



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

FROILAN L. HONG,
 Petitioner,

G.R. No. 209797

Present:

- versus -

PERALTA, *C.J.*, Chairperson,
 CAGUIOA,
 REYES, J. JR.,
 LAZARO-JAVIER, and
 LOPEZ, *JJ.*

**ILUMINADO ARAGON, MA.
 ELENA ARAGON, SUSAN RAMOS,
 HENRY TAN, MARILOU
 VILLAMOR, TERESITA TAN,
 HAROLD MANLAPAZ, FELIPA
 ROSOS, ROSITA IGNACIO,
 EDUARDO MATIAS, ROMEO
 GREGORIO, RONILO DINO,
 MINDA GONZALES, RICO VILLA,
 ELENITA ALVIAR, GUIA CABLE,
 EDGAR VALENTIN, GENEROSA
 ZALETA, FEDERICO ZALETA,
 ROSEMARY VALENTIN, DR.
 EDGARDO CUADRO, GRACE
 CUADRO, CARMELA MANALO,
 FE GRIJALDO, RUBEN RESIDE,
 ANTONIO ALDEA, CAROLINA
 SHEY, BERNARDITA SALAZAR,
 SHERWIN CASTELLTORT and
 ABRAHAM SANTOS.**

Promulgated:

SEP 08 2020

Respondents.

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DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari*¹ are the Decision² dated June 27, 2013 and Resolution³ dated October 30, 2013 of the Court of

¹ *Rollo*, pp. 3-45.

² Penned by Associate Justice Melchor Q.C. Sadang, with Associate Justices Celia C. Librea-Leagogo and Franchito N. Diamante, concurring; id. at 51-62.

³ Id. at 64-65.

Appeals (CA) in CA-G.R. SP No. 118660 affirming the Order⁴ dated March 22, 2010 of the Regional Trial Court of Quezon City, Branch 215 (RTC-Branch 215) and the Order⁵ dated December 20, 2010 of the Regional Trial Court of Quezon City, Branch 105 (RTC-Branch 105).

Relevant Antecedents

The Lord's Flock Catholic Charismatic Community (Lord's Flock), a transparochial community under the hierarchy of the Roman Catholic Church, was formed on April 4, 1986 by Spouses Techie and Bobbie Rodriguez (Spouses Rodriguez), Froilan L. Hong (petitioner), and some Catholic priests. At the top of the hierarchy is the Council of Directors, Council of Advisors, Council of Coordinators, and Council of Workers.⁶

As founders, spouses Rodriguez were members of the Council of Elders and were joined in said council by Fr. Larry Faraon (Fr. Faraon). Petitioner was named to the Council of Directors as Director of Administration.⁷

Sometime in 1998, there was a falling out between Fr. Faraon and spouses Rodriguez. The former's integrity and morality were questioned, while the latter faced anomalies concerning misuse of funds and incompetent leadership.⁸

In an alleged response to the disagreements among leaders of Lord's Flock, its members namely: Iluminado Aragon, Ma. Elena Aragon, Susan Ramos, Henry Tan, Marilou Villamor, Teresita Tan, Harold Manlapaz, Felipa Rosos, Rosita Ignacio, Eduardo Matias, Romeo Gregorio, Ronilo Dino, Minda Gonzales, Rico Villa, Elenita Alviar, Guia Cable, Edgar Valentin, Generosa Zaleta, Federico Zaleta, Rosemary Valentin, Dr. Edgardo Cuadro, Grace Cuadro, Carmela Manalo, Fe Grijaldo, Ruben Reside, Antonio Aldea, Carolina Shey, Bernardita Salazar, Sherwin Castellort and Abraham Santos (collectively referred to as respondents) allegedly spread rumors against the Council of Elders; an act contrary to the teachings of Shema, a guidebook that lays down the hierarchical structure of the community and embodies its teachings and the way of life of its members.⁹

Thus, spouses Rodriguez and petitioner appealed to the members to stop gossiping and spreading rumors, but their pleas were unheeded.¹⁰

⁴ Penned by Judge Ma. Luisa C. Quijano-Padilla; id. at 182-184.

