Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

IA1 ERWIN L. MAGCAMIT,
Petitioner,

- versus -

INTERNAL AFFAIRS SERVICE – PHILIPPINE DRUG ENFORCEMENT AGENCY, as represented by SI V ROMEO M. ENRIQUEZ AND DIRECTOR GENERAL DIONISIO R. SANTIAGO,
Respondents.

G.R. No. 198140

Present:

CARPIO, *J., Chairperson,*
BRION,
DEL CASTILLO,
MENDOZA, and
LEONEN, *JJ.*

Promulgated:

25 JAN 2016

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DECISION

BRION, *J.*:

We resolve the **petition for review on *certiorari*** under Rule 45 of the Rules of Court[1] filed by IA1 Erwin L. Magcamit (*Magcamit*) from the March 17, 2011 decision[2] and the August 9, 2011 Resolution[3] of the Court of Appeals (*CA*) in CA-G.R. SP No. 108281. The CA upheld the March 17, 2009 decision of the Civil Service Commission (*CSC*) denying Magcamit's appeal from the May 20, 2008 memorandum of the Internal Affairs Service of the Philippine Drug Enforcement Agency (*IAS-PDEA*), which found

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1 *Rollo,* pp. 3-17.

2 *Id.* at 10-27; penned by Associate Justice Mariflor P. Punzalan Castillo, and concurred in by Associate Justice Josefina Guevara-Salonga and Associate Justice Franchito N. Diamante.

3 *Id.* at 28-29.

Magcamit guilty of grave misconduct and, consequently, recommending his dismissal from the service.

THE FACTUAL ANTECEDENTS

In a letter dated April 13, 2008, addressed to Director General Dionisio R. Santiago, a person named *Delfin* gave information about an alleged extortion done to his mother by Magcamit and other PDEA agents. The PDEA agents denied the irregularities imputed to them and maintained that the letter-complaint was made only to destroy their reputation.

On May 5, 2008, Magcamit and his co-agents, namely, IO3 Carlo Aldeon, IO2 Renato Infante, IO2 Ryan Alfaro, and IO2 Apolinario Mationg, Jr., were formally charged with Grave Misconduct for demanding and/or obtaining ₱200,000.00 from Luciana M. Jaen (*Jaen*) in exchange for her release after she was apprehended in a buy-bust operation in Lipa City. After they had submitted their Answer, their case was submitted for recommendation and action.

In a memorandum dated **May 20, 2008**, Special Investigator V Romeo M. Enriquez (*SI V Enriquez*) found Magcamit and his co-agents liable for grave misconduct and recommended that they be dismissed from the civil service. Accordingly, they were dismissed on June 5, 2008.

SI V Enriquez gave credence to Jaen's narration of events that when she sought help from the team leader of the buy-bust team, she was referred to SPO1 Peter Sistemio (*SPO1 Sistemio*) as the person who would facilitate her release; that SPO1 Sistemio bluntly demanded money in exchange; that she had initially offered ₱50,000.00 but SPO1 Sistemio rejected it outright; and that, eventually, they agreed on ₱200,000.00.

After the agreed monetary consideration was produced, the PDEA agents allegedly instructed Jaen's son, Delfin, to wait at the ATM machine outside PDEA. Jaen still remained in detention after a lapse of several hours.

The narration was reinforced by the sworn statements dated **April 15, 2008** and **April 17, 2008,** of Compliance Investigator I Dolorsindo M. Paner (*CI Paner*) who recalled that IO2 Renato Infante (*IO2 Infante*) told him to meet him at the office for an important matter about their operation; and that when IO2 Infante arrived, he handed the money to CI Paner who then counted it on the spot. This incident was allegedly captured by a surveillance camera.

On July 10, 2008, Magcamit filed his motion for reconsideration arguing that the IAS-PDEA committed errors of law and/or irregularities prejudicial to his interest; its decision, too, was not supported by the evidence on record.

Aside from the procedural lapses Magcamit claimed the IAS-PDEA had committed, **he raised the fact that his name never came up in the sworn statements submitted to SI V Enriquez**. Moreover, he argued that the application of the "doctrine of implied conspiracy" was misplaced because the evidence on record did not show any act showing that he participated in the alleged extortion.

On **July 23, 2008**, SI V Enriquez denied the motion for reconsideration of Magcamit and his co-agents as they had been duly afforded administrative due process and had been given a fair and reasonable opportunity to explain their side. He added that the absence of a preliminary investigation was not fatal to their case. Lastly, he maintained that direct proof is not necessary to establish conspiracy as long as it is shown that the parties demonstrate they concur with the criminal design and its objective.

