



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated May 14, 2021 which reads as follows:

“G.R. No. 212704 (Naval Capt. Ricardo M. Ordoñez [Retired], CDR. Reynaldo P. Lopez, HM2 Welmenio U. Aquino, LCDR. Luidegar C. Casis, LCDR. Alfrederick A. Alba, MR2 Sandy P. Miranda, LCDR. Joselito L. Colico, Petty Officer 2nd Class Mil Leonor Y. Igcasan [Retired] v. Spouses Felipe and Evelyn Pestaño¹).

This is an appeal from the October 11, 2013 Decision² and May 20, 2014 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 127564, which affirmed the ruling of the Office of the Ombudsman (OMB) in an administrative case docketed as OMB-P-A-05-1223-J, finding retired Naval Capt. Ricardo M. Ordoñez, CDR. Reynaldo P. Lopez, HM2 Welmenio U. Aquino, LCDR. Luidegar C. Casis, LCDR. Alfrederick A. Alba, MR2 Sandy P. Miranda, LCDR. Joselito L. Colico, Retired Petty Officer 2nd Class Mil Leonor Y. Igcasan (*petitioners*) guilty of grave misconduct and ordering their dismissal from the service.

Antecedents

The CA provided the following factual background that led to the filing of an administrative case before the OMB against herein petitioners:

BRP Bacolod City, a Philippine Navy cargo ship, left Tawi-Tawi on September 20, 1995. Seven days later, the ship made a last stop-over in Sangley Point, Cavite and departed the same day

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¹ Referred to as “Pestano” in some parts of the *rollo*.

² *Rollo*, pp. 30-42; penned by Associate Justice Jose C. Reyes, Jr. (now a retired Member of this Court), with Associate Justices Mario V. Lopez (now a Member of this Court) and Socorro B. Inting, concurring.

³ *Id.* at 69.

for its final destination, the Navy Headquarters in Manila. Before the ship reached its destination, Ensign Philip Andrew Pestaño (Philip) was found dead inside his cabin, lying on the bed with a single gunshot wound on his right temple with a purported suicide note to his family. Investigations were conducted by the Senate's Committees on Justice and Human Rights and on National Defense and Security, and by the Armed Forces of the Philippines' (AFP's) Office of the Inspector General. In their investigation reports, it was ruled out that Philip committed suicide. They also discovered that Philip had knowledge of alleged illegal activities in *BRP Bacolod City* which posed as a possible motive behind his death. The ship carried undocumented lumber from then Gov. Gerry Matba of Tawi-[T]awi which was intended for then Vice Admiral Pio Carranza, in exchange for the governor's request for drums of fuel oil. Prior to his death, Philip, a cargo deck officer, confronted his superior officer Capt. Ordoñez, about the shipment and also about the boarding of an unauthorized passenger, Carlito Amoroso, the Petty Officer, in charged [sic] of the security back-up of Vice Admiral Carranza who escorted the shipment.⁴

Due to the incident, spouses Felipe and Evelyn Pestaño (*respondents*), Philip's parents, filed a complaint with the OMB against petitioners and Ruben Roque and Carlito Amoroso, who are crew and officers of the BRP Bacolod City, which was docketed as a criminal case for murder and an administrative case for grave misconduct.

The Ombudsman's Ruling

The OMB, through Overall Deputy Ombudsman Orlando Casimiro (*Deputy Ombudsman Casimiro*), issued a Joint Resolution dated June 15, 2009, dismissing the criminal and administrative charges against petitioners, the dispositive portion of which reads:

WHEREFORE, premises considered, it is respectfully recommended that the criminal charge for Murder and administrative charge for Grave Misconduct against respondents **CAPT. RICARDO M. ORDOÑEZ, LCDR. REYNALDO P. LOPEZ, HM2 WELMENIO U. AQUINO, LCDR. LUIDEGAR C. CASIS, LT. ALFREDERICK A. ALBA, MR2 SANDY P. MIRANDA, LT. JOSELITO L. COLICO, LT. RUBEN B. ROQUE, PO1 CARLITO B. AMOROSO and PO2 MIL LEONOR Y. IGCASAN** be **DISMISSED**.⁵

Deputy Ombudsman Casimiro held that the evidence adduced was insufficient to create a *prima facie* case against petitioners, and

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⁴ Id. at 31.