⁵ Penned by Judge Rosa Samson Tatad; id. at 228-230.

⁶ Id. at 52.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

In a letter dated January 12, 2002, petitioner and Apollo Jucaban told Fr. Faraon that they no longer consider him as an authority over the Lord's Flock.¹¹

Attacks against the Council of Elders continued, prompting the elders and directors to issue a Notice, imposing disciplinary actions against the 34 members. Posted on a bulletin board, such Notice signed by petitioner states:

21 January 2002

THE FOLLOWING HAVE BEEN CONFIRMED TO BE SPREADING LIES, EVIL NONSENSE AND FALSEHOODS AGAINST SIS. TECHIE AND THE LORD'S FLOCK, CAUSING DIVISION IN THE COMMUNITY; HAVE VIOLATED THE COMMUNITY'S WAY OF LIFE AS STATED IN THE SHEMA; NOT IN GOOD STANDING.

THEY ARE EXPELLED FROM THE CONGREGATION.

x x x spreading evil nonsense . . . he will not receive the brothers. .

Expelling them from the church (3 John 9:10)

x x x x

CURSE FOR DISOBEDIENCE. . . all these curses shall come upon you and overwhelm you. . . SICKNESS and DEFEAT; OPPRESSION; EXILE; FRUITLESS LABORS; INVASION AND SIEGE; PLAGUES. (Deut. 28:15 & ff)

BRO. FROILAN HONG
Director for Administration¹²

Out of the 34 members, 28 of them filed joint complaint-affidavits for libel against petitioner before the Office of the City Prosecutor of Quezon City, in February 2002.¹³

On April 24, 2002, Petitioner filed a motion for the consolidation of all the cases¹⁴ and thereafter, a Counter-Affidavit.¹⁵

On August 1, 2008, Prosecutor Rodrigo del Rosario issued a Resolution, finding probable cause against petitioner for the crime of libel. Consequently, an Information was filed with the RTC.¹⁶

¹¹ Id.

¹² Id. at 53.

¹³ Id. at 54.

¹⁴ Id. at 101-103.

¹⁵ Id.

¹⁶ Id.

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Petitioner filed an Urgent Motion for Reconsideration,¹⁷ alleging that malice cannot be imputed against him as his act was specifically undertaken in accordance with the teachings of their community, among others.

In a Supplement to Motion for Reconsideration¹⁸ dated March 27, 2009, petitioner invoked that his right to due process was violated when he was not afforded the right to present evidence and the right to a full proceeding during the preliminary investigation of the case; and right to speedy disposition of a case when six years had lapsed before the Resolution, finding probable cause, was issued by the prosecutor.

In a Resolution¹⁹ dated August 18, 2009, the Office of the City Prosecutor set aside its earlier Resolution and accordingly directed the prosecutor assigned in the case to file a motion to withdraw the Information. It opined that the words used in the subject notice did not, in any manner, intentionally insult nor defame the reputation of the respondents as the posting thereof is a true report and part of the activities of the organization, which petitioner serves as the Director for Administration, thus:

WHEREFORE, premises considered, it is most respectfully recommended that the resolution of this Office dated August 1, 2008 be set aside and in lieu thereof a new one is rendered dismissing the Libel charges against herein respondent Froilan L. Hong. The Trial Prosecutor assigned in these cases is hereby directed to file the necessary Motion to Withdraw Information/s filed before the Regional Trial Court of Quezon City Branch 215.

Correspondingly, a Motion to Withdraw Information²⁰ dated October 22, 2009 was filed by the prosecution.

To this, respondents filed a Comment/Opposition on the Motion to Withdraw Information,²¹ respondents insisted that the prosecutor erred in reversing its Resolution dated August 1, 2008 considering that the elements of libel are present in the case.

In his Reply²² dated February 15, 2010, petitioner asserted that no reason exists to cause the disturbance of the August 18, 2009 Resolution of the prosecutor as it was not established, based on the records of the case, that the elements for the crime of libel exist; and that the inordinate delay of 6 years from the time the complaints were filed until the issuance of the Resolution violated his right to a speedy disposition of a case.

