

## **BURT B. FAVORITO, PETITIONER, VS. FIELD INVESTIGATION OFFICE (FIO) OF THE OFFICE OF THE OMBUDSMAN, AS REPRESENTED BY ATTY. MICHAEL PAUL ISRAEL, GRAFT INVESTIGATION AND PROSECUTI...**

Ponente: CRUZ, R.A., J.

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### **CRUZ, R.A., J.:**

This is a Petition for Review under Rule 43 of the Rules of Court assailing the Decision dated April 15, 2011[1] issued by the Office of the Ombudsman ("OMB") in OMB C-A-08-0657-L finding petitioner guilty of serious dishonesty and imposing the penalty of dismissal from service and the Order dated October 18, 2011[2] denying reconsideration thereof.

### **THE ANTECEDENTS**

From January to December 2001, Conrado Valdez, Clerk III assigned at the Project Management Office - Metropolitan Flood Control Project ("PMO-MMFCP"), requested and signed job orders ("JOs") for the emergency repairs of twenty-seven (27) Department of Public Works and Highways ("DPWH") service vehicles even though he was not the end-user of any of them. Through a systematic scheme, public officials and employees of DPWH were able to make it appear in the supporting documents that spare parts were brought and repairs were undertaken on the service vehicles. These DPWH officials and employees signed, countersigned, recommended, endorsed, journalized, indexed, issued and/or approved the required official documents[3] which resulted in the issuance of 192 checks amounting to P4,337,862.00, Philippine Currency. The transactions were irregular because: (1) There were repetitive repairs. Spare parts were reimbursed more than once for the same vehicle; (2) There was splitting of requisitions, purchase orders, vouchers and other papers to avoid inspection of deliveries, action, review or approval by higher authorities and/or public bidding[4]; (3) There were irregular, unnecessary, excessive or extravagant expenditures or uses of funds and property; (4) Overpricing of spare parts and materials; (5) Purported repairs on vehicles which are beyond economic repair; (6) Central Office claims reimbursements on emergency repairs of vehicles while these vehicles are being rehabilitated at the Regional Equipment Service, National Capital Region ("NCR"); (7) Spare parts are procured at the same cost for different models or types of vehicles.

Pursuant to the Memorandum of the Department of Public Works and Highways ("DPWH") Secretary dated January 17, 2002 and the Department Order No. 15, Series of 2002, an audit was conducted on the alleged anomalies and illegal disbursements for the repair of department-owned motor vehicles and equipment. This yielded a Preliminary Report prepared by Irene Ofilada, CESO IV, Director III-IAS.[5]

On March 14, 2008, the Field Investigation Office ("FIO") of the OMB, as nominal party filed a criminal and administrative complaint[6] against 47 employees and officials of DPWH and four other individuals alleging that said employees and officials conspired and confederated in defrauding the government and causing undue damages in the amount of P4,337,862.00, Philippine Currency. Petitioner Burt Favorito, former Director III of the Administrative and Manpower Management Service ("AMMS") of the DPWH, Central Office, was one of those

charged. The complaint alleges that as Director III of the AMMS, he approved 186 Requisitions for Supplies and Equipment.[7]

Notwithstanding their participation in the scheme, 8[8] officials and employees were dropped due to one of the foregoing reasons: (a) retirement; (b) dismissal; (c) death.

The employees and officials were given an opportunity to answer the charges hurled against them. In a Decision dated April 15, 2011, the OMB: (1) Found 19 employees, including the petitioner, guilty of serious dishonesty and imposed the penalty of dismissal from service; (2) Found 5 employees guilty of gross neglect of duty and imposed the penalty of dismissal from service; (3) Found 5 employees guilty of simple neglect of duty and imposed the penalty of suspension for 1 month and 1 day without pay.

The penalty of dismissal from service of the employees carries with it the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification to re-enter public office. Since the penalty of dismissal cannot be carried out against the 7 employees, either because they were dismissed from service in connection with another case, went on absence without leave, retired prior to the issuance of the decision, the OMB ordered the incorporation of the copy of the decision in their respective 201 files.