⁵ Id. at 220.

that petitioners cannot be held liable for misconduct, as there was “no substantial evidence to show that [their] actions transgressed some established and definite rule of action or constitute unlawful behavior or gross negligence.”⁶

Unsatisfied with the outcome, respondents filed a Motion for Reconsideration dated August 9, 2010.

On November 22, 2011, the OMB issued a Joint Order⁷ approved by then Ombudsman Conchita Carpio Morales, granting the motion, thus:

WHEREFORE, complainant spouses Felipe and Evelyn Pestaño’s *Motion for Reconsideration* is **GRANTED**. Accordingly, this Office’s *Joint Resolution* dated June 15, 2009 dismissing the criminal and administrative charges against the above-named respondents is **REVERSED** and **SET ASIDE**.

With respect to OMB-P-C-05-1298-J, let an Information for **MURDER** be *filed* before the Sandiganbayan against **NAVAL CAPT. RICARDO M. ORDOÑEZ, CDR. REYNALDO P. LOPEZ, HM2 WELMENIO U. AQUINO, LCDR. LUIDEGAR C. CASIS, LCDR. ALFREDERICK A. ALBA, MR2 SANDY P. MIRANDA, LCDR. JOSELITO L. COLICO, LCDR. RUBEN B. ROQUE, PETTY OFFICER 1st CLASS CARLITO B. AMOROSO, PETTY OFFICER 2nd CLASS MIL LEONOR Y. IGCASAN** and **JOHN DOE**.

With respect to OMB-P-A-05-1223-J, respondents are found **GUILTY** of **Grave Misconduct** and are ordered **DISMISSED FROM THE SERVICE**.

If the penalty of dismissal from the service can no longer be served by reason of *retirement or resignation* of any of the respondents, the alternative penalty of **FINE** in the amount equivalent to respondents’ respective salary for **ONE YEAR** is imposed.⁸

The OMB found that a combination of circumstances negated the theory that Philip committed suicide, and that foul play surrounded his death, *viz.*:

1. The autopsy conducted by Dr. Owen Lebaquin of the Philippine National Police (PNP) Laboratory Service revealed that Philip sustained two contusions on his right temple and a laceration on his left ear, which according to the expert

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⁶ Id. at 32 and 220.

⁷ Id. at 247-267.

⁸ Id. at 265.

testimony of a certain Wayne Hill, Sr., could not have resulted from the impact of an exiting bullet, but of a hard blunt object.

- a. The entry wound of the gunshot is oval in shape, and does not bear any tattooing, smudging or burn mark, which indicate that the wound was not due to close contact fire.
 - b. There were no blood splatters, bone fragments, or other human tissues on the wall of Philip's cabin despite its proximity to the supposed exit point of the bullet.
 - c. There were findings that the trajectory of the bullet runs counter to the finding as to the location of the bullet mark on the cabin wall. Based on the autopsy, the trajectory of the bullet was directed downward, whereas the mark on the cabin was caused by a bullet hurtling upward.
2. The allegation that Philip shot himself with a gangway gun he borrowed from petitioner Aquino was contrary to experience, considering that Philip himself had his own assigned gun.
 3. Handwriting experts concluded that the signature and writing in the alleged suicide note left behind and the standard signatures and handwriting of Philip were not written by one and the same person. Indeed, the Joint Order noted that the differences in the handwriting movement and stroke structures were significant and notable even to the naked eye.

Having *prima facie* established that Philip's death was not a suicide, the OMB went on to determine who may have perpetrated the crime.

The OMB considered the investigations conducted by the Senate and the AFP which revealed that Philip confronted his superior, petitioner Ordoñez, about the shipment of suspicious cargo on BRP Bacolod City which spawned a disagreement between them. The OMB opined that petitioners may have been motivated to conspire in liquidating Philip because of his objections to the illegal shipment.

The OMB also noted petitioners' unnatural reactions to the supposed discovery of Philip's dead body:

1. Ordoñez, upon being informed of Philip's death, busied himself in maneuvering the ship to its berth. He failed to go to the cabin where Philip was found and take the necessary steps to ensure that evidence at the scene remain in the state in which they were

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found for the investigators' appreciation. He also failed to disclose the presence of Amoroso on board the ship on the day of the incident. In the course of the investigation, Ordoñez acknowledged that Amoroso boarded the ship at Tawi-Tawi. Ordoñez claimed that Amoroso disembarked at Sangley Point, in Cavite, and never returned. However, two crewmembers attested that Amoroso was on board the ship for its trip to Manila.

