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Republic of the Philippines
Supreme Court
Manila

EN BANC

ALMA CAMORO PAHKIAT,
MAHALITO BUNAYOG
LAPINID and FE MANAYAGA
LOPEZ,

Petitioners,

- versus -

OFFICE OF THE
OMBUDSMAN-MINDANAO and
COMMISSION ON AUDIT - XII,
Respondents.

G. R. No. 223972

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,¹
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
ROSARIO, JJ.

Promulgated:

November 3, 2020,

X-----X

DECISION

CAGUIOA, J.:

Before the Court is a Petition for *Certiorari*² under Rule 65 of the Rules of Court, with prayer for the issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction (WPI), filed by Fe Lopez (Lopez), Alma Pahkiat (Pahkiat), and Mahalito Lapinid (Lapinid), seeking to annul the Resolution³ dated February 28, 2011 (assailed Resolution) and

¹ No part. Then Sandiganbayan Seventh Division Chairperson, Associate Justice Alexander G. Gesmundo penned the Resolution dated March 10, 2017, which granted the prosecution's motion to withdraw the 108 Informations against herein petitioners and the 12 other persons (with Associate Justices Ma. Theresa Dolores C. Gomez-Estoesta and Zaldy V. Trespeses concurring).

² *Rollo*, Vol. I, pp. 3-75.

³ Id. at 76-116. Signed by Aileen Lourdes A. Lizada, Graft Investigation and Prosecution Officer I.

Order⁴ dated November 6, 2015 (assailed Order) of the Office of the Ombudsman-Mindanao.

In the assailed Resolution, the Office of the Ombudsman-Mindanao found probable cause to indict petitioners, who each held the position of Administrative Aide I with Salary Grade (SG) 1 at the City Accounting Office (CAO) of Kidapawan, for 107 counts of Malversation of Public Funds through Falsification of Public and Commercial Documents under the Revised Penal Code (RPC), and for one count of violation of Section 3(e)⁵ of Republic Act (R.A.) No. 3019,⁶ as amended. Petitioners were indicted with 12 other persons, namely: Virginia Tamayo (Tamayo), City Accountant (SG-25); Joseph Biongan (Biongan), Barangay Chairman (SG-14); Susan Joguilon (Joguilon), Barangay Treasurer; Jane Isla (Isla), Senior Bookkeeper (SG-9); Lily Sambuang (Sambuang), Administrative Aide VI (SG-6); Adelaida Abracia (Abracia), Owner-Operator of Imiljic Marketing; John Doe, Proprietor of FBP Marketing; John Doe, Proprietor of Zaide Mini Trading; and John Doe, Proprietor of Chyrra Enterprises.⁷

In the assailed Order, on the other hand, the Office of the Ombudsman-Mindanao summarily denied the motion for reconsideration of the assailed Resolution filed by petitioners for being filed out of time.

The Office of the Ombudsman-Mindanao found probable cause on the ground that petitioners and their co-accused did not faithfully comply with Commission on Audit (COA) Circular No. 93-396, also known as the Barangay Accounting Manual (BAM), particularly with regard to Section 06.02⁸ thereof on the disbursement procedure.

⁴ Id. at 117-122.

⁵ SECTION 3. *Corrupt practices of public officers.* — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

x x x x

⁶ ANTI-GRAFT AND CORRUPT PRACTICES ACT, August 17, 1960.

⁷ Joguilon was reported as missing before the special audit (*rollo*, Vol. I, pp. 79, 165). Isla resigned after the special audit (id. at 167).

⁸ Section 06.02. *Certification and approval of vouchers/payrolls - all disbursements of barangay funds shall be made under the following procedure duly complied with:*

- a. *The chairman of the Committee on Appropriations of the sangguniang barangay certifies to the existence of appropriation [therefor].*
- b. *The city/municipal concerned certifies that the necessary amount has been obligated for the purpose.*
- c. *The barangay treasurer certifies to the availability of funds for the purpose.*
- d. *The barangay treasurer certifies and approves the voucher or payroll as to validity, propriety, and legality of the claim involved.*
- e. *The punong barangay approves the disbursement voucher/payroll. x x x*

The city/municipal accountant shall also certify on the disbursement voucher that the disbursement is supported by documents evidencing completeness of requirements as well as other certifications that may be required by auditing and accounting rules and regulations. (Emphasis omitted). See rollo, Vol. II, p. 705.

Facts

On May 4, 2006, Kidapawan City State Auditor IV and Audit Team Leader, Marlene B. Aspillá issued CAO Office Order No. 2006-07 to constitute a team to conduct a 10-day audit on the cash, accounts and financial transactions of Barangay Poblacion after receiving information on the alleged falsification of disbursement vouchers (DV), missing DVs, unrecorded check issuances and other irregularities in the financial transactions of Barangay Poblacion.⁹

On May 9, 2006, the team proceeded to the Office of the Barangay Treasurer, but Joguilon failed to appear and was later reported missing to the police.¹⁰ Nevertheless, the team proceeded with the audit and submitted its 14-page Special Audit Report¹¹ for the period of January 1, 2005 to May 10, 2006 to the COA Cluster Director, Cluster V-LGS-Mindanao on May 29, 2006. Excerpts of the Special Audit Report read:

PART II – OBSERVATIONS AND RECOMMENDATIONS

Alarmed by the disappearance of Susan R. Joguilon, Barangay Treasurer, Barangay Poblacion, Kidapawan City, the audit team proceeded with the audit and review of the cash and accounts of Barangay Poblacion, Kidapawan City, more particularly the verification of the bank reconciliation statements prepared and submitted by the city accountant as of the periods ending January 2005 to April, 2006 and as of May 10, 2006. x x x

1. Disbursements were not recorded in the Journal of Barangay Transactions (JBT). This was deliberately done to conceal unauthorized disbursements and tampered records and checks in violation of law, rules and regulations.

The JBT is the official book of accounts (book of final entry) for Barangays. The Bank Reconciliation Statement is an accounting report showing the results of the process of bringing into agreement the cash balance per JBT and cashbook balance per bank statement of the bank. The Audit team matched the entries of the cash in bank account in the JBT against the bank statement, and finally in the bank reconciliation statement to establish all checks issued but were not recorded in the JBT.

As a rule, claims against government funds shall be supported by complete documentation. Disbursements or all money claims of the government shall be covered by Disbursement Voucher (DVs) (Section 37a, a Vol. 1, Sec. 32 Vol. II, NGAS)

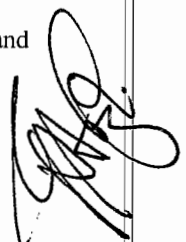
x x x x

As a matter of emphasis, eighty[-]six (86) checks with amounts that aggregated P2,387,648.87 were not recorded in the [JBT] nor reported in the financial statements of Barangay Poblacion as of certain periods from January 1, 2005 to May 8, 2006. x x x

⁹ See *rollo*, pp. 78-79, 165.