The case against 8 employees were dismissed for lack of substantial evidence.

The findings of the OMB were to the effect that: (1) Out of the 27 vehicles claimed to have been fictitiously repaired 192 times, only 118 repairs involving the 13 vehicles were substantiated with documentary evidence; and (2) Badges of fraud are patently shown on the face of the supporting documents in connection with the 118 transactions.

In particular, Burt Favorito was found guilty of serious dishonesty for: (a) approving 117 Requisitions for Supplies and Equipment ("RSEs"); (b) failing to exercise due diligence in the performance of his official functions because his approval of the transactions paved the way for the release of the public funds. He was meted out the penalty of dismissal from service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and disqualification to re-enter public office.

Fourteen (14) employees including petitioner filed separate motions for reconsideration which were subsequently denied in an Order dated October 18, 2011[9]. Aggrieved, petitioner is now before us raising as posers, to wit:

### **THE ASSIGNED ISSUES**

I.WHETHER OR NOT THE OFFICE OF THE OMBUDSMAN SERIOUSLY ERRED IN ORDERING THE DISMISSAL OF THE PETITIONER FROM SERVICE FOR SERIOUS DISHONESTY ON THE GROUND THAT HE ALLEGEDLY SIGNED 117 REQUISITIONS FOR SUPPLIES AND/OR EQUIPMENT (RSEs);

II.WHETHER OR NOT THE OFFICE OF THE OMBUDSMAN SERIOUSLY ERRED IN FINDING THAT PETITIONER WAS PART OF A CONSPIRACY TO DEFRAUD THE GOVERNMENT;

III.WHETHER OR NOT THE OFFICE OF THE OMBUDSMAN SERIOUSLY ERRED IN FINDING THAT THE QUESTIONED REPAIRS WERE FICTITIOUS;

IV.WHETHER OR NOT THE OFFICE OF THE OMBUDSMAN SERIOUSLY ERRED IN INCURRING INORDINATE DELAY IN INVESTIGATING AND RESOLVING THE ADMINISTRATIVE COMPLAINT AGAINST THE PETITIONER;

Petitioner contends that the ruling in *Arias vs. Sandiganbayan*[10] applies in this case. Public officers, like him, have the right to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids

purchase supplies, or enter into negotiations. Petitioner insists that even assuming that he affixed his signature on the 117 RSEs, he is still not liable because the legal duty of verifying and updating the authorized end-users of the subject vehicles is vested solely on the members of the Bureau of Equipment ("BOE"). He had the right to rely on the competence of the members of the BOE and the Special Inspectorate Team ("SIT") as well as on the veracity and accuracy of the documents prepared and submitted by them. Moreover, there is no law or DPWH rule requiring petitioner or the AMMS to verify and update the authorized end-users of the subject vehicles. Every person who signs or initials a document in the course of transit through standard operating procedures does not automatically become a conspirator in a crime which transpired at a stage where he had no participation.

He stresses that the signing or approval of the RSEs is a delegated authority that is not an inherent function of his office. An examination of the procedure for repairs of the subject vehicles reveals that before the processing reaches his office, pre-repair inspections and on-the-spot examinations, were already undertaken by the SIT to determine the scope of works to be done. His mandate, after being satisfied of the presence of the supporting documents to the RSEs as primarily determined by the rank-and-file below him, is to approve within such limits. It is not within his power to disallow beyond satisfaction of the presence of the said documents as they were already signed and duly approved by authorized personnel from the BOE, the end-users and the SIT.

He counters that he could not possibly exercise specific individual scrutiny on each and every RSE, JO and Pre-IR beyond checking the necessary supporting documents. It is not within the competence of the petitioner to routinely inspect, check and technically evaluate equipment. Petitioner pleads that he was just doing his part and function in the processing of claims for emergency repairs.

