



Republic of the Philippines
Supreme Court
Manila

EN BANC

CIVIL SERVICE COMMISSION G.R. No. 240517
and PAQUITO N. OCHOA, JR.,
EXECUTIVE SECRETARY,
Petitioners,

-versus-

JERIK RODERICK V. JACOBA,
Respondent.

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JERIK RODERICK V. JACOBA, G.R. No. 240688
Petitioner,

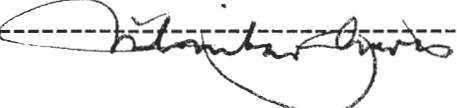
Present:

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

-versus-

CIVIL SERVICE COMMISSION
and PAQUITO N. OCHOA, JR.,
EXECUTIVE SECRETARY,
Respondents.

Promulgated:
June 27, 2023

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DECISION**LEONEN, J.:**

Administrative bodies and quasi-judicial agencies are recognized specialists in their respective fields. Thus, their findings of fact, when bolstered by substantial evidence or “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,”¹ are treated with great respect and even finality by courts and can support the imposed administrative liability on an erring public officer.²

This Court resolves the consolidated Petitions for Review on *Certiorari*³ assailing the Decision⁴ and Resolution⁵ of the Court of Appeals, which found Jerik Roderick V. Jacoba (Jacoba) guilty of simple misconduct.

The facts are not disputed:

On June 10, 2009, police officers recovered the body of Ruby Rose Barrameda-Jimenez (Barrameda) in a steel drum from the waters of Navotas City. Barrameda had been missing for more than two years before her body was found covered in hardened concrete inside a submerged steel drum.⁶

On March 1, 2010, the Department of Justice issued a resolution recommending the filing of an information for murder against several persons for the slaying of Barrameda and an information for parricide against her husband, Manuel Jimenez III (Jimenez).⁷

On August 11, 2010, the Department of Justice resolved to indict Jimenez of parricide.⁸

* On official leave.

** Per Special Order No. 2989 dated June 24, 2023.

¹ RULES OF COURT, Rule 133, sec. 5.

² *Department of Justice v. Nuqui*, G.R. No. 237521, November 10, 2021 [Per J. Leonen, Third Division].

³ *Rollo* (G.R. No. 240517), pp. 38–64; *Rollo* (G.R. No. 240688), pp. 11–70.

⁴ *Rollo* (G.R. No. 240517), pp. 74–95; *Rollo* (G.R. No. 240688), pp. 76–97. The November 29, 2017 Decision in CA-G.R. No. 139174 was penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Fernanda Lampas Peralta and Elihu A. Ybañez of the Fourth Division, Court of Appeals, Manila.

⁵ *Rollo* (G.R. No. 240517), pp. 96–98; *Rollo* (G.R. No. 240688), pp. 72–74. The November 29, 2017 Decision in CA-G.R. No. 139174 was penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Fernanda Lampas Peralta and Elihu A. Ybañez of the Former Fourth Division, Court of Appeals, Manila.

⁶ PHIL. DAILY INQ., *What Went Before: Ruby Rose Barrameda Murder*, INQUIRER.NET, November 8, 2012, available at <https://newsinfo.inquirer.net/304232/what-went-before-ruby-rose-barrameda-murder> (last accessed on July 26, 2023).

⁷ *Rollo* (G.R. No. 240517), p. 121.

⁸ *Id.*

On August 26, 2010, Jimenez appealed the Department of Justice's resolution of his indictment before the Office of the President. The Malacañang Records Office sent Jimenez's Petition for Review to the Legal Affairs Office the following day.⁹

On December 1, 2010, the Department of Justice forwarded the Barrameda case records to the Legal Affairs Office of the Office of the President. The case records were then forwarded to the paralegals of the Legal Affairs Office for their summarization.¹⁰

On July 28, 2011, the case was assigned to Atty. Milfe V. Tan (Atty. Tan) of the Legal Affairs Office. Atty. Tan thereafter endorsed her draft decision and case records to Richard Cuevillas (Cuevillas) for tracking purposes.¹¹

On July 29, 2011, Cuevillas forwarded the draft decision and case records to Donabel Ronzales (Ronzales) for proofreading before it could be reviewed by Deputy Executive Secretary for Legal Affairs Michael Aguinaldo (DESLA Aguinaldo).¹² The paper trail stopped after this, and the records do not show what happened to the Barrameda case records after Ronzales received them.¹³

Sometime in February 2012, Undersecretary Ronaldo A. Geron inquired about the status of the Jimenez appeal, but the Barrameda case records could not be located.¹⁴

In April 2012, news broke out that the Legal Affairs Office was deliberately delaying the resolution of the Jimenez appeal. The Office of the President investigated the issue and realized that the Barrameda case records could no longer be found. For the next few days, several staff members searched the workstations and filing cabinets of all employees in the Legal Affairs Office.¹⁵

On May 2, 2012, Cuevillas and Marion Morrison Cosio (Cosio) found the missing case records with the draft decision in a locked filing cabinet used by Atty. Jerik Roderick V. Jacoba (Jacoba) of the Office of the Deputy Executive Secretary for Legal Affairs.¹⁶ Cosio opened the locked filing cabinet using some loose keys in his possession.¹⁷ The case records and the

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Rollo* (G.R. No. 240688), pp. 122, 125–126.

¹⁷ *Id.* at 134.

draft decision were immediately forwarded to the Office of the Executive Secretary. On that same day, Executive Secretary Pacquito N. Ochoa, Jr. (Executive Secretary Ochoa) denied Jimenez's appeal for lack of merit.¹⁸

On May 4, 2012,¹⁹ the Office of the Executive Secretary created an Investigating Panel to look into the mishandling of the missing case records and empowered it to issue recommendations. Based on the incident reports, the Investigating Panel issued show-cause orders to Jacoba,²⁰ Ronzales, and Cuevillas, and subsequently conducted several investigative hearings.

