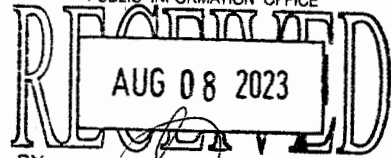




SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



BY: _____
TIME: _____

Republic of the Philippines
Supreme Court
Baguio City

EN BANC

JESSIE JAVIER CARLOS,
Petitioner,

G.R. No. 225774

Present:

-versus-

GESMUNDO, *CJ.*
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, *JJ.*

DEPARTMENT OF FINANCE -
REVENUE INTEGRITY
PROTECTION SERVICE (DOF-
RIPS) and OFFICE OF THE
OMBUDSMAN,
Respondents.

Promulgated:
April 18, 2023

X-----*[Signature]*-----X

DECISION

LEONEN, *J.*:

The review and compliance procedure in Section 10 of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees is absolutely mandatory. The government must comply with it for public officials or employees to be held liable for errors or omissions in, or nonsubmission of, their Statements of Assets, Liabilities, and Net Worth (SALNs).

This resolves a Petition for Review on *Certiorari*¹ under Rule 45 of the 1997 Rules of Civil Procedure, assailing the Decision² and Resolution³ of the Court of Appeals. The Court of Appeals reversed the ruling of the Office of the Ombudsman finding Jessie Javier Carlos (Carlos) guilty of grave misconduct and gross neglect of duty.⁴ Instead, the Court of Appeals found Carlos guilty of dishonesty, yet maintained the penalty of dismissal for his alleged failure to disclose real properties, motor vehicles, business interests, and liabilities in his SALNs.⁵

Carlos was first hired as a Tax Specialist II at the Department of Finance - One-Stop Shop Tax Credit and Duty Drawback Center on a contractual basis on September 1, 2000. He earned an annual gross salary of ₱152,004.00. This contract was renewed every six months until he received a permanent appointment as Tax Specialist I on September 27, 2005. On November 25, 2011, his annual gross salary was increased from ₱126,420.00 to ₱210,480.00.⁶

Sometime in 2012, the Department of Finance - Revenue Integrity Protection Service (DOF-RIPS) investigated Carlos's lifestyle and assets compared to his SALNs from 2000 to 2010.⁷ The DOF-RIPS filed a Complaint against Carlos before the Office of the Ombudsman for his failure to disclose his ownership of the following assets:⁸

<i>Property</i>	<i>Value</i>	<i>Mode of financing</i>	<i>Years not reported</i>
House and lot in Tondo, Manila	₱1,100,000.00	Loan	2003–2008
Toyota Innova	₱973,000.00	Loan	2007–2008
Wife's business interest in Armset Trading			2010

Carlos was also accused of amassing assets disproportionate to his income and obtaining dubious loans to conceal his unexplained wealth:

1. House and lot worth ₱3,000,000.00 in 2008;

¹ *Rollo*, pp. 3–21.

² *Id.* at 26–43. The October 27, 2015 Decision in CA-G.R. SP. No 138169 was penned by Associate Justice Marlene Gonzales-Sison, and concurred in by Associate Justices Ramon A. Cruz and Ma. Luisa C. Quijano-Padilla of the Special Seventeenth Division, Court of Appeals, Manila.

³ *Id.* at 44–46. The June 28, 2016 Resolution in CA-G.R. SP. No 138169 was penned by Associate Justice Marlene Gonzales-Sison, and concurred in by Associate Justices Ramon A. Cruz and Ma. Luisa C. Quijano-Padilla of the Former Special Seventeenth Division, Court of Appeals, Manila.

⁴ *Id.* at 41.

⁵ *Id.* at 41–42.

⁶ *Id.* at 29.

⁷ *Id.*

⁸ *Id.* 28–30.