Contrary to the claim of the OMB, there is nothing in the procedure which requires the attachment of Memorandum Receipts (MRs) to the Pre-IRs and that the RSEs are not prepared by the AMMS. The DPWH Memorandum Circular No. 33, Series of 1988 does not actually provide anything about vehicle repairs. There is nothing in said order which requires that memorandum receipts be physically attached to the Pre-IRs. As a matter of fact, the duty to verify the MRs is on the BOE.

Petitioner contends that the OMB failed to establish "added reason" why he should have extensively examined and investigated the 117 RSEs, the supporting documents and the persons or departments which prepared and submitted them to his office. The OMB is under the mistaken impression that the AMMS prepares the RSEs. Item D, Section 1.4 of the DPWH Memorandum dated July 31, 1997 states that the RSEs are prepared by the end-users. Petitioner asseverates that the OMB failed to rebut the following presumptions: (1) presumption of innocence under Section 3(a), Rule 131 of the Rules of Court; (2) presumption of regularity in the performance of official duty under Section (m), Rule 131 of the Rules of Court; and (3) presumption of good faith in the discharge of official duty.

There is no basis for the ruling that he is guilty of serious dishonesty because the OMB failed to establish that, by allegedly signing the subject RSEs, he manifested a disposition to lie, cheat, deceive or defraud. There is no necessary connection between the alleged signing of the duly supported RSEs and the disposition to lie, cheat, deceive or defraud.

Petitioner avers that the OMB failed to establish that he had any knowledge of the purported irregularity in the preparation of the said RSEs or that he agreed and decided to commit a crime with other persons. It is a settled rule that mere suspicion, speculation, relationship, association and companionship do not prove conspiracy. Mere knowledge, acquiescence or approval of the act without cooperation or agreement to cooperate on the part of the accused is not enough to make him a party to a conspiracy. There must be intentional participation in the transaction with a view to the furtherance of the common design and purpose.

The OMB also unjustifiably excluded the right of the end-user who is listed in the MR to authorize a representative to request for repairs. Hence, the actual end-user need not be the person to whom a certain vehicle is listed under the MR. Assuming *arguendo* that Valdez was not the end-user of the vehicles, his alleged act of requesting for repairs can reasonably be interpreted as done on behalf of, or with the consent of, the listed end-user. Furthermore, there is nothing on the records of the case which indicates that the FIO of the OMB conducted the necessary physical inspection of the subject vehicles to verify whether the repairs were indeed made.

Lastly, petitioner claims that the OMB seriously erred in delaying the investigation and disposition of the administrative case because it resolved the case only in April 2011 or more than 9 years from the alleged commission of the questioned transactions.

In its Comment, the OMB posits that the ruling in *Arias vs. Sandiganbayan*[11] does not apply in this case. Badges of fraud were patent on the face of the supporting documents of the 118 repairs undertaken on the DPWH subject vehicles. The existence of suspicious circumstances on these supporting documents should have alerted petitioner to go beyond the face of the RSEs. These are "added reasons" why petitioner should have examined the supporting documents in detail and refrained from approving the RSEs solely on the basis of the representations of his subordinates. The documents show that: (1) Valdez was not the end-user of the subject vehicles; (2) the vehicles were repeatedly repaired within a short span of time; (3) there was splitting of JOs in violation of the COA Circular No. 76-41 dated February 10, 1976; (4) Valdez could not have advanced the amount of P2,630,477.00 given his annual salary of P91,272.00; (5) The cost of repairs was higher than the cost of acquiring a new vehicle; (6) The JOs, Pre-IRs and Post-IRs were unnumbered and undated; (7) Repondents issued undated official receipts and/or cash invoices; (8) 3 of the subject vehicles were non-existent.