2. Lopez, who was allegedly Philip's closest friend on board, was at the bridge when he was informed of Philip's death. He waited for the ship to dock more than an hour later, and for the police to arrive thereafter, before he was minded to see what happened to Philip.
3. Aquino claimed that he was on gangway watch when Philip supposedly borrowed the gangway gun used to shoot himself. It appears, however, that one Mario Yanguas was on gangway duty when Philip allegedly shot himself, and Aquino assumed his duty well after the body had been discovered.
4. Colico claimed in a statement made before the National Bureau of Investigation that he was ordered by Roque, the ship's Executive Officer, to check up on Philip. In a later statement before the Criminal Investigation and Detection Group, he declared that he took it upon himself to check up on Philip. When Colico allegedly discovered Philip's dead body, he hastily left the cabin and called on his other comrades to check on the body. Colico did not bother to check himself if Philip was still alive, and he did not immediately report the incident to the Executive Officer. Afterwards, Colico picked up the gun allegedly used by Philip, emptied it of the remaining bullets, and cleaned it with a piece of paper.
5. Casis, who was present at the time, did not restrain or caution Colico from doing so. As a graduate of the US Naval Academy, Casis could not have been ignorant of basic protocol in such situations, which would have been to leave the scene untouched until investigators arrive.
6. Petitioners Colico, Casis, Alba, and their co-respondent Roque, who all claimed to have been at Philip's cabin when Colico picked up and cleaned the gun, all gave different accounts as to who else was present at the time.

Petitioners filed two separate motions for reconsideration, one dated February 2, 2012 on the administrative aspect of the case, subject matter of the instant petition, and a subsequent motion for the criminal aspect.⁹ In petitioners' February 2, 2012 motion, they raised

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⁹ Id. at 33.

the question of whether or not the June 15, 2009 Joint Resolution could be reconsidered in light of Rule III of Administrative Order (A.O.) No. 07, series of 1990, also known as the Rules of Procedure of the Office of the Ombudsman, particularly Section 7 thereof, which states:

Section 7. Finality and execution of decision. – Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable. In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration.

Petitioners posited that the dismissal of the charges ordered in the June 15, 2009 Joint Resolution was final, executory, and unappealable by operation of Sec. 7.

In its Order dated May 31, 2012, the OMB ruled that Sec. 7 was inapplicable to the instant case. It reasoned that while the complaint against the petitioners was dismissed, they were not “absolved” of the charges. For respondents to be absolved of the charge, as contemplated by Sec. 7, there must be a finding or specific pronouncement that they were innocent of such charge. In contrast, the dismissal of the administrative charge in the June 15, 2009 Joint Resolution was due to insufficiency of evidence to establish that the crime of Murder, from which their administrative liability may arise, had been committed.¹⁰

Aggrieved, petitioners appealed to the CA via a petition for review under Rule 43, challenging the administrative aspect of the Joint Order dismissing them from the service.

CA Ruling

On October 11, 2013, the CA rendered a Decision affirming the OMB. It upheld the OMB’s interpretation of Sec. 7 of A.O. No. 07 that the term “absolved,” as used in the provision, connotes not just any form of dismissal, but one consistent with the finding that respondents were innocent of the charges.

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¹⁰ Id. at 300.

The CA also observed that in several cases decided by this Court which affirmed the finality of the OMB's orders dismissing the administrative complaints, the OMB had ruled that respondents therein acted in accordance with the law, or that there was no fault or negligence on their part. The June 15, 2009 Joint Resolution of the OMB only dismissed the complaint based on insufficiency of evidence to establish that murder had been committed. It did not make any pronouncement that petitioners were innocent of the charges or that they acted in accordance with law. Thus, it is not tantamount to an absolution of the charges that would render the dismissal final, executory, and unappealable.

Likewise, the CA found that the assailed joint order clearly and distinctly stated the facts and law on which it was based. It observed that the OMB took note of the various circumstances and pieces of evidence that cast suspicion on the theory that Philip had committed suicide, found evidence that would establish motive for killing Philip, and that the manner in which petitioners acted at the time of the incident and during the conduct of the investigations into the death of Philip aroused suspicion.

