

### Title:

\*\*Collantes vs. Ombudsman: A Test of Probable Cause in Graft Charges\*\*

### Facts:

The heart of this case revolves around parcels of land located at Barangay Sampaloc, Tanay, Rizal owned by Virgilio Cervantes and subsequently sold to R.J. Pamintuan Furnishing Corporation. The Department of Public Works and Highways (DPWH) had previously taken part of this land for the Marikina-Infanta Road construction without compensation to Cervantes. Later claims for just compensation by the new owner led to the Rizal Provincial Appraisal Committee's (R-PAC) valuation, pegging the lands' worth substantially high, resulting in a Deed of Absolute Sale with Quitclaim involving 14,761 square meters of land at P982.54 per square meter for P14,503,272.94.

A letter-complaint by "Gabriela" initiated an Ombudsman investigation for potential violation of R.A. No. 3019, also known as the Anti-Graft and Corrupt Practices Act, against several DPWH officials and R-PAC members, including Danilo Collantes. Despite initial recommendations for dismissal due to insufficient evidence, further fact-finding led to the revival of cases. The Ombudsman, finding probable cause, directed the filing of information against the accused, including Collantes, for violating Section 3(e) of R.A. No. 3019 despite previous recommendations for dismissal. Collantes' petition for reconsideration was denied by the Ombudsman.

Collantes, challenging these findings, elevated the matter to the Supreme Court through a petition under Rule 65 of the Rules of Court, arguing grave abuse of discretion by the Ombudsman for lacking probable cause and for refusing to reconsider the memorandum against him.

### Issues:

1. Did the Ombudsman commit grave abuse of discretion by recommending the filing of an information against the petitioner for alleged violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act?
2. Was there grave abuse of discretion when the Ombudsman failed to reconsider the memorandum dated May 11, 2004, despite compelling reasons for reversal?

### Court's Decision:

The Supreme Court granted Collantes' petition, reversing and setting aside the Ombudsman's memo and supplemental order insofar as Collantes was concerned. The Court

ruled that the Ombudsman indeed committed grave abuse of discretion by failing to consider essential facts, notably that the R-PAC's appraisal was recommendatory, not final. The Court held that bad faith, partiality, and negligence were not evident in Collantes' participation in the land valuation process. It emphasized the presumption of good faith in the performance of duties by public officers and noted the legitimacy of administrative mistakes absent clear malice or gross negligence. The decision also underscored insufficient evidence directly linking Collantes to causing undue injury or providing unwarranted benefits through the land appraisal, highlighting the procedural and factual errors in the Ombudsman's findings.

### ### Doctrine:

The Supreme Court reaffirmed the principle that the determination of probable cause for the purpose of filing criminal information is vested in the Ombudsman. However, this discretion must be exercised with proper consideration for the facts of the case, absent abuse. It reinforced that grave abuse of discretion arises when the Ombudsman's actions are arbitrary, whimsical, or devoid of factual basis, warranting the issuance of a writ of certiorari. Moreover, it clarified the elements required for a public officer to be liable under Section 3(e) of R.A. No. 3019, emphasizing the need for manifest partiality, evident bad faith, or gross inexcusable negligence resulting in undue injury or unwarranted benefits.

### ### Class Notes:

- **Probable Cause**: Requirement for filing of information in criminal prosecution, subject to the Ombudsman's discretion.
- **Grave Abuse of Discretion**: Actions of a public official that are arbitrary, capricious, whimsical, or despotic as due to personal hostility or evasion of duty.
- **Section 3(e), R.A. No. 3019**: Outlines corrupt practices of public officers, including causing undue injury or giving unwarranted benefits through partiality, bad faith, or negligence.
- **Presumption of Good Faith**: Public officers are presumed to have acted in good faith unless proven otherwise.
- **Elements of Violation under R.A. No. 3019, Sec. 3(e)**: Public officer status, action with manifest partiality, evident bad faith, or gross inexcusable negligence, and resultant undue injury to any party or unwarranted benefits to others.

### ### Historical Background:

This case reflects the challenges in establishing probable cause for corruption charges in the Philippines, especially concerning property appraisals for government projects. It

underscores the nuanced interpretation of evidence, the presumption of innocence and good faith for public officers, and the potential pitfalls in the preliminary investigation process by the Ombudsman, pointing to a critical balance between accountability and the protection of public officers against unwarranted accusations.