

**\*\*Title:\*\*** \*Domingo Crebello v. Office of the Ombudsman and Timoteo T. Capoquian, Jr.\*

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

1. **\*\*Initial Complaint:\*\*** On September 10, 2009, Domingo Crebello lodged a letter-complaint against Mayor Timoteo T. Capoquian, Jr. and Vice Mayor Enrique C. Gomba of Gamay, Northern Samar, alleging nepotism in their appointments to the Board of Directors of Gamay Water District.
2. **\*\*Fact-Finding Investigation:\*\*** The Public Assistance and Corruption Prevention Office (PACPO) of the Office of the Ombudsman-Visayas undertook a fact-finding investigation, docketed as CPL-V-09-1076.
3. **\*\*Report and Upgrade:\*\*** By December 10, 2012, the investigation recommended upgrading the case to two counts of criminal and administrative cases for nepotism.
4. **\*\*Preliminary Adjudication:\*\*** On April 3, 2014, PACPO formally filed the complaint, docketed as an administrative case.
5. **\*\*Charges:\*\*** It was alleged that Capoquian appointed his sister, Raquel, and Gomba appointed his wife, Clarita, to the Board, creating a nepotic situation.
6. **\*\*Directives:\*\*** By Orders issued on June 9, 2014, and January 13, 2015, the respondents were directed to submit Counter-Affidavits and verified position papers. They failed to comply.
7. **\*\*Ombudsman Decision:\*\*** Relying on the doctrine of condonation due to Capoquian's re-election, the Ombudsman dismissed the charges against him on the precedent established by *Aguinaldo v. Santos*.
8. **\*\*Partial Reconsideration:\*\*** Crebello moved for partial reconsideration citing the abandonment of the doctrine of condonation under *Morales v. Court of Appeals*. This motion was denied by the Ombudsman who stated that the abandonment was finalized only on April 12, 2016.
9. **\*\*Certiorari to CA:\*\*** Crebello filed a petition for certiorari with the Court of Appeals, arguing grave abuse of discretion by the Ombudsman.
10. **\*\*CA Decision:\*\*** On January 16, 2017, the CA dismissed the petition, stating that the correct remedy was a petition for review under Rule 43 of the Rules of Court.

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

1. **\*\*Appropriate Remedy:\*\*** Did the CA err in holding that a petition for certiorari was the wrong remedy to challenge the Ombudsman's decision?
2. **\*\*Grave Abuse of Discretion:\*\*** Did the Ombudsman commit grave abuse of discretion in applying the doctrine of condonation in favor of Capoquian without it being invoked as a defense?

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

1. **\*\*Certiorari as Correct Remedy:\*\***

- The Supreme Court ruled that the CA erred in determining that a petition for certiorari was the wrong remedy. Since the absolution of Capoquian by the Ombudsman was final, executory, and unappealable, Rule 43 did not apply. A petition for certiorari remained viable.
- The Court cited *Republic v. Francisco*, emphasizing that decisions of the Ombudsman, even when declared final and unappealable, are subject to judicial review via certiorari if there is gross abuse of discretion.

2. **\*\*Abandonment of Doctrine of Condonation:\*\***

- The Supreme Court resolved that the doctrine of condonation was abandoned effective April 12, 2016, confirmed by *Morales v. Court of Appeals* becoming final on this date.
- The Court noted that Capoquian never invoked condonation as a defense, and his failure to file the necessary counter-affidavit and position paper meant he waived any defensive claim. Thus, the Ombudsman's reliance on condonation without it being raised by Capoquian was whimsical and constituted grave abuse of discretion.

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

- The abandonment of the doctrine of condonation took effect on April 12, 2016. The application of this doctrine prior to this date without it being specifically invoked as a defense by the respondent constitutes grave abuse of discretion.
- Decisions of the Ombudsman in administrative cases, even if deemed final and unappealable under administrative rules, can still be subject to judicial review through petitions for certiorari upon proof of grave abuse of discretion.

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

1. **\*\*Doctrine of Condonation:\*\***

- Abandoned effective April 12, 2016.
- Condonation must be claimed as a defense by the respondent.

2. **\*\*Judicial Review:\*\***

- Administrative decisions declared final and unappealable may be challenged via certiorari under Rule 65 in case of grave abuse of discretion.
- Rule 43 of the Rules of Court applies to appeals from Ombudsman decisions in administrative cases unless those decisions are final and not appealable.

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

- **Condonation Doctrine:** Historically, elective officials could be absolved of administrative liability for acts committed during previous terms due to the doctrine of condonation. This principle allowed re-elected officials to start with a clean slate.
- **Abolition Context:** Morales v. Court of Appeals marked a significant shift, abolishing this doctrine and reflecting a modern emphasis on accountability and prevention of recurring misconduct by public officials.