That the signing or approval of RSEs was merely delegated to petitioner does not mean that he should not exercise the utmost diligence required of an approving authority. The existence of an MR is an indispensable requirement before a pre-repair inspection and a Pre-IR may be accomplished. While it is not required that the same be attached to the Pre-IR, the signing and approving authority of the Pre-IR and all documents subsequent to the same must ensure that an MR for the subject vehicle is updated and in order. It is the petitioner's responsibility as approving authority of the RSE to ensure that all supporting documents, such as the Pre-IR and the MR are properly accomplished in accordance with existing regulations. Petitioner is the official designated to approve the RSE. He should have examined each RSE and its supporting documents, given the patent discrepancies on the face of such documents.

The OMB argues that conspiracy can be inferred from the coordinated actions of the petitioner and the rest of the erring DPWH employees to give semblance of legality to the fictitious service or repairs of vehicles. The presence of conspiracy is implied where the separate acts committed, taken collectively, emanate from a concerted and associated action. It may be inferred from the conduct of the persons charged, during and after the commission of the crime or wrongdoing, showing that they acted with a common purpose and design. The anomalous transactions would not have materialized without the indispensable cooperation and participation of the petitioner and the other charged DPWH employees. The number of times in which each of them signed or approved the supporting documents, taken together with the badges of fraud on the face of said documents belie petitioner's defense that he has no knowledge of the conspiracy to have fictitious repairs reimbursed. The repetitiveness of the transactions despite the deficiencies in the supporting documents indicates that petitioner and the charged DPWH employees were involved in a concerted scheme to "give a semblance of regularity" to the fictitious repairs. The OMB claims that the subject repairs were fictitious as Valdez was not the end-user of the vehicles. Petitioner did not submit proof that Valdez was indeed authorized by each and every listed end-user to request the subject

repairs. Moreover, the existence or non-existence of repairs could not be verified through a mere physical inspection of the subject vehicles. The FIO-OMB is not competent to undertake such inspection and the dates of any apparent repair cannot be known by merely inspecting said vehicles. With respect to the allegation that the OMB violated his right to speedy disposition of his case, suffice it to state that the right to speedy disposition of cases, like the right to speedy trial, is violated only when the proceedings are attended by vexatious, capricious and oppressive delays. A mere mathematical reckoning of time would not be sufficient. In the absence of any proof that the delay is vexatious, capricious and oppressive, as in this case, the claim of violation of the rights to speedy trial has no basis.

On July 12, 2012, petitioner filed a Reply which amplifies his arguments in the petition. [12]

### OUR RULING

The petition must fail.

We reiterate the oft-repeated rule in *Lorna Medina vs. Commission on Audit*[13], that

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"Well-settled is the rule that the findings of fact of administrative bodies, if based on substantial evidence, are controlling on the reviewing authority. It is settled that it is not for the appellate court to substitute its own judgment for that of the administrative agency on the sufficiency of the evidence and the credibility of the witnesses. Administrative decisions on matters within their jurisdiction are entitled to respect and can only be set aside on proof of grave abuse of discretion, fraud or error of law. "

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Guided by this principle, we find no reversible error committed by the Office of the Ombudsman in holding that substantial evidence exists to support the conclusion that petitioner is guilty of serious dishonesty as charged.

Invoking the lessons taught in *Arias vs. Sandiganbayan*[14], petitioner argues that he cannot be held guilty of dishonesty for, following the doctrine established in that case, he had every right to rely, to a reasonable extent, on the bona fides of his subordinates, referring to the BOE and SIT, which previously approved the transactions in question.

Petitioner's reliance on *Arias vs. Sandiganbayan*[15] is highly misplaced. First, *Arias* is a criminal case whereas the present case is an administrative case. As conviction in criminal cases could involve deprivation of life or liberty of the accused, proof beyond reasonable doubt must be established by the prosecution, unlike in administrative cases which only require substantial evidence or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. Second, petitioner cannot seek refuge in the case of *Arias* because it is not on all fours with this petition. Petitioner was Director III of the AMMS, DPWH, Central Office. While it may be true that he is the Director of AMMS, he failed to show that BOE and SIT, the supposed offices on which he relied on, were under his department so as to qualify as subordinate offices. *Arias vs. Sandiganbayan*[16] contemplates a situation wherein the accused is the head of office or the final approving authority in relation to his subordinate employees or offices. A perusal of the procedure for the emergency purchase of subject vehicles reveals that he is not the final approving authority. His signature/approval of the RSEs is only one of the steps in the whole process. More importantly, unlike in *Arias*, where there were no reasons for the heads of offices to further examine each voucher in detail, petitioner herein, by virtue of the duty given to him by law as well as by rules and regulations, had the responsibility to examine the RSEs to ascertain whether it was proper to sign it in order to approve and reimburse the cash advances made by Valdez. As may be recalled, the court, in acquitting the accused in *Arias*, made the following pronouncements:

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"We can, in retrospect, argue that Arias should have probed records, inspected documents, received procedures, and questioned persons. It is doubtful if any auditor for a fairly-sized office could personally do all these things in all vouchers presented for his signature. The Court would be asking for the impossible. All heads of offices have to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies, or enter into negotiations. If a department secretary entertains important visitors, the auditor is not ordinarily expected to call the restaurant about the amount of the bill, question each guest whether he was present at the luncheon, inquire whether the correct amount of food was served, and otherwise personally look into the reimbursement voucher's accuracy, propriety, and sufficiency. There has to be some added reason why he should examine each voucher in such detail. Any executive head of even small government agencies or commissions can attest to the volume of papers that must be signed. There are hundreds of documents, letters, memoranda, vouchers, and supporting papers that routinely pass through his hands." (Emphasis supplied)

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Contrary to the case in Arias, there exists in the present case exceptional circumstances which should have prodded petitioner, if he were out to protect the interest of the public he swore to serve, to be curious and go beyond what his subordinates prepared or recommended or, as he claims, the BOT and SIT examined/signed/approved. In fine, the added reason contemplated in Arias which would have put petitioner on his guard and examine the RSEs and supporting documents with some degree of circumspection before signing the same was obtaining in this case. The "added reasons" enumerated by the OMB are as follows: (a) Valdez was not the end-user of the subject vehicles and because of that it is impossible for him to have surrendered the vehicles which were not in his physical custody; (b) The vehicles were repeatedly repaired within a short interval of time. There was splitting of job orders so that the checks paid to Valdez purportedly as reimbursement would be less than the 25,000.00-limit for minor repairs. Splitting is prohibited by COA Circular No. 76-41 dated February 10, 1976 and DPWH Department Order No. 33, Series of 1988; (c) Valdez, who was then a Clerk III with an annual salary of P91,272.00, Philippine Currency, could not have possibly advanced P2,630,477.00, Philippine Currency, the amount necessary to repair the vehicles under the emergency purchase procedure; (d) Undertaking repetitive repairs of the subject vehicles turned out to be costlier than procuring brand new vehicles. The guidelines state that the cost of repair shall not exceed 50% of the current market price; (e) That most documents i.e. the Job Order Requests ("JOs"); Motor Vehicle Pre-Inspection Reports ("Pre-IRs") and Motor Vehicle Post Inspection Reports ("Post-IRs"), were unnumbered and undated, should have aroused the suspicion of the officials and employees; (f) Respondents issued undated official receipts or cash invoices as proof of purchase and payments; (g) 2 official receipts issued by GK and J Auto Repair Parts and Electronic Services were in the name of Danilo Planta and yet the checks were issued to Valdez; (h) 3 of the 13 subject vehicles were non-existent; (i) Valdez admitted that all documents, job orders, disbursement vouchers were already signed by higher officials before it was brought to him for his signature.

These recurrent discrepancies and irregularities should have alerted petitioner - if he were conscientious of his duties as he purports to be - that something was definitely amiss. It should have prompted petitioner to examine the RSEs further together with the supporting documents, and not rely heavily on the approval of the BOT and SIT or his purported subordinates. Before signing or approving the RSEs, it behooves the petitioner, as public officer, to verify the contents thereof, for undoubtedly, other people would be relying on said RSEs for some legal or other purpose. Considering the substantial amount of public funds involved in the transactions, as well as the vital public interest at stake, petitioner as public official should have exercised more good sense in the performance of his functions in this case.

