

EN BANC

[G.R. No. 217862. July 04, 2023]

CAMILO L. SABIO, *PETITIONER*, VS. ALAIN BAGUISI, MA. KRISTINA C. PONTI, ***
AND LEANDER P. MARQUEZ, *RESPONDENTS*.**

D E C I S I O N

PER CURIAM:

This is a Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court against the March 31, 2015 Decision^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 123202.

Subject of this Petition is the administrative liability of petitioner Camilo L. Sabio relating to his allegedly unethical intervention in a case then pending before the CA committed in his capacity as a high-ranking public official.

The Relevant Antecedents

This administrative case has its roots from a petition for *certiorari* and injunctive reliefs filed by the officers, directors, and representatives of Manila Electric Company (Meralco) against the Securities and Exchange Commission and the Government Service Insurance System before the CA (Meralco case),^[3] back in 2008. At the time, petitioner was Chair of the Presidential Commission on Good Government (PCGG). Petitioner's brother, Jose L. Sabio, Jr. (Justice Sabio), was then an incumbent CA Justice.

It is practical at this juncture to quote the facts laid out by the Court in *Re: Letter of Presiding Justice Conrado M. Vasquez, Jr. on CA-G.R. SP No. 103692 [Antonio Rosete, et al. v. Securities and Exchange Commission, et al.] (Re: Letter of Presiding Justice Conrado M. Vasquez, Jr.)*,^[4] mirroring those of the present case and which were likewise adopted by the CA in its assailed Decision,^[5] echoed and undisputed by petitioner in the Petition at hand,^[6] and consistently mentioned in the records.^[7]

On April 15, 2008, Justice Bienvenido L. Reyes (Justice Reyes), then Chairperson of the Ninth Division of the CA, filed an application for leave from May 15, 2008

to June 5, 2008.

In Office Order No. 149-08-CMV dated May 14, 2008 issued by Presiding Justice Vasquez, Justice Jose C. Mendoza (Justice Mendoza) was designated by the Raffle Committee as Acting [Chairperson] of the Ninth Division during the absence of Justice Reyes. Apart from his duties as regular senior member of the Fifth Division, Justice Mendoza was authorized “to act on all cases submitted to the Ninth Division for final resolution and/or appropriate action, except ponencia, from May 15, 2008 to June 5, 2008 or until Justice Reyes reports back for duty.” The said office order likewise applied to the other Division(s) where Justice Reyes had “participated or took part as regular member or in an acting capacity.”

On May 29, 2008, Antonio V. Rosete, Manuel M. Lopez, Felipe B. Alfonso, Jesus P. Francisco, Christian S. Monsod, Elpidio L. Ibañez, and Francis Giles B. Puno, as officers, directors and/or representatives of the Manila Electric Company (hereinafter to be collectively referred to as “Meralco”), filed with the Court of Appeals a petition for *certiorari* and prohibition with prayer for the issuance of a writ of preliminary injunction and temporary restraining order (TRO) against the Securities and Exchange Commission (SEC), Commissioner Jesus Enrique G. Martinez, Commissioner Hubert B. Guevarra, and the Government Service Insurance System (GSIS). Aside from the application for immediate issuance of a TRO, petitioners prayed for the issuance of a preliminary injunction that should thereafter be declared permanent, as well as a declaration of nullity of the cease and desist and show cause orders issued by the SEC through Commissioner Martinez. The petition was received by the CA at 10:49 a.m. on May 29, 2008 and docketed as CA-G.R. SP No. 103692.

On the same day, petitioners simultaneously filed at 10:48 a.m. an urgent motion for a special raffle. Presiding Justice Vasquez granted the motion in a handwritten note on the face of the urgent motion, and CA-G.R. No. 103692 was raffled to Justice Vicente Q. Roxas (Justice Roxas). At 3:10 p.m., the Office of Presiding Justice Vasquez received a letter from Atty. Estrella C. Elamparo (Atty. Elamparo), Chief Legal Counsel of the GSIS, requesting the re-raffling of the case “in the presence of the parties in the interest of transparency and fairness.” At 4:10 p.m. on that day, the GSIS filed an *ex-parte* motion to defer action on any incident in the petition pending the resolution of their motion for the re-raffle of the case.