¹⁷ Id. at 116-138.

¹⁸ Id. at 120-138.

¹⁹ Id. at 147-148.

²⁰ Id. at 149.

²¹ Id. at 151-167.

²² Id. at 166-181.

In an Order²³ dated March 22, 2010, the RTC-Branch 215 denied the motion for lack of merit. In upholding the Information, the RTC maintained that the imputation of “x x x spreading lies, evil nonsense and falsehood against Sis. Techie and the Lord’s Flock, x x x” ascribed a vice or defect upon respondents, who were identified. Moreover, said imputations were published when the same was posted on the bulletin board, thus:

WHEREFORE, premises considered, the Motion to Withdraw Information filed by the prosecution is hereby Denied for lack of merit.

SO ORDERED.

A Motion for Reconsideration was filed by petitioner, which was denied in an Order²⁴ dated December 20, 2010. The case was transferred to RTC-Branch 105, following the inhibition of the trial judge in RTC-Branch 215. The RTC-Branch 105 reiterated that the elements of the crime of libel are present in this case so as to deny the Motion to Withdraw the Information.

Hence, a Petition for *Certiorari*, ascribing grave abuse of discretion on the part of the RTCs in upholding the Information and in violating his constitutional right to speedy trial, was filed by petitioner.

In a Decision²⁵ dated June 27, 2013, the CA ruled that RTC- Branch 215 and RTC-Branch 105 acted within their power in denying the motion to withdraw as they found probable cause for libel after conducting an independent assessment of the evidence by the prosecution. By doing so, the CA recognized that the RTCs did not prejudge the case as they were explicit in stating that there is still a need to determine whether the subject notice was made privately or officially as to be considered as privileged under Article 354 of the Revised Penal Code, that is, the presentation of evidence that the acts of petitioner constitute a true report and part of his duties as Director for Administration.

On the violation of petitioner's right to speedy trial, the CA maintained that petitioner failed to prove that other than the fact of delay, that the same was done in a capricious, malicious, or oppressive manner.

The *fallo* thereof provides:

²³ Supra note 4.

²⁴ Supra note 5.

²⁵ Supra note 2.

WHEREFORE, the petition is **DENIED**. The December 20, 2010 Order of the Regional Trial Court of Quezon City, Branch 105 which denied the Motion for Reconsideration of the March 22, 2010 Order of the Regional Trial Court of Quezon City, Branch 215, in Criminal Case No. Q-08-154446 is hereby **AFFIRMED**.

SO ORDERED.

Undaunted, petitioner filed a Motion for Reconsideration which was denied in a Resolution²⁶ dated October 30, 2013.

Hence, this petition.

Via a Petition for Review on *Certiorari*, petitioner contends that no probable cause exists to hold him for trial; that his case was already prejudged; and that the delay in the proceedings violated his right to speedy trial and prompt disposition of his case.

In their Comment,²⁷ respondents insist that the denial of the motion to withdraw was not erroneous as the trial court made an independent assessment of the merits of the motion and that the case was not prejudged as the trial court still required the presentation of evidence to determine the guilt of petitioner. Moreover, respondents belie petitioner's allegation that his rights to speedy trial and speedy disposition of a case were violated, arguing that petitioner in fact never attended a scheduled hearing during the preliminary investigation stage despite notice; that he submitted a prohibited pleading as his Counter-Affidavit which was in the nature of a Motion to Dismiss, was not subscribed and sworn to before a prosecutor; and that it was only after he was arrested that he showed interest in his case when he filed an Urgent Motion for Reconsideration.

The Issue

Summarily, this Court is asked to review the propriety of the denial of the motion to withdraw information and the alleged violation of petitioner's right to speedy trial and prompt disposition of a case.