2. Farm lots with improvements worth ₱4,000,000.00 in 2010;
3. Personal loan of ₱4,000,000.00 in 2008;
4. Personal loan of ₱5,000,000.00 in 2010;
5. Auto loan of ₱973,000.00 for a Toyota Innova in 2008;
6. Auto loan of ₱1,600,000.00 for a Hyundai Starex in 2010; and
7. Credit card debts worth ₱200,000.00 to ₱600,000.00 from 2006 onwards.⁹

In his defense, Carlos alleged that he completed his SALNs in good faith and that he should have been given an opportunity to correct his alleged omissions or mistakes.¹⁰

As regards the alleged nondisclosure of his purchase of a Toyota Innova in his 2007 SALN, Carlos explained that he commenced paying for the same in 2003 on an installment basis until its full payment in 2007. He removed it from his SALN when he sold the vehicle in 2010. As for his wife's business, Armset Trading, he did not disclose it since it was not operating yet.¹¹

On the charges of grave misconduct and gross neglect of duty, Carlos argued that he complied with the disclosure requirement under Section 8 of Republic Act No. 6713 and Section 7 of Republic Act No. 3019. He further argued that the alleged omissions in his SALNs do not have a direct relation to the performance of his official duties.¹²

The Office of the Ombudsman found Carlos guilty of grave misconduct and gross neglect of duty.¹³ The dispositive portion of the Decision reads:

WHEREFORE, we find respondent **JESSIE JAVIER CARLOS** guilty of the offense of **GRAVE MISCONDUCT** and **GROSS NEGLIGENCE OF DUTY** and as such is thereby imposed the penalty of **DISMISSAL** from the service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification for reemployment in the government service, as provided for under Rule IV, Section 52(A)(2) no. 3 and 2, in relation to Section 58 (a) of the Uniform Rules on Administrative Cases in the Civil Service.

SO RESOLVED.¹⁴

After his Motion for Reconsideration and Joint Motion for Reconsideration were denied in the Joint Order dated October 25, 2014,¹⁵ Carlos filed a Petition for Review before the Court of Appeals.

⁹ Id. at 29–30.

¹⁰ Id. at 30–31.

¹¹ Id. at 31.

¹² Id.

¹³ Id. at 115–131.

¹⁴ Id. at 130.

¹⁵ Id. at 132–136.

The Court of Appeals ruled that the review and compliance procedure in Section 10 of Republic Act No. 6713 being invoked by Carlos does not apply where the Ombudsman is the one reviewing a public officer or employee's SALN.¹⁶

On the evidence of Carlos's illegal acquisition of properties and commission of grave misconduct and gross neglect, the Court of Appeals ruled that the presumption that Carlos unlawfully acquired the properties, which are manifestly out of proportion to his income, stands. However, Carlos's failure to file true and detailed SALNs did not amount to grave misconduct or gross neglect of duty. Rather, Carlos committed dishonesty. The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, the petition is **GRANTED in PART**. The October 25, 2012 Decision and the October 25, 2014 Joint Order of the Office of the Ombudsman in OMB-C-A-11-0775-L (LSC) are hereby **REVERSED** and **SET ASIDE** and a new one is entered finding petitioner Jessie Javier Carlos guilty of **DISHONESTY** and imposing upon him the penalty of **DISMISSAL** from the service, with the penalties of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service.

SO ORDERED.¹⁷

Finding no merit in Carlos's Motion for Reconsideration, the Court of Appeals denied the same.¹⁸

Thus, Carlos filed this Petition for Review on *Certiorari*.

Petitioner maintains that he was deprived of due process and the opportunity to correct his SALNs pursuant to Section 10 of Republic Act No. 6713. Petitioner further argues that there is no sufficient evidence to support the Court of Appeals October 27, 2015 Decision¹⁹ and June 28, 2016 Resolution²⁰ finding him guilty of dishonesty.

