

****Title:****

MARK E. JALANDONI VS. THE OFFICE OF THE OMBUDSMAN, ORLANDO C. CASIMIRO,
AND THE HON. SANDIGANBAYAN THROUGH ITS THIRD DIVISION

****Facts:****

Mark E. Jalandoni, former Deputy Ombudsman for Luzon, was implicated in tampering public documents. Appointed as Assistant Ombudsman in 2005 and later as Deputy Ombudsman in 2010 by Ombudsman Ma. Merceditas Gutierrez, Jalandoni allegedly superimposed his name on final resolutions signed by Ombudsman Gutierrez and Ombudsman Casimiro. This tampering was discovered during an inventory ordered by Acting Ombudsman Orlando Casimiro in 2011, revealing 56 tampered documents in three groups: Group A (Casimiro's name), Group B (Gutierrez's name), and Group C (both).

Ombudsman Casimiro filed a complaint for falsification (Article 171) and infidelity (Article 226) against Jalandoni. The Office of the Ombudsman found probable cause, leading to charges filed at the Sandiganbayan.

Jalandoni argued his actions were authorized by Ombudsman Gutierrez through various Orders and Memoranda. He admitted to the tampering but claimed it was to maintain document integrity and organization. De Padua, a co-accused, denied any involvement.

Post-indictment, Jalandoni and De Padua moved to quash the Informations citing procedural defects and filed separate motions for leave to file demurrers which were denied by the Sandiganbayan. These actions led them to file multiple Petitions for Certiorari at the Supreme Court, challenging the Ombudsman's findings and the Sandiganbayan's denials.

****Issues:****

1. Whether the Office of the Ombudsman gravely abused its discretion in finding probable cause.
2. Whether the Sandiganbayan acted with grave abuse of discretion in denying the motion to quash.
3. Whether the Sandiganbayan's denial of motions for leave to file demurrer to evidence constituted grave abuse of discretion.

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

1. ****Probable Cause****: The Court upheld the Ombudsman's probable cause findings, detailing the elements of falsification and infidelity. It emphasized the Ombudsman's role and expertise in assessing probable cause, dismissed Jalandoni's defense regarding

delegated authority, and ruled due process was not violated. Each element of falsification and infidelity was reasonably apparent in Jalandoni's case.

2. **Denial of Motion to Quash**: The Court held that the Sandiganbayan did not abuse discretion, determining the Informations sufficiently alleged necessary elements of the crimes. The key complaint from Jalandoni citing insufficient allegations about the purported concealment and alteration were rejected.

3. **Denial of Demurrer to Evidence**: The Sandiganbayan's denial was grounded; without grave abuse of discretion. It concluded that examining trial evidence's adequacy through Certiorari was inappropriate as it interfered with the trial court's discretion.

Doctrine:

- The Supreme Court typically defers to the Ombudsman's expertise in determining probable cause.
- Preliminary investigations don't require exhaustive evidence but sufficient grounds that a crime probably occurred.
- Denials of motions to quash or demurrers are interlocutory and inappropriate for appeal via certiorari; the accused must proceed to trial and then appeal.

Class Notes:

- **Probable Cause**: Requires "facts and circumstances" to believe an offense was likely committed (Galario v. Office of the Ombudsman).
- **Falsification of Public Documents**: Under Article 171(6), consists of altering a genuine document to make it speak something false.
- **Infidelity in Custody of Public Documents**: As per Article 226, involves public officers concealing or damaging documents entrusted due to office duty.
- **Preliminary Investigation**: It's for determining probable cause, not guilt—a full trial sifts detailed matters.
- **Interlocutory Orders**: Generally, not appealable, designed to prevent trial interruptions and delay.

Historical Background:

The case reflects post-Expert Devolution reforms aiming to maintain transparency and integrity in public office. The Ombudsman, a key accountability institution, ensures corrupt practices are prosecuted rigorously. The legal principles emphasize checks within administrative processes which arise from historical precedents balancing procedural

efficiency against rights.