Atty. Elamparo, accompanied by Atty. Orlando P. Polinar, also of the GSIS Law Office, personally filed the urgent motion to defer action on the petition pending the resolution of their motion to re-raffle the case. Since the receiving clerk of the Court of Appeals could not assure them that the motion would be transmitted to the Court of Appeals Division, Attys. Elamparo and Polinar allegedly went to the office of Justice Roxas “for the sole purpose of personally furnishing him a copy” of the motion. They initially talked to a male clerk who referred them to one of the lawyers, who, however, told them that it was not possible for them to personally hand a copy of the motion to Justice Roxas. Thus, Attys. Elamparo and Polinar left a copy of the motion to the staff but no one wanted to sign and acknowledge receipt of the copy.

On May 30, 2008, Justice Reyes filed an application for the extension of his leave until June 6, 2008. In the meantime, Justice Mendoza, who had been designated to replace Justice Reyes during the latter’s absence, informed Justice Roxas through a letter that he (Justice Mendoza) was inhibiting from the case on the ground that he used to be a lawyer of the Meralco. Hence, in an “Emergency Request for Raffle,” Justice Roxas informed the Raffle Committee about the inhibition.

Justice Jose L. Sabio, Jr. (Justice Sabio) was assigned as Acting [Chairperson] of the Ninth Division by raffle, “in lieu of Justice Mendoza.” At 11:30 a.m., the office of Justice Myrna Dimaranan-Vidal (Justice Dimaranan-Vidal) received a notice of emergency deliberation with the new Acting Chairman of the Special Ninth Division, apparently sent by Justice Roxas, stating that her presence and that of Justice Sabio, Jr. were “indispensable” on account of the “national interest” involved in CA-G.R. SP No. 103692.

Meanwhile, Atty. Elamparo “received a telephone call from somebody who did not identify herself but (who) said that she had important information regarding the Meralco case.” The unidentified caller told Atty. Elamparo that “a TRO was already being prepared and that certain Meralco lawyers had in fact been talking to Justice Roxas.” The caller warned Atty. Elamparo against Justice Roxas who had “administrative cases and was ‘very notorious,’” but when prodded, the caller would not disclose more details.

At about 1:30 p.m. also on May 30, 2008, Justice Sabio received a telephone call

in his chambers from his older brother, Chairman Camilo Sabio (Chairman Sabio) of the Presidential Commission on Good Government (PCGG). [Chairperson] Sabio informed his brother that he (Justice Sabio) had been named the “third member” of the division to which the MERALCO-GSIS case had been raffled. Justice Sabio was surprised as he had not yet been “officially informed” about the matter. [Chairperson] Sabio likewise informed him that a TRO had been prepared. [Chairperson] Sabio then tried to convince Justice Sabio “of the rightness of the stand of the GSIS and the SEC,” and asked his brother to help the GSIS, which “represents the interest of the poor people.” Justice Sabio told his brother that he would “vote according to [his] conscience” and that the most that he could do was “to have the issuance of the TRO and the injunctive relief scheduled for oral arguments,” at which the respondents “must be able to convince” him that the TRO indeed had no legal basis.

In his signed testimony, which he read before the Panel of Investigators, [Chairperson] Sabio narrated the circumstances of this call to his brother on May 30, 2008. It appears to have been prompted by a call from a member of the Board of Trustees of GSIS. To quote from [Chairperson] Sabio’s testimony:

Last May 30, 2008 I was in Davao City Airport with my wife, Marlene, waiting for our 1:25 P.M. PAL flight to Manila. [x x x].