Petitioners moved for reconsideration, which the CA denied in its May 20, 2014 Resolution. Hence this appeal by way of petition for review on *certiorari*.

Issues

In support of their appeal, petitioners ascribe the following errors on the part of the CA, *viz.*:

- A. The CA gravely erred when it held that the Pestaños were able to present newly discovered evidence which was not considered in the previous joint resolution dismissing the same complaint against petitioners.
- B. The CA erred when it held that the Ombudsman clearly and distinctly stated the factual and legal basis for the dismissal from the service of petitioners.
- C. It was contrary to law and jurisprudence for the CA to affirm the Ombudsman's position that the term "absolved" in Sec. 7, Rule II of AO No. 7, connotes not just any form of dismissal, but dismissal consistent with the finding that petitioners were innocent of the charges.

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On the substantive aspect, petitioners contend that the CA and the OMB erred in holding that the evidence unearthed in the course of an investigation conducted by the AFP, was considered newly discovered evidence. Said evidence cannot be considered “newly discovered” because they appeared in an AFP investigation report which respondents had presented as early as 2006, and was made part of the records of the case. Said evidence had been previously considered by the OMB in issuing its June 15, 2009 Joint Resolution, but was not given weight and credence.

Petitioners also argue that the OMB failed to specify the specific acts attributable to each of the petitioners that would constitute grave misconduct as to justify their dismissal from the service. Instead, the joint order mainly focused on what petitioners failed to do. The circumstances cited by the OMB, as indicative of foul play, were characterized by petitioners as extreme nitpicking on the part of the OMB. Finally, they allege that the motion for reconsideration of the June 15, 2009 Joint Resolution was filed out of time.

Respondents countered that the petition does not assign any specific errors in the findings of fact or the appreciation of evidence by the OMB, which amounts to an abandonment of any objections to such factual findings. They posit that the OMB correctly interpreted Sec. 7 of A.O. No. 07, and that petitioners were not absolved of the charges when they were initially dismissed by the June 15, 2009 Joint Resolution. In any case, the OMB has the power to suspend the operation of its own rules, in the interest of justice. Lastly, respondents argue that petitioners were not denied due process, as the finding of guilt of grave misconduct was based on substantial evidence.

Does the phrase “[w]here the respondent is absolved of the charge” in Sec. 7 of A.O. No. 07 series of 1990, as amended, require a finding that the respondent is innocent of the charge in order for the decision of the Ombudsman to become final, executory and unappealable?

Ruling of the Court

We find merit in the petition.

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Sec. 7 of A.O. No. 07 does not require a finding that the respondents are innocent of the charges filed against them

On the application of Sec. 7 of A.O. No. 07, We find that both the CA and OMB erred in their interpretation of said rule. We restate the pertinent portion of the provision:

Section 7. Finality and execution of decision. – Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable. In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration. (emphases supplied)

In ruling that its June 15, 2009 Joint Resolution did not attain finality, the OMB held that petitioners herein were not absolved of the charges against them because the joint resolution “did not make any finding or specific pronouncement that [petitioners] were innocent of the charges.” However, nothing in Sec. 7 requires that a specific finding of innocence be made. The only determination that needs to be made is whether or not the [petitioners] were absolved of the charge. *Ubi lex non distinguit nec nos distinguere debemos* – when the law makes no distinction, [We] also ought not to recognize any distinction.¹¹

The OMB itself defined “absolve” as “to set free or to release from obligation, debt, or responsibility.”¹² Notably, even such definition does not support its interpretation, as again, it contains no qualification that the basis of release be due to a finding of innocence.

On the other hand, the CA cited cases¹³ where the Court treated the orders of the OMB dismissing administrative cases as final and executory. In those cases, respondents were found to have acted in accordance with law, or that there was no fault or negligence on their

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¹¹ *Masbate v. Relucio*, G.R. No. 235498, July 30, 2018.

¹² Citing BLACK’S LAW DICTIONARY, 6th ed.

