



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CECILIA Q. REJAS,*
Petitioner,

G.R. Nos. 241576 & 241623

Present:

- versus -

PERALTA, C.J., Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA,
GAERLAN, JJ.

**OFFICE OF THE OMBUDSMAN,
DEPARTMENT OF THE INTERIOR
AND LOCAL GOVERNMENT and
DIOSDADO N. DITONA, represented
by EDWIN N. DITONA,**
Respondents.

Promulgated:

NOV 03 2020

X-----X 

DECISION

CAGUIOA, J.:

This is a Petition for Review on *Certiorari*¹ (Petition) under Rule 45 of the 1997 Rules of Civil Procedure assailing the: (1) Decision² dated February 15, 2018 of the Special Twenty-Third Division of the Court of Appeals (CA), Mindanao Station in the consolidated cases of CA-G.R. SP No. 07765-MIN and CA-G.R. SP No. 07826-MIN; and (2) Resolution³ dated July 6, 2018 denying petitioner's motion for reconsideration.

The assailed Decision and Resolution affirmed with modification the Decision⁴ dated September 7, 2016 of the Office of the Ombudsman (Ombudsman) and its Order⁵ dated October 28, 2016 denying petitioner's motion for reconsideration, relative to OMB-M-A-12-0201 entitled "*Diosdado N. Ditona vs. Rogelio N. Quiño, et al.*" where petitioner was found administratively liable for grave misconduct and was meted the penalty of dismissal from service.

* Also appears as "Cecilia Quiño-Rejas" in some parts of the *rollo*.

¹ *Rollo*, pp. 11-34, excluding Annexes.

² Id. at 36-46. Penned by Associate Justice Ruben Reynaldo G. Roxas and concurred in by Associate Justices Edgardo A. Camello and Walter S. Ong.

³ Id. at 49-57.

⁴ Id. at 58-68.

⁵ Id. at 69-73.

FACTS

In his Affidavit Complaint⁶ dated June 13, 2012 filed before the Ombudsman, Diosdado Ditona (Ditona) alleged that Rogelio N. Quiño⁷ (Rogelio), the former Municipal Mayor of Manolo Fortich, Bukidnon, approved several appointments of his brother, Antonio N. Quiño, Jr. (Antonio), as Mechanical Shop Foreman. Ditona alleged that these appointments violated the rule on nepotism. He further averred that petitioner, Rogelio's and Antonio's sister, certified the appointments in her capacity as the former Municipal Budget Officer of the Municipality of Manolo Fortich, Bukidnon.⁸ The siblings purportedly conspired to make it appear that the position of Mechanical Shop Foreman is of a higher salary grade (SG 15) when in truth, the *Sangguniang Bayan* of Manolo Fortich, Bukidnon, through Ordinance Nos. 2000-151⁹ and 2001-157,¹⁰ fixed a lower salary grade of 11 to the position. Consequently, Antonio received a salary higher than what was provided by law, to the damage and prejudice of the government.¹¹ Ditona finally alleged that Antonio falsified his personal data sheet (PDS) by making it appear that he was not related to the appointing or recommending authority.¹²

In their Joint Counter-Affidavit,¹³ the siblings denied that there was an intention to hide their relationship with Antonio, and that on the contrary, the fact was disclosed right from the beginning.¹⁴ The position of Mechanical Shop Foreman was likewise contractual and of non-career service, and was thusly excluded from the scope of the prohibition on nepotism under Section 79 of the Local Government Code¹⁵ (LGC).¹⁶ The siblings pointed out that the nature of the position involves functions that require the highest degree of trust and confidence between the appointing authority and the appointee.¹⁷ These functions included:

- [1.] To see to it that the appropriate procedures in the utilization of heavy equipments (*sic*), trucks and service vehicles by the officials and employees of the LGU are strictly observed;

⁶ Id. at 76-84.

⁷ Also appears as "Quino" in some parts of the *rollo*.

⁸ *Rollo*, pp. 59, 76.

⁹ AN ORDINANCE CREATING SOME PLANTILLA POSITIONS FOR THE LOCAL GOVERNMENT UNIT OF THE MUNICIPALITY OF MANOLO FORTICH, BUKIDNON; *rollo*, pp. 94-96.

