Cabangon (Cabangon).

The Facts

The present case stemmed from the death of Leonardo "Lenny" H. Villa, a neophyte-participant at the initiation rites of the Aquila Legis Fraternity (Aquila) in 1991.

Because of his death, an Amended Information charging 35 members of the Aquila with the crime of Homicide was filed on 15 November 1991. Out of the 35 members, 26 members were charged with homicide in Criminal Case No. C-38340(91), while 9 members were charged with homicide in Criminal Case No. C-38340. The 26 members were jointly tried, while the trial against the remaining 9 members was held in abeyance.

After the promulgation of the decision against the 26 members who were tried separately, the Regional Trial Court of Caloocan City (RTC), Branch 121, ordered for: (a) the issuance of warrants of arrest against five of the nine members, namely: Enrico de Vera III (de Vera), Anselmo Adriano (Adriano), Marcus Joel Ramos (Ramos), Fernandez, and Cabangon; and (b) the arraignment of four of the nine members, namely: Crisanto Saruca, Jr. (Saruca), Manuel Escalona II (Escalona), Reynaldo Concepcion (Concepcion), and Ampil on 24 November 1993.^[5] A few days after, all of the nine members entered a plea of not guilty.

On 5 August 2002, the RTC Branch 130 granted the Motion to Dismiss Criminal Case No. C-38340 against Concepcion, upon finding that the failure of the prosecution to prosecute the case for an unreasonable period of time violated his right to speedy trial.^[6]

On the other hand, on 29 October 2003, the RTC Branch 130 denied the separate Motions to Dismiss filed by Saruca, Escalona, and Adriano. On 18 January 2005, the RTC Branch 130 also denied the Motion to Dismiss filed by Ramos. The RTC Branch

130 reasoned out that the trial against the remaining eight members could now proceed, since the prosecution could already obtain the original records of the case from the CA, which already decided the appeal of the 26 members.^[7] Upon denial of their motions to dismiss, Ramos, Saruca, Escalona, and Adriano appealed to the CA.

Meanwhile, on 8 March 2005, the RTC Branch 130 denied: (1) the "Motion to Quash Amended Information" filed by Ampil on 10 October 1994; and (2) the "Urgent Omnibus Motion (a) To Adopt the Motion to Quash Amended Information of Accused Florentino L. Ampil; and (b) To Quash Amended Information" filed by Fernandez on 19 October 1994.^[8]

On 25 October 2006, the CA granted the appeal of Ramos, Saruca, Escalona, and Adriano and dismissed Criminal Case No. C-38340 against them after finding that their right to speedy trial was violated.

On 5 December 2006, Fernandez, Ampil, and Cabangon filed a Joint Motion to Dismiss^[9] with the RTC Branch 130, alleging that: (1) their constitutional right to a speedy trial was violated because the suit has been pending for more than 15 years, or since the filing of the Amended Information on 15 November 1991; (2) the CA's Decision dismissing Criminal Case No. C-38340 against Ramos, Saruca, Escalona, and Adriano due to the violation of their right to speedy trial should also apply to them because they are similarly situated with Ramos, Saruca, Escalona, and Adriano; and (3) their participation in the initial stages of the trial did not preclude the filing of a motion to dismiss on the ground of violation of their right to speedy trial.

In its Comment and/or Opposition,^[10] the private prosecutor alleged that: (1) Fernandez, Ampil, and Cabangon are not similarly situated with Ramos, Saruca, Escalona, and Adriano, because they only raised the alleged violation of their right to speedy trial after the promulgation of the CA Decision dismissing Criminal Case No. C-38340 against Ramos, Saruca, Escalona, and Adriano; and (2) considering that Fernandez, Ampil and Cabangon did not promptly raise the issue of the alleged violation of their right to speedy trial, they are deemed to have waived and abandoned their right.

On 1 February 2012, the Court, in *Villareal v. People of the Philippines (Villareal)*,^[11] convicted 5 of the 26 members of Aquila charged in Criminal Case No. C-38340(91) with reckless imprudence resulting in homicide, and affirmed the acquittal of 20 of the 26 members. The case against one of the 26 members was closed and terminated due to his death during the pendency of the case. In the same case, the Court affirmed the dismissal of Criminal Case No. C-38340 against Ramos, Saruca, Escalona, and Adriano due to violation of the right to speedy trial.^[12]

The Decision of the RTC

Meanwhile, on 9 January 2012, the RTC Branch 130 issued an Order denying the Joint Motion to Dismiss filed by Fernandez, Ampil, and Cabangon.

The RTC Branch 130 explained that the following incidents caused the slow progress of Criminal Case No. C-38340: (1) Presiding Judge Jaime T. Hamoy (Judge Hamoy), who handled the case, was dismissed from the service; (2) while Acting Presiding Judge Luisito Sardillo (Judge Sardillo) continued the proceedings of the case, nothing much was accomplished as he had to attend to both the proceedings in this

sala as well as that of in his own sala; (3) another accused in this case filed a petition for certiorari before the CA, and the CA issued a restraining order enjoining the trial court from proceeding with the hearing of the case; and (4) the private prosecutor filed a Motion for Transfer of Trial Venue and Motion for Inhibition. Finding that the pending incidents were already resolved, the RTC Branch 130 held that it can now continue with the trial of the case. The dispositive portion of its Order reads:

WHEREFORE, premises considered, the Motion to Dismiss filed by accused Farley (sic) Ampil, Stanley Fernandez and Noel Cabangon is hereby DENIED for lack of merit. The Motion for Inhibition filed by the Private Prosecutor is likewise ordered DENIED for lack [of] merit.

In the meantime the continuation of the prosecution evidence is hereby set on February 9 and 24, and March 2, 9, and 23, 2012 at 8:30 o'clock in the morning.

Notify all the parties concerned thru the Sheriff of this Court with proper return.

SO ORDERED.^[13]

Thereafter, the RTC Branch 130, in another Order^[14] dated 18 September 2012, denied the Motion for Partial Reconsideration filed by Fernandez, Ampil, and Cabangon.

The Decision of the CA

In a Decision dated 13 February 2015, the CA reversed the findings of the RTC Branch 130 and dismissed Criminal Case No. C-38340 against Fernandez, Ampil, and Cabangon. The CA held that the RTC Branch 130 committed grave abuse of discretion in denying the Joint Motion to Dismiss filed by Fernandez, Ampil, and Cabangon, because it failed to recognize and uphold their constitutional right to speedy trial. The CA found that the delays in the proceedings against Fernandez, Ampil, and Cabangon were unjustified and not attributable to them. The CA also held that their active participation in the initial stages of trial was not deemed a waiver of their right to speedy trial.

The CA also found that Fernandez, Ampil, and Cabangon are similarly situated with Ramos, Saruca, Escalona, and Adriano, since they all experienced the same delay in the proceedings in Criminal Case No. C-38340. Thus, since the Court in *Villareal* already dismissed Criminal Case No. C-38340 against Ramos, Saruca, Escalona, and Adriano for violation of their right to speedy trial, Criminal Case No. C-38340 against Fernandez, Ampil, and Cabangon should also be dismissed applying the principle of equal protection of the law.

In a Resolution dated 23 July 2015, the CA denied Villa's motion for reconsideration, upon finding that there is no valid ground to modify, reverse, or set aside its decision. The CA also held that Villa has no personality to move for a reconsideration, because it is only the Solicitor General who may bring or defend actions on behalf of the State in all criminal proceedings before the appellate courts.

The Issues