The issue for this Court's resolution is whether the Court of Appeals committed reversible error in ruling that: first, the Office of the Ombudsman has the power to find petitioner Jessie Javier Carlos administratively liable for omissions in his SALNs regardless of him availing the remedies in Section 10 of Republic Act No. 6713; and second, petitioner is guilty of dishonesty.

¹⁶ Id.

¹⁷ Id. at 41-42.

¹⁸ Id. at 44-46

¹⁹ Id. at 26-43.

²⁰ Id. at 44-46.

This Court resolves to grant the Petition.

Petitioner cannot be held liable for omissions or errors in his SALNs for the government's failure to comply with the review and compliance procedure in Section 10 of Republic Act No. 6713,²¹ which provides:

SECTION 10. Review and Compliance Procedure. — (a) The designated Committees of both Houses of the Congress shall establish procedures for the review of statements to determine whether said statements which have been submitted on time, are complete, and are in proper form. In the event a determination is made that a statement is not so filed, the appropriate Committee shall so inform the reporting individual and direct him to take the necessary corrective action.

(b) In order to carry out their responsibilities under this Act, the designated Committees of both Houses of Congress shall have the power within their respective jurisdictions, to render any opinion interpreting this Act, in writing, to persons covered by this Act, subject in each instance to the approval by affirmative vote of the majority of the particular House concerned.

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act.

(c) The heads of other offices shall perform the duties stated in subsections (a) and (b) hereof insofar as their respective offices are concerned, subject to the approval of the Secretary of Justice, in the case of the Executive Department and the Chief Justice of the Supreme Court, in the case of the Judicial Department.

The above rule “institutes a mechanism for review and an opportunity to rectify errors, specifically with respect to: (1) failure to submit on time; (2) incomplete SALNs; and formally defective SALNs.”²²

A review and compliance committee designated by the head of the agency is required to review SALNs to determine whether they have been submitted on time, are complete, and in proper form.²³ The review and compliance committee shall prepare a list detailing who among the officials and employees filed their SALNs with complete data, filed SALNs with incomplete data, and did not file SALNs at all.²⁴ This list is to be submitted to the head of office on or before May 15 of each year.²⁵ Based on the

²¹ Otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

²² *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman and Ramirez*, G.R. No. 238510, July 14, 2021, <<https://sc.judiciary.gov.ph/27237/>> [Per J. Leonen, Third Division].

²³ CSC Resolution No. 13-00455 (2013).

²⁴ Id.

²⁵ Id.

determination that a SALN had not been submitted on time, is incomplete, or is not in proper form, the head of office has five days to perform the ministerial duty to inform the official or employee concerned and direct them to take the necessary corrective action.²⁶ The official or employee is then given a non-extendible period of 30 days to comply from receipt of the order.²⁷ If, at the lapse of the 30-day period, the official or employee does not comply with the directive to submit or correct their SALN, only at that point can the official or employee be subjected to disciplinary action:²⁸

SECTION 4. Sanction for Failure to Comply/Issuance of a Show Cause Order.

Failure of an official or employee to correct/submit his/her SALN in accordance with the procedure and within the given period pursuant to the directive in Section 3 hereof shall be a ground for disciplinary action. The Head of Office shall issue a show-cause order directing the official or employee concerned to submit his/her comment or counter-affidavit; and if the evidence so warrants, proceed with the conduct of the administrative proceedings pursuant to the Revised Rules on Administrative Cases in the Civil Service (RRACCS), CSC Resolution No. 1101502 dated November 8, 2011. The offense of failure to file SALN is punishable under Section 46 (D)(8) of Rule X thereof, with the following penalties:

First Offense- Suspension of one (1) month and one (1) day to six (6) months

Second Offense- Dismissal from the service

Public officials and employees who fail to comply within the thirty (30) day period required under Section 3 hereof or who submit their SALNs beyond the said period shall be considered as not having filed their SALNs, and shall be made liable for the offense of Failure to File SALN with a penalty of suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.