The Investigating Panel thereafter issued its Findings and Recommendations.²¹ It recommended, among others, the issuance of formal charges against the employees of the Legal Affairs Office who were found to be involved in the mishandling of the Barrameda case records.²² In the same report, the Investigating Panel recommended that Jacoba be charged with grave misconduct and serious dishonesty.²³

The Executive Secretary adopted and approved the findings of fact of the Investigating Panel and authorized the Office of the President's Internal Affairs and Complaints Committee to issue a formal charge for grave misconduct and serious dishonesty against Jacoba. He then directed the creation of a Panel of Hearing Officers and the Prosecution Panel.²⁴

On July 12, 2012, Jacoba was formally charged with grave misconduct and serious dishonesty and was placed under a 90-day preventive suspension while his case was being heard.²⁵

In an undated²⁶ Decision,²⁷ the Executive Secretary found Jacoba guilty of the charges against him and dismissed him from government service.

The Executive Secretary found that the affidavits and witness testimonies sufficiently established that Jacoba unlawfully accessed and took possession of the Barrameda case records, as shown by the fact that the case

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¹⁸ *Id.* at 135.

¹⁹ *Id.* at 123–124.

²⁰ *Id.* at 122.

²¹ *Id.* at 77–79.

²² *Id.* at 151–152.

²³ *Id.* at 157.

²⁴ *Rollo* (G.R. No. 240517), p. 102.

²⁵ *Id.*

²⁶ *Id.* at 115. The undated Decision in OP DC Case No. 12-G-040 was referred to as the February 5, 2013 Decision in the March 6, 2013 Resolution issued by the Office of the President.

²⁷ *Id.* at 99–114. The March 6, 2013 Decision in OP DC Case No. 12-G-040 was penned by Executive Secretary Paquito N. Ochoa, Jr. of the Office of the President.

records were found in a locked filing cabinet which was under Jacoba's "exclusive use, possession and control."²⁸

The Executive Secretary stressed that Jacoba's possession of the case records of a case not previously assigned to him manifested unlawful taking, which constituted grave misconduct.²⁹ The Executive Secretary also pointed out that while no one saw Jacoba take the case records from Ronzales' desk, there were "overwhelming pieces of circumstantial evidence to support the conclusion that [Jacoba] unlawfully took possession of the missing [case records]."³⁰

The dispositive portion of the Executive Secretary's Decision reads:

ACCORDINGLY, the Respondent is found GUILTY of Grave Misconduct and Serious Dishonesty. We resolve to DISMISS the Respondent from the service with forfeiture of all retirement benefits and with perpetual disqualification to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations, and without prejudice to the filing of the appropriate criminal charges against him.

SO ORDERED.³¹

On March 6, 2013,³² the Executive Secretary denied Jacoba's motion for reconsideration.³³ The dispositive portion of the Executive Secretary's Resolution reads:

WHEREFORE, the Motion for Reconsideration is denied for lack of merit. Respondent is now dismissed from the service with forfeiture of all retirement benefits and with perpetual disqualification to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations, and without prejudice to the filing of the appropriate criminal charges against him. This Resolution is immediately executory.

SO ORDERED.³⁴

Jacoba appealed³⁵ the Executive Secretary's Decision before the Civil Service Commission.

²⁸ *Id.* at 103.

²⁹ *Id.* at 103.

³⁰ *Id.* at 104.

³¹ *Id.* at 114.

³² *Id.* at 115.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 116.

On April 15, 2014,³⁶ the Civil Service Commission denied Jacoba's appeal.

The Civil Service Commission found that Jacoba was accorded due process in the administrative case against him because he was allowed to refute the charges against him and present his defense.³⁷

The Civil Service Commission then upheld the Executive Secretary's finding that Jacoba committed grave misconduct and serious dishonesty with unlawful possession of the Barrameda case records.³⁸ It stated that the circumstantial evidence presented by the prosecution sufficed to establish that Jacoba surreptitiously took the case records from Ronzales' desk and hid them in his filing cabinet.³⁹

The dispositive portion of the Civil Service Commission's Decision reads:

WHEREFORE, the appeal of Jerik Roderick V. Jacoba, is DISMISSED. Accordingly, the undated Decision of the Office of the President, issued by Executive Secretary Paquito N. Ochoa, Jr., finding Jacoba guilty of Grave Misconduct and Serious Dishonesty, and imposing upon him the penalty of dismissal from the service with the accessory penalties of forfeiture of all retirement benefits (except terminal leave benefits and personal contributions to the GSIS, if any) and perpetual disqualification from re-employment in the government service; and denial of his motion for reconsideration, respectively, are AFFIRMED WITH MODIFICATION that he is likewise imposed the accessory penalties of cancellation of eligibility and bar from taking civil service examinations.⁴⁰

Jacoba sought reconsideration⁴¹ of the Civil Service Commission's Decision, but his motion was denied on January 20, 2015.⁴²

The Civil Service Commission held that the purported close tie between Commissioner Robert S. Martinez and Executive Secretary Ochoa was not the newly discovered evidence referred to in the Revised Rules on Administrative Cases in the Civil Service, which can be the basis for a motion for reconsideration. Instead, the new evidence should be evidence which would materially affect the assailed decision.⁴³

³⁶ *Id.* at 116–127. The April 15, 2014 Decision in Case No. 140265 was penned by Commissioner Robert S. Martinez, Chairman Francisco T. Duque III, and Commissioner Nieves L. Osorio of the Civil Service Commission.

³⁷ *Id.* at 123.

³⁸ *Id.* at 125–126.

³⁹ *Id.* at 126.

⁴⁰ *Id.* at 127.

⁴¹ *Id.* at 129.

⁴² *Id.* at 129–137. The January 20, 2015 Resolution in Case No. 1500071 was penned by Commissioner Nieves L. Osorio, Chairman Francisco T. Duque III, and Commissioner Robert S. Martinez of the Civil Service Commission.

