

### Title: Yabut vs. Office of the Ombudsman

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### Facts:

- **Date and Context**: On February 16, 1993, in a heavy traffic intersection in Makati, amidst re-routing from the Edsa-Pioneer-Boni area, an altercation occurred between the Vice Mayor of Makati, Nemesio Arturo S. Yabut, who was directing traffic, and an American national, Dr. Paul Doran.
- **Incident Summary**: Dr. Doran, unhappy with the prolonged wait to make a left turn, confronted Yabut with the question, “why [it took] so long?” Yabut replied, “Sorry, sir, its traffic.” Doran then retorted, “who the hell are you,” and made an offensive gesture. This led to an exchange of punches, and subsequently, Yabut’s traffic officers assaulted Doran after pulling him out of his car.
- **Investigation**: Dr. Doran filed a formal complaint with the National Bureau of Investigation (NBI) on February 22, 1993. The NBI summoned Yabut, who submitted his affidavit and witness statements on February 26, 1993. The NBI subsequently endorsed the case to the Office of the Ombudsman.
- **Preventive Suspension**: The Ombudsman imposed a ninety-day suspension on Yabut on February 26, 1993, which was further contested and lifted on March 20, 1993. The case was then submitted for resolution with both parties’ evidence.
- **Ombudsman’s Decision**: On June 28, 1993, the Ombudsman found Yabut and his security aide, Ricardo Tamargo, guilty of simple misconduct and oppression, recommending a two-month suspension without pay.
- **Motion for Reconsideration**: Petitioners filed for reconsideration, which was denied by the Ombudsman on July 29, 1993.

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### Issues:

1. **Misappreciation of Evidence**: Did the Ombudsman misinterpret the evidence presented in the case?
2. **Credit for Preventive Suspension**: Should the time served in preventive suspension be credited against the two-month suspension penalty?

3. **Proportionality of Penalty**: Was the two-month suspension without pay a disproportionate response to the finding of simple misconduct and oppression?

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

- **Misappreciation of Evidence**: The Supreme Court ruled that the Ombudsman's findings were supported by substantial evidence. The witness statements and context justified the decision, demonstrating no grave abuse of discretion.

- **Credit for Preventive Suspension**: The Court clarified that preventive suspension is not a penalty but a measure to ensure proper investigation, and thus cannot be credited against disciplinary sanctions. This aligns with existing legal precedents.

- **Proportionality of Penalty**: The Supreme Court found the penalty proportionate to the misconduct. Public officials must uphold strict discipline, even under provocation, and Yabut's conduct fell short of this standard. The penalty meted out was consistent with the nature of the offense.

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**### Doctrine:**

1. **Preventive Suspension**: A preventive suspension ordered by the Ombudsman is a precautionary measure and does not constitute a penalty. It aims to ensure an impartial investigation by temporarily removing the official from their position of influence (Sec 21, R.A. 6770).

2. **Standard for Public Officials**: Public officials, elected or otherwise, must exhibit a higher standard of conduct, demonstrating restraint and discipline even under provocation. Misconduct that reflects poorly on the office warrants appropriate sanctions to maintain public trust.

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**### Class Notes:**

- **Elements of Simple Misconduct**:
- Misuse of power by a public officer.
- Conduct prejudicial to public interest.
- Actions that degrade the office's dignity.

Statute: Administrative Order No. 07, Sec. 10.

- **Procedural Notes**:

- Appeals from Ombudsman decisions on questions of law are valid if filed as a petition for certiorari in the Supreme Court.
- Preventive suspension, as per R.A. 6770, is non-disciplinary.

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**Historical Background:**

The case illustrates the vigilance the Philippine judicial system maintains over its public officials. Set against the backdrop of political and administrative reforms post-1986 EDSA revolution, the Ombudsman's role in policing misconduct by public servants is crucial for upholding integrity within public office. This period reflects heightened accountability efforts, reinforcing the principle that no public official is exempt from the rule of law, regardless of their status or external provocations.