Heads of agencies/offices who fail to comply with the provisions of CSC Resolution No. 06-231 dated February 1, 2006, shall be liable for Simply Neglect of Duty, which shall be punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense, and dismissal from the service for the second offense.²⁹

²⁶ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 3, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

²⁷ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 3, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

²⁸ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 4, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

²⁹ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 4, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

The foregoing review and compliance mechanism is mandatory. Without compliance with it, liability for failure to file, or for omissions or errors in SALNs will not attach. The reporting individual cannot be subjected to disciplinary action without being informed of their errors or omissions, and also being afforded an opportunity to comply.³⁰

Public officials and employees will only be considered as not having filed their SALNs if they fail to comply within the 30-day period required under Section 3 of the Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, as amended, or if they submit their SALNs beyond the said period.³¹ Unless the review and compliance procedure is followed, the violation does not arise. Consequently, if there is no violation, there is no liability.

In *Office of the Deputy Ombudsman for Luzon v. Salig*,³² this Court ruled in no uncertain terms that public officials or employees are not automatically liable absent adherence to Section 10 of Republic Act No. 6713:

[T]he law does not automatically impose liability on erring public officials or employees. Section 10 of R.A. No. 6713 and its Implementing Rules and Regulations (IRR) provide for a review and compliance procedure for SALN submissions and give public officials or employees an opportunity to correct erroneous entries or supply missing information in their SALN to conform to the prescribed requirements...

The review and compliance procedure serves as a mechanism that affords the public official or employee a final opportunity to comply with the requirements before any sanction is meted out. It seeks a fuller and more accurate disclosure of the necessary information. While the SALN is an instrument that ensures accountability, the review and compliance procedure works as a buffer that prevents the haphazard filing of actions against public officials and employees.

Here, Salig's failure to correct entries, supply missing information, or give proper attention to the filling out of his SALNs, without first calling his attention on the matter, could not be considered as indicative of untruthful declaration of assets, absent any concrete proof. The appropriate office or committee should have given Salig the opportunity to correct the entries in his SALNs to conform to the prescribed requirements at that time. Section 10 of R.A. No. 6713 and its IRR are clear that in the event the authorities determine that a statement is not properly filed, they shall inform the reporting individual and direct him or her to take the necessary corrective action...

³⁰ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 4, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

³¹ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 4, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

³² G.R. No. 215877, June 16, 2021, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/67638>> [Per J. Delos Santos, Third Division].

Here, Salig was not given a chance to correct or fully explain the entries in his SALNs. His failure to give a detailed explanation or supply missing information could have been prevented if he were properly apprised by the head of office or appropriate committee. Nevertheless, Salig was able to successfully prove that he did not possess any unexplained wealth and had properly accounted for them just like in the case of *Navarro*. Thus, without any malice or wrongful intent, administrative liability cannot attach.

While the Court is mindful of the duty of public officials and employees to fully disclose their wealth in the SALN as a means to maintain transparency and a standard of honesty in the public service, such public officials and employees should also be given the opportunity to explain and take corrective action of any *prima facie* appearance of discrepancy in their SALN. Where the acquisition of unexplained wealth can be properly accounted for, then such assets cannot be considered as illegally acquired or accumulated.³³ (Citations omitted)

In *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman and Ramirez*,³⁴ this Court discussed the government's duty to issue a compliance order and the consequences of its failure to do so. This Court again ruled that "liability for failure to file a SALN, or a defective SALN, does not automatically arise":

Accordingly, the government's failure to act by not issuing a compliance order to a public officer or employee should mean that such public officer or employee properly discharged their duty to file a complete and sufficient SALN, and that he or she did so on time.