Magcamit responded by filing a notice of appeal and elevating his case to the CSC.

In its **March 17, 2009 decision**, the CSC denied Magcamit's appeal and affirmed his dismissal from the civil service. It ruled that administrative tribunals exercising quasi-judicial powers – such as the IAS-PDEA – are unfettered by the rigidity of certain procedural requirements especially when due process has been fundamentally and essentially observed. It found that Magcamit was positively identified by CI Paner in his sworn statement as the person who identified the members of the group who received their respective shares from the ₱200,000.00, thus, establishing his participation in the extortion. The CSC noted that Magcamit failed to controvert this allegation against him.

Reiterating the grounds he relied upon in his appeal to the CSC, Magcamit filed a petition for review under Rule 43 with the CA, imputing error on the part of the CSC in affirming his dismissal from the service.

THE CA DECISION

In its **March 17, 2011 decision**, the CA denied the petition for review and upheld the March 17, 2009 CSC decision.

The CA held that the CSC, in investigating complaints against civil servants, is not bound by technical rules of procedure and evidence applicable in judicial proceedings; that rules of procedure are to be construed liberally to promote their objective and to assist the parties in obtaining a just, speedy, and inexpensive determination of their respective claims and defenses.

The CA found that the CSC correctly appreciated CI Paner's sworn statement which described Magcamit's link to the extortion. The CA said

that apart from his bare and self-serving claim, Magcamit failed to show that CI Paner was actuated by ill motive or hate in imputing a serious offense to him.

On **August 9, 2011**, the CA denied Magcamit's motion for reconsideration; hence, the present petition for review on *certiorari* before this Court.

THE PETITION

Magcamit filed the present petition on the following grounds:

1. his right to due process was denied because gross irregularities attended the administrative investigation conducted by the IAS-PDEA; and

2. the evidence on record does not support his dismissal.

Magcamit contends that the anonymous letter-complaint of a certain *Delfin* should not have been given due course as it was not corroborated by any documentary or direct evidence and there was no obvious truth to it. Worse, the letter-complaint had no narration of relevant and material facts showing the acts or omission allegedly committed by Magcamit and his co-agents. Further, the letter-complaint only referred to him as "Erwin" and did not specifically identify him.

Magcamit claims that he was deprived of his right to seek a formal investigation because the IAS-PDEA deliberately failed to inform him of this right.

Magcamit questions how the IAS-PDEA never presented him with pieces of evidence – specifically CI Paner's sworn statement – that were considered against him. He emphasizes that the CSC and the CA affirmed his dismissal based on an affidavit of complaint executed by CI Paner on **May 7, 2008,** that was only attached to the IAS-PDEA's comment before the CSC.

As to his alleged participation in the extortion, Magcamit alleges that he never had any discussion with CI Paner about each agent's share in the ₱200,000.00. **He argues that he could not have refuted the allegation against him since he was not even aware of CI Paner's sworn statement until the case was brought up before the CSC.**

Magcamit claims support for his case after the dismissal of the criminal complaint filed against him and his co-agents. In its June 18, 2010 resolution, the Quezon City Prosecutor's Office found the evidence against them insufficient to prove that they requested or received any money from Jaen.

Finally, Magcamit maintains that the purported surveillance video is inadmissible as evidence because it was not authenticated nor shown to him.

OUR RULING

We **GRANT** the present petition because Magcamit's dismissal was unsupported by substantial evidence.

Although Magcamit assails that the letter-complaint should not have been entertained to begin with as it was not in accord with the Revised Rules on Administrative Cases in the Civil Service (RACCS),[4] we do not find any need to dwell on this point. The administrative complaint was initiated when Jaen and Delfin executed sworn statements and filed them with the IAS-PDEA. As the CA correctly pointed out, the letter-complaint did not, by itself, commence the administrative proceedings against Magcamit; it merely triggered a fact-finding investigation by the IAS-PDEA. Accordingly, these sworn statements – together with the letter-complaint – were used as pieces of evidence to build a *prima facie* case for extortion warranting a formal charge for grave misconduct.

Administrative determinations of contested cases are by their nature quasi-judicial; there is no requirement for strict adherence to technical rules that are observed in truly judicial proceedings.[5] As a rule, technical rules of procedure and evidence are relaxed in administrative proceedings in order "to assist the parties in obtaining just, speedy and inexpensive determination of their respective claims and defenses."[6] By relaxing technical rules, administrative agencies are, thus, given leeway in coming up with a decision.