¹⁰ AN ORDINANCE AMENDING ORDINANCE NO. 2000-151 OF THE SANGGUNIANG BAYAN FOR THE INSERTION OF SOME ADDITIONAL PLANTILLA POSITIONS DEEMED NECESSARY FOR A MORE EFFECTIVE AND EFFICIENT MUNICIPAL OPERATIONS; *id.* at 97-99.

¹¹ *Rollo*, pp. 59, 77.

¹² *Id.*

¹³ *Id.* at 101-107.

¹⁴ *Id.* at 102.

¹⁵ Republic Act No. 7160, AN ACT PROVIDING FOR A LOCAL GOVERNMENT CODE OF 1991, October 10, 1991.

¹⁶ Section 79 of the LGC provides that "[n]o person shall be appointed in the career service of the local government if he is related within the fourth civil degree of consanguinity or affinity to the appointing or recommending authority."

¹⁷ *Rollo*, pp. 103-104.

- [2.] Continuously observe, study and implement appropriate measures and procedures to improve or streamline the heavy equipment and motor pool operations and instill the acceptable attitude and mindset of the personnel assigned in the said department;
- [3.] Evaluate the impact, effects and relevance of the adopted measures and improvements in the over-all performance of the said Economic Enterprise Department in relation to the standards set for its efficient and sustainable operation;
- [4.] Report personally and directly to the Chief Executive matters that need to be decided and acted upon by the Mayor including the submittal of his quarterly reports to the Mayor's office;
- [5.] Perform such other functions as maybe directed by the Mayor including the monitoring of unscrupulous or corrupt practices that maybe committed in the said department and recommend appropriate action thereof.¹⁸ (Emphasis and underscoring omitted)

Petitioner and her brothers also denied that Antonio falsified his PDS, explaining that he answered "No" to the question on having a relative within the third degree of consanguinity or affinity in the national government, but answered "Yes" to the question on having a relative within the third degree of consanguinity or affinity in the local government.¹⁹

On the matter of the alleged falsity of the salary grade of Antonio's position, the siblings clarified that they merely relied on the Plantilla of Casual Appointment which was prepared by and originated from the Human Resource Management Office (HRMO). Moreover, the increases in the salary grade were based on the Annual Appropriation Budget submitted by the Executive Department and duly approved by the *Sangguniang Bayan*. As such, the salary increases were based on the Annual Budget Ordinances of the local government unit (LGU). The siblings pointed out that the actual disbursements of salaries and wages for the Heavy Equipment/Motorpool Division were well within the Annual Budget for calendar years 2007 to 2012. In fact, these salary increases passed the government audit.²⁰

Petitioner and her brothers maintained that the hiring of Antonio did not cause undue injury to the government, but had even proved beneficial and advantageous to the government considering the 1,544% increase in the annual gross receipts of the heavy equipment operations from the calendar years 2006 to 2011.²¹

In its Decision²² dated September 7, 2016, the Ombudsman found the charge of nepotism against Rogelio unmeritorious and also dismissed the charge of falsification against Antonio. However, the Ombudsman found

¹⁸ Id.

¹⁹ Id. at 104.

²⁰ Id. at 104-105.

²¹ Id. at 105.

²² *Supra* note 4.



Rogelio and petitioner liable for grave misconduct. The dispositive portion of the Ombudsman's Decision reads:

WHEREFORE, finding substantial evidence, respondents **ROGELIO N. QUIÑO**, Mayor (SG 27) and **CECILIA QUIÑO-REJAS**, Municipal Budget Officer (SG 24), both of the local government of Manolo Fortich, Bukidnon, are administratively liable for **GRAVE MISCONDUCT** and are meted the penalty of **DISMISSAL FROM THE SERVICE**, together with the corresponding accessory penalties of forfeiture of retirement benefits, cancellation of eligibility, bar from taking civil service examinations and perpetual disqualification from holding any public office.

In the event that the **principal penalty of dismissal can no longer be enforced** due to respondents' separation from the service, retirement or any form of severance, it shall be converted into a **Fine** in the amount equivalent to their basic salary for **one (1) year**, payable to the Office of the Ombudsman, and may be deducted from terminal leave benefits or any receivable from the government, or respondents may opt to directly pay the fine.

The administrative complaint against respondent **ANTONIO QUIÑO, JR.**[.] Mechanical Shop Foreman (SG 11), also of the local government of Manolo Fortich, Bukidnon, is hereby **DISMISSED** for lack of substantial evidence.