As we were boarding, I received a call from Atty. Jesus I. Santos, a Member of the Board of Trustees of GSIS. We had known each other and had become friends since before Martial Law because as Chief Counsel of the Federation of Free Farmers (FFF) we were opposing counsel in various cases in Bulacan.

Attorney Santos informed me that the dispute between the GSIS and MERALCO was now in the Court of Appeals; and, that as a matter of fact, my brother, Justice Sabio, was chair of the Division to which the case had been assigned. Being a Trustee, Attorney Santos requested me to help. I readily welcomed the request for help and thanked him. There was no mystery about his having known of the results of the raffle because the lawyers are notified thereof and are present thereat. As a Trustee, Attorney Santos should be concerned and

involved. As such it is his duty to seek assistance for the GSIS where he could legitimately find it. He was right in seeking my assistance.

I was aware of the controversy between the GSIS and MERALCO. In essence this was in fact a controversy between the long suffering public and the mighty - financially and politically - controlling owners of MERALCO. MERALCO is not only a public utility but also a monopoly. Fortunately, GSIS had taken up the cudgels for the long suffering public, who are at the mercy of MERALCO.

[x x x x]

Immediately, I tried to contact Justice Sabio. But due to the noise I could not hear him. So I waited until we would arrive in Manila.

As we were leaving the Airport, I again got in touch with Justice Sabio. After, he confirmed that he was in fact in the Division to which the petition of MERALCO had been raffled. I impressed upon him the character and essence of the controversy. I asked him to help GSIS if the legal situation permitted. He said he would decide according to his conscience. I said: of course[.]^[8] (Citations omitted)

These incidents led to the filing of a disciplinary action against the involved CA Justices and petitioner. It ended in the imposition of administrative penalties upon them, which the Court so declared in *Re: Letter of Presiding Justice Conrado M. Vasquez, Jr.:*

WHEREFORE, the Court RESOLVES as follows:

(1) Associate Justice Vicente Q. Roxas is found guilty of multiple violations of the canons of the Code of Judicial Conduct, grave misconduct, dishonesty, undue interest and conduct prejudicial to the best interest of the service, and is DISMISSED from the service, with FORFEITURE of all benefits, except accrued leave credits if any, with prejudice to his re-employment in any branch or service of the government including government-owned and controlled corporations;

(2) Associate Justice Jose L. Sabio, Jr. is found guilty of simple misconduct and conduct unbecoming of a justice of the Court of Appeals and is SUSPENDED for two (2) months without pay, with a stern warning that a repetition of the same or similar acts will warrant a more severe penalty;

(3) Presiding Justice Conrado M. Vasquez, Jr. is SEVERELY REPRIMANDED for his failure to act promptly and decisively in order to avert the incidents that damaged the image of the Court of Appeals, with a stern warning that a repetition of the same or similar acts will warrant a more severe penalty;

(4) Associate Justice Bienvenido L. Reyes is found guilty of simple misconduct with mitigating circumstance and is REPRIMANDED, with a stern warning that a repetition of the same or similar acts will warrant a more severe penalty;

(5) Justice Myrna Dimaranan-Vidal is found guilty of conduct unbecoming a Justice of the Court of Appeals and is ADMONISHED to be more circumspect in the discharge of her judicial duties;

(6) PCGG [Chairperson] Camilo L. Sabio's act to influence the judgment of a member of the Judiciary in a pending case is hereby referred to the Bar Confidant for appropriate action;

(7) Justice Jose L. Sabio, Jr.'s charge against Mr. Francis R. De Borja for attempted bribery of a member of the Judiciary is hereby referred to the Department of Justice for appropriate action.

This Decision shall take effect immediately.