This Court's Ruling

When an Information is filed in court, the court acquires jurisdiction over the case and has the authority to determine, among others, whether or not the case should be dismissed.²⁸ The court is not bound by the findings of the prosecution for to do so would tantamount to a renunciation of power of the Judiciary to the Executive, to wit:

²⁶ Supra note 3.

²⁷ Id. at 296-313.

²⁸ *Personal Collection Direct Selling, Inc. v. Carandang*, G.R. No. 206958, November 8, 2017.

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In resolving a motion to dismiss a case or to withdraw the information filed by the public prosecutor (on his own initiative or pursuant to the directive of the Secretary of Justice), either for insufficiency of evidence in the possession of the prosecutor or for lack of probable cause, the trial court should not merely rely on the findings of the public prosecutor or of the Secretary of Justice that no crime had been committed or that the evidence in the possession of the public prosecutor is insufficient to support a judgment of conviction of the accused. To do so is to surrender a power constitutionally vested in the Judiciary to the Executive.²⁹

Thus, the court has the duty to assess independently the merits of the motion, and this assessment must be embodied in a written order disposing of the same.³⁰ In granting or denying a motion to withdraw an information, the court must conduct *a cautious and independent evaluation of the evidence* of the prosecution and must be convinced that the merits of the case warrant either the dismissal or continuation of the action.³¹

In this case, the Orders explicitly stated the reasons for denying the motion to withdraw Information. The trial courts were categorical in stating that the evidence presented by both parties were reviewed and evaluated. After such assessment, they went on to pronounce that there exists probable cause against the petitioner to hold him for trial. The March 22, 2010 and December 20, 2010 Orders provide, respectively, to wit:

The Order dated March 22, 2010:

x x x x

The imputation of "*x x x spreading lies, evil nonsense and falsehood against Sis. Techie and the Lord's Flock, x x x*" allegedly ascribes on Private Complainants a vice or defect. The said imputations of vice or defect were published when they were posted on the bulletin board. The identity of the person defamed were clearly established as the names of the Private Complainants were also posted on the bulletin board. Finally, the Private Complainants added that malice in law is presumed in a defamatory imputation and proof thereof is not required.

There is no question that the imputed defect or vice were libelous, the same were published and the person defamed were categorically identified. x x x

The Order dated December 20, 2010:

x x x x

After going over the assailed order, and evaluating the information

²⁹ *Junio v. Cacatian-Beltran*, 724 Phil. 1, 10-11 (2014).

³⁰ *Jose v. Suarez*, 714 Phil. 310, 319 (2013).

³¹ *Supra* note 3.

and the documents attached thereto, this Court maintains the denial of the motion to withdraw information. There is no dispute as to the existence of the three elements of libel to wit: 1) the assailed notice imputes that private complainants committed reprehensible acts of spreading lies, evil nonsense and falsehood against Sis. Techie and the Lord's Flock which tends to dishonor or discredit their persons 2) the persons defamed were categorically identified; 3) there is publication because the defamatory notice was communicated to third persons, other than persons defamed and to whom the statements refer.

On the basis of the foregoing, this Court is convinced that there is probable cause or sufficient ground to hold the accused for trial to establish the element of malice. The truth or falsity of the claim that the notice was made by the accused in the performance of any legal, moral or social duty need to rest upon positive evidence, both documentary and testimonial, upon which a definite finding may be made. x x x In other words, the prosecution has still to prove each and every element of libel, malice, being one, and for the defense to rebut the presumption of malice.

Petitioner's contention that the trial courts "completely ignored" the findings of the public prosecutor is utterly baseless. To highlight, the trial courts are bound to make an *independent* evaluation of the evidence presented. To entirely uphold the findings of the public prosecutor is to surrender the trial courts' discretion, duty, and jurisdiction.

Likewise, petitioner's argument that the case was prejudged; thus violating his constitutional presumption of innocence, is unmeritorious.