SO ORDERED.²³

In holding petitioner and Rogelio liable for grave misconduct, the Ombudsman found their act of signing and approving the Plantilla of Casual Appointments which upgraded Antonio's position as Mechanical Shop Foreman from salary grade 15 to 18, and of certifying the appointments and the existence of an appropriation legally made for the purpose, respectively, to have "transgressed some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer."²⁴ The acts were also considered grave because they were "committed with the element of corruption, a willful intent to violate the law, and disregard established rules, *i.e.*, the rules on compensation and position classification under [Republic Act (RA)] No. 6758 and [Department of Budget and Management (DBM) C]irculars, and to favor their sibling Antonio."²⁵ The Ombudsman was unconvinced with their claim about relying on the HRMO which prepared the documents in light of the fact that it was only Antonio who benefited from the salary upgrading.²⁶

As for Antonio, the Ombudsman dismissed the charges against him because he merely benefited from the salary upgrade as the appointee. There was also no merit in the charge of falsification as he, in fact, answered "Yes"

²³ Id. at 67-68.

²⁴ Id. at 63-64. Italics omitted.

²⁵ Id. at 64. Italics omitted.

²⁶ Id.



to the question on whether he was related to the appointing authority within the fourth civil degree of affinity or consanguinity.²⁷

Petitioner and Rogelio moved for the reconsideration of the Decision but the same was denied in the Ombudsman's Order²⁸ dated October 28, 2016.

Thereafter, petitioner and Rogelio filed two petitions before the CA under Rule 65 and Rule 43 of the Rules of Court, which were consolidated by the appellate court. However, considering that the two petitions involved different modes of appeal which are mutually exclusive, the CA dismissed the petition filed under Rule 65 (CA-G.R. SP No. 07765-MIN) for being a superfluity.²⁹

The CA ruled that petitioner and Rogelio were guilty of grave misconduct for granting unto themselves the determination of the salary increase of Antonio, in contravention of Sections 81 and 325 of the LGC and *Sangguniang Bayan* Ordinance Nos. 2000-151 and 2001-157. Petitioner cannot likewise evade liability as she, being the local budget officer, ought to know the budget that can only be allocated for Antonio's position.³⁰ These findings, notwithstanding, the CA held that the subsequent re-elections of Rogelio as Municipal Mayor in 2013 and as Vice-Governor in 2016 operated as a condonation to his offenses that happened in 2009 to 2012.³¹ Thus, the CA was constrained to reverse the ruling of the Ombudsman insofar as he was concerned.³² The dispositive portion of the CA Decision dated February 15, 2018 reads:

WHEREFORE, foregoing circumstances, this Court **RESOLVES**

to:

1. **DISMISS** the *Petition for Certiorari* in CA-G.R. SP No. 07765-MIN; and
2. **PARTLY GRANT** the *Petition for Review* in CA-G.R. SP No. 07826-MIN. Accordingly, the assailed *Decision* dated 07 September 2016 and *Order* dated 28 October 2016 issued by the Office of the Ombudsman in OMB-M-A-12-0201, insofar as it held petitioner Rogelio N. Quiño administratively liable for Grave Misconduct, in the light of jurisprudence, are **REVERSED and SET ASIDE**. All other dispositions in the assailed *Decision* and *Order* are hereby **AFFIRMED**.

SO ORDERED.³³

²⁷ Id. at 67.
²⁸ Supra note 5.
²⁹ Id. at 41.
³⁰ Id. at 42-43.
³¹ Id. at 44-45.
³² Id. at 45.
³³ Id. at 45-46.



Petitioner filed a motion for reconsideration of the CA Decision, but the same was denied in the assailed Resolution of the CA dated July 6, 2018.