Atty. Navarro v. Office of the Ombudsman explained how it is the government's duty to call the attention of a public officer who may have committed an error by failing to file a SALN at the required time, or otherwise filing a defective SALN. It notes how, by being issued a compliance order, the public officer concerned is prompted to make the necessary correction, whether it be by filing a yet unfiled SALN, or by correcting whatever defects attended the previously filed SALN. It affirms how liability for the unfiled or defective SALN shall ensue only if, after being notified, the public officer concerned fails to rectify his or her error:

Although it is the duty of every public official/employee to properly accomplish his [or] her SALN, it is not too much to ask for the head of the appropriate department/office to have called his attention should there be any incorrectness in his SALN. The DOF, which has supervision over the BIR, could have directed Navarro to correct his SALN. This is in consonance with the above-quoted Review and Compliance Procedure under R.A. No. 6713, as well as its Implementing Rules and Regulations (IRR), providing for the procedure for review of statements to determine whether they have been properly accomplished. To reiterate, it is provided in the IRR that in the event authorities determine that a SALN is not properly filed, they should **inform the reporting**

³³ Id.

³⁴ G.R. No. 238510, July 14, 2021, <<https://sc.judiciary.gov.ph/27237/>> [Per J. Leonen, Third Division].

individual and direct him [or her] to take the necessary corrective action...

The Court is mindful of the duty of public officials and employees to disclose their assets, liabilities and net worth accurately and truthfully. In keeping up with the constantly changing and fervent society and for the purpose of eliminating corruption in the government, the new SALN is stricter, especially with regard to the details of real properties, to address the pressing issue of transparency among those in the government service. Although due regard is given to those charged with the duty of filtering malicious elements in the government service, it must still be stressed that such duty must be exercised with great caution as grave consequences result therefrom. Thus, some leeway should be accorded the public officials. They must be given the opportunity to explain any *prima facie* appearance of discrepancy. To repeat, where his explanation is adequate, convincing and verifiable, his [or her] assets cannot be considered unexplained wealth or illegally obtained. (Emphasis in the original)

The urgency and limited window of time within which the government must act and pursue liability in relation to unfiled or defective SALNs is confirmed by how Section 8 (C) (4) of the Code of Conduct and Ethical Standards for Public Officials and Employees mandates the keeping of SALNs for a period of only 10 years. Unless there is an ongoing investigation upon the arrival of the 10th year, archived SALNs may be destroyed. Consistent with this, the lack of archived SALNs that have aged beyond 10 years should be interpreted as arising from compliance with Section 8 (C) (4), e.g., that they have been destroyed because the statutorily mandated period for keeping them has lapsed:

SECTION 8. Statements and Disclosure. — Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households...

(C) Accessibility of documents. — (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours...

(4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.³⁵

In *Atty. Navarro v. Office of the Ombudsman*,³⁶ the Ombudsman found petitioner administratively liable for dishonesty and grave misconduct. This

³⁵ Id.

³⁶ 793 Phil. 453 (2016) [Per J. Mendoza, Second Division].

Court reversed the Ombudsman and exonerated the petitioner who was not afforded an opportunity to correct their SALN, thus:

The appropriate office or committee should have given him the opportunity to correct the entries to conform to the prescribed requirements at that time. Section 10 of R.A. No. 6713 covering Review and Compliance Procedure and its Implementing Rules and Regulations (IRR), provide that in the event the authorities determine that a statement is not properly filed, *the appropriate committee shall inform the reporting individual and direct him to take the necessary corrective action...*

Given the opportunity, Navarro could have disclosed the acquisition costs and cost of the improvements in a more detailed way. His failure to amend his presentation, without his attention on the matter being called, cannot be considered as indicative of an untruthful declaration of his assets. Unless there is a concrete proof that the values or acquisition costs stated in Navarro's SALNs were not what they were supposed to be, then a conclusion that the same were untruthful cannot be reached.³⁷

To stress the importance of the review and compliance procedure, the head of office who fails to perform their duties pursuant to the review and compliance mechanism may even be held liable for simple neglect of duty.³⁸