In contending so, petitioner quoted pertinent statements of the RTC-Branch 215 and RTC-Branch 105, to wit:

The Order dated March 22, 2010:

There is no question that the imputed vice or defect were libelous, the same were published and the person defamed was categorically identified. The only issue for determination is whether the same were made privately or officially as to be qualifiedly privileged under Article 354 of the Revised Penal Code. Evidence must be adduce (sic) to prove that the acts of the accused complained of constitutes a true report and part of his duties and responsibilities as Director for Administration of the Lord's Flock Catholic Ministry. x x x

The Order dated December 20, 2010:

After going over the assailed order, and evaluating the information and the documents attached thereto, this Court maintains the denial of the motion to withdraw information. There is no dispute as to the existence of the three elements of libel x x x

Thus, sharing the view of Branch 215, the only issue to determine is whether or not the defamatory statements contained in the notice were

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made privately or officially that falls within the purview of a qualifiedly privileged communication under Article 354 (No. 1) of the Revised Penal Code, or more importantly, whether or not the defamatory statements were published with malice.

A reading of the above-cited Orders show that the trial courts merely identified that there exists probable cause against petitioner. There was no declaration as to his guilt or innocence. The Orders ultimately reiterate the need to present additional evidence for the proper disposition of the case, underlining the necessity of determining *all* the elements of the crime allegedly committed. Interestingly, the Order dated December 20, 2010 demanded the prosecution to prove each element, to wit:

x x x x

In other words, the prosecution has still to prove each and every element of libel, malice, being one, and for the defense to rebut the presumption of malice.

x x x x

What the trial courts measured was the *probability* that petitioner committed the crime as charged based on his alleged acts complained of. It does not mean absolute certainty so as to foreclose further review and examination of the case when trial ensues, to wit:

The term does not mean “actual and positive cause” nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged.³²

Verily, a finding of probable cause needs only to rest on evidence showing that more likely than not a crime has been committed, and that it was committed by the accused.³³ To properly determine such ‘likelihood,’ it is inescapable that the elements of the crime would be briefly examined.

Besides, the discussion of the trial court merely enunciates the legal presumption under Article 354 of the Revised Penal Code on malice, to wit:

Art. 354. Requirement for publicity. — Every defamatory imputation is presumed to be malicious, even if it be true, if no good intention and justifiable motive for making it is shown, except in the following cases:

1. A private communication made by any person to another in the performance of any legal, moral or social duty; and
2. A fair and true report, made in good faith, without any comments or

³² *Marasigan v. Fuentes*, 776 Phil. 574 (2016).

³³ *Callo-Cluridad v. Esteban*, 707 Phil. 172, 185 (2013).

remarks, of any judicial, legislative or other official proceedings which are not of confidential nature, or of any statement, report or speech delivered in said proceedings, or of any other act performed by public officers in the exercise of their functions.

On this note, the case of *Disini v. Secretary of Justice*³⁴ explained the import of this provision in stating that the burden of proof rests upon the accused to overcome the presumption of malice:

[W]here the offended party is a private individual, the prosecution need not prove the presence of malice. The law explicitly presumes its existence (malice in law) from the defamatory character of the assailed statement. For his defense, the accused must show that he has a justifiable reason for the defamatory statement even if it was in fact true.³⁵

On the issue of the alleged violation of petitioner's right to speedy trial and prompt disposition of a case, we chiefly discuss the differences and similarities between them.

Both constitutionally enshrined rights ensure that delay is averted in the administration of justice. The difference, however, depends as to which body can such right be invoked against. As held in the case of *Cagang v. Sandiganbayan*,³⁶ the right to speedy trial under Section 14(2)³⁷ of the 1987 Constitution is invoked against the courts in criminal prosecution while the right to speedy disposition of a case under Section 16³⁸ of the 1987 Constitution is invoked against the courts, quasi-judicial or administrative bodies in civil, criminal or administrative case.

In this case, petitioner raised the issue on the alleged violation of his right to speedy disposition of a case when he filed a Supplemental to Motion for Reconsideration, claiming that the lapse of six years from the time of the filing of the complaints until the issuance of the Resolution of the prosecutor justifies the dismissal of his case as such delay constitutes a violation of his constitutional right. However, the RTC failed to resolve the same. When the case, however, was elevated to the CA, petitioner invoked the violation of his right to speedy trial, while however citing Section 16, Article III of the 1987 Constitution, against the prosecutor for the delay in the issuance of the

³⁴ 727 Phil. 28 (2014).