¹⁰ Id. at 79.

¹¹ Id. at 165-177. Signed by Marlene B. Aspillá (SA IV-ATL), Isabelito M. Tongco (SA III-ATM), and Nick E. Zamoras (SA II-ATM).



Of these Disbursement Vouchers (DVs), if any, purportedly for disbursements amounting to P1,891,383.13, involving 72 checks which were actually negotiated and cleared with the local depository bank of Barangay Poblacion, Kidapawan City, were missing, not presented in audit or were actually inexistent. In her statement in writing, the city accountant declared there were really no disbursement vouchers that support the checks issued and paid by the local depository bank. These disbursement vouchers, x x x were not recorded in the JBT.

Still, of the 86 checks mentioned above, 14 checks with amounts that aggregated P496,265.74 were issued based on tampered disbursement vouchers (DVs) as alleged by Ms. Virginia E. Tamayo, City Accountant, City of Kidapawan. These falsified transactions were not recorded in the JBT. x x x

x x x x

2. Disbursements Vouchers were apparently altered to conceal unauthorized disbursements in violation of law, rules and regulations. These tampered DVs were recorded in the JBT.

As a matter of accounting procedure, the Accounting Office of the City Government of Kidapawan keeps certain accounting records. A budget and appropriation logbook is a record used to ensure that the disbursements of barangays is (*sic*) in pursuance of an appropriation law. Likewise, a logbook of duly approved DVs is used for physical control of perfected DVs.

The audit team was not able to verify availability of budget and appropriation of the barangay disbursements in view of the fact that the budget and appropriation control logbook of Barangay Poblacion is gone including the control logbook of barangay approved DVs. Ms. Jane C. Isla, Senior Bookkeeper and charged with the keeping of barangay accounts immediately tendered her resignation from office and cannot be reached for comment on the disappearance of the two logbooks.

The audit team took particular note of the alterations in the approved disbursement vouchers using white correction fluid.

Affected DVs numbering to fifteen (15) aggregated P951,096.93 which were allegedly tampered though recorded in the JBT.

These DVs and checks issued therefor, brings the total irregular disbursement transactions of Barangay Poblacion to 111 checks with a total amount of P3,338,745.80.

DV forms used and eventually tampered were all first copy of computer generated forms. Approved and paid vouchers were not marked "PAID" by Susan Joguilon. In her statement, the City Accountant said that as approved, it was different payee, particular and amount (*sic*). In the falsified/altered DVs, the computation for the applicable withholding tax covered with correction fluid came out legibly which proved the original approved base amount.

3. False statements and false claims occurred following the tampering of records through the conspiracy of some third parties who provided set of blank forms used as supporting documents in the disbursement scheme in violation of law, rules and regulations.



Of the total number and amount of checks subject of falsification, two or more suppliers provided official receipts (O[R]s), charge invoices, and delivery receipts. x x x

x x x x

Some checks paid to Zaide Mini Trading were encashed and some were deposited to DBP Bank Account No. 5-20846-930-5. Checks paid to FBP Marketing & Gen. Merchandise were deposited to DBP Bank Account No. 5-12388-925-1 with few encashed checks. Confirmation requests were sent to DBP Kidapawan Branch and other local banks on the identity of endorsers of the checks. Our initial inquiry with the DBP Kidapawan Branch revealed that Account No. 5-12388-925-1 x x x was reported "CLOSED" on May 5, 2006, a day after the special audit team was constituted x x x. Furthermore, we gathered that deposits made in both DBP Bank Accounts 5-20846-930-5 and 5-12388-925-1 were accompanied by withdrawal slips which indicated the name of Susan R. Joguilon, as authorized representative. These facts are indicators that the said bank accounts were but "ARRANGED ACCOUNTS". The withdrawals done simultaneous with deposits prompted the audit team to reach a certain conclusion on the presence of a scheme to defraud the government.

Of the tampered DVs, the supporting documents such as ORs, Charge Invoices and Delivery Receipts attached to the DVs occurred in chronological order which created unusual patters (*sic*) of these documents coming from one or two booklets allegedly entrusted to Ms. Jane C. Isla, Senior Bookkeeper and charged with ensuring that supporting documents are complete, as follows:

x x x x

Some of the falsified checks were made to appear as deposited in a certain bank account as can be gleaned from the bank rubber stamps or markings at the back of the check. However, verification with the bank concerned disclosed that such check did not enter the said bank account as in the case of check no. x x x.

4. Government resources was (*sic*) not adequately safeguarded against loss. The presence of sixteen (16) pre-signed checks made every opportunity open to misuse of barangay funds which (*sic*) tantamount to consenting the barangay treasurer to take funds in her custody.

Sixteen (16) blank checks pre-signed/pre-approved by Joseph Q. Biongan, Barangay Chairman, Barangay Poblacion, Kidapawan City were forwarded to the audit team by Mr. Joseph Biongan x x x. These checks were reportedly found by Mr. Joseph Biongan in the steel filing cabinet of Susan R. Joguilon.

The Barangay Chairman, Mr. Joseph Q. Biongan, who exercises authority over the financial affairs, transactions and operations of the Barangay Poblacion, Kidapawan City and ensure the proper management and utilization of government resources in accordance with law and regulations and that said resources are safeguarded against loss or wastage, caused the pre-signed checks. x x x

x x x x



x x x This indicated that the barangay buys and holds more and several booklets that gave the barangay treasurer opportunity to draw checks from different booklets and in no chronological order according to the control/serial number of the checks.

5. **Fifty-four (54) checks ought to be in the possession of the barangay treasurer were missing. This is circumstantial to the alleged irregularities committed in the financial transactions of Barangay Poblacion, Kidapawan City.**

x x x x

6. **High incidence of cancellation of checks indicated improper handling of government funds in the possession of the Barangay Treasurer as custodian.**

Fourteen (14) cancelled checks were noted from the files of checks issued, paid, returned by bank and basis of the bank reconciliation statement issued by the City accounting office. Of these, six ([6]) checks were made payable to Zaide Mini Trading. Of the six ([6]) checks payable to Zaide Mini Trading, two (2) checks were presented to the bank and subsequently dishonored by the bank due to "SPURIOUS CHECK" before they were cancelled and filed in the records by the Barangay Treasurer. These two checks were as follows:

x x x x

The prevalence of cancelled checks is an indicator of irregularities or mishandling of funds by the Barangay Treasurer. x x x

7. **Checks issued, cleared and paid by the bank which were similar to those reported as altered or falsified raised the misappropriated amount by P1,490,426.77.**

Forty-five (45) checks were similar to those reported as altered or falsified. These checks were payable to same suppliers mentioned in this report. x x x Fact such as perfected DV No. 200509290 in the amount of P24,802.05 was established that it was originally made "to payment of traveling expenses" of Joseph Q. Biongan but later altered "to payment of various supplies" to FBP Marketing as among the forty[-]five (45) checks which were not included in the initial list of altered or falsified checks. Of the 45 checks only 18 have DVs, 27 checks have none. x x x

8. **The fact of blatant disregard of the rules and standards of RA 9184 was committed by the barangay Bids and Awards Committee (BAC) incident to the falsification of barangay procurement and disbursement transactions.**

x x x x

Recommendation:

Based on the aforementioned audit observations, we now give our summary recommendation.