⁴³ *Id.* at pp. 135–136.

The Civil Service Commission stressed that the mere imputation of bias is insufficient grounds for inhibition. It further noted that cases are decided collegially, hence the imputation that the supposed close connection between one of the three commissioners and a party to the case influenced the outcome, was unfounded.⁴⁴

The Civil Service Commission then pointed out that Jacoba did not raise any of the possible grounds for a motion for reconsideration provided for under the Revised Rules on Administrative Cases in the Civil Service and merely rehashed the same issues already passed upon in the assailed April 25, 2014 Decision.⁴⁵

The dispositive portion of the Civil Service Commission Resolution reads:

WHEREFORE, the instant motion for reconsideration of Jerik Roderick V. Jacoba, is hereby DENIED. Accordingly, CSC Decision No. 140265 dated April 15, 2014, finding him guilty of Grave Misconduct and Serious Dishonesty, and imposing on him the penalty of dismissal from the service will the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits [except terminal leave benefits and personal contributions to the Government Service Insurance System (GSIS), if any], perpetual disqualification from holding public office and bar from taking any Civil Service examination, STANDS.

Copies of this Resolution shall be furnished the Commission on Audit (COA) Resident Auditor of the Office of the President, GSIS and the Integrated Records Management Office (IRMO), this Commission, for their appropriate action.⁴⁶

Jacoba appealed⁴⁷ the April 15, 2014 Decision and January 20, 2015 Resolution of the Civil Service Commission before the Court of Appeals.

On November 29, 2017, the Court of Appeals⁴⁸ partly granted his appeal.

The Court of Appeals affirmed the ruling of the Civil Service Commission that Jacoba was not denied due process in the administrative case against him as he was allowed to present his evidence and defend his case during the formal investigation over the missing case records.⁴⁹

⁴⁴ *Id.* at 136.

⁴⁵ *Id.*

⁴⁶ *Id.* at 137.

⁴⁷ *Id.* at 77.

⁴⁸ *Rollo* (G.R. No. 240688), pp. 76–97.

⁴⁹ *Id.* at 89.

However, the Court of Appeals modified the Civil Service Commission's finding that Jacoba was guilty of grave misconduct and serious dishonesty.⁵⁰ It found no evidence that the Barrameda case was assigned to Jacoba or that he had actual access to the case records.⁵¹ Further, it pointed out that Cosio's testimony that Jacoba admitted to him that he possessed the Barrameda case records was merely a presumption by the former.⁵²

The Court of Appeals likewise stressed that it could not be presumed that Jacoba had exclusive use over the locked filing cabinet where the case records were found because it was not assigned to him. Further, a key in Cosio's possession easily opened it.⁵³

Instead of grave misconduct and serious dishonesty, the Court of Appeals found that Jacob was only guilty of simple neglect of duty because he failed to help search the missing case records by checking his workspace and locker.⁵⁴

The dispositive portion of the Court of Appeals Decision reads:

WHEREFORE, based on the foregoing premises, the instant Petition for Review is PARTLY GRANTED. Accordingly, the Decision dated April 15, 2014 and Resolution dated January 20, 2015 are MODIFIED.

1. Petitioner Atty. Jerik Roderick V. Jacoba is found GUILTY of Simple Neglect of Duty and is meted the penalty of six (6) months suspension without pay.
2. Petitioner is hereby ordered REINSTATED to his former or equivalent positions without loss of seniority rights, but without backwages/ back salary and benefits.

Let a copy of this Decision be reflected in the permanent employment records of petitioner Atty. Jerik Roderick V. Jacoba.

SO ORDERED.⁵⁵

The Civil Service Commission moved for reconsideration⁵⁶ of the Court of Appeals' Decision, while Jacoba moved for partial reconsideration.⁵⁷

⁵⁰ *Id.* at 91–93.

⁵¹ *Id.* at 91.

⁵² *Id.* at 92–93.

⁵³ *Id.* at 93.

⁵⁴ *Id.* at 93–94.

⁵⁵ *Id.* at 95–96.

⁵⁶ *Id.* at 244–250.

⁵⁷ *Id.* at 251–262.

The Court of Appeals denied both motions in its July 5, 2018 Resolution.⁵⁸ The dispositive portion of the Court of Appeals Resolution reads:

WHEREFORE, the above-mentioned Motions filed by the parties to this case are hereby DENIED.

SO ORDERED.⁵⁹

The Civil Service Commission and Executive Secretary Ochoa⁶⁰ and Jacoba⁶¹ filed their respective Petitions for Review on *Certiorari* over the Court of Appeals' November 29, 2017 Decision and July 5, 2018 Resolution.

On January 11, 2021,⁶² this Court granted the Civil Service Commission's motion to consolidate the two cases.

In their Petition for Review on *Certiorari*,⁶³ the Civil Service Commission and Executive Secretary Ochoa maintain that the Court of Appeals erred in reversing the finding of grave misconduct and simple dishonesty in the administrative case against Jacoba because they were able to prove the charges against him with the required substantial evidence.⁶⁴

They opine that they substantially proved Jacoba's access to the Barrameda case records and his exclusive use of the file cabinet where the missing case records were found.⁶⁵

Finally, they assert that the Court of Appeals erred in substituting with its own judgment the findings of fact supported by substantial evidence of an administrative agency.⁶⁶

In turn, Jacoba, in his Petition for Review,⁶⁷ asserts that he was denied due process because the Investigating Panel already presumed his guilt, showing obvious bias and prejudice against him.⁶⁸ Further, he claims that the Investigating Panel did not treat him the same way as the other resource persons.⁶⁹ He then stated that Cosio's letter submitted to the Investigating

⁵⁸ *Id.* at 72–74.

⁵⁹ *Id.* at 74.

⁶⁰ *Rollo* (G.R. No. 240517), pp. 38–64.

⁶¹ *Rollo* (G.R. No. 240688), pp. 11–66.