SO ORDERED.^[9] (Emphasis in the original)

Prescinded by the Court's factual findings in *Re: Letter of Presiding Justice Conrado M. Vasquez, Jr.* bringing to light petitioner's implication in the Meralco case, the Field Investigation Office (FIO) of the Office of the Ombudsman (Ombudsman) and herein private respondents Alain Baguisi (Baguisi), Ma. Kristina C. Ponti (Ponti), and Leander P. Marquez

(Marquez) filed administrative complaints^[10] against petitioner for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service before the Ombudsman. The FIO's complaint was docketed as OMB-C-A-09-0699-K, whereas private respondents' complaint was docketed as CPL-C-09-0174.

Ruling of the Ombudsman

The Ombudsman found that petitioner's attempt to influence the judicial discretion of CA Justice Sabio, his brother, on a case then pending before the latter's Division was a "flagrant disregard of well-known legal and more importantly, ethical rules," which "unduly prejudiced and compromised the image and independence of the judiciary, and government service in general."^[11] Petitioner's acts made it appear that he "could sway, manipulate or control members of the appellate court in the resolution of cases before them."^[12]

On October 25, 2011, the Ombudsman issued a Joint Decision^[13] disposing of OMB-C-A-09-0699-K and CPL-C-09-0174 as follows:

WHEREFORE, we find respondent CAMILO L. SABIO GUILTY of GRAVE MISCONDUCT and CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE.

Considering, however, that the respondent is no longer employed in the government, he is meted with the penalty of cancellation of eligibility, forfeiture of retirement benefits and is hereby perpetually disqualified to hold public office. Let this Joint Decision form part of the respondent's 201 file.

x x x x

SO ORDERED.^[14] (Emphasis in the original)

Petitioner appealed the Ombudsman's October 25, 2011 Joint Decision before the CA.

Ruling of the Court of Appeals

The CA affirmed petitioner's liability for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

Agreeing fully with the Ombudsman's disposition of the complaints against petitioner, the

CA declared that “petitioner’s act of trying to intercede on behalf of another litigant to influence in any manner the outcome of the dispute pending [before] a court of law [fell] short of the standard required of a public servant.”^[15]

In its March 31, 2015 Decision, the CA disposed petitioner’s appeal as follows:

WHEREFORE, premises considered, the present Petition for Review is **DENIED** for lack of merit. The assailed Joint Decision dated October 25, 2011 in OMB-C-A-09-0699-K and [CPL-C-09-0174] is hereby **AFFIRMED**.

SO ORDERED.^[16] (Emphasis in the original)

Petitioner filed the present Petition before this Court.

The FIO was dropped as a party-respondent in the Petition per the Court’s Resolution dated July 29, 2015.^[17] From then, this case proceeded with Baguisi, Conti, and Marquez as private respondents.

Issue

Petitioner’s main argument is as follows:

THE THIRTEENTH DIVISION OF THE HONORABLE COURT OF APPEALS ACTED WITHOUT JURISDICTION WHEN IT AFFIRMED IN CA-G.R.-SP No. 123202 THE RULING OF THE HONORABLE OMBUDSMAN WHO, ACTING WITH SUCH ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION, IMPOSED ON THE PETITIONER THE PENALTY OF CANCELLATION OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS AND PERPETUAL DISQUALIFICATION TO HOLD PUBLIC OFFICE.^[18]

Our Ruling

The Petition is denied.

Allegations of grave abuse of discretion are improper grounds for a petition for review under Rule 45

A serious lapse in procedure committed by petitioner must first be addressed.

Disposals of administrative disciplinary cases before the Office of the Ombudsman follow a general procedure. Final judgments of the Ombudsman finding for the administrative liability of a public officer within its jurisdiction are elevated to the CA by appeal under Rule 43 of the Rules of Court.^[19] Final judgments of the CA on appeal under Rule 43 may be questioned before the Supreme Court by way of petition for review on *certiorari* under Rule 45.^[20] Petitions under Rule 45 shall raise and set forth *only* questions of law.^[21]

The present Petition for Review on *Certiorari*, however, is built on the wrong ground.