File appropriate charges on employees and suppliers involved who may be found culpable by the appropriate office of defrauding the government under the facts and circumstances herein enumerated and reported, as follows:

1. Susan R. Joguilon
Barangay Treasurer,
Barangay Poblacion,
Kidapawan City
 - > As barangay treasurer of Barangay Poblacion, Kidapawan City - Accountable Officer entrusted with the [possession or] custody of funds and property under Joseph Q. Biongan, Barangay Chairman, Barangay Poblacion, and accountable thereof in accordance with law.
 - > As authorized representative in various withdrawals of deposit from DBP Bank Account Nos. x x x in the name of FBP Marketing & Gen. Merchandise and ZAIDE Mini Trading, respectively.
 - > For expenditures of government funds or uses of government property which could be in violation of law or regulations.
 - > Caused the approval of DVs with all the supporting documents, issuance and negotiation of checks.
 - > Responsible for the proper keeping and maintenance of cash records.
 - > Responsible for all other accountability of an accountable officer as Barangay Treasurer of Barangay Poblacion, Kidapawan City[.]
2. Joseph Q. Biongan
Barangay Chairman
Barangay Poblacion,
Kidapawan City
 - > Immediately and primarily responsible for all funds and property pertaining to Barangay Poblacion, Kidapawan City.
 - > Countersigned checks issued and negotiated[.]
 - > Approved Disbursement Vouchers[.]
3. Jane C. Isla
Senior Bookkeeper
City Accountant's Office
City of Kidapawan
 - > point person, designated barangay bookkeeper primarily involved in the tampering of DVs and checks.
 - > Charged with the pre-audit and control of DVs and barangay payrolls, ensures the propriety and validity of supporting documents.
 - > Responsible for all other accounting activities pertaining to Barangay Poblacion, Kidapawan City.
 - > Immediately tendered resignation from office but did not render an account of her office. The budget and appropriation control logbook and the logbook of approved disbursement vouchers under her care disappeared.



4. *Fe Lopez* > *Charged with the PRs and POs upon whom the disbursements of barangay are initially processed.*
5. *Alma Pahkiat*
Administrative Aide I
City Accountant's Office
City of Kidapawan > *Responsible for the posting of barangay transactions from source documents/DVs to the JBT.*
6. *Lily P. Sambuang*
Administrative Aide VI
City Accountant's Office > *Handles the segregation and recording of vouchers and payrolls.*
7. *Mahalito B. Lapinid*
Administrative Aide I
City Accountant's Office
City of Kidapawan > *Charged with the preparation of bank reconciliation statements of 40 barangays of the [C]ity of [K]idapawan.*
- > *Posts barangay transactions, including vouchers and payrolls, in the JBT[.]*
8. *Virginia Tamayo*
City Accountant['s] Office
City of Kidapawan > *Signs in the appropriate box of the DV certification as to adequacy/availability of funds/budgetary allotment and amount of expenditures and that expenditures properly certified, supported by documents using the checklist of required supporting documents.*
- > *Exercises authority over the affairs of the accounting unit.*

SUPPLIERS:

9. *FBP Marketing and Gen. Msde*
Lanang, Davao City
Frances B. Pajarillo-Prop > *Enabled the alleged falsification by providing stubs of ORs, charge invoices and delivery receipt[s] and invoices to employees of Barangay Poblacion Kidapawan City which were eventually used for payment.*
- > *Enabled the encashment/deposit of checks and simultaneous withdrawal of deposits by Susan Joguilon as authorized representative.*
10. *Zaide Mini Trading* > *Name was only used. Few official receipts, charge invoices and delivery receipt[s] were found in the batch of supporting documents.*
- > *Enabled the encashment/deposit of checks and simultaneous withdrawal of deposits by Susan Joguilon as authorized representative.*
11. *CYHRRRA Enterprises*
Kidapawan City
Clara B. Peguit-Prop > *Enabled the alleged falsification by providing stubs of ORs, charge invoices and delivery receipt[s] and invoices to employees of Barangay Poblacion Kidapawan City which were eventually used for payment.*
- > *Enabled the encashment/deposit of checks.*

12. IMILGIC Marketing > Name was only used. No ORs, charge invoices and delivery receipt[s] and invoices were found in the batch of supporting documents[.]
13. **Others-** (involving fewer number of falsified checks) > Enabled the alleged falsification by providing stubs of ORs, charge invoices and delivery receipt[s] and invoices to employees of Barangay Poblacion Kidapawan City which were eventually used for payment
- > Name was only used. No ORs, charge invoices and delivery receipt[s] and invoices were found in the batch of supporting documents[.]
- > Enabled the encashment/deposit of checks[.]
14. Barangay Bids & Awards Committee > For failure to adhere to the rules and standards of RA 9184[.]

Other observations and recommendations of the audit team that may arise in the future in connection with the written replies of banks, and especially on the books, records and documents that may be recovered from Ms. Susan Joguilon and Ms. Jane C. Isla, will be incorporated in this report through a separate Audit Observation Memorandum in the official COA format.¹² (Emphasis and underscoring in the original; italics and notations supplied)

On June 30, 2006, Special Investigator IV (Officer-In-Charge) Efren R. Rapacon of COA-XII indorsed the Special Audit Report to the Office of the Ombudsman-Mindanao, recommending that criminal and administrative proceedings be instituted against the persons named therein. Thus, the said Special Audit Report was adopted as the complaint of COA-XII for the Complex Crime of Malversation of Public Funds through Falsification of Public or Commercial Documents and Violation of Section 3(e) of R.A. No. 3019 docketed as Case No. OMB-M-C-07-0212-F. The criminal complaint was instituted together with the administrative complaint for Dishonesty, Misconduct and Conduct Prejudicial to the Best Interest of the Service docketed as Case No. OMB-M-A-07-128-F.