³⁵ *Id.* at 113.

³⁶ *Cagang v. Sandiganbayan*, G.R. Nos. 206438, 206458, and 210141-42, July 31, 2018.

³⁷ Section 14.

x x x x

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

x x x x

³⁸ SEC. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

Resolution. In resolving the issue, the CA declared that petitioner's right to speedy trial was not violated, but failed to explain the factual bases for its disposition. Other than maintaining that petitioner failed to prove that the proceeding was attended by vexatious, capricious or oppressive delays, the CA did not provide for sufficient factual bases when it determined that there was no violation of his right.

Remarkably, in this present petition, petitioner invokes the alleged violation of his rights to speedy trial and prompt disposition of the case.

At any rate, both rights are deemed violated “when the proceeding is attended by vexatious, capricious, and oppressive delays; or when unjustified postponements of the trial are asked for and secured; or when without cause or justifiable motive a long period of time is allowed to elapse without the party having his case tried.”³⁹

In determining whether a person is denied of his right to speedy trial or right to speedy disposition of a case, the Barker Balancing Test and the judicial pronouncements in *Cagang* find application.

Under the Barker Balancing Test, the following factors must be considered in determining the existence of inordinate delay: (1) the length of delay; (2) the reasons for the delay; (3) the assertion or failure to assert such right by the accused; and (4) the prejudice caused by the delay.⁴⁰

In *Cagang*, the Court warned that the determination of inordinate delay is not by mathematical computation, as several factors contribute in resolving a case:

What may constitute a reasonable time to resolve a proceeding is not determined by "mere mathematical reckoning." It requires consideration of a number of factors, including the time required to investigate the complaint, to file the information, to conduct an arraignment, the application for bail, pre-trial, trial proper, and the submission of the case for decision. Unforeseen circumstances, such as unavoidable postponements or force majeure, must also be taken into account.

The complexity of the issues presented by the case must be considered in determining whether the period necessary for its resolution is reasonable. In *Mendoza-Ong v. Sandiganbayan* this Court found that “the long delay in resolving the preliminary investigation could not be justified on the basis of the records.” In *Binay v. Sandiganbayan*, this Court considered “the complexity of the cases (not run-of-the-mill variety) and the conduct of the parties' lawyers” to determine whether the delay is justifiable. When the case is simple and the evidence is straightforward, it is possible that delay may occur even within the given periods. Defense, however, still has the burden to prove that the case could have been resolved even before

³⁹ *Remulla v. Sandiganbayan*, 808 Phil. 739 (2017).

⁴⁰ *Id.*

the lapse of the period before the delay could be considered inordinate.”⁴¹
(citations omitted)

Notably, these factors would find significance if the fact of delay was already established. This may be proved by reference to laws which provide for the time periods in the disposition of cases. Only when delay is ascertained would the prosecution be charged with the burden of proving that there was no violation of the right to speedy trial or the right to speedy disposition of cases. Otherwise, the burden of proof lies with the defense.

In this case, the complaint was filed against petitioner in February 2002. The prosecutor's Resolution finding probable cause, however, was issued only on August 1, 2008 or six years thereafter. Upon receipt of such Resolution, petitioner immediately raised the issue of such undue delay, alleging that the same is in violation of his right to speedy disposition of a case when he filed a Supplemental to the Motion for Reconsideration. Verily, there was no waiver on his part as he exerted efforts in protecting his constitutional right.

In absolute terms, the findings of the prosecutor was issued beyond the limited period provided under Section 3(f) of Rule 112 of the Rules of Court:

SEC. 3. Procedure.— The preliminary investigation shall be conducted in the following manner: x x x x

(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.

It is, thus, clear that the burden is shifted to the prosecution. Following *Cagang*, to discharge the same, the prosecution must demonstrate: “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.”⁴²

To successfully apply the foregoing, it must be established, however, that the accused did not acquiesced to the delay amounting to a waiver of his/her right to invoke the constitutional right. Such waiver may also be appreciated when the accused actively caused the delay by employment of dilatory tactics.