⁶² *Rollo* (G.R. No. 240517), pp. 291–292.

⁶³ *Id.* at 38–64.

⁶⁴ *Id.* at 50–55.

⁶⁵ *Id.* at 56–59.

⁶⁶ *Id.* at 62–63.

⁶⁷ *Rollo* (G.R. No. 240688), pp. 11–66.

⁶⁸ *Id.* at 34–35.

⁶⁹ *Id.* at 20–25.

Panel was not verified or authenticated, contrary to the Revised Rules on Administrative Cases in the Civil Service.⁷⁰ He likewise asserts that the Investigating Panel did not strictly follow the pre-hearing conference's requisites in the Revised Rules on Administrative Cases in the Civil Service.⁷¹ It then denied all of his substantive motions, even going so far as to deny a simple motion for extension of time to file comment.⁷²

Jacoba also casts doubt on the impartiality of the Civil Service Commission because one of the commissioners who handled his case had close ties with Executive Secretary Ochoa.⁷³

Jacoba then asserts that the Court of Appeals erred in finding him liable for simple neglect of duty because, as an Attorney IV with the Office of the Deputy Executive Secretary of Legal Affairs, his primary role was to review and draft decisions or render legal opinions, it was not part of his duty to keep track of the pending cases with the Office of the President.⁷⁴ He emphasizes that the Jimenez appeal was never assigned to him.⁷⁵

Finally, Jacoba maintains his entitlement to payment of backwages because of his illegal termination from his previous position.⁷⁶

In their Comment,⁷⁷ the Civil Service Commission and Executive Secretary Ochoa highlight that Jacoba raised questions of fact in his Rule 45 Petition, which merits its outright dismissal.⁷⁸

They then opine that, as correctly found by the Court of Appeals, Jacoba was afforded due process during the proceedings before the Office of the President and by the Civil Service Commission as the reviewing agency.⁷⁹

Finally, they assert that there was substantial evidence to support Jacoba's conviction for grave misconduct and serious dishonesty and not merely simple neglect of duty.⁸⁰

The issues to be resolved in this Court's resolution are whether Jerik Roderick V. Jacoba was denied due process at any stage of the proceedings

⁷⁰ *Id.* at 25–27.

⁷¹ *Id.* at 32–34.

⁷² *Id.* at 34–35.

⁷³ *Id.* at 49–54.

⁷⁴ *Id.* at 54–55.

⁷⁵ *Id.* at 56–57.

⁷⁶ *Id.* at 63.

⁷⁷ *Id.* at 602–620.

⁷⁸ *Id.* at 612–613.

⁷⁹ *Id.* at 614–615.

⁸⁰ *Id.* at 615–619.

against him; and whether the Court of Appeals erred in modifying his conviction of grave misconduct and serious dishonesty to simple neglect of duty.

I

The right to due process dictates that a party should be afforded a reasonable opportunity to be heard or to present one's side. The opportunity to seek reconsideration of an action or ruling complained of also falls under the right to due process.⁸¹ *Villarete v. Commission on Audit*⁸² explains:

To reiterate, in administrative proceedings, due process is satisfied when a party is duly notified of the allegations made against them and is given an opportunity to explain their side. Moreover, due process dictates that the defense presented was considered by the tribunal in the crafting of its decision, which is made known to the parties.⁸³ (Citation omitted)

Here Jacoba presented his evidence and defended his case during the formal investigation into the missing case records. Nonetheless, he insists that he was denied due process because the Investigating Panel was biased against him, deciding on his guilt even before the termination of the investigation.

Jacoba fails to convince.

The issues Jacoba raised in support of his claim of lack of due process⁸⁴ seem to fall more within the purview of grave abuse of discretion, which can be remedied with a Rule 65 petition,⁸⁵ as they mostly pertain to how the Investigating Panel purportedly went about its investigation without strictly following the requirements under Revised Rules on Administrative Cases in the Civil Service. Jacoba also highlighted the Investigating Panel's supposed prejudicial stance against him and its biased conclusions after hearing the statements from the resource persons.

Due process in administrative proceedings relates primarily to the right to explain one's side and defend one's self, or the standard of fair

⁸¹ *Resurreccion v. People*, 738 Phil. 704, 720 (2014) [Per J. Brion, Second Division].

⁸² G.R. No. 243818, April 26, 2022 [Per J. Leonen, *En Banc*].

⁸³ *Villarete v. Commission on Audit*, G.R. No. 243818, April 26, 2022 [Per J. Leonen, *En Banc*].

⁸⁴ *Rollo* (G.R. No. 240688), pp. 20–48.

⁸⁵ RULES OF COURT, Rule 65, sec. 1 provides:

SECTION 1. *Petition for certiorari*. – When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.

play.⁸⁶ The Civil Service Commission and the Court of Appeals both found that Jacoba was not denied procedural due process.⁸⁷ The Civil Service Commission stated:

Anent the first issue, the Commission finds that Jacoba was accorded due process required in an administrative case. He was given the opportunity to refute the allegations against him and to participate in the formal investigation. In sum, he was granted all possible opportunities to rebut the charges against him and to defend his case.

In administrative cases, a fair and reasonable opportunity to explain one's side suffices to meet the requirements of due process. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him/her constitute the minimum requirements of due process. As long as the party was given the opportunity to defend his/her interest in due course, he/she was not denied due process.

Further, in the case of *Larin v. Executive Secretary*, 280 SCRA 713, the Highest Court ruled, that on the aspect of procedural due process, suffice it to say that petitioner was given every chance to present his side. The rule is well settled that the essence of due process in administrative proceedings is that a party be afforded a reasonable opportunity to be heard and to submit any evidence he may have in support of his defense.