Thus, if the head of office issued a written opinion pursuant to the review and compliance mechanism and the reporting individual acts in good faith in accordance with the opinion, the reporting individual cannot be subjected to the sanctions provided in Republic Act No. 6713.³⁹

Taken together, the law and rules establish a robust mechanism for the review of SALNs. The process does not end there. The objective behind identifying nonsubmission of, or omissions and errors in SALNs is to timely address them. After all, the intention is for a more complete disclosure. This transparency is intended to “suppress any questionable accumulation of wealth.”⁴⁰

The requirements discussed above do not diminish the Ombudsman’s powers over administrative complaints:

SECTION 19. Administrative Complaints. — The Ombudsman shall act on all complaints relating, but not limited to acts or omissions which:

³⁷ Id. at 471–473.

³⁸ Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, Rule VIII (1989), sec. 4, as amended by CSC Resolution No. 06-0231 (2006) and CSC Resolution No. 13-00174 (2013).

³⁹ Republic Act No. 6713, sec. 10 (b).

⁴⁰ *The Department of Finance-Revenue Integrity Protection Service (DOF-RIPS) v. Enerio*, G.R. No. 238630, February 3, 2021, <<https://sc.judiciary.gov.ph/23592/>> [Per J. Delos Santos, Third Division].

- (1) Are contrary to law or regulation;
- (2) Are unreasonable, unfair, oppressive or discriminatory;
- (3) Are inconsistent with the general course of an agency's functions, though in accordance with law;
- (4) Proceed from a mistake of law or an arbitrary ascertainment of facts;
- (5) Are in the exercise of discretionary powers but for an improper purpose; or
- (6) Are otherwise irregular, immoral or devoid of justification.⁴¹

While the duty to conduct the review and compliance procedure does not fall on the Ombudsman, it nevertheless cannot prosecute the official or employee for errors or omissions in, or nonsubmission of, their SALN if the official or employee was not informed of them, or afforded the opportunity to comply.

Republic Act No. 6713 and its implementing rules are straightforward and mandatory. Without compliance with them, a violation cannot arise. If there is no violation, there is no liability for the Ombudsman to act on.

Moreover, the provisions of Republic Act No. 6713 are more specific than Republic Act No. 6770 and Republic Act No. 3019 as regards the filing of SALNs. Republic Act No. 6713 was also promulgated more recently than Republic Act No. 3019. Thus, Republic Act No. 6713 takes precedence over Republic Act No. 6770 and Republic Act No. 3019 for the prosecution of offenses involving SALNs:

Section 7 of the Anti-Graft and Corrupt Practices Act mandates every public officer to file a statement of assets, liabilities, and net worth with the office of his or her Department Head, Office of the President, or Office of the Secretary of the House of Representatives or Senate, wherever applicable. Violating this provision is sufficient to remove or dismiss a public officer, who shall be punished with a fine and/or imprisonment. However, the law was passed decades before the enactment of Republic Act No. 6713, which particularly governs the conduct and ethical standards of public officials and employees.

The Code of Conduct and Ethical Standards for Public Officials and Employees specifies that a review and compliance procedure must be established to determine the existence of certain defects in a public officer's statement of assets, liabilities, and net worth. Under the procedure, if it is found that the statement of assets, liabilities, and net worth was: (1) not filed on time; (2) incomplete; or (3) not in proper form, the reporting individual

⁴¹ Republic Act No. 6770 (1989), sec. 19, The Ombudsman Act of 1989.

must be informed of this defect and directed to take corrective action.⁴²
(Citations omitted)

Despite this, the Court ruled contrarily in *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*,⁴³ *Carabeo v. Court of Appeals*,⁴⁴ *Carabeo v. Sandiganbayan*,⁴⁵ *Presidential Anti-Graft Commission v. Pleyto*,⁴⁶ and *De Castro v. Office of the Ombudsman*.⁴⁷