Nonetheless, in deciding disciplinary cases pursuant to their quasi-judicial powers, administrative agencies must still comply with the fundamental principle of due process. Administrative tribunals exercising quasi-judicial powers are unfettered by the rigidity of certain procedural requirements, subject to the observance of fundamental and essential requirements of due process in justiciable cases presented before them.[7]

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4 Rule 3, Section 10. "x x x No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment. x x x" [then CSC Resolution No. 99-1936, or the Uniform Rules on Administrative Cases in the Civil Service, Rule II, Section 8.]

5 See *Ocampo v. Office of the Ombudsman*, G.R. No. 114683, January 18, 2000, 322 SCRA 17; *Commissioner of Internal Revenue v. Hantex Trading Co., Inc.*, G.R. No. 136975, March 31, 2005, 454 SCRA 301; *Velasquez v. Hernandez*, G.R. No. 150732, August 31, 2004, 437 SCRA 357.

6 *Police Commission v. Lood*, G.R. No. L-34637, February 24, 1984, 127 SCRA 757, 761, citing *Maribojoc v. Hon. Pastor de Guzman*, 109 Phil. 833 (1960).

7 *Samalio v. Court of Appeals*, G.R. No. 140079, March 31, 2005, 454 SCRA 462, 471.

Due process in administrative cases, in essence, is simply an opportunity to explain one's side or to seek a reconsideration of the action or ruling. For as long as the parties were given fair and reasonable opportunity to be heard before judgment was rendered, the demands of due process were sufficiently met.[8]

The cardinal primary rights and principles in administrative proceedings that must be respected are those outlined in the landmark case of *Ang Tibay v. Court of Industrial Relations*,[9] quoted below:

> (1) The first of these rights is the right to a hearing, which includes the right of the party interested or affected to present his own case and submit evidence in support thereof.
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> (2) Not only must the party be given an opportunity to present his case and to adduce evidence tending to establish the rights which he asserts but the tribunal must consider the evidence presented.
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> (3) While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision. A decision with absolutely nothing to support it is a nullity, a place when directly attached.
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> (4) Not only must there be some evidence to support a finding or conclusion, but the evidence must be substantial. "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
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> (5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected.
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> (6) The Court of Industrial Relations or any of its judges, therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision.
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> (7) The Court of Industrial Relations should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reasons for the decisions rendered. The performance of this duty is inseparable from the authority conferred upon it.

The first of the enumerated rights pertains to the substantive rights of a party at the **hearing stage** of the proceedings.[10]

The second, third, fourth, fifth, and sixth aspects of the *Ang Tibay* requirements are reinforcements of the right to a hearing and are the inviolable rights applicable at the **deliberative stage**, as the decision maker

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8 *Ledesma v. Court of Appeals*, G.R. No. 166780, December 27, 2007, 541 SCRA 444, 452.
9 69 Phil. 635, 642-644 (1940).
10 *Mendoza v. COMELEC*, G.R. No. 188308, October 15, 2009, 603 SCRA 692, 713.

decides on the evidence presented during the hearing.[11] These standards set forth the guiding considerations in deliberating on the case and are the material and substantial components of decision making.[12]

Finally, the last requirement, relating to the form and substance of the decision of a quasi-judicial body, further complements the hearing and decision-making due process rights and is similar in substance to the constitutional requirement that a decision of a court must state distinctly the facts and the law upon which it is based.[13]

At the hearing stage, while Magcamit was never afforded a formal investigation, we have consistently ruled that there is no violation of procedural due process even if no formal or trial-type hearing was conducted, where the party was given a chance to explain his side of the controversy.

Before the IAS-PDEA, Magcamit had the opportunity to deny and controvert the complaint against him when he filed his reply to the letter-complaint and his answer to the formal charge. Dissatisfied with the IAS-PDEA's decision, he elevated his case to the CSC which likewise found him guilty of conspiring with his co-agents, rendering him liable for gross misconduct. From these developments, it can hardly be said that the IAS-PDEA and the CSC denied Magcamit his opportunity to be heard.

In addition, Magcamit was duly represented by counsel who could properly apprise him of what he is entitled to under law and jurisprudence. Thus, he cannot claim that he was deprived of his right to a formal hearing because the IAS-PDEA failed to inform him of such right.