¹³ *Orais v. Dr. Almirante*, 710 Phil. 662 (2013); *Tolentino v. Atty. Loyola*, 670 Phil. 50 (2011); *Reyes, Jr. v. Belisario*, 612 Phil. 936 (2009); *Chan v. Hon. Marcelo*, 553 Phil. 591 (2007); *Office of the Ombudsman v. Alano*, 544 Phil. 709 (2007).

part. Thus the CA concluded that not every dismissal is tantamount to an absolution as contemplated by Sec. 7. The interpretation made by the CA was inaccurate. Indeed, an order expressly finding a respondent innocent of the administrative charge against him/her is final in accordance with the rules. However, the lack of such express finding of innocence in an order will not leave the same open to appeal.

In *Barata v. Abalos, Jr. (Barata)*¹⁴ the OMB dismissed the administrative complaint against therein respondent “for insufficiency of evidence.” The Court noted that where a respondent is absolved of the charge, the decision shall be final and unappealable, in accordance with Sec. 7.¹⁵

More recently in *Tolosa, Jr. v. Office of the Ombudsman (Tolosa, Jr.)*¹⁶ the OMB found that the complainant therein failed to adduce substantial evidence to prove the allegations against the respondent. The pertinent portion of the OMB’s decision reads: “For want of substantial evidence to warrant the conduct of further proceedings, the administrative case is likewise DISMISSED.” The Court again treated the decision as one absolving the respondent of the administrative charge as contemplated by Sec. 7, and was thus final and unappealable.

To emphasize, the June 15, 2009 Joint Resolution of the OMB found that there was “no substantial evidence to show that [petitioners’] actions transgressed some established and definite rule of action or constitute unlawful behavior or gross negligence.” We find no substantial difference between the manner in which the subject joint resolution was couched, and the pronouncement of “insufficiency of evidence” and “want of substantial evidence” in *Barata* and *Tolosa, Jr.* respectively. As such, We rule that the June 15, 2009 Joint Resolution of the OMB effectively absolved petitioners of the charges against them, and had become final, executory, and unappealable, insofar as the administrative case is concerned.

The failure to provide for the right of appeal in such cases is not a denial of due process for the right to appeal is not a natural right nor a part of due process; it is merely a statutory privilege and may be exercised only in the manner and in accordance with the provisions of the law. Nonetheless, in appropriate cases involving oppressive or

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¹⁴ 411 Phil. 204, 205 (2001).

¹⁵ Id. at 212.

¹⁶ G.R. No. 233234, September 14, 2020.

arbitrary action, the complainant is not deprived of a legal recourse by *certiorari* under Rule 65.¹⁷ Here, however, respondents chose to move for reconsideration, which was the wrong remedy.

The Joint Order dated November 22, 2011 failed to sufficiently state the facts and the law on which it was based

Even assuming that the joint resolution had not attained finality, We agree with the petitioners that the November 22, 2011 Joint Order failed to distinctly state the factual and legal basis for their dismissal.

Sec. 14, Article VIII of the Constitution provides that “[n]o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.” Such mandate applies as well to dispositions by quasi-judicial and administrative bodies, such as the OMB.¹⁸

The joint order concluded that the totality of circumstances points to a *prima facie* conclusion that Philip’s death was not a case of suicide, that there was an attempt to cover it up, and that there was a *prima facie* conclusion that petitioners conspired to kill him, hence probable cause for murder lies against them. However, the joint order does not state how this finding of probable cause ties into the finding that petitioners are guilty of grave misconduct. There was no attempt in the joint order to establish the parameters of what constitutes grave misconduct, much less if such parameters applied to the petitioners.

In an attempt to correct such deficiency, the CA defined grave misconduct as follows:

Misconduct as defined is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. For misconduct to be deemed grave, the elements of corruption, clear intent to violate the law or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consists in the official’s unlawful and wrongful use of his station or character or reputation to procure some benefit for himself or for another person, contrary to duty and the rights of others. It is a misconduct that affects the performance of his duties as an officer and not only such as affects his character as a private individual.

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¹⁷ *Supra* note 14 at 212.

¹⁸ *Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Hon. Ombudsman Desierto*, 555 Phil. 8, 23 (2007).

Misconduct warranting removal from office of an officer must have direct relation to and be connected with the performance of official duties amounting to either maladministration or willful, intentional neglect and failure to discharge the duties of the office.¹⁹

However, even this falls short of the legal requirement, as it does not explain how such general averments and definitions are applicable to the petitioners.