*Worth stressing, Jacoba was issued a copy of the formal charge and he has filed a corresponding answer. He attended all the scheduled hearing dates, and was able to present his evidence and defend his case.*⁸⁸
(Emphasis supplied, citations omitted)

This finding was echoed by the Court of Appeals:

The essence of due process is that a party is afforded a reasonable opportunity to be heard in support of his case. What the law abhors and prohibits is the absolute absence of the opportunity to be heard. When the party seeking due process was in fact given several opportunities to be heard and air his side, but it was by his own fault or choice that he squandered these chances, then his cry for due process must fail.

....

The crucial point of inquiry in cases involving violation of administrative rules of procedure is whether such violation disregards the basic tenets of administrative due process. If the gravity of the violation of the rules is such that due process is breached, the rules of procedure should be strictly applied. Otherwise, the rules are liberally construed.

This is not the case in here as *petitioner was given the chance by the Committee to present his evidence and defend his case in a formal investigation, thus, it cannot be said that he was denied of due process of*

⁸⁶ *Alliance for the Family Foundation, Philippines, Inc. v. Garin*, 793 Phil. 831, 850 (2016) [Per J. Mendoza, Second Division].

⁸⁷ *Rollo* (G.R. No. 240517), p. 123, *Rollo* (G.R. No. 240688), pp. 88–89.

⁸⁸ *Rollo* (G.R. No. 240517), p. 123.

law. The essence of due process is an opportunity to be heard – as applied to administrative proceedings, it is an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of. As long as parties are afforded these opportunities, the requirement of due process in administrative proceedings is sufficiently met.⁸⁹ (Emphasis supplied, citations omitted)

Considering the foregoing, it cannot be said that there was a violation of Jacoba's right to due process.

II

It is canon that when substantial evidence or “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion,”⁹⁰ supports findings of facts of administrative bodies and quasi-judicial agencies, these findings are treated with great respect and even finality by courts in recognition of their specialty in their respective fields.

The Civil Service Commission is the government's Human Resource Department as it is the “central personnel agency of the Government”⁹¹ and is empowered to “discipline its officials and employees in accordance with law”⁹² to ensure that only persons with proven integrity and fitness get the privilege of serving the public. Hence, as the acknowledged expert in its field, the Civil Service Commission's findings of fact should be binding on the courts when supported by substantial evidence.

Here, after creating an Investigating Panel to investigate the missing Barrameda case records found inside a locked file cabinet in the Legal Affairs Office, the Executive Secretary found *prima facie* evidence to charge Jacoba with grave misconduct and serious dishonesty.⁹³

Then Executive Secretary Ochoa, in an undated Decision,⁹⁴ taking into account that the missing case records were found in a locked filing cabinet under Jacoba's exclusive control;⁹⁵ that Jacoba had easy access to the records in DESLA Aguinaldo's office;⁹⁶ and his suspicious actions in refusing to divulge where the case records were or even to merely help out in looking for them by searching his own cubicle and filing cabinets,⁹⁷ found sufficient evidence to declare him guilty of grave misconduct and serious dishonesty, meriting his dismissal from the Legal Affairs Office and

⁸⁹ *Rollo* (G.R. No. 240688), pp. 88–89.

⁹⁰ RULES OF COURT, Rule 133, sec. 5.

⁹¹ Executive Order No. 292 (1987), Book V, Title I, Chapter 1, sec. 1.

⁹² Executive Order No. 292 (1987), Book V, Title I, Chapter 3, sec. 12(6).

⁹³ *Rollo* (G.R. No. 240517), p. 102.

⁹⁴ *Id.* at 99–114.

⁹⁵ *Id.* at 107–109.

⁹⁶ *Id.* at 105–107.

⁹⁷ *Id.* at 111–113.

perpetual disqualification from re-entering government service, among other accessory penalties.⁹⁸

Jacoba appealed the Executive Secretary's Decision and Resolution⁹⁹ with the Civil Service Commission, but his appeal and motion for reconsideration were denied on April 15, 2014,¹⁰⁰ and January 20, 2015,¹⁰¹ respectively.

In upholding the Executive Secretary's findings, the Civil Service Commission noted that the Executive Secretary relied on several circumstantial evidence to support its findings that Jacoba took the Barrameda case records¹⁰² but stressed "that the elements of circumstantial evidence to consider in finding Jacoba guilty as charged were substantially established."¹⁰³ The Civil Service Commission stated:

To the mind of the Commission, the fact that the missing case record of Barrameda was never previously assigned to Jacoba cannot overcome the circumstantial evidence that it was found in a cabinet owned and controlled by him. Jacoba's possession of the case records of Barrameda raises a disputable presumption that he is the taker of the same. Jacoba's ill-motive is bolstered by his previous actuation that when asked by Cosio of the whereabouts of the missing case record, he was quick to reply "*bakit ko sasabihin?*", without even ascertaining the details of the missing document or showing any slight concern that indeed, a case record in the office where he belongs is missing.¹⁰⁴

A careful review of the records convinces this Court that the evidence on record substantially supports the Civil Service Commission's findings of fact.

Aurea Calilung (Calilung), Jacoba's secretary, testified that the filing cabinet in question, together with another filing cabinet, used to be inside Jacoba's cubicle. But when he transferred to a smaller cubicle, the two filing cabinets could no longer fit in his new cubicle, so they were transferred near Calilung and Cosio's workstations. However, Jacoba continued to use the two filing cabinets.

"Ms. Calilung

Yes sir, yung three (3) cabinets, yung 1st po
kay Mr. Cosio, then the 2nd and 3rd is for Atty.
Jacoba.

xxx

⁹⁸ *Id.* at 114.

⁹⁹ *Id.* at 115.

¹⁰⁰ *Id.* at 116–127.

¹⁰¹ *Id.* at 129–137.

¹⁰² *Id.* at 125.

¹⁰³ *Id.* at 126.

¹⁰⁴ *Id.*

"DES Bernardo

Ok, are you familiar with these three (3) cabinets?

"Ms. Calilung

Ah, ito lang, kung yung ano, yung ah, nun na transfer po si Atty. Jerik dun sa malapit sa airconditioner, hindi na po kasi kasya dun sa kanyang cubicle, so nilagay po yun sa side po namin. Yun lang po yung una kay Atty. Jerik, so dinagdag lang po yung kay Cosio kaya po naging tatlo yun.

