

****Title:**** Perez v. Office of the Ombudsman (G.R. No. 131445, 473 Phil. 372 [1998])

****Facts:****

- Petitioners Amado G. Perez (deceased, represented by his widow), Mario S. Francisco, Rafael P. Argame, Mirasol V. Mendoza, Gloria S. Gonzalvo, and Maria Fe V. Bombase are members of the Kilusang Bayan ng mga Magtitinda ng Bagong Pamilihing Bayan ng Muntinlupa, Inc. (KBMBPM).
- They instituted two complaints (docketed as OMB-0-89-0983 and OMB-0-89-1007) at the Office of the Ombudsman against several individuals including then Mayor Ignacio R. Bunye for violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act).
- The complaints alleged that the respondents destroyed the doors of the KBMBPM office while serving a Take-Over Order of the KBMBPM management dated October 28, 1988, issued by then Agriculture Secretary Carlos G. Dominguez.
- On April 11, 1997, the Office of the Ombudsman issued a resolution excluding Mayor Bunye from the criminal indictment.
- Petitioners filed an original petition for certiorari and mandamus with the Court of Appeals (CA) on September 1, 1997, challenging the Ombudsman's resolution.
- The CA dismissed the petition on September 9, 1997, citing a lack of jurisdiction in accordance with Section 27 of RA 6770 (Ombudsman Act of 1989).
- Petitioners filed a motion for reconsideration, which the CA also denied on November 13, 1997.

****Issues:****

1. Whether the CA has jurisdiction to entertain the petition for certiorari and mandamus against the resolutions of the Office of the Ombudsman in criminal cases.
2. Whether the Ombudsman committed grave abuse of discretion in excluding Mayor Bunye from the criminal indictment.

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

1. ****Jurisdiction:****

- The Supreme Court held that the CA was correct in dismissing the petition for lack of jurisdiction, noting that appeals from the Ombudsman's decisions in administrative cases should be taken to the CA under Rule 43.
- However, for criminal cases, the correct procedure is to file an original petition for certiorari with the Supreme Court as per the principles established in *Kuizon vs. Ombudsman* and *Mendoza-Arce vs. Ombudsman*.

2. **Grave Abuse of Discretion:**

- Even if the petition had been filed in the Supreme Court, it would have been dismissed for failing to show that the Ombudsman acted without or in excess of jurisdiction or with grave abuse of discretion.
- The Court concluded that there was no evidence of Mayor Bunye's specific participation in the alleged violence, and his presence at the scene was not tantamount to participating in the criminal act.
- The petitioners also did not file a motion for reconsideration of the Ombudsman's resolution, which was the plain, speedy, and adequate remedy available to them.

Doctrine:

- The doctrine reiterated in this case is that petitions for certiorari against the orders or decisions of the Office of the Ombudsman in criminal cases should be filed directly with the Supreme Court, not with the CA.
- Grave abuse of discretion is defined as an exercise of judgment that is capricious, whimsical, and arbitrary, such that it constitutes an evasion of a positive duty or virtually a refusal to perform a duty enjoined by law.

Class Notes:

1. **Jurisdiction of Ombudsman Appeals:**

- Administrative cases: Appeals to the CA under Rule 43.
- Criminal cases: Petitions for certiorari to the Supreme Court under Rule 65.

2. **Grave Abuse of Discretion:**

- Explicitly means a capricious, whimsical, or arbitrary exercise of judgment.

3. **Simplified Procedure:**

- Correct remedy: For criminal case decisions by the Ombudsman—file petition for certiorari with the Supreme Court.
- Incorrect remedy: Petition for certiorari filed with the CA in criminal cases.

Historical Background:

- This case provides context to the delineation of jurisdiction in appeals involving decisions of the Office of the Ombudsman, clarifying the appellate process for different types of cases.
- It illustrates a careful division of labor between the CA and the Supreme Court in handling administrative and criminal cases processed by the Ombudsman, reinforcing the need for proper legal procedures to be followed.