

### Title: Cayetano A. Tejano, Jr. vs. The Hon. Ombudsman and The Hon. Sandiganbayan

### Facts:

The case originated from a report dated October 15, 1992, by Philippine National Bank (PNB) Resident Auditor Alexander A. Tan regarding an alleged unfunded withdrawal of P2.2 million by V&G Better Homes Subdivision (V&G) under Savings Account No. 365-5355-6-4. The detailed events outlined in the investigation led to the implication of several individuals, including Cayetano A. Tejano, Jr., the petitioner, who was the Vice President and Branch Manager of PNB Cebu at the time.

Upon the recommendation of Graft Investigation Officer Edgardo G. Canton on March 29, 1993, an information for violation of Section 3(e) of Republic Act No. 3019 was filed against Tejano and others before the Sandiganbayan, docketed as Criminal Case No. 21654. Tejano sought a reinvestigation, leading to Special Prosecutor Jesus A. Micael recommending the dismissal of the case on November 3, 1999, a recommendation disapproved by Ombudsman Aniano A. Desierto, prompting further legal maneuvers and ultimately the present petition.

### Issues:

1. Whether the Office of the Ombudsman committed grave abuse of discretion in disapproving the recommendation for the dismissal of the case.
2. Whether the case filed against the accused constitutes persecution rather than prosecution.
3. Jurisdiction of the Ombudsman over the case.

### Court's Decision:

The Court sided with the petitioner, finding that Ombudsman Desierto committed grave abuse of discretion in disapproving the memorandum that recommended the dismissal of the case. The Court underscored that the officer who reviews a case on appeal should not be the same individual whose decision is under review, suggesting a breach of impartiality on Desierto's part given his involvement in both the preliminary investigation and the reinvestigation stages.

### Doctrine:

The court reiterated the doctrine of impartiality— that a public officer tasked with reviewing a case should not review their decision on appeal to ensure fairness and objectivity. This

implies a broader principle that officials must recuse themselves from proceedings where their impartiality could reasonably be questioned.

### ### Class Notes:

Critical principles established from this case include:

- The role and extent of the Ombudsman's discretion in prosecutory decisions versus the boundaries of grave abuse of discretion.
- The importance of impartiality and the avoidance of any appearance of impropriety in judicial and quasi-judicial processes.
- The application of procedural fairness, particularly the expectation that one should not judge a case in which they have a pre-established bias.

Relevant legal provisions and doctrines include:

- Republic Act No. 3019, Section 3(e), concerning corruption of public officers.
- Grave Abuse of Discretion as a standard for judicial review.
- Principles of recusal and impartial adjudication as embedded within procedural due process rights.

### ### Historical Background:

This case illustrates the checks and balances inherent within the Philippine legal system, particularly regarding the independent prosecutory powers of the Ombudsman versus judicial oversight to prevent or remedy potential abuses of discretion. This instance showcases the judiciary's role in ensuring public officers, including high-ranking functionaries like the Ombudsman, adhere to standards of impartiality and fairness, reflecting broader themes of accountability and integrity within public service.