

**\*\*Title:\*\***

Jowett K. Golangco vs. Atty. Jone B. Fung; Office of the Ombudsman vs. Hon. Court of Appeals and Atty. Jone B. Fung

**\*\*Facts:\*\***

1. **\*\*Background and Initial Complaint:\*\***

- On February 1, 1993, then DOLE Secretary Nieves Confesor received a letter from Senator Ernesto Maceda concerning a letter-complaint from Edwin Belarmino about alleged excessive recruitment fees by G&M (Phil.) Inc.
- Secretary Confesor referred the complaint to the POEA Administrator who instructed Atty. Jone B. Fung to conduct an investigation of the allegations against G&M (Phil.) Inc.

2. **\*\*Investigation Begins:\*\***

- On February 8, 1993, POEA inspectors conducted an initial investigation which yielded denials from Golangco, the President of G&M (Phil.) Inc.
- On February 10, 1993, Fung dispatched two PNP-CIS operatives to execute a covert surveillance which resulted in findings of excessive placement fees being charged by the agency.

3. **\*\*Entrapment Operation:\*\***

- On February 15, 1993, an entrapment operation was initiated. SPO4 Bonita paid Php 7,000 to an agency employee, Elizabeth Encenada, for which she was arrested on the spot.
- Golangco, who arrived shortly after Encenada's arrest, was also arrested and brought for investigation by the POEA-CIS team.

4. **\*\*Legal Actions Following the Arrest:\*\***

- Golangco and Encenada were charged with violations of the Labor Code. Eventually, charges against Golangco were dismissed while Encenada's charges continued.
- Golangco filed a criminal complaint against Fung with the Office of the Ombudsman alleging arbitrary detention and violations of RA 3019. An administrative complaint was also filed alleging oppression and other misconduct.

5. **\*\*Ombudsman Proceedings:\*\***

- Initial resolutions dismissed the criminal complaint against Fung, which were upheld upon Golangco's motion for reconsideration.
- The administrative complaint against Fung was initially resolved in favor of Golangco, recommending Fung's dismissal. However, this was later overturned and the case was

eventually reassigned leading to a dismissal.

6. **Appeal to Court of Appeals:**

- Golangco escalated the matter by filing petitions with the Court of Appeals which in its August 2000 decision, reversed the Ombudsman's findings and directed the withdrawal of the criminal case against Fung.

7. **Further Appeals:**

- Golangco and the Office of the Ombudsman filed motions for reconsideration which were denied, leading to the current appeal before the Supreme Court.

**Issues:**

1. **Validity of Warrantless Arrest:**

- Whether the Court of Appeals erred in declaring that Fung had probable cause to order Golangco's warrantless arrest.

2. **Role of the Solicitor General:**

- Whether the Court of Appeals erred in giving weight to the opinion of the Office of the Solicitor General, treating it as an ex-officio counsel for the Ombudsman.

3. **Court of Appeals Jurisdiction:**

- Whether the Court of Appeals exceeded its authority by ruling on the criminal aspect of the case disregarding the Supreme Court's previous resolution.

4. **Jurisdiction over Probable Cause:**

- Whether the appellate court has jurisdiction to review findings of probable cause by the Ombudsman in criminal cases.

**Court's Decision:**

1. **Validity of Warrantless Arrest:**

- The Supreme Court affirmed that there was no oppressive, malicious, or inefficient conduct on Fung's part. Fung acted based on reasonable grounds during the surveillance and entrapment operations against G&M (Phil.) Inc., hence, the warrantless arrest was valid in pursuing violations under Article 29 of the Labor Code.

2. **Role of the Solicitor General:**

- The argument regarding the role of the Solicitor General was not significantly addressed,

as the Court's decision focused more on procedural and jurisdictional issues rather than the Solicitor General's actions or opinions.

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

- The Supreme Court found that the Court of Appeals exceeded its jurisdiction in reviewing the criminal aspect of the case. According to established jurisprudence, the appellate jurisdiction of the Court of Appeals over decisions of the Ombudsman pertains only to administrative disciplinary cases.

4. **Jurisdiction over Probable Cause:**

- The Court reaffirmed its position that the Court of Appeals does not have authority to review the Ombudsman's findings of probable cause in criminal cases, thus rendering the appellate court's act of directing the withdrawal of the criminal information as void.

**Doctrine:**

1. **Presumption of Good Faith in Public Officials:**

- Public officers are presumed to act in good faith, and mistakes made in the execution of their duties are insulated from liability barring malice or gross negligence.

2. **Jurisdiction Over Administrative Disciplinary Cases:**

- Appellate jurisdiction over administrative decisions of the Ombudsman rests with the Court of Appeals; it does not extend to criminal or non-administrative cases as per *Kuizon v. Desierto* and similar precedents.

**Class Notes:**

- **Elements of Oppression:**

- Must demonstrate act of cruelty, unlawful exaction, dominance, or excessive authority.

- **Elements of Gross Negligence:**

- Negligence implying lack of slight care, willful disregard for consequences affecting others, especially in public officials as flagrant breaches of duty.

- **Elements of Grave Misconduct:**

- Consists of intentional wrongdoing or violation of law by a government official, marked by corruption or flagrant disregard of established rules.

- **Article 29 of the Labor Code:**

- Non-transferability of recruitment license mandates usage only by the licensee and activity at approved locations without unauthorized agents.

**\*\*Historical Background:\*\***

This case arises from a crackdown on illegal recruitment practices in the early 90s, reflecting the Philippine government's initiative to regulate and enforce labor laws, ensuring overseas Filipino workers are protected from exploitative practices. The case underscores the lengths to which administrative and judicial branches go to ensure the rule of law is upheld in labor and employment matters. The Supreme Court's decision also illustrates the boundaries of judicial review over administrative bodies and reaffirms procedural sanctity across different jurisdictions within the Philippine legal system.