

**\*\*Title:\*\*** Manuel Baviera v. Rolando B. Zoleta, et al.

**\*\*Facts:\*\***

Manuel V. Baviera initiated multiple complaints against officers/directors of the Standard Chartered Bank (SCB), Philippines, including finance chief Sridhar Raman, alleging violations of various laws concerning banking, securities, and employment. On September 18, 2003, Baviera sought a Hold Departure Order (HDO) against SCB officers from the Department of Justice (DOJ), which was granted on September 26 by then Secretary Simeon Datumanong, and executed by the Bureau of Immigration (BI).

During Datumanong's absence, Undersecretary Ma. Merceditas N. Gutierrez temporarily assumed the DOJ's responsibilities. Despite the HDO, Raman was initially stopped from leaving the Philippines on September 28, but was allowed to depart the next day following a verbal order from Gutierrez. Baviera filed a complaint against Gutierrez with the Office of the Ombudsman for allegedly providing undue favor to Raman by circumventing the HDO.

Gutierrez defended her actions by highlighting the constitutional right to travel and her discretionary power as Acting Secretary to permit Raman's departure for a legitimate conference. The Office of the Ombudsman eventually dismissed Baviera's complaint due to lack of evidence.

Dissatisfied, Baviera pursued certiorari with the Court of Appeals (CA) but was dismissed, with the CA stating that the proper recourse was a Supreme Court petition under Rule 65. After a denied motion for reconsideration, Baviera lodged a petition for review on certiorari with the Supreme Court.

**\*\*Issues:\*\***

1. Whether the CA was correct in dismissing Baviera's certiorari petition instead of reviewing the Ombudsman's resolutions.
2. Whether the Office of the Ombudsman committed grave abuse of discretion in dismissing Baviera's complaint against Gutierrez for alleged violations of the Anti-Graft and Corrupt Practices Act (RA 3019).

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

The Supreme Court denied Baviera's petition, affirming the CA's resolutions. The Court clarified jurisdictional stipulations, indicating that petitions contesting the Ombudsman's

resolutions in criminal cases should be directly filed with the Supreme Court under Rule 65. On substantive grounds, the Court found that Baviera failed to demonstrate that the Ombudsman's officials acted with grave abuse of discretion in dismissing the complaint against Gutierrez for lack of probable cause. The doctrine of non-interference in the Ombudsman's discretion was upheld, emphasizing the absence of clear evidence of any arbitrary, despotic, or grossly prejudicial conduct.

**\*\*Doctrine:\*\***

This case reiterates the doctrine that the proper recourse to challenge the Office of the Ombudsman's resolutions finding probable cause in criminal cases is through a petition for certiorari directly with the Supreme Court, not the Court of Appeals. Moreover, it reaffirms the principle that in the absence of clear evidence of abuse, courts will not interfere with the Ombudsman's discretionary authority to determine the presence or absence of probable cause in criminal complaints.

**\*\*Class Notes:\*\***

1. **\*\*Hierarchy of Courts:\*\*** Petitions contesting resolutions of the Ombudsman in criminal cases must be filed directly with the Supreme Court under Rule 65, not with lower appellate courts, pursuant to the principle of hierarchy of courts.
2. **\*\*Probable Cause and Discretionary Power of the Ombudsman:\*\*** The determination of whether probable cause exists is a discretionary power of the Ombudsman. Without clear evidence of abuse of discretion (i.e., actions that are arbitrary, capricious, or clearly prejudicial), courts defer to the Ombudsman's findings.
3. **\*\*Right to Travel:\*\*** The constitutionally guaranteed right to travel can be subject to restrictions for national security, public safety, or public health reasons but requires careful consideration when limiting individuals' freedom, particularly in legal and administrative contexts.

**\*\*Historical Background:\*\***

This case underscores the complex interplay between the judiciary's oversight functions and the autonomous prosecutorial discretion of the Ombudsman, especially in matters involving high-ranking officials and the enforcement of travel bans. It reflects the balance between upholding constitutional rights and ensuring accountability within the governance framework.