PETITION BEFORE THE COURT

In her Petition, petitioner avers in the main that the CA erred in holding her liable as the former Municipal Budget Officer for grave misconduct. She insists that her mere certifications as to the availability of appropriations in the Plantilla for Casual Appointments of Antonio did not have anything to do directly with the gradual increase in his salary grades³⁴ and were duly supported by appropriation ordinances duly passed by the *Sangguniang Bayan*.³⁵ Petitioner also stresses that these included all the heads of the Economic Enterprise Division of the LGU and not just Antonio.³⁶ Hence, she asserts that the CA erred in holding her liable for grave misconduct absent any evidence of corruption, intent to violate the law or flagrant disregard of any established rule.³⁷

Petitioner argues further that the CA erred in holding that the salary adjustments of Antonio were illegal *per se* without considering the actual work he performed as Division Head of the Motorpool and Heavy Equipment Operations. She contends that the designation of Antonio as Mechanical Shop Foreman was just an unfortunate inadvertence, and that since his appointment in 2008, he had always performed functions requiring supervisory skills and experience. Thus, petitioner defends that the salary adjustments were made to conform to Antonio's actual work, functions and duties.³⁸

In its Comment,³⁹ the Ombudsman counters that as Municipal Budget Officer, petitioner was aware of Ordinance Nos. 2000-151 and 2001-157 setting the salary grade of a Mechanical Shop Foreman to 11 and she had the duty to comply with these. Instead, she repeatedly participated in increasing the salary grade of her brother to 15 or 18.⁴⁰ The Ombudsman is unconvinced about petitioner's defense that her participation was limited to certifying the existence of appropriations since her functions included being in charge of the Municipal Budget Office and being part of the Local Finance Committee. These functions meant reviewing the budget proposal for the Municipality's Economic Enterprise that included the component for salaries for the Motorpool and Heavy Equipment Unit, and assisting her brother Rogelio in preparing said proposed budget or the Annual Appropriation Budget submitted by the Executive Department.⁴¹

³⁴ Id. at 19.

³⁵ Id. at 25.

³⁶ Id. at 26.

³⁷ Id. at 28.

³⁸ Id. at 30-31.

³⁹ Id. at 289-301.

⁴⁰ Id. at 292.

⁴¹ Id. at 295.



The Department of the Interior and Local Government (DILG) also filed its Consolidated Comment⁴² which chiefly adopts the arguments of the Ombudsman in its Comment. It adds that petitioner continues to insist that the upgrading was actually an adjustment of Antonio's salary to conform to his actual functions in accordance with "equal pay for equal work." However, a simple principle and policy is not executory on its own and must, nonetheless, work within the legal framework. Thus, considering that petitioner failed to procure the approval of the DBM on the salary increases of Antonio as required by law, the DILG agrees that the finding of grave misconduct against petitioner is justified.⁴³

Petitioner filed her Consolidated Reply⁴⁴ which basically repleads her arguments in her Petition.

ISSUE

The sole issue to be resolved here is whether the CA erred in upholding the finding of the Ombudsman of grave misconduct against petitioner.

RULING OF THE COURT

The Petition is meritorious.

The Court, as a rule, does not entertain questions of facts in a Rule 45 petition. As a trier of laws, the Court is not duty-bound to analyze and weigh again the evidence already considered in the proceedings below.⁴⁵ Furthermore, the "errors" which the Court may review in a petition for review on *certiorari* are those of the CA, and not directly those of the trial court or the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance.⁴⁶

There are, however, several well-recognized exceptions to the above-stated general rule and one of which is when the findings of fact of the lower tribunal, which was upheld by the CA, was based on a misapprehension of facts and was clearly not supported by extant evidence.⁴⁷ The Court in this case finds the occasion to apply this exception. The quantum of proof necessary to prove a charge in an administrative case is substantial evidence, which is defined as relevant evidence that a reasonable mind might accept as adequate to support a conclusion.⁴⁸ Such quantum was not met here. While

⁴² Id. at 310-325.

⁴³ Id. at 319.

⁴⁴ Id. at 352-360.

⁴⁵ *PNP-CIDG v. Villafuerte*, G.R. Nos. 219771 & 219773, September 18, 2018, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64554>>.

⁴⁶ *Miro v. Mendoza*, 721 Phil. 772, 786 (2013).

⁴⁷ See *Nicolas v. Desierto*, 488 Phil. 158, 168 (2004).

⁴⁸ Id. at 169, citing RULES OF COURT, Rule 133, Sec. 5 and *Ocampo v. Ombudsman*, 379 Phil. 21, 27 (2000).



the Court rules at the outset that the adjustments to the salary grade of Antonio were made without legal basis, the facts on record show that petitioner's act or omission has no material connection thereto and does not constitute grave misconduct or any administrative offense for that matter.