In a Joint Order¹³ dated June 26, 2007, the Office of the Ombudsman-Mindanao ordered the respondents in Case No. OMB-M-C-07-0212-F and Case No. OMB-M-A-07-128-F to submit their counter-affidavits. Tamayo, Sambuang, and petitioners submitted their Joint Counter-Affidavit¹⁴ dated July 20, 2007 for both cases, wherein they alleged that the complaint against them should be dismissed outright for failure to specifically allege the acts or omissions constituting the crime charged.¹⁵ They cited Section 14, Article III of the 1987 Constitution which provides that no person shall be held to answer for

¹² Id. at 166-177.

¹³ *Rollo*, Vol. II, pp. 641-644.

¹⁴ Id. at 646-657.

¹⁵ Id. at 649.

a criminal offense without due process of law and that the accused shall be informed of the nature and cause of accusation against him or her.¹⁶ They posited that the complaint failed to specifically establish their participation and that it merely concluded that they conspired with barangay officials.¹⁷ They pointed out that COA-XII failed to establish the elements of conspiracy against them.¹⁸

In an Order dated May 21, 2008, the Office of the Ombudsman-Mindanao directed the parties to file their respective Verified Position Papers. Tamayo, Sambuang, and petitioners submitted their Joint Verified Position Paper on June 20, 2008.

Thereafter, the Office of the Ombudsman-Mindanao issued the assailed Resolution dated February 28, 2011 for the criminal charges. On even date, it also issued a Decision¹⁹ for the administrative charges. The assailed Resolution and Decision are almost identical in their narration of facts and ratiocination, extensively citing the Special Audit Report.

In the said Decision dated February 28, 2011 for the administrative case, the Office of the Ombudsman-Mindanao found substantial evidence establishing the charges of Dishonesty, Misconduct, and Conduct Prejudicial to the Best Interest of the Service and ordered CAO-Kidapawan personnel, including petitioners, dismissed from the service. Thus:

WITH THE FOREGOING PREMISES, this Office, finding substantial evidence and pursuant to Sections 52, 54 and 55 of Civil Service Resolution No. 991936 hereby orders respondents Virginia Evangelista Tamayo, Lily Paña Sambuang, Fe Manayaga Lopez, Alma Camoro Pahkiat, Mahalito Bunayog Lapinid and Susan R. Joguilon **DISMISSED** from service together with all its accessory penalties. The Mayor of Kidapawan City is hereby directed to implement this Office' Decision and to submit a compliance report within five (5) days from the implementation of this Decision. As for respondents Isla and Joguilon the implementation of the subject Decision is rendered moot and academic, however, the accessory penalties remains. As for the case against respondents Melvin Embrado Lamata, Jr., Jeffrey Pedregosa Angeles, Inocencio Vinson Hernando II, Ramon Lonzon Manonog, Ranulfo Bagotlo Galinato, and Cesar Alenio Lapez, the same is hereby ordered **DISMISSED** for insufficiency of evidence. As for respondents Joseph Quiachon Biongan and Roderick Dennis Franco Itutud, the case is hereby ordered **DISMISSED** by virtue of the Doctrine of Condonation.

SO DECIDED.²⁰

Ruling on the separate motions for reconsideration of petitioners, however, the Office of the Ombudsman-Mindanao **reversed its earlier Decision insofar as petitioners were concerned and absolved them from liability.** The

¹⁶ Id. at 648.

¹⁷ Id. at 649.

¹⁸ Id. at 650.

¹⁹ Id. at 675-714. Penned by Aileen Lourdes A. Lizada, Graft Investigation and Prosecution Officer I.

²⁰ Id. at 712.



Office of the Ombudsman-Mindanao found that petitioners **had no direct participation in the anomalies**. Its Order²¹ dated October 31, 2013 reads:

WITH THE FOREGOING PREMISES, finding substantial evidence and pursuant to Administrative Order No. 17, this Office hereby reiterates the Decision dated 28 February 2011 dismissing from the public service respondents Virginia Evangelista Tamayo and Lily Paña Sambuang, together with all its accessory penalties.

With regard to respondents Fe Manayaga Lopez, Alma Camoro Pahkiat, Mahalito Bunayog Lapinid, their Motions for Reconsideration are hereby GRANTED and they are hereby reinstated to their respective former positions and are entitled to full back wages as the case against them is hereby ordered DISMISSED.

The Chief of the Human Resource and Management Office of Kidapawan City, is hereby directed to enter a copy of this Decision to form part of respondents 201 files.

The Honorable Mayor of Kidapawan City is hereby directed to implement this Office' Decision and to submit a compliance report within five (5) days from the implementation thereof. As for respondents Jane Cagas Isla and Susan R. Joguilon, the 28 February 2011 Decision stands as regards the imposition of the accessory penalties.

SO ORDERED.²² (Emphasis supplied)

As regards the Resolution on the criminal charges was concerned, petitioners filed a Motion for Reconsideration dated August 5, 2014. In an Order²³ dated November 6, 2015, the Office of the Ombudsman-Mindanao summarily denied their motion only because it had been filed beyond the five (5)-day reglementary period under Section 7,²⁴ Rule II of Ombudsman Administrative Order (A.O.) No. 7, as amended by A.O. No. 15-01 (Rules of Procedure of the Office of the Ombudsman).

Hence, this Petition where petitioners argue that the Resolution and Order were rendered by the Office of the Ombudsman-Mindanao with grave abuse of discretion amounting to lack or excess of jurisdiction in finding probable cause to indict them.

In a Resolution²⁵ dated May 31, 2016, the Court required the respondents to comment within ten (10) days on the Petition, and issued a TRO, enjoining the filing of an Information and the conduct of further criminal proceedings against petitioners.

²¹ Id. at 775-781. Penned by Aileen Lourdes A. Lizada, Graft Investigation and Prosecution Officer I.

²² Id. at 779-780.

²³ Supra note 4.

²⁴ Section 7. *Motion for Reconsideration*. – a) Only one motion for reconsideration or reinvestigation of an approved order or resolution shall be allowed, the same to be filed within five (5) days from notice thereof with the Office of the Ombudsman, or the proper Deputy Ombudsman as the case may be, with corresponding leave of court in cases where the information had already been filed in court;

x x x x

²⁵ *Rollo*, Vol. II, pp. 782-783.

On behalf of respondents, the Office of the Solicitor General (OSG) filed its Comment²⁶ dated September 22, 2016, alleging that: (a) the Office of the Ombudsman correctly dismissed petitioners' motion for reconsideration in the criminal complaint for being filed out of time; (b) the determination of probable cause is a function bestowed by the Constitution on the Office of the Ombudsman which compels the courts to observe the rule of non-interference; and (c) petitioners, together with City Accountant Tamayo, *et al.*, acted in conspiracy with one another to commit the crime of Malversation of Public Funds Through Falsification of Public and Commercial Documents.²⁷

In their Reply²⁸ dated January 6, 2017, petitioners reiterated their arguments and alleged that, in spite of the Court's issuance of TRO on May 31, 2016, 108 Informations were filed against them on November 21, 2016.

