

Title:

****Office of the President vs. Nita P. Buenaobra: A Case of Unjust Dismissal and Due Process Violation****

Facts:

Nita P. Buenaobra, the Chairman of the Komisyon sa Wikang Pilipino (KWP), faced criminal charges filed by the Office of the Ombudsman's Special Prosecution Officer for allegedly causing undue injury to the government through gross inexcusable negligence connected with the unauthorized reprinting of the **Diksyunaryo ng Wikang Pilipino**. The case was referred to the Sandiganbayan (Criminal Case No. 26918). Upon her motion, a reinvestigation was ordered, leading to the withdrawal of the information against Buenaobra, as approved by then Ombudsman Simeon Marcelo.

Parallel to the criminal proceedings, the Presidential Anti-Graft Commission (PAGC) opened an administrative investigation for the same acts. Buenaobra sought the dismissal of this case, citing *litis pendentia* and forum shopping, which the PAGC denied. It recommended her dismissal from service, leading the Office of the President to terminate her.

Challenging her dismissal, Buenaobra moved to the Court of Appeals, which found procedural and substantial flaws in the PAGC's handling of the case, notably its failure to allow her to present evidence, culminating in a decision overturning the Office of the President's resolutions and dismissing the charge/complaint against her.

Issues:

1. Whether non-career service personnel like Buenaobra enjoy security of tenure.
2. If the parallel administrative investigation by the PAGC violated due process.
3. Whether Buenaobra's actions constituted administrative liability meriting dismissal.

Court's Decision:

The Supreme Court upheld the Court of Appeals' decision, affirming that:

1. ****Security of Tenure**** for Non-Career Service: Non-career personnel are protected from removal without just cause and the observation of due process, contrary to the Petitioner's argument that such personnel could be removed at the President's pleasure.
2. ****Due Process Violation****: The PAGC wrongfully proceeded on the merits without allowing Buenaobra the opportunity to present evidence, violating her right to due process.
3. ****Lack of Administrative Liability****: The Court found no basis for Buenaobra's administrative liability, particularly in failing to collect the 15% royalty fee from Merylvin

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Doctrine:

1. **Security of Tenure**: Both career and non-career service officers enjoy security of tenure, meaning they cannot be removed without just cause and the proper observance of procedural due process.
2. **Due Process in Administrative Investigations**: The right to present evidence is integral to due process, even in administrative proceedings.

Class Notes:

- Security of tenure applies to all government employees, including those in non-career positions, protecting them from unjust dismissal (R.A. No. 7104; P.D. No. 807).
- The distinction between administrative and criminal cases does not absolve state bodies from ensuring fairness and due process in their procedures.
- The principles of *litis pendentia* and *forum shopping* address the need to prevent multiple cases for the same cause across different fora, underscoring the judiciary's efficiency and integrity.

Historical Background:

This case underscores the complexities inherent in the Philippine legal system's handling of administrative versus criminal cases, particularly concerning government officials. The implied necessity for clear procedural safeguards in administrative investigations is highlighted, alongside the principle that apparent procedural imperfections can lead to substantive justice miscarriages. The case is emblematic of the challenges faced by non-career service officials within the broader context of Philippine administrative law and the safeguarding of due process rights.