

****Title:**** *Perez v. Office of the Ombudsman, G.R. No. 131445, 473 Phil. 372 (2004)*

****Facts:****

1. Members of the Kilusang Bayan ng mga Magtitinda ng Bagong Pamilyang Bayan ng Muntinlupa, Inc. (KBMBPM), led by Amado G. Perez, filed two criminal complaints (OMB-0-89-0983 and OMB-0-89-1007) against Mayor Ignacio R. Bunye and other respondents for alleged violations of RA 3019, the Anti-Graft and Corrupt Practices Act.
2. The complaints pertained to an incident where respondents, including Mayor Bunye, allegedly destroyed the doors of the KBMBPM office while executing a Take-Over Order issued by Agriculture Secretary Carlos G. Dominguez on October 28, 1998.
3. On April 11, 1997, the Office of the Ombudsman excluded Mayor Bunye from the criminal indictment.
4. Petitioners challenged this exclusion by filing an original petition for certiorari and mandamus with the Court of Appeals (CA) on September 1, 1997.
5. The CA dismissed the petition for lack of jurisdiction on September 9, 1997, citing Section 27 of RA 6770 (Ombudsman Act of 1989) and relevant case law. The petitioners' motion for reconsideration was also denied on November 13, 1997.
6. Petitioners then sought review by the Supreme Court, arguing the CA erred in its rulings on jurisdiction.

****Issues:****

1. Whether the CA was correct in dismissing the petition for certiorari and mandamus for lack of jurisdiction.
2. Whether a petition for certiorari under Rule 65 questioning the Ombudsman's orders in criminal cases should be filed in the Supreme Court rather than the CA.
3. Whether the Ombudsman acted with grave abuse of discretion in excluding Mayor Bunye from the criminal indictment.

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

1. ****Jurisdiction of the Court of Appeals:****

- The CA correctly dismissed the petition for certiorari filed by the petitioners. However, it invoked an incorrect ground for its dismissal.
- According to **Fabian v. Desierto**, Section 27 of RA 6770 applies only to appeals from administrative disciplinary actions, not criminal cases. Thus, the CA's citation of Section 27 as reason for dismissal was incorrect.

2. **Proper Forum for Rule 65 Petitions in Criminal Cases:**

- The Supreme Court clarified that petitions for certiorari involving criminal cases from the Ombudsman's decisions should be directly filed with the Supreme Court. This procedure is supported by precedents set in *Kuizon v. Ombudsman* and *Mendoza-Arce v. Ombudsman*.
- Even though CA was incorrect in its rationale, ultimately, the proper forum for filing the petition should have been the Supreme Court.

3. **Grave Abuse of Discretion:**

- The petitioners failed to demonstrate that the Ombudsman acted with grave abuse of discretion amounting to a lack or excess of jurisdiction.
- The Ombudsman's factual finding showed that Mayor Bunye did not specifically participate in the incident and acted within his legal authority under Article 87 of the Local Government Code.
- As such, there was no arbitrary or despotic exercise of judgment. The exclusion of Mayor Bunye from the indictment was substantiated by evidence.

Doctrine:

1. **Jurisdictional Clarification:**

- Section 27 of RA 6770 using administrative disciplinary actions should not be cited in criminal cases. Petitions for certiorari in criminal cases regarding the Ombudsman's decisions should be directly submitted to the Supreme Court.

2. **Grave Abuse of Discretion Standard:**

- The exercise of prosecutorial discretion by the Ombudsman is respected unless there is clear evidence of capricious or arbitrary decision-making. The courts avoid intruding into the Ombudsman's investigatory and prosecutorial independence in the absence of grave abuse.

Class Notes:

1. **Elements of Grave Abuse of Discretion:**

- Capricious and whimsical judgment.
- Arbitrary or despotic exercise of power.
- Patent and gross evasion of duty or refusal to perform duty.

2. **Section 27 of RA 6770:**

- Applies to administrative disciplinary actions only, not to Ombudsman's decisions in criminal cases.

3. **Proper Forum for Rule 65 Petitions:**

- Certiorari petitions regarding criminal cases decided by the Ombudsman should be filed with the Supreme Court.

Historical Background:

The case took place within the context of efforts to ensure public accountability and anti-corruption measures in the Philippines. The role of the Ombudsman, established under the 1987 Constitution and governed by RA 6770, has been central to ensuring government officials' adherence to ethical standards and lawful conduct. The ruling strengthened the independent role of the Ombudsman while clarifying judicial review procedures of its decisions in criminal cases, thereby balancing prosecutorial discretion with judicial oversight.