Petitioner words his contentions in this manner:

May it be recalled that on 31 January 2012 PETITIONER was served with a copy of the JOINT DECISION x x x rendered on 25 October 2011 In OMB-C-A-09-0699-K and CPL-C-09-0174. [sic] by *GRAFT INVESTIGATION AND PROSECUTION OFFICER I DARIUS L. SAGADAL* and approved on 28 DECEMBER 2011 by HONORABLE OMBUDSMAN CONCHITA CARPIO MORALES x x x

[x x x x]

PETITIONER most respectfully submits that, under the circumstances, in so acting, THE HONORABLE OFFICE OF THE OMBUDSMAN had, in effect, defied the x x x final and executory PER CURIAM RESOLUTION x x x of the HONORABLE SUPREME COURT [promulgated September 9, 2008] which had already been acted on and implemented by the HONORABLE OFFICE OF THE BAR CONFIDANT OF THE SUPREME COURT.

In so intervening in this matter, as it were, under the circumstances, THE HONORABLE OFFICE OF THE OMBUDSMAN ACTED WITHOUT JURISDICTION.

Thus, under the circumstances, the JOINT DECISION rendered on 25 October 2011 x x x and approved on 28 DECEMBER 2011 x x x WAS NULL AND VOID AB INITIO.

On March 31, 2015 the THIRTEENTH DIVISION OF THE HONORABLE COURT OF APPEALS promulgated the [assailed] DECISION x x x

x x x x

In so AFFIRMING the x x x JOINT DECISION dated October 25, 2011 x x x, the THIRTEENTH DIVISION OF THE HONORABLE COURT OF APPEALS ALSO ACTED WITH OUT [sic] JURISDICTION AND ITS ACT IS ALSO NULL AND AB INITIO.

BE THATAS [sic] IT MAY, THE HONORABLE OMBUDSMAN HAD ACTED WITH SUCH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION.

x x x x

WHAT HEINOUS CRIME HAS THE PETITIONER COMMITTED for which he is meted the x x x ABSURD AND RIDICULOUS penalty of CANCELLATION OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS AND IS HEREBY PERPETUALLY DISQUALIFIED TO HOLD OFFICE?

ABSURD AND RIDICULOUS BECAUSE HIS RECORD SHOWS THAT PETITIONER has spent most of his professional life as a government official. [Original emphases removed; items in brackets supplied.]^[22]

Petitions for review on *certiorari* under Rule 45 of the Rules of Court question the correctness and soundness of an order, resolution, decision, or judgment rendered by a judicial or quasi-judicial authority. As it is a mere continuation of the appellate process over the original case,^[23] jurisdiction is ordinarily not an issue in a Rule 45 petition, and, by the act of filing a Rule 45 petition, it is presumed and admitted that the tribunal which rendered the assailed judgment has properly assumed jurisdiction over the subject matter.

Petitions for *certiorari* under Rule 65, on the other hand, seek to reverse a court or tribunal's order, resolution, decision, or judgment, not on the ground that it is incorrect or unsound, but on the reason that it is null and void, since the court or tribunal that rendered the same did it so arbitrarily, unfairly, and in such grave abuse of its discretion that it exceeded its jurisdiction.

The arguments above as directly quoted from the Petition at hand are clear allegations of grave abuse of the Ombudsman and CA's exercise of discretion. This yields only two mutually-exclusive implications - first, that petitioner raised improper grounds for his Rule

45 petition for review on *certiorari*, or second, that petitioner essentially filed a Rule 65 petition for *certiorari*. Either way, both are fatal procedural missteps at this point that easily merit an outright dismissal of the present Petition.

Even if the Court indulges petitioner's accusations of grave abuse of discretion against the Ombudsman and the CA in the present petition for review, the Court cannot find good reason to grant the same and absolve petitioner of administrative liability.