A finding of guilt in an administrative case may be sustained for as long as it is supported by substantial evidence that the respondent has committed the acts charged.²⁰ Substantial evidence refers to that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.²¹ However, neither the OMB joint order nor the CA decision clearly established any acts that could constitute grave misconduct.

The finding of gross misconduct seems to hinge entirely on the existence of a conspiracy to commit murder. Quite telling, the OMB, in its May 31, 2012 Order, stated that the June 15, 2009 Joint Resolution initially dismissed the administrative charges against petitioners because of the lack of evidence to establish that the crime of murder was committed, “from which their administrative liability may arise.”²² It seems to imply, therefore, that the OMB was of the idea that administrative liability would arise out of a finding that the petitioners are guilty of the crime.

But the OMB’s resolution of the criminal aspect of the complaint is not a finding of criminal liability. It is only a determination of probable cause to bring petitioners to trial in a criminal case. A finding of probable cause needs only to rest on evidence showing that, more likely than not, a crime has been committed and was committed by the suspects.²³ Such is insufficient to hold petitioners administratively liable. The quantum of evidence needed in an administrative case is greater than the evidence needed in a preliminary investigation to establish probable cause, or to establish the existence of a *prima facie* case that would warrant the prosecution of a case.²⁴

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¹⁹ *Rollo*, p. 40, citing *Amit v. Commission on Audit*, 699 Phil. 9, 26 (2012).

²⁰ *Badiola v. Court of Appeals*, 575 Phil. 514, 536 (2008).

²¹ *Ombudsman-Mindanao v. Ibrahim*, 786 Phil. 221, 245 (2016); citing Sec. 5, Rule 133 of the Rules of Court.

²² *Supra* note 10.

²³ *Villarosa v. Ombudsman*, G.R. No. 221418, January 23, 2019.

²⁴ See *Sen. Estrada v. Office of the Ombudsman*, 751 Phil. 821, 870 (2015).

The OMB lumped together all the petitioners, on the basis of a *prima facie* finding of conspiracy. Conspiracy as a means of incurring liability is strictly confined to criminal cases; even assuming that the records indicate the existence of a felonious scheme, the administrative liability of a person allegedly involved in such scheme cannot be established through conspiracy, considering that one's administrative liability is separate and distinct from penal liability. Thus, in administrative cases, the only inquiry in determining liability is simply whether the respondent, through his individual actions, committed the charges against him that render him administratively liable.²⁵ To reiterate, the OMB failed to specify the individual acts or omissions of the petitioners.

If only to emphasize how the OMB failed to account for individual actions, it found all respondents named in the complaint administratively liable. Petitioner Miranda's name came up only once in the body of the November 22, 2011 Joint Order, where it was stated that petitioner Alba claimed that they were together at Philip's cabin right after the body was discovered. Worse, aside from the title, the identification of the parties, and the dispositive portion, no other mention is made of petitioner Igcasan at all in the challenged joint order. Based solely on a reading of the joint order, it would appear that their only involvement in this case was having the misfortune of being Philip's crewmates on the day of his tragic death.

A decision with absolutely nothing to support it is a nullity.²⁶ The OMB failed to support its conclusion of administrative liability with sufficient factual and legal basis. In view of the foregoing, the November 22, 2011 Joint Order, as it relates to the administrative aspect of the complaint, must be struck down for being violative of petitioners' right to due process.

In view of the foregoing, the Court finds no reason to pass upon the other arguments raised by the parties.

WHEREFORE, the petition is hereby **GRANTED**. The October 11, 2013 Decision and May 20, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 127564 and the May 31, 2012 Order of the Office of the Ombudsman in OMB-P-A-05-1223-J, are hereby **REVERSED** and **SET ASIDE**. The November 22, 2011 Joint Order

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²⁵ *Philippine National Police-Criminal Investigation and Detection Group v. P/Supt. Villafuerte*, G.R. Nos. 219771 & 219773, September 18, 2018.

²⁶ *Ang Tibay v. The Court of Industrial Relations*, 69 Phil. 635, 642 (1940).

of the Office of the Ombudsman is hereby **ANNULLED** and **SET ASIDE** insofar as administrative case OMB-P-A-05-1223-J is concerned.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
2021

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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