Local government units are endowed with power to fix the compensation of their officials and employees. Under the LGC, the function of salary determination, which includes any increase or adjustment, is lodged in the *sanggunian* concerned. This is clear from Sections 81 and 447 of the LGC, to wit:

SEC. 81. *Compensation of Local Officials and Employees.* – The compensation of local officials and personnel shall be determined by the sanggunian concerned: *Provided*, That the increase in compensation of elective local officials shall take effect only after the terms of office of those approving such increase shall have expired: *Provided, further*, That the increase in compensation of the appointive officials and employees shall take effect as provided in the ordinance authorizing such increase: *Provided, however*, That said increases shall not exceed the limitations on budgetary allocations for personal services provided under Title Five, Book II of this Code: *Provided, finally*, That such compensation may be based upon the pertinent provisions of Republic Act Numbered Sixty-Seven Fifty-Eight (R.A. No. 6758), otherwise known as the “Compensation and Position Classification Act of 1989.”

X X X X

SEC. 447. *Powers, Duties, Functions and Compensation.* – (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

- (1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government, and in this connection shall:

X X X X

- (viii) Determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;

X X X X

Verily, in this case, the *Sangguniang Bayan* enacted Ordinance Nos. 2000-151 and 2001-157 which fixed the salary grade of Mechanical Shop Foreman to 11. Parenthetically, this salary determination is compliant with DBM Local Budget Circular (LBC) No. 61, which provides that a Mechanical

Shop Foreman is a salary grade 11 position. DBM LBC No. 61 was, in turn, prepared pursuant to Section 6 of RA No. 6758 which states that:

SECTION 6. *Index of Occupational Services, Position Titles and Salary Grades of the Compensation and Position Classification System.* – All positions in the government covered under Section 4 hereof shall be allocated to their proper position titles and salary grades in accordance with the Index of Occupational Services, Position Titles and Salary Grades of the Compensation and Position Classification System which shall be prepared by the DBM. (Underscoring supplied)

It is undisputed that when Antonio was re-appointed as a Mechanical Shop Foreman in a casual status beginning January 2009, his salary grade was 15. From the period of July 12, 2012 to October 11, 2012, his salary grade went up to 18. These salary adjustments, as correctly held by the Ombudsman and the CA, contravened Ordinance Nos. 2000-151 and 2001-157 and DBM LBC No. 61. No countervailing evidence was presented to show that the ordinances were revoked or superseded by a later ordinance. Neither was there any proof that DBM LBC No. 61 had been revised during the relevant periods.

In their Joint Counter-Affidavit before the Ombudsman, petitioner and Rogelio tried instead to justify the salary grade adjustments of Antonio by claiming that his job title as Mechanical Shop Foreman was a misnomer and that the true nature of his work was supervisory and necessitated a higher pay. This, however, does not explain the unilateral upgrading of Antonio's salary grade without the participation of the *Sangguniang Bayan* as required by law.

Moreover, the highest-ranking position provided in DBM LBC No. 61 is a Mechanical Shop General Foreman with a salary grade of only 13, which is still lower than what was given to Antonio. So, too, despite characterizing the designation of Antonio as inadvertent, petitioner and Rogelio nonetheless failed to supply what Antonio's proper designation ought to be. If indeed the designation was erroneous, it was odd how the error was perpetuated in four years every time his appointment was renewed. If indeed the *designation* was erroneous and the adjustments to Antonio's salary grade were merely intended to give what was due him, the act was therefore a reclassification of the position and should bear the imprimatur of the DBM, pursuant to Section 4 of DBM LBC No. 53. Thus:

ON POSITION CLASSIFICATION

SECTION 4. Staffing Pattern. The staffing pattern as designed by the LGUs in accordance with the minimum standards and guidelines prescribed by the Civil Service Commission shall contain classes of positions that conform with the classes of positions established under R.A. No. 6758. Classes of positions not consistent thereof shall be subject to approval by the DBM through the Compensation and Position Classification Bureau.

x x x x



Section 4(a) of DBM LBC No. 53 further enumerates the documents and information needed for submission to the DBM in seeking approval for the creation of a new class title. Section 4(b) thereof, on the other hand, provides that reclassification or conversion of positions is subject to the approval of the *sanggunian* concerned. There was no showing that there was compliance, much less any attempt to comply, with Section 4(a) and (b) of DBM LBC No. 53. Petitioner, as an alternative defense, simply denies that the adjustments amounted to reclassifying the position of Antonio. She maintains that the adjustments were simply made to correspond with the principle of providing equal pay for substantially equal work and of basing differences in pay upon substantive differences in duties and responsibilities, and qualification requirements of the positions.⁴⁹ It bears emphasis, however, that this policy of the State under Section 2 of RA No. 6758 is not a license to disregard all the other conditions set forth in the same law and in other issuances duly made in consonance with RA No. 6758.