Meanwhile, in a Resolution²⁹ dated March 10, 2017, the Sandiganbayan granted the prosecution's motion to withdraw the 108 Informations against herein petitioners and their co-accused. The Office of the Special Prosecutor under the Office of the Ombudsman manifested before the Sandiganbayan that it had not been informed of the issuance of the TRO before it filed the said Informations.

Issue

The sole issue to be resolved in this case is whether the Office of the Ombudsman-Mindanao committed grave abuse of discretion in finding probable cause to charge herein petitioners with 107 counts of Malversation of Public Funds through Falsification of Public and Commercial Documents under Articles 217 and 171 of the RPC, and one (1) count of violation of Section 3(e) of R.A. No. 3019, as amended.

The Court's Ruling

The Petition is meritorious.

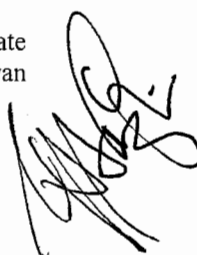
The general rule is that the Court defers to the sound judgment of the Ombudsman. The Court's consistent policy has been to maintain non-interference in the determination by the Ombudsman of the existence of probable cause. This is on account of the recognition that both the Constitution and R.A. No. 6770, otherwise known as *The Ombudsman Act of 1989*, give the Ombudsman wide latitude to act on criminal complaints against public officials and government employees. Since it is armed with the power to investigate, coupled with the principle that the Court is not a trier of facts, the

²⁶ Id. at 830-856.

²⁷ Id. at 837-838.

²⁸ Id. at 869-906.

²⁹ Penned by Associate Justice Alexander G. Gesmundo (now a Member of the Court), with Associate Justices Ma. Theresa Dolores C. Gomez-Estoesta and Zaldy V. Trespeses concurring, Sandiganbayan Seventh Division.



Ombudsman is in a better position to assess the strengths or weaknesses of the evidence on hand needed to make a finding of probable cause.³⁰

The foregoing general rule, however, is subject to an exception — where there is an allegation of grave abuse of discretion. In such case, the Ombudsman's act cannot escape judicial scrutiny under the Court's own constitutional power and duty to determine whether or not there has been grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.³¹

Grave abuse of discretion is defined as “an act too patent and gross as to amount to an evasion of a duty, or to a virtual refusal to perform the duty enjoined or act in contemplation of law” or that the tribunal, board or officer with judicial or quasi-judicial powers “exercised its power in an arbitrary and despotic manner by reason of passion or personal hostility.”³² Petitioners here have convincingly shown the presence of grave abuse of discretion on the part of the Office of the Ombudsman-Mindanao in this case.

Firstly, the Court finds the Office of the Ombudsman-Mindanao to have hastily and arbitrarily denied the motion for reconsideration of petitioners. While procedural rules are important since they are designed to facilitate the adjudication of cases to remedy the worsening problem of delay in the resolution of rival claims and in the administration of justice, such rules may be relaxed for the most persuasive of reasons in order to relieve a litigant of an injustice not commensurate with the degree of his thoughtlessness in not complying with the procedure prescribed.³³ What should guide judicial action is the principle that party-litigants should be given the fullest opportunity to establish the merits of their complaint or defense rather than for them to lose life, liberty, honor, or property on technicalities. The rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, when they result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed.³⁴

Thus, if only the Office of the Ombudsman-Mindanao had entertained the motion for reconsideration instead of denying it cursorily and only on the basis of it being late, it would have realized that there was a compelling reason to overturn its earlier Resolution finding probable cause against petitioners.

The factual antecedents of the case are worth re-stating.

³⁰ *Jabinal v. Overall Deputy Ombudsman*, G.R. No. 232094, July 24, 2019; see *Reyes v. Office of the Ombudsman*, G.R. No. 208243, June 5, 2017, 825 SCRA 435, 446-447, citing *Dichaves v. Office of the Ombudsman*, G.R. Nos. 206310-11, December 7, 2016, 813 SCRA 273, 297-299.

³¹ *Casing v. Ombudsman*, G.R. No. 192334, June 13, 2012, 672 SCRA 500, 507-508; see also *De Lima v. Reyes*, G.R. No. 209330, January 11, 2016, 779 SCRA 1 and *Reyes v. Office of the Ombudsman*, id.

³² *Philippine National Bank v. Gregorio*, G.R. No. 194944, September 18, 2017, 840 SCRA 37, 54.

³³ See *Curammeng v. People*, G.R. No. 219510, November 14, 2016, 808 SCRA 613, 620 and 622.

³⁴ *Delos Santos v. Court of Appeals*, G.R. No. 169498, December 11, 2008, 573 SCRA 690, 703, citing *Alberto v. Court of Appeals*, G.R. No. 119088, June 20, 2000, 334 SCRA 756, 774.

On February 28, 2011, the Office of the Ombudsman-Mindanao came out with two separate rulings on the administrative and criminal cases arising out of the same alleged acts and omissions against petitioners. These rulings were prepared and reviewed by, and signed for approval by the same set of officers.³⁵

In October 2013, this same set of officers reconsidered the Decision in the administrative case and exonerated petitioners **on a categorical finding that they “had no direct participation in the anomalies.”** Precisely because this same set of officers had already found petitioners not to have had any direct participation in the anomalies, petitioners accordingly moved for reconsideration of the Resolution in the criminal case against them. Incredibly, this same set of officers from the Office of the Ombudsman-Mindanao who exonerated petitioners of any administrative wrongdoing — to repeat, on a finding by them that petitioners had no direct participation in the anomalies — nevertheless sustained the Resolution in the criminal case finding probable cause against petitioners on sheer technicality, that is, the reglementary period in filing a motion for reconsideration had already lapsed.

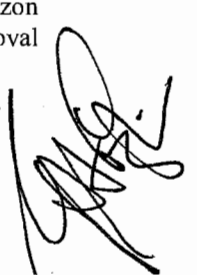
It is certainly astonishing how the same set of officers who determined that petitioners had no participation in the anomalies — a determination, in so many words, that petitioners were completely innocent of any wrongdoing — essentially allowed, in the same breath, the continuance of the criminal prosecution against them based on the same factual circumstances and subject matter. This denial of the motion for reconsideration on a pure technicality in the face of their own unqualified exoneration of petitioners in the administrative case is nothing but grave abuse of discretion — for certainly, if petitioners were already found not to have had any participation in the anomalies, then this finding merits their exoneration as well from the criminal case. It falls well within the exception to the general rule that administrative and criminal cases based on the same operative facts may proceed independently.

