

Title: ****Fabian vs. Desierto et al.****

****Facts:****

Teresita G. Fabian, the major stockholder and president of PROMAT Construction Development Corporation, was engaged in an amorous relationship with Nestor V. Agustin, the Assistant Regional Director of DPWH Region IV-A. During their relationship, Agustin allegedly favored PROMAT in awarding government construction contracts. After their relationship soured, Fabian accused Agustin of harassment and filed an administrative complaint seeking his dismissal for grave misconduct under the Ombudsman Act of 1989 and the Civil Service Decree.

Initial findings by Graft Investigator Eduardo R. Benitez supported Fabian's claims, recommending Agustin's dismissal. However, after Agustin's motion for reconsideration and due to the Ombudsman's inhibition, Deputy Ombudsman Jesus F. Guerrero exonerated Agustin from the charges. Fabian sought review by the Supreme Court under Rule 45, but also contested the finality of such decisions as per the Ombudsman's procedural rules, claiming her right to appeal was restricted unlawfully.

****Procedural Posture:****

The case advanced to the Supreme Court on certiorari under Rule 45 of the Rules of Court, challenging the Office of the Ombudsman's jurisdiction and procedural rules, particularly questioning the final and unappealable nature of decisions absolving respondents in administrative proceedings.

****Issues:****

1. Whether Section 27 of the Ombudsman Act of 1989, providing for appeals from the Office of the Ombudsman to the Supreme Court, is constitutional.
2. Whether the Ombudsman's procedural rules unlawfully restricted the petitioner's right to appeal.
3. Jurisdictional conflict between the Civil Service Commission and the Office of the Ombudsman in handling administrative disciplinary cases.

****Court's Decision:****

The Supreme Court declared Section 27 of Republic Act No. 6770 (Ombudsman Act of 1989) unconstitutional, as it unlawfully expanded the Supreme Court's appellate jurisdiction contrary to the constitutional prohibition. The Court concluded that appeals from decisions of the Office of the Ombudsman in administrative disciplinary cases should instead be taken

to the Court of Appeals under the provisions of Rule 43 of the Rules of Court.

****Doctrine:****

- The Supreme Court's appellate jurisdiction cannot be expanded by legislation without its advice and consent.
- Administrative disciplinary appeals from the Office of the Ombudsman are to be processed under Rule 43, aligning with appeals from other quasi-judicial agencies to the Court of Appeals.

****Class Notes:****

- Procedural vs. Substantive Law: Section 27 of RA 6770 was deemed procedural as it pertains to the process of appealing administrative decisions, signifying the Supreme Court's power to regulate procedures without affecting substantive rights.
- Jurisdiction Conflicts: The Supreme Court clarified its jurisdictional stance, asserting that increases to its appellate jurisdiction require constitutional consent, distinguishing between its capacity for direct review versus appellate review.

****Historical Background:****

This case clarifies the limits of legislative power in influencing the appellate jurisdiction of the Supreme Court within the Philippine legal system. It distinguishes between essentially procedural statutory provisions and those that substantively alter rights, emphasizing the role of the judiciary in safeguarding constitutional parameters against an unwarranted expansion of appellate jurisdiction.