The foregoing discussion, notwithstanding, the Court finds that petitioner had no participation in the questionable act of increasing the salary grade of Antonio. Consequently, the CA erred in affirming the finding of the Ombudsman that petitioner is guilty of grave misconduct.

Misconduct has been defined as an intentional wrongdoing or a deliberate violation of a rule of law or standard of behavior. It is considered grave where the elements of corruption are present including a clear intent to violate the law, or a flagrant disregard of established rules.⁵⁰ To constitute misconduct, however, it is likewise imperative that the act or omission complained of must have a direct relation to the public officer's duties and affect not only his character as a private individual, but also, and more importantly, the performance of his official duties as a public servant.⁵¹ The misfeasance or malfeasance must amount to either maladministration or willful, intentional neglect and failure to discharge the duties of the office.⁵²

Hence, to hold petitioner liable for misconduct, the acts or omissions for which she was charged must be of direct relation to and be connected with the performance of her official duties as the Municipal Budget Officer⁵³ and the same must be willful or intentional.

It bears emphasis at this point that the case against petitioner revolved around her certifications appearing in the Plantilla of Casual Appointments of Antonio. It was alleged that in certifying the same, petitioner effectively

⁴⁹ *Rollo*, p. 31, citing RA No. 6758, Sec. 2.

⁵⁰ *De Castro v. Field Investigation Office, Office of the Ombudsman*, 810 Phil. 31, 47-48 (2017).

⁵¹ *Id.* at 48.

⁵² See *Office of the Ombudsman v. Apolonio*, 683 Phil. 553, 575 (2012), citing *Manuel v. Judge Calimag, Jr.*, 367 Phil. 162, 166 (1999).

⁵³ See *Government Service Insurance System v. Mayordomo*, 665 Phil. 131, 149 (2011).

“had a hand” in irregularly upgrading the salary of Antonio. However, a simple reading of the Plantilla of Casual Appointments plainly shows the extent of petitioner’s acts to be only with respect to certifying that appropriations did exist for the position.

On the other hand, it is undisputed that the preparation of the Plantilla of Casual Appointments was done by the HRMO, as in fact, the signature of one Annie B. Francisco, HRMO IV appears in all of the documents under the phrase “Prepared by.” It follows therefore that it was also the HRMO which indicated the salary grades of the appointees in the documents, including Antonio’s, and which, in fine, determined their correctness. It would be unfair to hold petitioner liable for the mistakes contained in the Plantilla of Casual Appointments considering that nothing in the enumerated duties of a local budget officer under Section 475 of the LGC, or even of the Local Finance Committee under Section 316 of the LGC of which a local budget officer is a member, provides that he or she is responsible in the preparation of the appointment papers of appointive employees of the local government unit. In the same manner, nothing in said sections explicitly requires that the local budget officer must ensure the correct salary grades of the positions to which local government employees are appointed by the local chief executive. Thus:

ARTICLE V

The Budget Officer

SECTION 475. *Qualifications, Powers and Duties.* – x x x

x x x x

(b) The budget officer shall take charge of the budget office and shall:

- (1) Prepare forms, orders, and circulars embodying instructions on budgetary and appropriation matters for the signature of the governor or mayor, as the case may be;
- (2) Review and consolidate the budget proposals of different departments and offices of the local government unit;
- (3) Assist the governor or mayor, as the case may be, in the preparation of the budget and during budget hearings;
- (4) Study and evaluate budgetary implications of proposed legislation and submit comments and recommendations thereon;
- (5) Submit periodic budgetary reports to the Department of Budget and Management;
- (6) Coordinate with the treasurer, accountant, and the planning and development coordinator for the purpose of budgeting;



(7) Assist the sanggunian concerned in reviewing the approved budgets of component local government units;

(8) Coordinate with the planning and development coordinator in the formulation of the local government unit development plan; and

(c) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

x x x x

SECTION 316. *Local Finance Committee.* – There is hereby created in every province, city or municipality a local finance committee to be composed of the local planning and development officer, the local budget officer, and the local treasurer. It shall exercise the following functions:

(a) Determine the income reasonably projected as collectible for the ensuing fiscal year;

(b) Recommend the appropriate tax and other revenue measures or borrowings which may be appropriate to support the budget;

(c) Recommend to the local chief executive concerned the level of the annual expenditures and the ceilings of spending for economic, social, and general services based on the approved local development plans;

(d) Recommend to the local chief executive concerned the proper allocation of expenditures for each development activity between current operating expenditures and capital outlays;

(e) Recommend to the local chief executive concerned the amount to be allocated for capital outlay under each development activity or infrastructure project;

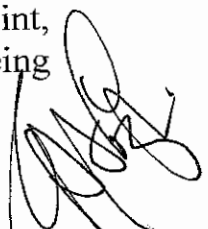
(f) Assist the sangguniang panlalawigan in the review and evaluation of budget of component cities and municipalities in the case of provincial finance committee, the barangay budgets in the case of city or municipal finance committee, and recommend the appropriate action thereon;

(g) Assist the sanggunian concerned in the analysis and review of annual regular and supplemental budgets of the respective local government unit to determine compliance with statutory and administrative requirements; and

(h) Conduct semi-annual review and general examination of cost and accomplishments against performance standards applied in undertaking development projects.

x x x x

In holding that petitioner was guilty of grave misconduct, nonetheless, the CA ruled that as a local budget officer, petitioner knew or ought to know the budget that can only be allocated for Antonio's position. At this point, the Court emphasizes again the specific act for which petitioner is being



called to account. It has nothing to do with budget preparations and any act related to it leading up to the enactment of an appropriation ordinance by the *sanggunian*. In this regard, the Court does agree with the observation of the CA about the responsibility of petitioner to know the budget allocation for Antonio's position. The Court completely differs, however, with the CA's finding that petitioner failed to carry out her responsibility. Petitioner, on the contrary, did perform her duty to verify the budget that can be allocated to Antonio. She has sufficiently explained that in certifying the existence of appropriations in the Plantilla of Casual Appointments issued to Antonio, she consulted the appropriations in the ordinances approving the annual budget for the relevant calendar years under the Economic Enterprises of the Municipality. The evidence she submitted support her claim that the appropriations in the ordinances for the salaries and wages of employees under Motorpool and Heavy Equipment Unit were not broken down into each position. Rather, they were in lump-sum and gradually increased over the years.⁵⁴ Glaringly, the Ombudsman and the CA failed to make any finding that the salaries and wages received by employees under Motorpool and Heavy Equipment Unit ever exceeded the appropriations during the relevant periods. It was also not disputed that the salaries paid passed the government audit.⁵⁵

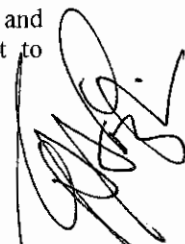
The next best connection that the CA had as regards petitioner's duties with that of her purported offense concerns assisting the mayor in the preparation of the budget and the *sanggunian* in the analysis and review thereof. The CA appears to suggest that petitioner ought to know the correct salary grade of Antonio's position because she was involved in the budget preparations, analysis and review. Suffice it to state, however, the duties of petitioner merely speak of "assisting," and notably, with regard to Section 316(g) of the LGC, which the CA emphasized on,⁵⁶ it bears stressing that petitioner was a mere member of the Local Finance Committee to which the function under Section 316(g) is vested. It is, in other words, a shared responsibility with the local planning and development officer and the local treasurer.

To be sure, the duty of budget preparation and its enactment are primarily lodged with the local chief executive and the *sanggunian*, respectively. Significantly, in this regard, there is nary an allegation that the appropriations ordinances which petitioner relied upon were irregular to begin with. There is neither, at the very least, any allegation against petitioner anent any negligence or misconduct on her part insofar as previous budget preparations were concerned. As such, the Court is not prepared to make any conclusion on the matter. As has been demonstrated, the duties of petitioner were largely subordinate. Allegations of irregularities surrounding

⁵⁴ See *rollo*, pp. 177-204.

⁵⁵ Id. at 104-105.

⁵⁶ Id. at 43; Section 316(g) of the LGC states: "Assist the *sanggunian* concerned in the analysis and review of annual regular and supplemental budgets of the respective local government unit to determine compliance with statutory and administrative requirements."



budget preparation and enactment would, perforce, entail piecing together the actions or participation as well of other officials who were equally responsible or even more responsible than she.