To digress, there are three kinds of remedies available against a public officer for impropriety in the performance of his powers and the discharge of his duties: (1) civil, (2) criminal, and (3) administrative. These remedies may be invoked separately, alternately, simultaneously or successively. Sometimes, the same offense may be the subject of all three kinds of remedies.³⁶

The rule that the three kinds of remedies, which flow from the three-fold liability of a public officer, may proceed independently, is hinged on the

³⁵ The Decision and Resolution both dated February 28, 2011 were prepared by Graft Investigation and Prosecution Officer I Aileen Lourdes A. Lizada and reviewed by Acting Director Maria Iluminada Lapid-Viva. Assistant Ombudsman Rodolfo M. Elman, CESO III signed the Decision recommending approval thereof, while he signed as reviewer of the Resolution. Deputy Ombudsman for Luzon Humphrey T. Montesorro approved the Decision, while he signed the Resolution recommending approval thereof. Former Ombudsman Conchita Carpio-Morales signed the Resolution with approval.

³⁶ *Villaseñor v. Sandiganbayan (5th Division)*, G.R. No. 180700, March 4, 2008, 547 SCRA 658, 665.



differences in the quantum of evidence required in each case. In criminal cases, proof beyond reasonable doubt is needed, whereas a mere preponderance of evidence will suffice in civil cases. In administrative cases, only substantial evidence is required. As such, defeat of any of the three remedies will not *necessarily* preclude resort to other remedies or affect decisions reached thereat.³⁷

Specifically, in cases where both an administrative case and a criminal case are filed against a public officer *for the same act or omission*, the Court has consistently held that an absolution from an administrative case does not necessarily bar a criminal case from proceeding, and vice versa.³⁸ An offense, for instance, may have been committed but the evidence adduced to prove liability failed to obtain the threshold required by law in one case — substantial evidence in administrative cases or proof beyond reasonable doubt in criminal cases — which would have established that the actor is either administratively or criminally liable. For this reason, the parallel case should not be dismissed *ipso facto* without a showing that its own threshold of evidence has not been reached as well.

It is significant to note, however, that the starting point in these cases is an **act or omission which gives rise to an offense** — that single act or omission that offends against two or more distinct and related provisions of law or gives rise to criminal as well as administrative liability.³⁹

Verily, in *Paredes v. Court of Appeals*,⁴⁰ the administrative case against the petitioner therein was dismissed by the Court of Appeals (CA) on the ground of insufficiency of evidence. The CA held that “substantial evidence was wanting to establish petitioner’s participation in the alleged fraudulent encashment of the subject checks.”⁴¹ On the contrary, the CA went on to say that “petitioner adequately explained why his signatures were affixed on the subject checks.”⁴² In ruling, however, that this dismissal by the CA of the administrative case does not warrant the concomitant dismissal of the criminal case against the petitioner therein, the Court explained in this wise:

Thus, considering the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other. Notably, the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal cases. The prosecution is certainly not precluded from adducing additional evidence to discharge the burden of proof required in the criminal cases. Significantly, the prosecution had manifested that it would present testimonial evidence which was not presented in the administrative case.⁴³

³⁷ Id. at 665-666.

³⁸ See *Paredes v. Court of Appeals*, G.R. No. 169534, July 30, 2007, 528 SCRA 577, 587.

³⁹ See id.

⁴⁰ Supra note 38.

⁴¹ Id. at 583.

⁴² Id.

⁴³ Id. at 588-589.

In another earlier case, *Paredes, Jr. v. Sandiganbayan, Second Division*,⁴⁴ the administrative case against one of the petitioners was also dismissed on insufficiency of evidence. When the petitioners prayed for the dismissal of the parallel criminal case on account of the decision in the administrative case, the Court denied the relief, holding thus:

Petitioners call attention to the fact that the administrative complaint against petitioner Honrada was dismissed. They invoke our ruling in *Maceda v. Vasquez* that only this Court has the power to oversee court personnel's compliance with laws and take the appropriate administrative action against them for their failure to do so and that no other branch of the government may exercise this power without running afoul of the principle of separation of powers.

But one thing is administrative liability. Quite another thing is the criminal liability for the same act. Our determination of the administrative liability for falsification of public documents is in no way conclusive of his lack of criminal liability. As we have held in *Tan v. Comelec*, the dismissal of an administrative case does not necessarily bar the filing of a criminal prosecution for the same or similar acts which were the subject of the administrative complaint.

Petitioner's assertion that private respondent Alterado has resorted to forum-shopping is unacceptable. The investigation then being conducted by the Ombudsman on the criminal case for falsification and violation of the Anti-Graft and Corrupt Practices Act, on the one hand, and the inquiry into the administrative charges by the COMELEC, on the other hand, are entirely independent proceedings. *Neither would the results in one conclude the other. Thus an absolution from a criminal charge is not a bar to an administrative prosecution (Office of the Court administrator v. Enriquez, 218 SCRA 1) or vice versa.*⁴⁵ (Italics in the original)

Along the same vein, the Court in *Ocampo v. Ombudsman*⁴⁶ also refused to dismiss the administrative case filed against the petitioner therein on the sole ground that the criminal case filed against him on the same set of facts had already been dismissed. The Court ruled that the dismissal of the criminal case will not foreclose administrative action filed against the petitioner or give him a clean bill of health in all respects. The Court elaborated:

x x x The Regional Trial Court, in dismissing the criminal complaint, was simply saying that the prosecution was unable to prove the guilt of petitioner beyond reasonable doubt, a condition *sine qua non* for conviction. The lack or absence of proof beyond reasonable doubt does not mean an absence of any evidence whatsoever for there is another class of evidence which, though insufficient to establish guilt beyond reasonable doubt, is adequate in civil cases; this is preponderance of evidence. Then

⁴⁴ G.R. No. 108251, January 31, 1996, 252 SCRA 641.

⁴⁵ Id. at 657-658.