With the issue on due process at the hearing stage resolved, we now move on to discuss the merits of the petition before us.

Claiming that he was not involved in the extortion, Magcamit argues that the CSC and the CA misappreciated the facts when they considered the affidavit of complaint CI Paner executed on May 7, 2008, as substantial evidence supporting the conclusion that he conspired with his co-agents. This issue involves a question of fact as there is need for a calibration of the evidence, considering mainly the credibility of witnesses and the existence and the relevancy of specific surrounding circumstances, their relation to one another and to the whole, and the probabilities of the situation.[14]

In cases brought before us *via* a petition for review on *certiorari*, we are limited to the review of errors of law.[15] We, however, may review the findings of fact when they fail to consider relevant facts that, if properly

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11 *Id.*
12 *Id.*
13 *Id.*
14 *Imperial v. Jaucian*, G.R. No. 149004, April 14, 2004, 427 SCRA 517, 523-524.
15 RULES OF COURT, Rule 45, Section 1.

taken into account, would justify a different conclusion or when there is serious ground to believe that a possible miscarriage of justice would result.[16]

We recall that only the April 17, 2008 affidavit of Jaen and the April 17, 2008 affidavit of Delfin were attached to the formal charge for grave misconduct against Magcamit and four (4)[17] other members of the PDEA–Special Enforcement Service (*SES*). This formal charge required them to submit their respective position papers on the administrative charge. Notably, both affidavits **never mentioned the name of Magcamit**.

SI V Enriquez's memorandum/decision dated May 20, 2008 – which found Magcamit and his four co-accused guilty of grave misconduct, and recommended their dismissal from the service – relied on the affidavits of CI Paner dated April 15, 2008 and April 17, 2008, respectively, which it considered to have "reinforced the allegations" of Jaen and her son, Delfin. CI Paner's two affidavits **were never shown to Magcamit**. At any rate, **CI Paner's two affidavits, like the affidavits of Jaen and Delfin, did not mention Magcamit**.

Probably realizing that the April 17, 2008 affidavit of Jaen, the April 17, 2008 affidavit of Delfin, and the April 15, 2008 and April 17, 2008 affidavits of CI Paner did not mention the involvement of Magcamit in the extortion, the CSC's Resolution No. 090431 dated March 17, 2009, used as basis *another affidavit of CI Paner* (dated May 7, 2008) in affirming the May 20, 2008 decision of the IAS-PDEA. Curiously, the CSC termed this affidavit as CI Paner's 'original affidavit' although it was the third affidavit that CI Paner had executed.

The evidence on record shows that CI Paner executed three (3) affidavits with different dates,[18] relating to the manner the members of the PDEA-SES tried to give him a share of the ₱200,000.00 they extorted from Jaen. It must be noted, however, that it was only the Affidavit of Complaint dated May 7, 2008, that linked Magcamit to the scheme. Curiously, this affidavit was never mentioned, despite being a more complete narration of what transpired, in SI V Enriquez' recommendation dated May 20, 2008. In fact, the investigating officer referred only to the affidavits dated April 15, 2008 and April 17, 2008.[19]

Surprisingly, the CSC ruled that the statements of CI Paner in his May 7, 2008 affidavit "was never controverted by Magcamit" although the latter

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16 See *Office of the Ombudsman v. Reyes,* G.R. No. 170512, October 5, 2011, 658 SCRA 626. See also *Hon. Ombudsman Marcelo v. Bungubung*, 575 Phil. 538, 539 (2008).

17 Namely, IO3 Carlo Aldeon, IO2 Renato Infante, IO2 Ryan Alfaro, and IO2 Apolinario Mationg, Jr., *rollo*, p. 132.

18 Affidavit dated April 15, 2008, *rollo*, p. 145; Affidavit dated April 17, 2008, p. 146; Affidavit of Complaint dated May 7, 2008, pp. 174-175.

19 *Rollo*, pp. 142-143.

had not been furnished this document. It was only when Magcamit requested for certified true copies of the Comment and the other documents submitted by the IAS-PDEA to the CSC that he discovered the existence of Paner's May 7, 2008 affidavit.

As the CSC did, the CA ruled that Magcamit participated in the extortion on the basis of Paner's May 7, 2008 alone. Accordingly, it affirmed the CSC's resolution.

Under these circumstances, the CA erred in affirming the CSC's dismissal of the respondent on the basis of Paner's May 7, 2008 affidavit – a document that was not part of the proceedings before the IAS-PDEA.

