

Title: Emilio A. Gonzales III vs. Office of the President of the Philippines et al. and Wendell Barreras-Sulit vs. Atty. Paquito N. Ochoa, Jr. et al.

Facts:

1. Christian Kalaw filed charges against Rolando Mendoza and others for robbery, extortion, and other offenses on May 26, 2008. This resulted in separate administrative and criminal investigations.
2. On July 2, 2008, Deputy Ombudsman Emilio Gonzales III directed the turn-over of the records of Mendoza's case for review. Mendoza et al. submitted their positions, but before Gonzales' action, the charges against Mendoza were dismissed due to lack of prosecution.
3. Gonzales forwarded a draft decision finding Mendoza, et al. guilty of grave misconduct to then Ombudsman Merceditas Gutierrez for review in February 2009. Mendoza et al. received a copy of the approved decision on October 30, 2009, and filed a motion for reconsideration.
4. After passing through several officials for review, on May 6, 2010, Gonzales endorsed the motion for reconsideration to the Ombudsman for the final decision. Pending action, Mendoza hijacked a tourist bus on August 23, 2010, resulting in casualties.
5. Following the hostage crisis, the IIRC found Gonzales accountable for gross negligence and recommended administrative proceedings. The OP charged Gonzales for Gross Neglect of Duty and Misconduct, leading to his dismissal on March 31, 2011.
6. In G.R. No. 196232, Special Prosecutor Wendell Barreras-Sulit entered a plea bargaining agreement with Maj. Gen. Carlos F. Garcia, accused of plunder, which was approved by the Sandiganbayan. The OP initiated proceedings against Sulit due to the perceived leniency of the agreement.

Issues:

1. Is Section 8(2) of Republic Act No. 6770, which allows the President to remove a Deputy Ombudsman and Special Prosecutor, constitutional?
2. Did the Office of the President commit grave abuse of discretion in finding Gonzales guilty and in initiating proceedings against Sulit?

Court's Decision:

1. The Supreme Court, in a split decision, declared Section 8(2) of RA No. 6770 unconstitutional with respect to the Deputy Ombudsman, citing the need to preserve the independence of the Office of the Ombudsman. However, the court upheld the constitutionality of the said provision in relation to the Special Prosecutor, distinguishing the Office of the Special Prosecutor from the constitutionally-created independent Office of the Ombudsman.
2. The SC found the OP's decision against Gonzales as lacking basis and reversed his dismissal, underscoring the absence of substantial evidence for the charges of gross neglect of duty and misconduct. Meanwhile, proceedings against Sulit were allowed to continue, as her petition did not question the evidence but only the OP's jurisdiction over her position.

#### Doctrine:

This case established the doctrine that the independence of the Office of the Ombudsman, guaranteed by the Constitution, extends to the Deputy Ombudsman, protecting them from removal by the President. This independence is integral to their role in holding the government, including top executive officials, accountable. However, this constitutional protection does not extend to the Special Prosecutor, whose office does not enjoy the same constitutional guarantee of independence.

#### Class Notes:

1. The independence of constitutional bodies like the Office of the Ombudsman is critical to their function and is protected from executive interference.
2. The principle of separation of powers and checks and balances can restrict the President's authority over independent constitutional offices.
3. Judicial scrutiny ensures laws and executive actions do not infringe constitutional protections, emphasizing the court's role in constitutional governance.
4. The Supreme Court can declare legislative provisions unconstitutional if they collide with the Constitution's intent and principles.

#### Historical Background:

This case highlights the tension between maintaining the independence of constitutional bodies such as the Office of the Ombudsman and the oversight powers of the executive branch. The evolution of the Ombudsman's office, from its origins to its constitutional foundation in 1987, emphasizes the intent to establish an independent watchdog to combat corruption and hold government officials accountable, free from executive influence. The

decision in this case underscores the judiciary's role in preserving the constitutional framework and principles, particularly the independence of bodies designed to act as checks on the powers of the other government branches.