

Title:

In the Matter to Declare in Contempt of Court Hon. Simeon A. Datumanong in His Capacity as Secretary of the Department of Public Works and Highways: Jimmie F. Tel-Equen, Petitioner

Facts:

The Ombudsman Task Force on Public Works and Highways lodged an admin complaint against Jimmie F. Tel-Equen and others regarding the anomalous payment of P553,900.00 for bailey bridge components. On March 28, 1994, the Office of the Ombudsman's Administrative Adjudication Bureau found the respondents guilty of dishonesty, falsification of public documents, and other charges, leading to their dismissal with accessory penalties.

Motions for reconsideration were dismissed, leading to three petitions filed before the Supreme Court, which were consolidated and referred to the Court of Appeals as per *Fabian v. Desierto*. On March 2, 2000, the CA affirmed the decision with modifications, maintaining the guilt of Tel-Equen and his co-accused. Despite an appeal to the Supreme Court, Secretary Datumanong issued a memorandum order dismissing Tel-Equen, based on the Ombudsman's and CA's findings, leading Tel-Equen to file the instant petition citing Datumanong for contempt.

Issues:

1. Whether Secretary Datumanong's issuance of the Memorandum Order constitutes contumacious conduct.
2. Whether procedural laws and Executive Order No. 292 allow for the execution of decisions pending appeal in administrative cases under the Office of the Ombudsman.

Court's Decision:

The Supreme Court dismissed the petition for lack of merit. It held that Secretary Datumanong's actions were not contumacious as there was no willfulness, bad faith, or deliberate intent to cause injustice noted. The Court distinguished between the execution of decisions under the Civil Service Commission, which are immediately executory, and those by the Ombudsman, which aren't executed until final. Since Tel-Equen's case was administratively charged by the Office of the Ombudsman and not under the immediate execution provision, an appeal stayed the execution. However, two events supported the dismissal: the affirmation of Tel-Equen's dismissal by the Court in G.R. No. 144694, and the amendment of the Ombudsman's Rules of Procedure effectively making decisions executory pending appeal, mirroring civil service rules.

Doctrine:

This case clarified the application of procedural laws concerning the execution of decisions in administrative disciplinary cases under the Office of the Ombudsman, contrasting it with those under the Civil Service Commission. Particularly, it emphasized that decisions by the Ombudsman are not immediately executory pending appeal, highlighting the legal principle “*inclusio unius est exclusio alterius*” (the inclusion of one is the exclusion of others), until the amendment by Administrative Order No. 17 aligned the procedural execution of Ombudsman’s decisions with those of the civil service.

Class Notes:

- **Contumacious Conduct**: Conduct must exhibit willfulness, bad faith, or deliberate intent to cause injustice to be considered contumacious. This case illustrates that mere procedural errors do not constitute contempt of court.
- **Execution of Decisions in Administrative Cases**: The key distinction between the immediate executability of decisions under the Civil Service Commission versus those under the Office of the Ombudsman, noting the specific conditions under which decisions become executory pending appeal.
- **Statutory Interpretation**: The principle “*inclusio unius est exclusio alterius*” was crucial in determining the execution of decisions pending appeal, underscoring the importance of deliberate statutory language and the exclusivity it implies.
- **Retroactive Application of Procedural Laws**: Illustrated that procedural laws can apply retroactively to pending actions without violating personal rights, emphasizing that no vested right arises from procedural laws.

Historical Background:

This case represents a pivotal moment in the Philippine legal system’s handling of administrative disciplinary cases, particularly those under the jurisdiction of the Office of the Ombudsman. It highlights the dynamic nature of procedural laws and the judiciary’s role in interpreting these laws to ensure justice and administrative efficiency. This decision comes against the backdrop of efforts to streamline administrative justice and the balance of fairness in the execution of disciplinary actions against public officials, reflecting evolving legal standards in the public service discipline domain.