

Item No.: 41  
Date: 26 2026 MAY

Republic of the Philippines  
PROVINCE OF LEYTE  
Tacloban City

Sangguniang Panlalawigan  
Province of Leyte  
**RECEIVED**  
Date: MAY 14 2026  
Time: 3:43 pm

-oOo-

**OFFICE OF THE SANGUNIANG PANLALAWIGAN**

**BLUE RIBBON COMMITTEE**

**LOWELL C. MARMITA,**  
Complainant,

Case No. IC-OV-18-0096

-versus-

For: Oppression, Grave  
Abuse of Authority

**EDWIN B. JOMADIAO,**  
Respondent,

x- - - - -x

**MOTION TO DISMISS**

RESPONDENT, unto this Honorable Office, respectfully states:

**PREFATORY STATEMENT**

This case should now be dismissed on the grounds of:

I.

Inordinate and vexatious delay in the disposition of the complaint, which has remained pending for almost ten (10) years without final resolution, in blatant violation of Respondent's constitutional right to speedy disposition of cases; and

II

The administrative case has already become moot and academic considering that Respondent is no longer a public officer, his term as Vice-Mayor having already expired in 2022.

**FACTUAL ANTECEDENTS**

1. A Complaint dated January 18, 2018 was filed against herein

Respondent, then Vice-Mayor of Alangalang, Leyte, while he was still a Sanguniang Bayan (SB) Member as of the time of filing.

2. Since the filing of the Complaint, the case has remained unresolved for almost nine (9) years despite the lapse of an unreasonable and unconscionable period of time.

3. Throughout said period, Respondent was constrained to suffer anxiety, public suspicion, humiliation, uncertainty, and prejudice caused by the prolonged pendency of the instant case.

4. No substantial or justifiable reason exists to excuse the extraordinary delay in the disposition of the present administrative complaint.

5. Meanwhile, Respondent's term as Vice-Mayor already ended in the year 2022, and he is no longer connected with government service.

## ARGUMENTS

### A. THE ALMOST NINE (9) YEARS PENDENCY OF THE CASE CONSTITUTES INORDINATE DELAY WHICH VIOLATES RESPONDENT'S CONSTITUTIONAL RIGHT TO SPEEDY DISPOSITION OF CASES

6. Section 16, Article III of the 1987 Constitution expressly provides that:

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

7. Jurisprudence consistently holds that an unjustified delay in the conduct of administrative and criminal proceedings violates the constitutional right to speedy disposition of cases.

8. In *Cagang v. Sandiganbayan*, the Supreme Court emphasized that the State bears the burden of explaining the reason for the delay and proving that the same was justified.

9. Likewise, in *Angchangco, Jr. v. Ombudsman*, the Supreme Court ruled that a delay of several years in resolving a complaint before the Ombudsman constituted a violation of the constitutional right to speedy disposition of cases.

10. Similarly, in *Javier v. Sandiganbayan*, the High Court held that unreasonable delay in fact-finding and preliminary investigation proceedings warrants the dismissal of the case.

11. The nearly ten (10) years delay in this case is unquestionably oppressive, capricious, and constitutionally infirm.

12. The prolonged inaction has already defeated the very essence of justice and fairness. As held in jurisprudence, “justice delayed is justice denied.”

**B. THE ADMINISTRATIVE CASE HAS ALREADY BECOME MOOT AND ACADEMIC BECAUSE RESPONDENT IS NO LONGER IN GOVERNMENT SERVICE**

13. Respondent’s term as Vice-Mayor already expired in 2022. He is no longer connected with the government.

14. Administrative proceedings are generally anchored upon the continuance of public office because the principal administrative penalties—such as suspension or removal—can no longer be implemented against one who is no longer in office.

15. In *Office of the Ombudsman v. Andutan, Jr.*, the Supreme Court held that the resignation or separation from service of a public officer does not necessarily divest jurisdiction where accessory penalties may still be imposed. However, where the circumstances reveal extraordinary delay and the case has already become inutile due to the respondent’s separation from office, dismissal is warranted in the higher interest of justice and fairness.

16. In the present case, considering:

16.1 the almost decade-long delay;

16.2. the absence of any final determination within a reasonable period;

16.3. Respondent’s separation from public office since 2022; and

16.4. the oppressive prejudice caused by the prolonged pendency of the case,

16.5 the continued prosecution of the instant complaint no longer serves the ends of justice.

### PRAYER

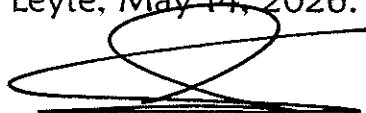
WHEREFORE, premises considered, it is respectfully prayed that the instant administrative complaint be **DISMISSED** on the grounds of:

- (a) Violation of Respondent's constitutional right to speedy disposition of cases due to inordinate delay; and
- (b) Mootness and lack of practical purpose considering that Respondent is no longer in government service.

Respondent likewise prays for such other reliefs as may be just and equitable under the premises.

RESPECTFULLY SUBMITTED.

Tacloban City for Palo, Leyte, May 14, 2026.



**EDWIN B. JOMADIAO**

Respondent

Brgy. Camvertudes, Alangalang, Leyte

CP No. 09171925299


Email Add; ed\_jomadio@yahoo.com

### VERIFICATION

I, **EDWIN B. JOMADIAO**, of legal age, Filipino, and a resident of Alangalang, Leyte, after having been duly sworn to in accordance with law, hereby depose and state that:


1. I am the Respondent in the above-entitled case;
2. I caused the preparation of the foregoing Motion to Dismiss;
3. I have read and understood the contents thereof and attest that the allegations therein are true and correct based on my personal knowledge and/or authentic records.

IN WITNESS WHEREOF, I have hereunto affixed my signature  
this 14<sup>th</sup> day of May 2026 at Tacloban City, Philippines.

  
EDWIN B. JOMADIO  
Affiant


SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of May  
2026 at Tacloban City, Philippines. Affiant exhibiting to me his IBP ID  
with Roll No. 39792 issued at Pasig City.

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ATTY. ERIC M. FRAGA DE VEYRA, JR.  
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ZAMORA AND SALAZAR  
TACLOBAN CITY

Copy furnished via email and personal service  
(emailed on May 14, 2026)

Atty. Edson G. Piczon  
Counsel for Complainant  
Unijt #2, 2<sup>nd</sup> Floor, Tacloban Convention Center (Astrodome)  
Real St., Tacloban City  
Email Add: attypiczon@gmail.com

  
ERIKA A. CABUDO  
Secretary  
5/14/2026