"DES Bernardo

Kaya originally it was only two (2) cabinets.

"Ms. Calilung

Yes.

"DES Bernardo

And basically that two (2) filing cabinets came inside the cabinets [sic, cubicle] of Atty. Jacoba. Is that correct?

"Ms. Calilung

Ah, kasi mag-kaiba po... (End of Side A)

"DES Bernardo

...at the time he was occupying that cubicle across the said [present] cubicle, it is there that these two filing cabinets are x x x located?

"Ms. Calilung

Yes.

"DES Bernardo

Ok, when he was transferred to his present cubicle now, that his present cubicle as reflected in Annex B of Atty. Jacoba, these two (2) filing cabinets previously inside his cubicle was now brought near your workstations?

"Ms. Calilung

Yes.

"DES Bernardo

Because according to you these two (2) cabinets cannot now fit into his present cubicle of Atty. Jacoba.

"Ms. Calilung

Yes.

"DES Bernardo

Would you therefore say that these are cabinets of Atty. Jacoba?

"Ms. Calilung

Yes sir."

xxx

"Usec. Cruz

So, what made you conclude that Atty. Jacoba uses both filing cabinets?

"Ms. Calilung

Ah, siguro dati po niya kasi ginagamit, galing po yun sa dati niyang cubicle na inilipat na po malapit sa work station namin ni Mr. Cosio. So yun lang po napapansin ko.

xxx

"Ms. Calilung

Pero alam ko din po na sa kanya din po yung steel cabinet, so...

"Usec. Cruz

He puts things there, he takes out things from there.

"Ms. Calilung

Yes sir, yun lang po kasi natatandann ko.¹⁰⁵ (citations omitted)

¹⁰⁵ Rollo (G.R. No.240688), pp. 172-173.

Jacoba admitted that he used the filing cabinet but denied that it was for his exclusive use and maintained that it was for public use.¹⁰⁶ However, his denial was contradicted by his secretary, who categorically testified that the locked filing cabinet where the missing case records were eventually recovered was for Jacoba's exclusive use:

- "DES Alberto Bernardo Ok. For the entire year that you were able to observe Atty. Jacoba, he was using this filing cabinet.
- "Ms. Rea Calilung Yes, Sir.
- "DES Alberto Bernardo Ok then.
- "DES Alberto Bernardo Would you testify(,) was there an occasion that other than Atty. Jacoba there would be other person that would [sic] have used this two filing cabinet?
- "Ms. Rea Calilung No Sir.
- "DES Alberto Bernardo Sa kanya talaga yan. Would it be fair to say that if and when there is something that would be placed therein that filing cabinet, that is a property or an item of Atty. Jacoba?
- "Ms. Rea Calilung Yes Sir.
- "DES Alberto Bernardo Would you be able to put something there that is not an item or property of Atty. Jacoba, you would not place something that would [sic] not his, is that correct?
- "Ms. Calilung Kung may ibang naglalagay?
- "DES Alberto Bernardo Oo, ikaw ba naglalagay ka ng personal na gamit mo dyan?
- "Ms Rea Calilung Hindi po.
- "DES Alberto Bernardo *Kaya it would be fair to say that for all intents and purposes, whatever (is) found in that cabinet is Atty. Jacoba's?*
- "Ms. Rea Calilung Yes Sir.
- "DES Alberto Bernardo *And then Atty. Jacoba exercise [sic] control and dominium in [sic] that filing cabinet?*
- "Ms. Rea Calilung Yes Sir.
- "DES Alberto Bernardo *Nobody, but nobody coul(d) just tinker in [sic] that filing cabinet without his authority?*
- "Ms. Rea Calilung Yes Sir."¹⁰⁷ (Emphasis supplied, citation omitted)

Using some spare keys in his possession, Cosio was able to open the locked filing cabinet during the sanctioned office-wide search for the missing case records. While Cosio's possession of the spare keys might raise doubt in a criminal proceeding, where proof beyond reasonable doubt is the required quantum of evidence, it has little bearing in the present administrative case where it has already been proven with substantial evidence that Jacoba had exclusive use and control of the locked filing cabinet where the missing case records were found. Further, Jacoba failed to substantiate his accusation that he was targeted, with the missing case

¹⁰⁶ *Id.* at 171.

¹⁰⁷ *Rollo* (G.R. No. 240517), pp. 108–109.

records maliciously planted in his filing cabinet. As Executive Secretary Ochoa observed:

Respondent Jacoba likewise failed to introduce sufficient evidence to overcome the evidence of his exclusive use and control over the said filing cabinet. It has not been proven that other people, aside from respondent, had been using the filing cabinet for storage or safekeeping.

It was held in one case that, "Respondent counters that the drawer 'had no key and everyone and anyone could put any piece of paper inside.' However, the drawer was for respondent's exclusive use. The presumption is that respondent placed the documents inside the drawer that was for her exclusive use. Respondent failed to explain adequately why and how anyone would tamper with her filing cabinet. The presence of the questioned documents in her drawer cannot be explained by a mere allegation that they were 'planted' by a co-employee."