The Ombudsman and the CA ruled correctly, did not abuse their discretion, and acted within their respective jurisdictions when -

- (1) the Ombudsman disposed of the administrative complaints filed against petitioner; and**
- (2) the CA denied petitioner's appeal**

Petitioner offered the following explanation:

Why I talked to my brother[,] Justice Sabio?

Why I called my brother, Court of Appeals Justice Jose L. Sabio, Jr., on May 30, 2008 in connection with the brewing controversy between the controlling owners of the Manila Electric Company (MERALCO) and the Government [Service] Insurance Company (GSIS). [sic]

The answer is more simple. I am an official of the Government. My brother, Justice Jose L. Sabio, Jr. is also an official of the Government. The basic mandate of the Government pursuant to the supreme will of the Philippine Constitution is to protect the poor, the disadvantaged, the under-privileged, the underdog and the oppressed in our society. Social Justice is the heart and soul of our Constitution[.]^[24]

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer.^[25] To warrant

dismissal from the service, the misconduct must be *grave*, serious, important, weighty, momentous, and not trifling.^[26] The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office.^[27] In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.^[28]

Conduct Prejudicial to the Best Interest of the Service, on the other hand, is any act of a public officer which tarnishes the image and integrity of their public office.^[29]

Guided by the foregoing definitions, the administrative offenses of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service clearly obtain against petitioner. Being at the helm of a very important government agency, petitioner is by all means aware that the power, influence, and responsibility he wields are immense, potent, and fragile. He openly disregarded this knowledge and admittedly used his position, not just to achieve his unprofessional objectives, but to wittingly create this undue impression that justice is not at all blind, but can easily be distorted and manipulated at the will of the powerful and the "connected." To mask these under the guise of lofty and pure ideals should not and will not help his defense; the ends shall never justify the means. His actions not only seriously prejudiced the best interest of his public position and the government office he represented, but also tainted the image and integrity of the appellate arm of the Judiciary, ultimately compromising the public trust that he had sworn to serve and preserve.

Petitioner further posits that the October 25, 2011 Joint Decision of the Ombudsman interfered and conflicted with the Court's September 9, 2008 final ruling in *Re: Letter of Presiding Justice Conrado M. Vasquez, Jr.*, particularly:

WHEREFORE, the Court RESOLVES as follows:

x x x x

(6) PCGG [Chairperson] Camilo L. Sabio's act to influence the judgment of a member of the Judiciary in a pending case is hereby referred to the Bar Confidant for appropriate action[.]^[30] (Emphasis in

the original)

There is no such interference or conflict in this case.

Article XI, Section 12 of the 1987 Constitution vests upon the Ombudsman disciplinary authority over public officials:

SECTION 12. The Ombudsman and his [or her] Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.

Art. XI, Sec. 12 of the 1987 Constitution was drafted into active law in Sec. 13, Republic Act No. (RA) 6770,^[31] or the Ombudsman Act of 1989:

Section 13. *Mandate.* — The Ombudsman and his [or her] Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

Sec. 21 of RA 6770 clarified and delineated the scope of the Ombudsman's disciplinary authority:

Section 21. *Officials Subject to Disciplinary Authority; Exceptions.* — The Office of the Ombudsman shall have disciplinary authority **over all elective and appointive officials** of the Government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries, **except over officials**

who may be removed only by impeachment or over Members of Congress, and the Judiciary. (Emphasis supplied.)

The PCGG is a government agency created under Executive Order No. 1^[32] issued on February 28, 1986, the first Executive Order issued by former President Corazon C. Aquino after her assumption of office.^[33] Petitioner should not conveniently forget that he was sued by the FIO and private respondents in his capacity as the Chair of the PCGG. Being such, he is a proper subject of the disciplinary authority of the Ombudsman.

Imposition of penalties

As it stands, the Ombudsman and the CA found petitioner administratively guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, which this Court affirms.