⁴¹ *Cagang v. Sandiganbayan*, supra note 36.

⁴² *Id.*

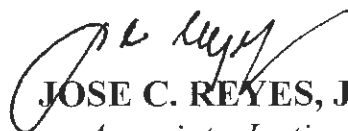
Here, despite such delay, the prosecution failed to offer any justification for the same. There was no showing that delay was caused by unforeseen circumstances or that it was caused by the intricacy of the issues of the case. As to the latter, in fact, it is clear that while there were several complaints against the petitioner, such complaints were rooted on the same set of facts and allegations, that is, the alleged malicious posting of Notice addressed to the members of the Lord's Flock. Moreover, when petitioner asserted the violation of his right to speedy disposition in said Supplemental to the Motion for Reconsideration, the prosecutor instead assigned the complaint to another, ordering the latter to file a Motion to Withdraw Information based on the lack of probable cause.

Verily, the passage of six years is violative of petitioner's right to speedy disposition of cases. Indubitably, the delay not only caused prejudice to the petitioner, but defeated such constitutional right's salutary objective of assuring that an innocent person is freed from anxiety and expense of litigation of having his guilt determined in the shortest time possible compatible with his/her legitimate defenses.⁴³ The dismissal of the criminal complaint against petitioner is thus in order.

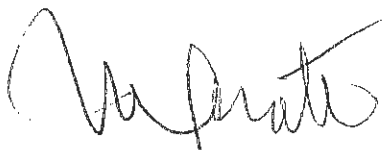
WHEREFORE, the instant petition is **GRANTED**. The Decision dated June 27, 2013 and the Resolution dated October 30, 2013 of the Court of Appeals in CA-G.R. SP No. 118660 are **ANNULLED** and **SET ASIDE**.

The criminal complaint against petitioner FROILAN L. HONG is **DISMISSED** for violation of his constitutional right to speedy disposition of a case.

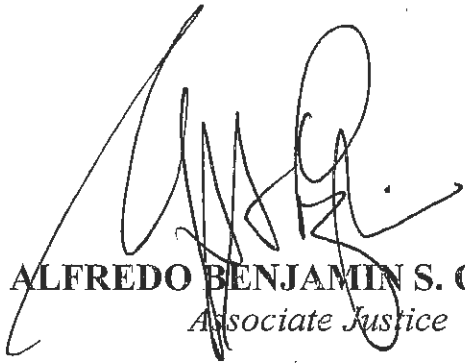
SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

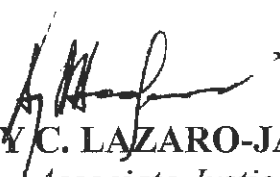
WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice
Chairperson

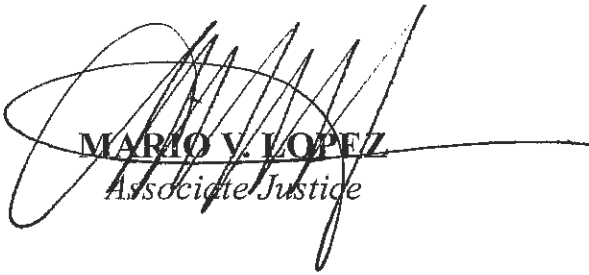
⁴³ See *Escobar v. People*, G.R. Nos. 228349, 228353 & 229895-96, September 19, 2018, citing *Coscolluela v. Sandiganbayan*, 714 Phil. 55, 65 (2013).



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



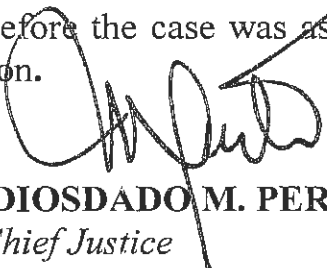
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII 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.



DIOSDADO M. PERALTA
Chief Justice

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