

## SPECIAL SECOND DIVISION

[ G.R. Nos. 146368-69, October 18, 2004 ]

**MADELEINE MENDOZA-ONG, PETITIONER, VS. HON.  
SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES,  
RESPONDENTS.**

### R E S O L U T I O N

**QUISUMBING, J.:**

In this **Motion for Reconsideration**,<sup>[1]</sup> petitioner Madeleine Mendoza-Ong seeks a reversal of this Court's October 23, 2003, Resolution dismissing her petition for certiorari and upholding the Sandiganbayan's denial of her motion to quash. She contends that the Court erred in:

#### I

...holding that the information filed against [her] in Criminal Case No. 23848 has alleged the essential ingredients of the offense charged [and in]

#### II

...failing to resolve the fundamental issue of whether the excessive or inordinate delay in the conduct of the preliminary investigation and filing of the informations after three (3) years had deprived [her] of her Constitutional and statutory right to due process and speedy determinations and disposition of the cases against her warranting dismissal thereof.<sup>[2]</sup>

Concerning the first ground abovesited, the Court notes that the motion contains merely a reiteration or rehash of arguments already submitted to the Court and found to be without merit. Petitioner fails to raise any new and substantial arguments, and no cogent reason exists to warrant a reconsideration of the Court's Resolution. It would be a useless ritual for the Court to reiterate itself.<sup>[3]</sup>

As to the second ground, we find it raises arguments that have already been passed upon. Reconsideration on that ground may also be denied summarily. Nevertheless, we shall take time to explain why her motion must be set aside for lack of merit, if only to clear any lingering doubt on the matter.

Petitioner laments that although the complaint was filed with the Office of the Deputy Ombudsman for the Visayas as early as December 13, 1994, the informations were filed with the Sandiganbayan only on August 1, 1997, and the amended informations, on October 27, 1998. According to her, the delay of nearly three years to finish the preliminary investigation violated her constitutional rights

to due process and speedy disposition of cases. The established facts of this case, however, show no such violation.

The right to speedy disposition of cases, like the right to speedy trial, is violated only when the proceedings are attended by vexatious, capricious and oppressive delays.<sup>[4]</sup> In the determination of whether said right has been violated, particular regard must be taken of the facts and circumstances peculiar to each case.<sup>[5]</sup> The conduct of both the prosecution and the defendant, the length of the delay, the reasons for such delay, the assertion or failure to assert such right by the accused, and the prejudice caused by the delay are the factors to consider and balance.<sup>[6]</sup> A mere mathematical reckoning of time involved would not be sufficient.<sup>[7]</sup>

In this case, the Graft Investigation Officer released his resolution finding probable cause against petitioner on August 16, 1995, less than six months from the time petitioner and her co-accused submitted their counter-affidavits. On October 30, 1995, only two and a half months later, Ombudsman Aniano Desierto had reviewed the case and had approved the resolution. Contrary to petitioner's contention, the lapse of only ten months from the filing of the complaint on December 13, 1994, to the approval of the resolution on October 30, 1995, is by no means oppressive. "Speedy disposition of cases" is consistent with reasonable delays.<sup>[8]</sup> The Court takes judicial notice of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to lodge freely their complaints against alleged wrongdoing of government personnel.<sup>[9]</sup> A steady stream of cases reaching the Ombudsman inevitably results.<sup>[10]</sup> Naturally, disposition of those cases would take some time. Moreover, petitioner herself had contributed to the alleged delay when she asked for extension of time to file her counter-affidavit.

That the informations were filed only on August 1, 1997, also did not violate petitioner's constitutional rights. The delay was not without valid reasons. The Special Prosecutor in charge of preparing the informations felt a genuine need to specify in the informations (1) the value of the five drums of fuel petitioner received as gift in violation of the anti-graft law and (2) the amount of the subsistence allowance of heavy-equipment operators that the municipality of Laoang, Northern Samar, paid for when petitioner used heavy equipment rented by the municipality to develop her private property. The recommendation to specify these two amounts then had to undergo levels of review and was approved by Ombudsman Desierto only on January 29, 1996. Unfortunately, the needed information was not in the records, so the Deputy Special Prosecutor sought it from the Office of the Deputy Ombudsman for the Visayas. As that office also did not possess the needed information, it issued an Order on June 10, 1996, directing petitioner to supply the needed information.

When petitioner received a copy of the Order, however, she sought additional time to comply with the Order. She waited for two months before filing on August 23, 1996, a verified statement supplying none of the information required of her. She claimed that the five drums of fuel were merely donated to her and that she did not know their value. She also alleged that it was she and her husband, and not the government, who spent for the subsistence allowance of the heavy-equipment operator in the development of her private property. She did not object to the delay