

**Title:** Dr. Zenaida P. Pia vs. Hon. Margarito P. Gervacio, Jr., et al.

**Facts:**

1. **Initiation of Complaint:**

- In December 2001, Dr. Roman Dannug, Dean of the College of Economics, Finance and Politics at the Polytechnic University of the Philippines (PUP), filed a complaint against Dr. Zenaida P. Pia, a professor at PUP. He accused Pia of selling a book titled "Organization Development Research Papers" directly to her students for P120 each, violating Sections of the Code of Ethics for Professional Teachers and PUP memoranda against such sales.

2. **Defense by Pia:**

- Pia argued that she did not force students to buy the book, supported by a certification from some students. She alleged that the list of students provided by Dannug was an attendance sheet for his class, not her students.

3. **Ombudsman's Decision:**

- On September 27, 2002, the Office of the Ombudsman found Pia guilty of Conduct Prejudicial to the Best Interest of the Service and suspended her for six months without pay. Pia's motion for reconsideration was denied.

4. **Appeal to the Court of Appeals:**

- Pia filed a petition with the Court of Appeals (CA). However, her petition was filed beyond the allowable period, resulting in the Ombudsman's decision becoming final and executory.

5. **CA's Decision:**

- On June 29, 2005, the CA affirmed the Ombudsman's decision, noting Pia's guilt was established by substantial evidence. The CA also found Pia's appeal time-barred, as it was filed beyond the reglementary period.

6. **Procedural Posture:**

- Following the CA decision, Pia filed a motion for reconsideration, which was denied on March 28, 2006. Pia then elevated the case to the Supreme Court through a Petition for Review on Certiorari, raising issues about the timeliness of her appeal and the merits of her case.

**Issues:**

1. **Timeliness of Filing:**

- Whether Pia's petition with the CA was filed on time under the appropriate procedural rules.

2. **Substantive Guilt:**

- Whether the CA erred in affirming the Ombudsman's finding of Pia's guilt for Conduct Prejudicial to the Best Interest of the Service.

3. **Premature Implementation:**

- Whether Dannug and Carague erred in implementing the Ombudsman's decision during the period in which Pia could still appeal.

**Court's Decision:**

1. **Timeliness of Filing:**

- The Supreme Court found that the appeal to the CA from the Ombudsman's decision should be governed by the 15-day period provided by Rule 43 of the Rules of Court, not by the 10-day period in the Ombudsman's own rules. Pia's motion for extension of time was filed within this 15-day period, making her CA petition timely.

2. **Substantive Guilt:**

- The Court affirmed the Ombudsman's and CA's findings that Pia's direct sale of books to her students constituted Conduct Prejudicial to the Best Interest of the Service. Despite Pia's argument that teachers at the tertiary level are not covered by the specific provisions of the Code of Ethics for Professional Teachers, her actions violated internal PUP policies and damaged the integrity of her public office.

3. **Implementation of Ombudsman's Decision:**

- The Court held that the Ombudsman's decision was immediately executory even during the period in which an appeal could be filed. The implementation of the decision by PUP officials was proper and consistent with the law.

**Doctrine:**

1. **Reglementary Periods for Appeals:**

- Appeals from decisions of the Ombudsman in administrative cases should be taken under the Rule 43 of the Rules of Court with a reglementary period of 15 days.

2. **Immediate Executory Nature of Ombudsman's Decisions:**

- Decisions of the Office of the Ombudsman in administrative cases are immediately

executory pending appeal, ensuring the swift execution of disciplinary measures.

3. **Conduct Prejudicial to the Best Interest of the Service:**

- Faculty members in state-run universities must adhere to high ethical standards and university policies. Actions that compromise institutional integrity or represent a conflict of interest undermine public trust and can lead to disciplinary action.

**Class Notes:**

1. **Administrative Law - Reglementary Periods:**

- Section 4, Rule 43 of the Rules of Court provides for a 15-day period to appeal Ombudsman decisions.

2. **Administrative Orders and Immediate Execution:**

- AO 14-A prescribes that decisions of the Ombudsman are immediately executory pending appeal.

3. **Ethics in Public Office:**

- Public officials, including educators at state universities, are subject to high ethical standards. Actions that are contrary to public policy, morality, and institutional regulations can result in administrative liability.

**Historical Background:**

The case context reflects the ongoing efforts to uphold integrity and ethical behavior within Philippine public institutions, particularly state universities. The stringent application of ethical standards and the immediate executory nature of Ombudsman's decisions are mechanisms intended to promote swift administrative justice, deter misconduct, and maintain public trust in government agencies and officials.