⁴⁶ G.R. No. 114683, January 18, 2000, 322 SCRA 17.

too, there is the “substantial evidence” rule in administrative proceedings which merely requires such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Thus, considering the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other.⁴⁷

The foregoing sampling of jurisprudence illustrates how a dismissal of one case in situations where more than one had been instituted based on the same operative facts would affect one another. If the dismissal is only because the quantum of evidence had not been met, the defendant or respondent is not completely absolved in all remaining proceedings. That said, in *People v. Sandiganbayan (First Division)*⁴⁸ (*People*), while the Court acknowledged the distinct and independent nature of an administrative case from a criminal case, it nonetheless gave weight on how the administrative case was dismissed, to wit:

Although the dismissal of the criminal case cannot be pleaded to abate the administrative proceedings primarily on the ground that the quantum of proof required to sustain administrative charges is significantly lower than that necessary for criminal actions, the same does not hold true if it were the other way around, that is, the dismissal of the administrative case is being invoked to abate the criminal case. The reason is that the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal case. The prosecution is certainly not precluded from adducing additional evidence to discharge the burden of proof required in the criminal cases. **However, if the criminal case will be prosecuted based on the *same facts and* evidence as that in the administrative case, and the court trying the latter already squarely ruled on the absence of facts and/or circumstances sufficient to negate the basis of the criminal indictment, then to still burden the accused to present controverting evidence despite the failure of the prosecution to present sufficient and competent evidence, will be a futile and useless exercise.**⁴⁹ (Emphasis and underscoring supplied)

Notably, in *People*, the Court was upholding a resolution of the Sandiganbayan which granted the demurrer to evidence of the accused. The anti-graft court took into account the decision of the CA in the administrative case, which upheld the legality and validity of the contracts subject of the proceedings, as a “persuasive ruling,” considering that it involved the same issues, subject matter and parties. It reasoned out that since the bases for the two (2) separate and distinct proceedings pertain to the same evidence, then the principle that the dismissal of an administrative case does not necessarily bar the filing of a criminal prosecution for the same or similar acts subject of the administrative complaint, on which its previous resolution was anchored, no longer applies. The conclusion then was that there being want of substantial evidence to support an administrative charge, there could be no sufficient

⁴⁷ Id. at 21-22.

⁴⁸ G.R. No. 164577, July 5, 2010, 623 SCRA 147.

⁴⁹ Id. at 161-162.

evidence to warrant a conclusion that there is probable cause for a violation of Section 3(e) of R.A. No. 3019.⁵⁰

Moreover, in a previous case⁵¹ which *People* cited, the Court likewise noted how the administrative case was dismissed and how it should henceforth affect the fate of the criminal case:

In the case of Nicolas, he was exonerated of administrative liability in G.R. No. 154668 by this Court. In said case, the Court noted that while he requested the release of the cargo, he did so in good faith as he relied on the records before him and the recommendation of Arriola. And it noted that there was nothing to indicate that he had foreknowledge of any irregularity about the cargo. Thus Nicolas was absolved of having acted with gross neglect of duty, viz:

Arias v. Sandiganbayan [G.R. Nos. 81563 & 82512, December 19, 1989, 180 SCRA 309] ruled that heads of office could rely to a reasonable extent on their subordinates.
x x x

x x x x

Without proof that the head of office was negligent, no administrative liability may attach. Indeed, the negligence of subordinates cannot always be ascribed to their superior in the absence of evidence of the latter's own negligence. While Arriola might have been negligent in accepting the spurious documents, such fact does not automatically imply that Nicolas was also. As a matter of course, the latter relied on the former's recommendation. Petitioner [Nicolas] is not mandated or even expected to verify personally from the Bureau of Customs—or from wherever else it originated—each receipt or document that appears on its face to have been regularly issued or executed.

This Court is not unmindful of its rulings that the dismissal of an administrative case does not bar the filing of a criminal prosecution for the same or similar acts subject of the administrative complaint and that the disposition in one case does not inevitably govern the resolution of the other case/s and vice versa. The applicability of these rulings, however, must be distinguished in the present cases.

x x x x

x x x Unlike in the cases cited by the prosecution, this Court's Decision in the administrative case against Nicolas ruled squarely that he was not guilty of bad faith and gross neglect of duty, which constitute an *essential element* of the crime under Section 3(e) of R.A. No. 3019. Under the doctrine of *stare decisis*, such ruling should be applied to the criminal case for violation of Section 3(e), R.A. No. 3019, the facts and evidence being substantially the same.

⁵⁰ Id. at 154-155.

⁵¹ *Nicolas v. Sandiganbayan*, G.R. Nos. 175930-31, February 11, 2008, 544 SCRA 324.

In fine, absent the element of evident bad faith and gross neglect of duty, not to mention want of proof of manifest partiality on the part of Nicolas, the graft case against him cannot prosper.⁵² (Underscoring supplied; italics in the original)

Also, *Constantino v. Sandiganbayan*⁵³ (*Constantino*) is instructive. In that case, the Court held that the dismissal of the administrative case based on the same subject matter and after examining the same crucial evidence **operates to dismiss the criminal case** because of the **precise finding that the act from which liability is anchored does not exist.**⁵⁴ The Court went on to say:

Although the instant case involves a criminal charge whereas *Constantino* involved an administrative charge, still the findings in the latter case are binding herein because the same set of facts are (*sic*) the subject of both cases. What is decisive is that the issues already litigated in a final and executory judgment preclude—by the principle of bar by prior judgment, an aspect of the doctrine of *res judicata*, and even under the doctrine of “law of the case,”—the re-litigation of the same issue in another action. It is well established that when a right or fact has been judicially tried and determined by a court of competent jurisdiction, so long as it remains unreversed, it should be conclusive upon the parties and those in privity with them. The dictum therein laid down became the law of the case and what was once irrevocably established as the controlling legal rule or decision continues to be binding between the same parties as long as the facts on which the decision was predicated continue to be the facts of the case before the court. Hence, the binding effect and enforceability of that dictum can no longer be resurrected anew since such issue had already been resolved and finally laid to rest, if not by the principle of *res judicata*, at least by conclusiveness of judgment.

It may be true that the basis of administrative liability differs from criminal liability as the purpose of administrative proceedings on the one hand is mainly to protect the public service, based on the time-honored principle that a public office is a public trust. On the other hand, the purpose of the criminal prosecution is the punishment of crime. **However, the dismissal by the Court of the administrative case against Constantino based on the same subject matter and after examining the same crucial evidence operates to dismiss the criminal case because of the precise finding that the act from which liability is anchored does not exist.**

It is likewise clear from the decision of the Court in *Constantino* that the level of proof required in administrative cases which is substantial evidence was not mustered therein. The same evidence is again before the Court in connection with the appeal in the criminal case. Ineluctably, the same evidence cannot with greater reason satisfy the higher standard in criminal cases such as the present case which is evidence beyond reasonable doubt.⁵⁵ (Emphasis and underscoring supplied)

⁵² Id. at 344-347.

⁵³ G.R. Nos. 140656 & 154482, September 13, 2007, 533 SCRA 205.

⁵⁴ Id. at 229.

⁵⁵ Id. at 228-230.

Thus, the rulings of the Court in *People, Nicolas v. Sandiganbayan*, and *Constantino* find application here.