Given how the evidence against him came out, we find that Magcamit could not have adequately and fully disputed the allegations against him since during the administrative investigation he was not properly apprised of all the evidence against him. We point out that Magcamit could not have refuted the May 7, 2008 affidavit of Paner, which was the sole basis of the CSC's and the CA's finding of Magcamit's liability; notably, the formal charge requiring him and his co-accused to file their position papers was dated May 5, 2008. Corollarily, Magcamit and his co-agents were not even furnished a copy of the affidavits of CI Paner dated April 15, 2008 and April 17, 2008 before the recommendation for dismissal came out. Magcamit was thus blindsided and forced to deal with pieces of evidence he did not even know existed.

Thus, the requirement that "[t]he decision must be rendered on the evidence presented at the hearing, or **at least contained in the record AND disclosed to the parties affected**," was not complied with. Magcamit was not properly apprised of the evidence presented against him, which evidence were eventually made the bases of the decision finding him guilty of grave misconduct and recommending his dismissal.

Although, in the past, we have held that the right to due process of a respondent in an administrative case is not violated if he filed a motion for reconsideration to refute the evidence against him, the present case should be carefully examined for purposes of the application of this rule. Here, the evidence of Magcamit's participation was made available to him only after he had elevated the case to the CSC. Prior to that, or when the IAS-PDEA came up with the decision finding him guilty of gross misconduct, there was no substantial evidence proving Magcamit was even involved.

We consider, too, that even if we take into account CI Paner's May 7, 2008 affidavit, we find this document to be inadequate to hold – even by standards of substantial evidence – that Magcamit participated in the PDEA's extortion activities.

We note that the CSC and the CA linked Magcamit to the alleged extortion in paragraph 13 of CI Paner's May 7, 2008 *affidavit of complaint*, which reads:

> 13. That pretending nothing had happened and yet projecting to the group that I am a bit apprehensive as to the evident inequality in the sharing of the extorted money from subject Jaen, I was able to talk with Agent Erwin Magcamit, one of the members of the arresting team, and asked the latter as to how the group came up with the Php21,500.00 sharing for each member out of the Php200,000.00; from which Agent Magcamit simply said to me that such was the sharing and everybody except me seemed to have consented; in addition thereto, Agent Magcamit vividly mentioned all other members who got their share of the Php21,500.00, namely, **[1] Carlo S. Aldeon, [2] PO3 Emerson Adaviles, [3], PO2 Reywin Bariuad, [4] IO2 Renato Infante, [5] IO2 Apolinario Mationg, [6] IO2 Ryan Alfaro, and [7] PO3 Peter Sistemio.**[20]

We discern no showing from this allegation that Magcamit extorted money from Jaen, or that he was among those who took part in the division of the money allegedly extorted from Jaen. For conspiracy to exist, it must be proven or at least inferred from the acts of the alleged perpetrator before, during, and after the commission of the crime. It cannot simply be surmised that conspiracy existed because Magcamit was part of the team that took part in the buy-bust operation which resulted in Jaen's arrest. In other words, respondents failed to pinpoint Magcamit's participation in the extortion that would make him administratively liable.

After evaluating the totality of evidence on record, we find that the records are bereft of substantial evidence to support the conclusion that Magcamit should be held administratively liable for grave misconduct; Magcamit was dismissed from the service based on evidence that had not been disclosed to him. By affirming this dismissal, the CA committed a grave reversible error.

WHEREFORE, premises considered, we **GRANT** the present petition. The March 17, 2011 decision and the August 9, 2011 resolution of the Court of Appeals in CA-G.R. SP No. 108281 are hereby **REVERSED** and **SET ASIDE**. The Philippine Drug Enforcement Agency is **ORDERED** to reinstate IA1 Erwin L. Magcamit to his previous position without loss of seniority rights and with full payment of his salaries, backwages, and benefits from the time of his dismissal from the service up to his reinstatement.

SO ORDERED.

ARTURO D. BRION
Associate Justice

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20 *Id.* at 175.

WE CONCUR:

ANTONIO T. CARPIO
Associate Justice
Chairperson

I join the dissent of J. Leonen

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

see dissenting opinion

MARVIC M.V.F. LEONEN
Associate Justice

ATTESTATION

I attest 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.

ANTONIO T. CARPIO
Associate Justice
Chairperson

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.

MARIA LOURDES P. A. SERENO
Chief Justice