

Title: Office of the Ombudsman vs. Rolson Rodriguez

Facts:

1. On 26 August 2003, the Office of the Ombudsman in Visayas received a complaint against Rolson Rodriguez, the punong barangay of Brgy. Sto. Rosario, Binalbagan, Negros Occidental, for abuse of authority, dishonesty, oppression, misconduct in office, and neglect of duty.
2. On 1 September 2003, the sangguniang bayan of Binalbagan, Negros Occidental, through Vice-Mayor Jose G. Yulo, received a similar complaint against Rodriguez for the same charges.
3. On 8 September 2003, the municipal vice-mayor required Rodriguez to submit his answer to the complaint within 15 days.
4. On 23 September 2003, Rodriguez filed a motion to dismiss the complaint before the sangguniang bayan, alleging it lacked factual basis and did not constitute any violation.
5. On 10 September 2003, the Ombudsman separately required Rodriguez to file his answer.
6. On 24 October 2003, Rodriguez moved to dismiss the complaint before the Ombudsman citing *litis pendentia* and *forum shopping*, noting that the sangguniang bayan had first acquired jurisdiction.
7. The municipal vice-mayor scheduled a hearing for 3 October 2003, which was reset due to the complainants' lack of counsel.
8. When rescheduled, the complainants' counsel manifested their intent to withdraw the complaint before the sangguniang bayan to prioritize the Ombudsman case.
9. On 29 October 2003, a formal motion to withdraw the complaint lodged in the sangguniang bayan was filed by the complainants.
10. Rodriguez contested the withdrawal, requesting dismissal based on *forum shopping*.
11. In a 4 November 2003 resolution, the municipal vice-mayor dismissed the case before the sangguniang bayan.
12. On 29 January 2004, the Ombudsman directed both parties to submit verified position papers.
13. Rodriguez's motion for reconsideration of the Ombudsman's directive was denied on 11 March 2004, noting that a motion to dismiss was a prohibited pleading.
14. On 21 September 2004, the Ombudsman found Rodriguez guilty of dishonesty and oppression, imposing dismissal from service with forfeiture of all benefits and disqualification from public office.
15. Rodriguez's motion for reconsideration was denied on 12 January 2005.
16. On 8 March 2005, the Ombudsman directed the implementation of the dismissal penalty.

17. Rodriguez filed a petition for review in the Court of Appeals with a prayer for a temporary restraining order.

Procedural History:

- Ombudsman's investigation and decision (complaint filed 26 August 2003)
- Sangguniang bayan's receipt of similar complaint (1 September 2003)
- Municipal vice-mayor's directive to Rodriguez (8 September 2003)
- Filing of motion to dismiss by Rodriguez (23 September 2003)
- Ombudsman's directive to file answer (10 September 2003)
- Motion to dismiss in Ombudsman case filed by Rodriguez (24 October 2003)
- Dismissal of case by municipal vice-mayor (4 November 2003)
- Order of verified position papers by Ombudsman (29 January 2004)
- Ombudsman's Decision (21 September 2004) and denial of the motion for reconsideration (12 January 2005)
- Court of Appeals' petition for review and consequent decision (8 May 2006)

Issues:

1. Did the complainants violate the rule against forum shopping by filing identical complaints in both the Ombudsman and the sangguniang bayan?
2. Which body first acquired jurisdiction over the administrative case, the sangguniang bayan or the Ombudsman?

Court's Decision:

1. **Forum Shopping Violation**:

- The Supreme Court ruled that the rule against forum shopping applies only to judicial cases, not administrative cases. Citing the case of Laxina, Sr. v. Ombudsman, the Court stated that the filing of identical administrative complaints before the Ombudsman and the sangguniang bayan does not constitute forum shopping since these were administrative in nature.

2. **Jurisdiction**:

- The Court clarified that in cases of concurrent jurisdiction, the body where the complaint is first filed and which opts to take cognizance of the case acquires jurisdiction to the exclusion of other bodies. Since the complaint was filed first in the Ombudsman, and the Ombudsman had opted to assume jurisdiction, the Ombudsman's exercise of jurisdiction was deemed exclusive.

- Jurisdiction was already vested in the Ombudsman when the initial complaint was filed and

could not be transferred to the sangguniang bayan by a subsequent complaint.

Doctrine:

1. **Concurrent Jurisdiction**: When two disciplinary bodies have concurrent jurisdiction over an administrative case, the jurisdiction is determined by which body first takes cognizance of the complaint, and this jurisdiction is exclusive.
2. **Forum Shopping in Administrative Cases**: The prohibition against forum shopping applies only to judicial proceedings and not to administrative cases.

Class Notes:

1. **Concurrent Jurisdiction**:
 - Concurrent jurisdiction exists when two or more bodies have the legal authority to hear a case.
 - Jurisdiction is exclusive to the body which first takes cognizance.
2. **Forum Shopping**:
 - Filing identical complaints in both judicial and administrative contexts is regulated differently.
 - Forum shopping applies to judicial cases but not to administrative cases.
3. **Powers of the Ombudsman**:
 - The Ombudsman is vested with the authority to directly remove an erring public official other than members of Congress and the Judiciary.
 - This authority is non-recommendatory and is exercised independently of other disciplining agencies.

Historical Background:

- The case reflects the complex interplay of administrative and quasi-judicial processes in the Philippines.
- The legal framework involves the Constitution, the Ombudsman Act of 1989 (Republic Act No. 6770), the Local Government Code (Republic Act No. 7160), and their respective implementing rules.
- The decision elucidates the principles governing concurrent jurisdiction, forum shopping in administrative cases, and the specific roles and disciplinary powers of local government units and the Office of the Ombudsman.