In *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*, the Court ruled that the review and compliance procedure is internal and does not apply where the SALN is being reviewed or questioned by someone other than the head of office. Adherence to the review and compliance procedure is irrelevant where the Ombudsman is investigating violations of Republic Act No. 6713 and Republic Act No. 3019, in which case the Rules of Procedure of the Office of the Ombudsman will apply.⁴⁸

In *Carabeo v. Court of Appeals*, the Court acknowledged that Section 10 of Republic Act No. 6713 allows for corrective measures, yet excused noncompliance of the government from it because the reporting individual was charged not only with violation of Republic Act No. 6713, but also with violation of the Revised Penal Code, Republic Act No. 1379,⁴⁹ and Republic Act No. 3019. The Court stated that “prior notice of the non-completion of the SALN and its correction” need not precede the filing of charges for violation of Republic Act No. 3019 or for dishonesty and grave misconduct.⁵⁰

In *Carabeo v. Sandiganbayan*, the Court stated that Section 10 of Republic Act No. 6713 only applies to formal defects in SALNs. Further, the procedure in it is merely an internal office matter. Non-observance of it cannot bar the Ombudsman from exercising its power to investigate and prosecute. Otherwise, the Ombudsman’s constitutionally guarded independence will be diminished.⁵¹

In *Presidential Anti-Graft Commission v. Pleyto*, the Court, relying on *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*, ruled that the review and compliance procedure in Republic Act No.

⁴² J. Leonen, Concurring Opinion in *San Diego v. Fact-Finding Investigation Committee, OMB-MOLEO*, G.R. No. 214081, April 10, 2019, <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65165>> [Per C.J. Peralta, Third Division].

⁴³ 563 Phil. 842–918 (2007) [Per J. Chico-Nazario, Third Division].

⁴⁴ 622 Phil. 413–430 (2009) [Per J. Carpio, *En Banc*].

⁴⁵ 659 Phil. 40–47 (2011) [Per J. Abad, Second Division].

⁴⁶ 661 Phil. 643–656 (2011) [Per J. Abad, Second Division].

⁴⁷ 810 Phil. 31–57 (2017) [Per J. Caguioa, First Division].

⁴⁸ *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*, 563 Phil. 842, 914–917 (2007) [Per J. Chico-Nazario, Third Division].

⁴⁹ An Act Declaring Forfeiture in Favor of the State Any Property Found to have been Unlawfully Acquired by Any Public Officer or Employee and Providing for the Proceedings therefor.

⁵⁰ *Carabeo v. Court of Appeals*, 622 Phil. 413, 428–430 (2009) [Per J. Carpio, *En Banc*].

⁵¹ *Carabeo v. Sandiganbayan*, 659 Phil. 40, 46–47 (2011) [Per J. Abad, Second Division].

6713 is not a prerequisite to the filing of administrative charges for false declarations or concealments in SALNs. The Court further ruled that the review does not refer to the substance of SALNs.⁵²

In *De Castro v. Office of the Ombudsman*, the Court, citing *Carabeo v. Sandiganbayan*, ruled that “the [Ombudsman’s] power to investigate and prosecute...on account of discrepancies in...SALNs stands independent of the power of the [head of office] to ensure compliance with the SALN requirement within the [office].”⁵³

The rulings cited above are contrary to the clear mandate of Republic Act No. 6713. They are in direct conflict with the text of the law and better-considered decisions of this Court interpreting the law.

Pleyto v. Philippine National Police Criminal Investigation and Detection Group and subsequent applications of its erroneous ruling as regards the necessity of the review and compliance mechanism must therefore be abandoned.

The *Presidential Anti-Graft Commission v. Pleyto* statement that the review of SALNs does not refer to the substance of SALNs must also be abandoned. This pronouncement has no legal basis. The text of Republic Act No. 6713 plainly requires the head of office to determine the completeness of each SALN. That the task may be burdensome does not negate the clear meaning of the law. While *Presidential Anti-Graft Commission v. Pleyto* asserted that the task would be impossible,, the rules subsequently promulgated operationalize and mandate it.