Guided by the foregoing, Respondent Jacoba's contention that anyone could put anything inside the filing cabinet does not hold. It is presumed that he placed the Barrameda Case files inside the cabinet that was locked and for his exclusive use and control. *Respondent Jacoba failed to explain, as he did not explain, why and how anyone would surreptitiously hide the Barrameda Case files in his filing cabinet*, thereby causing him the present administrative case.¹⁰⁸ (Emphasis supplied, citation omitted)

Jacoba's access to DESLA Aguinaldo's office and Ronzales' workstation was also substantially established, with Jacoba stating that he would chat with DESLA Aguinaldo in the latter's office even after office hours and that they would sometimes leave the office together.¹⁰⁹ He also admitted that he would, at times, personally get files out of DESLA Aguinaldo's office for review purposes:

- | | |
|---------------|--|
| "Usec. Cruz | Kung cases assigned to you by DESLA saan nang gagaling ang files? |
| "Atty. Jacoba | Usually, let say pag meron questionable si DESLA, yung mga cases sir na nasa loob ako ng office niya. |
| "Usec Cruz | And then DESLA personally hand over the files? |
| "Atty. Jacoba | Yes sir. <i>Actually sir ang ginagawa naming sa loob ng office niya, I went to the habit na taking pieces out of DESLA's office.</i> Minsan kasi sir nag pa pa verify siya, pa check nga ng jurisprudence nito, pa check naman ng batas na. . . pa check naman kung tama yun rationalization ng lawyer . . . ganun[.] ¹¹⁰ (Emphasis supplied) |

¹⁰⁸ *Id.* at 109–110.

¹⁰⁹ *Rollo* (G.R. No. 240688), p.162.

¹¹⁰ *Id.*

Several people likewise confirmed Jacoba's unfettered access to DESLA Aguinaldo's office. Ruel S. Buñing,¹¹¹ another staff member at the Legal Affairs Office, testified that Jacoba would stay in DESLA Aguinaldo's office even if the latter were not there:

"Use Cruz

Is it true na before this incident happened na walang nakita e, is it true na ginagamit pa rin siya for a, review, na yung cases na nirereview ay trabaho ng ibang lawyers, he is being asked by DESLA to review draft decisions, memoranda?

"Mr. Buñing

Hindi ko lang alam sir kung may instruction talaga siya, pero nakikita ko po kasi siya, ang dalas dalas niya sa kwarto ni DESLA, sir dun siya nag-iistay, so hindi ko po alam.

"Use Cruz

Kahit wala si DESLA doon?

"Mr. Buñing

Oo, nanonood ng TV sir."¹¹² (citation omitted)

Ma. Jocelyn Legaspi (Legaspi), DESLA Aguinaldo's secretary,¹¹³ likewise testified that Jacoba regularly took files and other items from DESLA Aguinaldo's office and Ronzales' desk:

"DES Alberto Bernardo

Ok then. Would you tell us that in as much as he has been able to bring in and bring out cases from the room of DESLA Aguinaldo, he is also doing that in the case of the working area of Ms. Donna Ronzales? If I may clarify, have you personally observed whether Atty. Jacoba bring in cases to the work station of Donna Ronzales and were you also personally aware whether Atty. Jacoba take out cases from the work station of Donna Ronzales?

"Ms. Maria Jocelyn Legaspi

Usually Sir, there are instances wherein, he would go into our cubicle.

He would be able to looked over the cases if there are still then he would, he would tell me na, oh baka pwede na tong dalhin sa loob? Dalhin ko na to sa loob para mabasa ni DESLA, that's it.

"DES Alberto Bernardo

Ok and you would personally observed that Atty. Jacoba is able to bring out cases from the workstation of Donna Ronzales?

¹¹¹ *Id.* at 127.

¹¹² *Id.* at 168.

¹¹³ *Rollo* (G.R. No. 240517), p. 105.

"Ms. Maria Jocelyn Legaspi Sometimes there are cases that he would just bring out, place it on table, my table.

"DES Alberto Bernardo Ok.

"Ms. Maria Jocelyn Legaspi Or on the table of Ms. Ronzales and he

would just tell us, oh for edit 'to or 'to ilabas niyo na."

....

Atty. Juan Victor Valdez

Ok. And then, you mentioned also, sometimes Atty. Jacoba would get cases from Ms. Donna's table and bring it to his cubicle, is that correct?

"Ms. Maria Jocelyn Legaspi

Not bring to his cubicle.

"Atty. Juan Victor Valdez

Not to his cubicle.

"Ms. Maria Jocelyn Legaspi

I did not tell.

"Atty. Juan Victor Valdez

Ok

"Ms. Maria Jocelyn Legaspi

... It was on his cubicle

"Atty. Juan Victor Valdez

So he gets case from Donna's table?

"Ms. Maria Jocelyn Legaspi

Yes, he can do that

"Atty. Juan Victor Valdez

Even if she's not there?

"Ms. Maria Jocelyn Legaspi

Yes"¹¹⁴

Further, Jacoba's unwillingness to help in the office-wide search for the missing case records or look through his own workspace, especially since he was asked directly if he knew where the missing case records were, and they were eventually found in a filing cabinet for his exclusive use, added to the circumstantial evidence against him. The Investigating Panel found:

3.4.1.4 In addition, it was alleged that Atty. Jacoba knew of the location of the records of the case but refused to reveal the same.

a) Mr. Cosio stated that:

"After a more thorough recollection of some events relative to the mishandling of the subject case records, I now clearly recall a conversation I had with Atty. Jerik Jacoba sometime early this year. During that same time, Mr. Richard Cuevillas was looking for a specific case. Though unsure of the case title, I now remember, at the very least, that it was a Department of Justice (DOJ) case. And in that conversation with Atty. Jerik Jacoba I

¹¹⁴ *Id.* at 105–106.

asked him if he knew of the whereabouts of the said case records. He replied in the affirmative. Then I asked him if he had already informed Mr. Richard Cuevillas of its whereabouts, I remember his exact reply saying: [‘]Bakit ko sasabihin? [‘] Seeming to me that he was joking, as it sounded that way to me, I took no serious action on it and ignored his foolish response thinking that he was eventually on his way to inform those concerned of the whereabouts of the subject case.”

- b) This is corroborated by the testimony of Mr. Cuevillas that Mr. Cosio had whispered to him of his previous conversation with Atty. Jacoba that the latter knew of the whereabouts of the case records and Mr. Cuevillas told Mr. Cosio to tell it to Ms. Legaspi.¹¹⁵

Misconduct is defined as the “transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.”¹¹⁶ Misconduct is considered grave when the added elements “of corruption, willful intent to violate the law or disregard of established rules”¹¹⁷ are proven with substantial evidence to accompany the act(s) complained of.