The Office of the Ombudsman-Mindanao itself had already determined, in no uncertain terms, that petitioners had no participation in the alleged anomalies. In arriving at this conclusion, the Office of the Ombudsman-Mindanao noted the comments of the COA and the Operations/Process Chart governing the disbursement of barangay funds, which showed that the responsibilities of petitioners entailed performing acts that transpired before and after the alleged anomalies occurred. Thus:

This Office in its Orders dated 18 July 2011 and 01 August 2011 directed the Commission on Audit (COA) thru Regional Director Evangeline K. Pingoy, COA-XII, Cotabato City to file its Comments to the subject Motions.

x x x x

On 16 July 2013 Director-in-Charge Alexander B. Juliano, of the Special Services Sector, Fraud Audit Office, COA stated, among others:

“As to respondent Tamayo, she could be absolved of liability if all the circumstances fall squarely with the Arias case, however, based on available documents there are indicators of negligence on her part. For respondent Lopez, being in-charge of the PRs and POs only, she may be absolved as the anomalies did not happen in the initial processes that she handled. For respondent Sambuang, being in-charge of segregating and recording of vouchers and payrolls, she had the opportunity to be instrumental in the early detection of the anomaly on the altered documents that she recorded.”

As regards respondents Pahkiat and Lapinid, this Office takes note of the Operations/Process Chart wherein it can be gleaned that respondent Pahkiat’s responsibilities of posting to the journal the barangay transactions with the corresponding checks issued and respondent’s Lapinid duty of assisting in posting the journal of the barangay transactions to properly monitor the check issuance, were acts that transpired after the anomalies occurred.

Hence, respondents Lopez, Pahkiat and Lapinid had no direct participation in the anomalies.⁵⁶ (Emphasis and underscoring supplied)

The ruling of the Office of the Ombudsman-Mindanao, therefore, is much more than a finding that there was “insufficient evidence” to hold petitioners administratively liable, but rather, that petitioners did not commit anything at all which can potentially incriminate them administratively or criminally.

⁵⁶ Rollo, Vol. II, pp. 776-778.

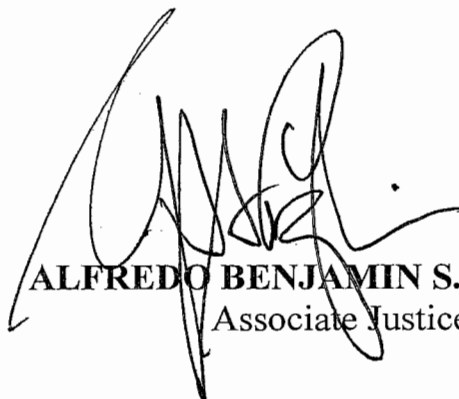


To be sure, the treatment of the different proceedings here with regard to their capacity to survive after the dismissal of the other is akin to cases where, despite the acquittal of an accused in a criminal case based on reasonable doubt, he or she remains civilly liable. Well-settled is the rule that a person acquitted of a criminal charge is not necessarily civilly free because the quantum of proof required in criminal prosecution (proof beyond reasonable doubt) is greater than that required for civil liability (mere preponderance of evidence). In order to be completely free from civil liability, a person's acquittal must be based on the fact that he did not commit the offense. If the acquittal is based merely on reasonable doubt, the accused may still be held civilly liable since this does not mean he did not commit the act complained of. It may only be that the facts proved did not constitute the offense charged.⁵⁷

All told, while the Court has always been cognizant of and generally deferential to the exclusive function of the Ombudsman in the determination of probable cause, it has also always been firm and unhesitant in impressing upon the need to step in where the Ombudsman's exercise of the latter's power has been indubitably tainted with grave abuse of discretion. While the Court has in the past been wary about quashing an Information or overturning a finding of the Ombudsman on the sole basis that the administrative case against the accused has been dismissed,⁵⁸ it has also balanced this respect with the right of an individual not to be subjected to the expense and rigors of a trial that has, by all accounts, no leg to stand on. Certainly, the rights of the people from what could sometimes be an "oppressive" exercise of government prosecutorial powers do need to be protected when circumstances so require.⁵⁹

WHEREFORE, premises considered, the Petition for *Certiorari* is hereby **GRANTED**. The Resolution dated February 28, 2011 and Order dated November 6, 2015 issued by the Office of the Ombudsman-Mindanao in Case No. OMB-M-C-07-0212-F are **REVERSED** and **SET ASIDE** insofar as petitioners Fe Manayaga Lopez, Alma Camoro Pahkiat, and Mahalito Bunayog Lapinid are concerned.

SO ORDERED.



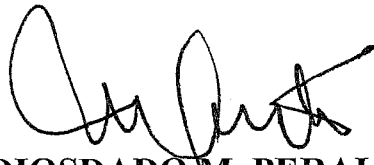
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁵⁷ *Nissan-Gallery Ortigas v. Felipe*, G.R. No. 199067, November 11, 2013, 709 SCRA 214, 223-224.

⁵⁸ *Ferrer, Jr. v. Sandiganbayan*, G.R. No. 161067, March 14, 2008, 548 SCRA 460.

⁵⁹ See *Mendoza v. People*, G.R. No. 197293, April 21, 2014, 722 SCRA 647, 657.

WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice



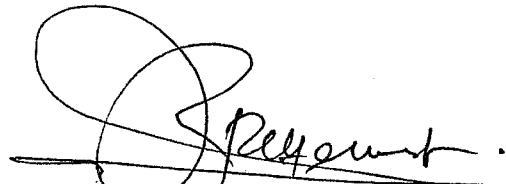
ESTELA M. PERLAS-BERNABE
Associate Justice



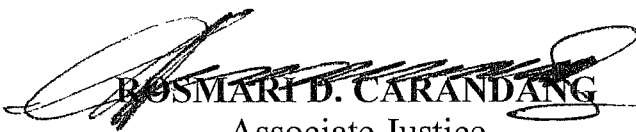
MARVIC M.V.F. LEONEN
Associate Justice

(No part)

ALEXANDER G. GESMUNDO
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



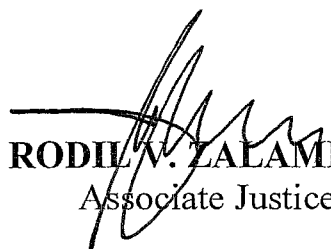
ROSMARI D. CARANDANG
Associate Justice



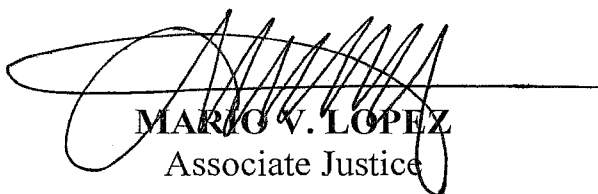
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL N. LALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

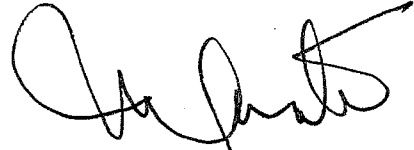


RICARDO R. ROSARIO
Associate Justice




CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY



EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court