Petitioner asserts that the OMB erred in finding that the repairs were fictitious simply because Valdez, who was not listed as end-user of the service vehicles, filled up the JOs. He argues that Valdez may have been authorized by the end-users. Suffice it to state that petitioner has not presented any proof of authority from the listed end-users.

Petitioner claims that the OMB committed error in finding conspiracy to defraud the government. Had there been no predisposition on the part of DPWH employees and officials to reimburse/release the funds, none of them could have failed to notice the foregoing irregularities. It is worthy to note that there is no evidence that efforts have been exerted to recover the funds from the check payees or make them answerable therefor. One could not help but conclude that there existed conspiracy among the DPWH employees and officials.

There is substantial evidence that petitioner, conspiring and confederating with the other DPWH employees and officials made it appear in the supporting documents that spare parts were brought and repairs were undertaken on the service vehicles to facilitate the issuance of 192 checks amounting to P4,337,862.00, Philippine Currency to the damage and prejudice of the government.

The signing/approval of the RSEs is not ministerial, but involves the determination of the propriety or impropriety of approving the same, as well as the duty to verify whether the supporting documents validate the transactions reflected therein. Contrary to petitioner's submission, he is not obliged to approve them simply because prior offices also signed/approved the same. He signed/approved the RSEs and supporting documents despite knowledge that there were missing undated, unnumbered, supporting documents and blatant irregularities on the data reflected therein. We stress that no reimbursement or release of government funds could happen without his imprimatur. Petitioner's participatory acts were, in other words, of a degree that their absence could have prevented the completion of the acts complained of. Petitioner's role in the committed irregularities shows his concurrence— although based on circumstantial, not direct, evidence – with the other officials' objective to defraud the government. This is in accord with the court's finding of conspiracy in the case of *Efren Amit vs. Commission on Audit, et., al.*[17], which explained thus:

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Second, the Ombudsman's finding of conspiracy reveals the crucial role which Amit played in the commission of fraud with other officials. Amit's acts were one of the more, if not the most, indispensable, final, and operative acts that ultimately led to the consummation of the fraud. No disbursement or release of government funds could happen without Amit's imprimatur. Amit's participatory acts were, in other words, of a degree that their absence could have prevented the completion of the acts complained of. Amit's role in the committed irregularities shows his concurrence – although based on circumstantial, not direct, evidence – with the other officials' objective to defraud the government. The irregularities will not see their fruition if Amit and the other officials involved in the fraud did not consent to its implementation by making it appear that there were valid requisitions, deliveries, inspections, pre-auditing and approval of the vouchers and checks paid to the contractors/suppliers. These acts pointed to one (1) criminal intent – with one participant performing a part of the transaction and the others performing other parts of the same transaction to complete the whole scheme, with a view of attaining the object which they were pursuing. In other words, there was the required concurrence of wills supporting the finding of conspiracy, made more pronounced in the case of Amit because of his positions and peculiarly important role in the completion of the acts. (Emphasis supplied)

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Petitioner's acts did not result from a mere failure to exercise the necessary diligence in complying with the proper procedure for emergency purchases. The performance of the complained acts was discretionary on his part. His actions were done willfully and deliberately. They were done without regard to the position that he occupied,

which impose upon him greater responsibility.

The case of *Flor Gupilan Aguilar and Honore Hernandez vs. Office of the Ombudsman and PNP-CIDG*[18], defines dishonesty as,

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"Dishonesty, as juridically understood, implies the disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty or probity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. It is a malevolent act that puts serious doubt upon one's ability to perform duties with the integrity and uprightness demanded of a public officer or employee."