On the other hand, dishonesty is defined “as the ‘disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity[.]’”¹¹⁸ Dishonesty is then transformed to serious dishonesty when any of the following attendant circumstances are present in the commission of the dishonest act:

- a. The dishonest act causes serious damage and grave prejudice to the government.
- b. *The respondent gravely abused his authority in order to commit the dishonest act.*
- c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.
- d. The dishonest act exhibits moral depravity on the part of the respondent.
- e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.
- f. The dishonest act was committed several times or in various occasions.
- g. The dishonest act involves a Civil Service examination, irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.
- h. Other analogous circumstances.¹¹⁹ (Emphasis supplied)

¹¹⁵ *Rollo* (G.R. No. 240688), pp. 178–179.

¹¹⁶ *Valera v. Office of the Ombudsman*, 570 Phil. 368, 385 (2008) [Per C.J. Puno, First Division].

¹¹⁷ *Id.*

¹¹⁸ *Office of the Ombudsman v. Torres*, 567 Phil. 46, 57 (2008) [Per J. Nachura, Third Division].

¹¹⁹ CSC Resolution No. 060538, Rules on the Administrative Offense of Dishonesty, April 4, 2006.

Here, the Civil Service Commission and the Executive Secretary's dismissal of Jacoba was based on evidence which tended to show that Jacoba had full access to the areas where the missing case records were last seen and that the case records were eventually located in a locked file cabinet under his control and for his exclusive use. These are relevant pieces of evidence that substantially support the conclusion that Jacoba abused his influence and authority to spirit away the case records, hide them in a filing cabinet under his control, and then refuse to reveal their whereabouts when asked about them. Hence, his dismissal and perpetual disqualification from government service due to grave misconduct and serious dishonesty should be upheld.

ACCORDINGLY, Jerik Roderick V. Jacoba's Petition for Review in G.R. No. 240688 is **DENIED**. In turn, the Civil Service Commission and Executive Secretary Paquito N. Ochoa's Petition for Review on *Certiorari* in G.R. No. 240517 is **GRANTED**.

The November 29, 2017 Decision and July 5, 2018 Resolution in CA-G.R. SP No. 139174 of the Court of Appeals are **REVERSED** and **SET ASIDE**. Accordingly, the April 15, 2014 Decision in Case No. 140265 and January 20, 2015 Resolution in Case No. 1500071 of the Civil Service Commission are **REINSTATED**.

Jerik Roderick V. Jacoba is hereby found **GUILTY** of grave misconduct and serious dishonesty and the penalty of dismissal from government service with the accessory penalties of forfeiture of all retirement benefits (except terminal leave benefits and personal contributions to the GSIS, if any); perpetual disqualification from re-employment in the government service; cancellation of civil service eligibility; and bar from taking the civil service examinations are imposed on him.

SO ORDERED.



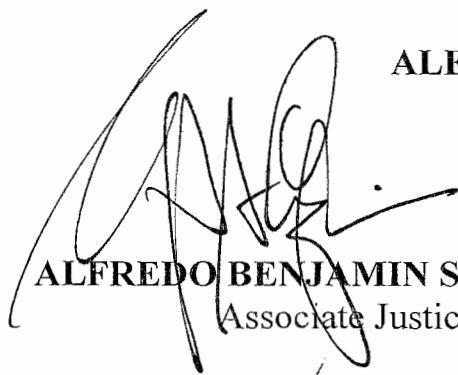
MARVIC M.V.F. LEONEN
Senior Associate Justice

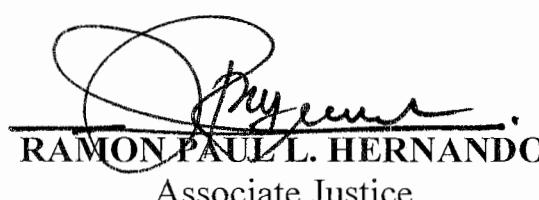
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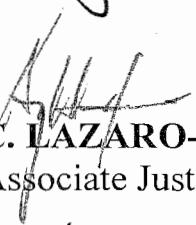
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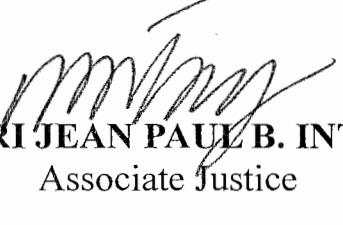
ALEXANDER G. GESMUNDO

Chief Justice

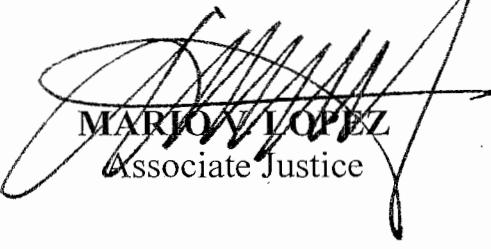

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

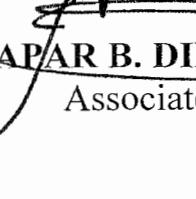

RODEL V. ZALAMEDA
Associate Justice

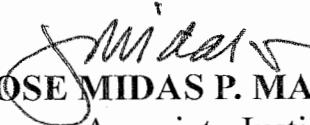

MARIO V. LOPEZ
Associate Justice

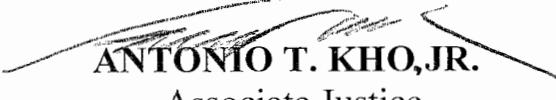

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEPH V. LOPEZ
Associate Justice


JAPAR B. DIMAAPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

C E R T I F I C A T I O N

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 cases were assigned to the writer of the opinion of the court.


MARVIC M.V.F. LEONEN

Acting Chief Justice

Per S.O No. 2989 dated June 24, 2023