All told, there is no substantial evidence to hold petitioner administratively liable in this case. To reiterate, the charge against her was only with respect to her certifications appearing in the Plantilla of Casual Appointments of Antonio. Each of the Plantilla of Casual Appointments evidently shows that the certifications made by petitioner were clearly and expressly limited to the existence of appropriations for the position.⁵⁷ Upon consulting the appropriations ordinances and verifying that the intended appropriations for the positions stated in the Plantilla of Casual Appointments were sufficiently covered, petitioner had dutifully performed what was incumbent upon her.

In order to establish administrative liability for misconduct, there must be a nexus between the public official's acts and the functions of his or her office.⁵⁸ Misconduct being an intentional act, as well, the holding of the Court in *PNP-CIDG v. Villafuerte*,⁵⁹ although involving different charges, is illuminating. The Court in said case noted of a nexus that should also be established between the functions of the official and a scheme to defraud the Government. The Court cautioned that the Ombudsman cannot satisfy the threshold of substantial evidence using only conjectures and suppositions.

Indeed, while the quantum of evidence in administrative cases does not require that it be overwhelming or preponderant in order to be considered substantial, this does not sanction drawing a nexus that is tenuous or rests on shaky grounds. The Court has always lauded the Ombudsman in fulfilling its all too important role as “protector of the people,” **but the Court has, at the same time, drawn the line when it becomes overzealous at the expense of public officers.**⁶⁰ The Court once again puts its foot down in the shot-gun approach employed by the Ombudsman in this case.

WHEREFORE, the Petition is **GRANTED**. The Court of Appeals Decision dated February 15, 2018 and Resolution dated July 6, 2018 in CA-G.R. SP Nos. 07765-MIN and 07826-MIN, as well as the Office of the Ombudsman Decision dated September 7, 2016 and Order dated October 28, 2016 in OMB-M-A-12-0201 are **REVERSED** and **SET ASIDE**. Petitioner Cecilia Q. Rejas is hereby **ABSOLVED** from any administrative liability in connection with the instant case.

⁵⁷ Rollo, pp. 147-176.

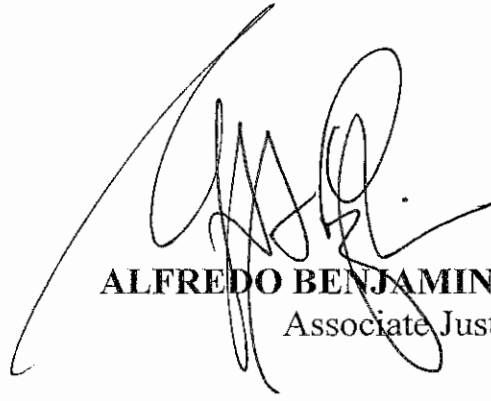
⁵⁸ See *Ombudsman v. Apolonio*, supra note 52, at 575.

⁵⁹ Supra note 45.

⁶⁰ See *Lukban vs. Ombudsman*, G.R. No. 238563, February 12, 2020, p. 7.

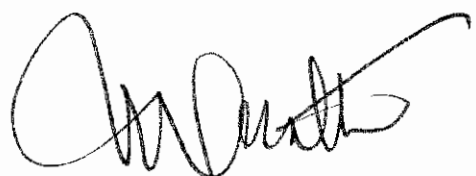


SO ORDERED.

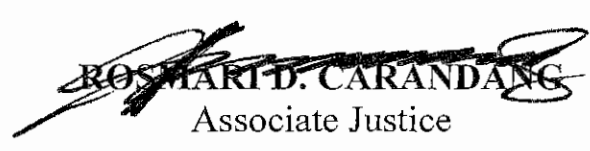


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice
Chairperson



ROSMARID D. CARANDANG
Associate Justice



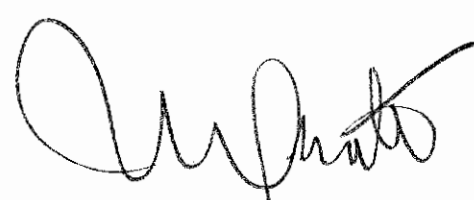
RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
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's Division.



DIOSDADO M. PERALTA
Chief Justice