Sec. 50, Subsections (A) (3) and (B) (10) of the 2017 Revised Rules on Administrative Cases in the Civil Service (RRACCS) classified and penalized Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service in the following wise:

Section 50. *Classification of Offenses.* x x x

A. The following **grave** offenses shall be punishable by **dismissal** from the service:

x x x x

3. Grave Misconduct;

x x x x

B. The following **grave** offenses shall be punishable by **suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:**

x x x x

8. Conduct Prejudicial to the Best Interest of the Service;

x x x x (Emphasis supplied)

The foregoing prescribed penalties, however, should be read together with Sec. 55 of the 2017 RRACCS, which states:

Section 55. *Penalty for Multiple Offenses.* **If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense** and the rest shall be considered as aggravating circumstances. (Emphasis supplied)

Additionally, Sec. 57 (a)^[34] of the 2017 RRACCS states that the penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.

Applying these provisions under the 2017 RRACCS, and considering that petitioner is no longer in public service, the Ombudsman and the CA correctly imposed upon petitioner the penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.

A review of the Court's recent publications, however, reveal that petitioner has been meted with the same disciplinary penalties in a similarly-titled case relating to another administrative matter.

In *Sabio v. Field Investigation Office, Office of the Ombudsman*,^[35] the FIO-OMB questioned certain cash advances and expenditures during petitioner's tenure in the public service as PCGG Chair. The Court ruled on the case in 2018 as follows:

WHEREFORE, the petition is **DENIED**. The Decision dated January 31, 2017 of the Court of Appeals in CA-G.R. SP No. 123692, which upheld the Joint Decision dated July 28, 2011 of the Office of the Ombudsman in the consolidated cases OMB-C-A-09-0611-J, OMB-C-A-09-0609-J, and OMB-C-A-09-0608-J, is hereby **AFFIRMED**. Petitioner Camilo L. Sabio is found **GUILTY** of the administrative offenses of Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service, and accordingly, meted the penalty of forfeiture of all his retirement benefits and privileges, except accrued leave credits, if any,

with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.^[36]
(Emphasis in the original)

In view of this development, petitioner's benefits cannot be forfeited anew and he cannot be banned from public service again, practically speaking. To remedy this, the Court looks to the procedure in disbarment cases.

In administrative cases for disbarment, the Court imposes the corresponding administrative penalty against an erring lawyer, who has already been disbarred upon a previous disciplinary charge, for the sole purpose of recording it in the lawyer's personal file with the Office of the Bar Confidant (OBC).^[37] Such practice has become the norm in disbarment proceedings for the reason that no penalty can further be imposed once a lawyer is disbarred, since there is no double or multiple disbarment in this jurisdiction.^[38] The circumstances obtaining in all disciplinary cases against them, along with other relevant factors reflected in a lawyer's professional records with the OBC, shall be weighed and considered in the instance that the disbarred lawyer subsequently file a petition to lift their disbarment or for reinstatement.^[39]

The Court sees fit to adopt this principle in disbarment proceedings, which share the same administrative nature with disciplinary cases against public servants. The same administrative penalties in *Sabio v. Field Investigation Office, Office of the Ombudsman*^[40] shall still be imposed upon petitioner in this present case for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, but for the sole purpose of recording the same in his employee file with the Civil Service Commission (CSC). The circumstances obtaining in all disciplinary cases against him, whether pending or terminated, along with other relevant factors already reflected in his 201 file with the CSC, shall be weighed and considered in the instance that petitioner should subsequently file a petition to lift his administrative penalties and disabilities under the pertinent provisions of the RRACCS.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The March 31, 2015 Decision of the Court of Appeals in CA-G.R. SP No. 123202 is **AFFIRMED**. Petitioner Camilo L. Sabio is **ADMINISTRATIVELY LIABLE** for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service.

