

Title: Office of the Ombudsman v. Col. Noel P. Mislang, G.R. No. 212593

Facts:

Col. Noel P. Mislang, Commanding Officer of the 41st Infantry Battalion, Philippine Army, with Valera (Governor of Abra) and agents Durwin and Baharin, were charged with Grave Misconduct for allegedly planning to assassinate Mayor Cecilia S. Luna and her family. Additional charges related to the shooting of Corporals Eduardo Barcelona and Antonio Rosqueta, where Rosqueta was fatally wounded, were brought against them.

In March 2005, Luna, Barcelona, and Elena Rosqueta filed complaints with the Office of the Ombudsman. Barcelona claimed that he and Rosqueta were ordered by Mislang to assassinate Luna in April 2004, later including her sons Ryan and Jendrick in the plot. The plan was aborted, leading to their eventual AWOL status. They filed complaints against Mislang after an assassination attempt on them by Durwin and Baharin, resulting in Rosqueta's death and Barcelona's serious injury.

The Ombudsman found insufficient evidence against Valera but held Mislang, Durwin, and Baharin guilty of Grave Misconduct, dismissing them from service in a Joint Decision dated May 9, 2011.

Mislang appealed to the CA via Rule 43, asserting he was not given due process as he wasn't furnished a copy of the complaints to submit a counter-affidavit. He also argued res judicata, as the General Court Martial already acquitted him for the same acts based on identical evidence.

The CA reversed the Ombudsman's decision on October 15, 2012, and issued a Resolution denying reconsideration on June 7, 2013, based on res judicata and lack of independent evidence to substantiate conspiracy claims.

Issues:

1. Was the CA correct in applying res judicata to set aside the Ombudsman's decision?
2. Did the Ombudsman violate procedural due process concerning Mislang?
3. Does the Ombudsman have concurrent jurisdiction with the General Court Martial?
4. Was the decision based on substantial evidence?

Court's Decision:

On the issue of res judicata, the Supreme Court agreed with the CA's application, noting that the MOA between the Ombudsman and AFP indicated a need for coordination,

particularly when the General Court Martial had already exercised its jurisdiction first.

1. **Res Judicata**: The MOA and the established principle that the first body to take cognizance of a case typically has jurisdiction meant the General Court Martial's acquittal should preclude the Ombudsman from pursuing the same charges.
2. **Procedural Due Process**: The Court highlighted that Mislang wasn't furnished copies of the complaints despite requests, thereby denying him the opportunity to counter the allegations. This lapse constituted a violation of due process, as Mislang wasn't able to present his defense.
3. **Jurisdiction**: Both the Ombudsman and the General Court Martial hold concurrent jurisdiction over similar acts. However, the General Court Martial first exercised this jurisdiction, excluding further action from the Ombudsman.
4. **Substantial Evidence**: The Ombudsman based its findings solely on affidavits without independent evidence supporting conspiracy claims. The administrative body's factual conclusions lacked corroborative evidence, as ascertained by the CA.

Thus, the petition was denied, affirming the CA's decision and resolution.

Doctrine:

- **Res Judicata**: Once a court with proper authority makes a final judgment or order, the same parties cannot re-litigate the same issue.
- **Due Process in Administrative Proceedings**: Adequate notice and a fair chance to defend are vital for a valid administrative decision. Non-compliance invalidates resultant decisions.
- **Concurrent Jurisdiction**: When two bodies have jurisdiction, the one that first assumes and exercises it excludes the other.
- **Substantial Evidence in Administrative Decisions**: Decisions must be based on evidence more than a mere scintilla, accepted by reasonable minds for factual and legal sufficiency.

Class Notes:

- **Res Judicata**: Legal principle preventing re-litigation of identical issues between the same parties.
- **Due Process**: Entails notice and opportunity to be heard; fundamental in administrative law.

- **Jurisdiction**: The authority of a body to adjudicate; initial exercising body prevails in concurrent jurisdiction.
- **Substantial Evidence**: Relevant evidence, accepted by a reasonable mind, required for supporting decisions.

Historical Background:

During political instability in Abra, involving armed services in administrative misconduct highlighted the unique military justice system's role. The MOA aimed to streamline processes, ensuring no duplication while protecting service discipline and propriety. Mislang's case reaffirmed the procedural safeguards and jurisdictional coordination necessary in military and administrative law, ensuring both justice and organizational discipline were maintained.