In making the clarifications in this present case, this Court is not, in any way, tolerating the concealment of ill-gotten wealth. On the contrary, we are putting the focus on the real evil—the accumulation of ill-gotten wealth. Strict compliance with Section 10 of Republic Act No. 6713 precisely allows the government to weed out simple, correctible errors from actually deliberate, sinister attempts to conceal ill-gotten wealth. If, after being given an opportunity to correct, complete, and submit SALNs, government employees fail to comply, then they may be held liable for errors or omissions in, or nonsubmission of, their SALNs:

Considering that the real evil sought to be addressed is the accumulation of ill-gotten wealth, our legal system should guard against the weaponizing of SALNs where errors were made in good faith. It should not mistake a lapse in compliance with a mere adjunct mechanism with the greater authentic cause which that mechanism serves. *A measure of*

⁵² *Presidential Anti-Graft Commission v. Pleyto*, 661 Phil. 643, 653–656 (2011) [Per J. Abad, Second Division].

⁵³ *De Castro v. Office of the Ombudsman*, 810 Phil. 31, 47 (2017) [Per J. Caguioa, First Division].

leniency can be extended to casual, isolated, and / or infrequent non- or mis-declarations that do not point to a scheme to mislead and defraud. Such non-declarations or mis-declarations are innocuous mistakes that do not signal the accumulation of unexplained wealth, though they may signify a degree of carelessness. Such innocuous mistakes may be addressed by the customary corrective action enabled by Section 10 of Republic Act No. 6713.

In any case, well-meaning, albeit occasionally imprecise or neglectful, public officers should not be made to suffer the heavy penalties that are meant for those who are unequivocally nefarious, those who take advantage of whatever benefits public office affords, and those who make a mockery of the trust reposed in them by the public.⁵⁴ (Emphasis supplied)


Here, petitioner was not given the opportunity to correct the mistakes and omissions in his SALNs in accordance with Section 10 of Republic Act No. 6713. Without abiding with this review and compliance procedure, liability will not attach to petitioner. Thus, the Court of Appeals erred in finding petitioner guilty of dishonesty.

ACCORDINGLY, the Petition is **GRANTED**. The October 27, 2015 Decision of the Court of Appeals in CA-G.R. SP. No. 138169 finding petitioner Jessie Javier Carlos **GUILTY** of **DISHONESTY** and imposing the penalty of **DISMISSAL** from the service, with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, is **REVERSED** and **SET ASIDE**.

SO ORDERED.


MARVIC M.V.F. LEONEN
Senior Associate Justice


WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

⁵⁴ *Department of Finance-Revenue Integrity Protection Service v. Office of the Ombudsman and Ramirez*, G.R. No. 238510, July 14, 2021, <<https://sc.judiciary.gov.ph/27237/>> [Per J. Leonen, Third Division].




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



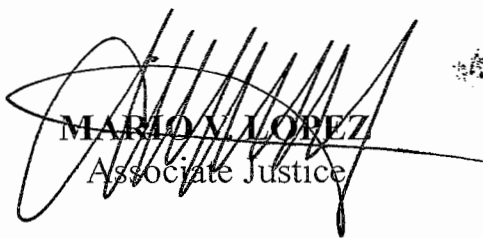
AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice




RODIL V. ZALAMEDA
Associate Justice




MARIO A. LOPEZ
Associate Justice



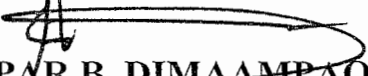
SAMUEL H. GAERLAN
Associate Justice



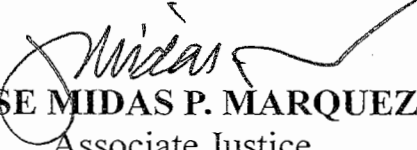
RICARDO R. ROSARIO
Associate Justice




JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO
Chief Justice