Considering that he is not anymore employed in the government and can no longer be dismissed, the penalties accessory to dismissal from service imposable upon petitioner

Camilo L. Sabio shall be recorded in his 201 File in the Civil Service Commission: his civil service eligibility is **CANCELLED**; his retirement benefits are **FORFEITED**, except accrued leave credits; he is **PERPETUALLY DISQUALIFIED** from re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporations; and **PERPETUALLY BARRED** from taking the civil service examinations.

SO ORDERED.

Leonen,^{**} SAJ., Caguioa, Hernando, Inting, M. Lopez, Gaerlan, Rosario, Dimaampao, Marquez, and Kho, Jr., JJ., concur.

Gesmundo,^{*} C.J., no part and on official leave.

Lazaro-Javier^{***} and Zalameda,^{****} JJ., no part.

J. Lopez,^{*****} J., on leave.

Singh,^{*****} J., on official leave.

^{*} No part and on official leave.

^{**} Acting Chief Justice per Special Order No. 2989 dated June 24, 2023.

^{***} No part.

^{****} No part. With prior participation in the Court of Appeals.

^{*****} On leave.

^{*****} On official leave.

^{*****} Also referred to as "Conti" in some parts of the *rollo*.

^[1] *Rollo*, pp. 12-52.

^[2] *Id.* at 54-61. Penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Rodil V. Zalameda (now a Member of the Court) and Pedro B. Corales.

^[3] Entitled **Rosete v. Securities and Exchange Commission**, docketed as **CA-G.R. SP No. 103692**.

^[4] 586 Phil. 321 (2008).

^[5] *Rollo*, pp. 55-56.

^[6] *Id.* at 14-18.

^[7] *Id.* at 66-68, 138-139, and 155-159.

^[8] **Re: Letter of Presiding Justice Conrado M. Vasquez, Jr. on CA-G.R. SP No. 103692 [Antonio Rosete, et al. v. Securities and Exchange Commission, et al.]**, *supra* note 4 at 324-329.

^[9] *Id.* at 382-383.

^[10] *Rollo*, p. 65.

^[11] *Id.* at 72.

^[12] *Id.*

^[13] *Id.* at 64-75.

^[14] *Id.* at 72-73.

^[15] *Id.* at 60.

^[16] *Id.* at 61.

^[17] *Id.* at 151.

^[18] *Id.* at 32.

^[19] Rules of Court. Rule 43, Sec. 1. See also **Eleazar v. Office of the Ombudsman, G.R. No. 224399**, August 24, 2020 and **Fabian v. Desierto**, 356 Phil. 787, 799 (1998).

^[20] Rules of Court, Rule 45, Sec. 1.

^[21] *Id.*

^[22] *Rollo*, pp. 33-34.

^[23] **Republic v. Bayao**, 710 Phil. 279, 286 (2013).

^[24] *Rollo*, pp. 44-45.

[25] **Sabio v. Field Investigation Office, Office of the Ombudsman**, 825 Phil. 848, 858 (2018).

[26] *Id.*

[27] *Id.*

[28] *Id.*

[29] **Civil Service Commission v. Rodriguez**, G.R. No. 248255, August 27, 2020.

[30] *Supra* note 4 at 382.

[31] Entitled “AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES.” Approved: November 17, 1989.

[32] Entitled “CREATING THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT.” Dated February 28, 1986.

[33] **Presidential Commission on Good Government v. Peña**, 243 Phil. 93, 102-103 (1988).

[34] **Section 57. Administrative Disabilities Inherent in Certain Penalties.** The following rules shall govern in the imposition of accessory penalties:

a. The penalty of dismissal shall carry with it cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits.

Terminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirement and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

[35] *Supra* note 25.

[36] *Id.* at 871-872.

^[37] **Rico v. Madrazo, Jr., A.C. No. 7231**, October 1, 2019.

^[38] *Id.*

^[39] See **Rico v. Madrazo, Jr., supra.**; **Contreras v. Venida, A.C. No. 5190**, July 26, 2022.

^[40] *Supra* note 25.

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