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It is the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duty.[19] It is a malevolent act that puts serious doubt upon one's ability to perform his duties with the integrity and uprightness demanded of a public officer or employee.[20] Dishonesty is considered as a grave offense punishable by dismissal for the first offense under Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Section 52(A)(1), Rule IV of Resolution No. 99-1936.[21]

In fine, the confluence of the foregoing circumstances leads to the inevitable conclusion that petitioner, in signing/approving the 117 RSEs that contained untruthful statements, was indeed guilty of acts of serious dishonesty in the exercise of his public functions, thus, warranting his dismissal from the service.

Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity, for no less than the Constitution mandates the principle that "a public office is a public trust; and all public officers and employees must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty and efficiency".[22] It must be stressed that dishonesty has always been and should remain anathema to public service. It inevitably reflects on the fitness of a civil servant to continue in office. When an officer or employee is disciplined, the object sought is not the punishment of such officer or employee but the improvement of the public service and the preservation of the public's faith and confidence in the government.

Petitioner also claims that his right to speedy disposition of his case was violated. We emphasize that although the Constitution guarantees the right to the speedy disposition of cases, it is a flexible concept. Due regard must be given to the facts and circumstances surrounding each case. As held in *Merced Ty-Dazo vs. and Rolando Quiminales vs. Sandiganbayan*[23],

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"The right to a speedy disposition of cases, like the right to a speedy trial, is deemed violated only when the proceedings is attended by vexatious, capricious, and oppressive delays; or when unjustified postponements of the trial are asked for and secured, or when without cause or unjustifiable motive, a long period of time is allowed to elapse without the party having his case tried. In the determination of whether or not that right has been violated, the factors that may be considered and balanced are: the length of the delay the reasons for such delay, the assertion or failure to assert such right by the accused, and the prejudice caused by the delay. A mere mathematical reckoning of the time involved, therefore, would not be sufficient."

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The facts of this case do not evince vexatious, capricious and oppressive delay in the administrative proceedings. We note that the reasonable delays were necessitated by exigency of the actions taken on the case. As in the case

of Madeleine Mendoza-Ong vs. Hon. Sandiganbayan and People of the Philippines[24], we take judicial notice of the fact that the nature of the Office of the Ombudsman encourages individuals who clamor for efficient government service to lodge freely their complaints against alleged wrongdoing of government personnel. A steady stream of cases reaching the Ombudsman inevitably results. Naturally, disposition of those cases would take some time.

WHEREFORE, the Petition for Review is DISMISSED. The Decision dated April 15, 2011 and the Order dated October 18, 2011 issued by the Office of the Ombudsman in OMB C-A-08-0657-L are AFFIRMED.

**SO ORDERED.**

Abdulwahid, (Chairperson), and Barza, JJ., concur.

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[1] Rollo, pp. 59-93.

[2] Rollo, pp.94-104.

[3] Official documents in connection with the emergency purchases include Job Order Requests (JOs); Motor Vehicle Pre-Inspection Reports (Pre-IRs) and Motor Vehicle Post Inspection Reports (Post-IRs); Requisitions for Supplies and Equipment (RSEs); Certificates of Emergency Purchase (CEPs); Official Receipts (ORs) or Cash Invoices (CIs); Certificates of Acceptance (CAs); Certificates of Fair Wear and Tear (CFWTs); Waste Material Reports (WMRs); Disbursement Vouchers (DVs); Notices of Cash Allocation (NCAs); Price Monitoring Slips (PMSs); Request for Quotations (RQs) and Certificate of Acceptance (CAs).

[4] A public bidding must ensue if the expenditure exceeds P25,000.00.

[5] Rollo, pp. 136-160.

[6] Rollo, pp. 217-255.

[7] Rollo, p. 243.

[8] Nonito Fano (retired); Margarito Tinio (retired); Napoleon Anas, Agerico Palaypay, Rogelio Beray (dismissed); Norma Villarmino (retired); Leandro Santos (retired) Felipe San Jose (retired) and Teofilo Pagua (death). Rollo, p. 67.

[9] Rollo, pp.94-104.

[10] G.R. No. 81563, December 19, 1989.

[11] G.R. No. 81563, December 19, 1989.

[12] Rollo, pp.522-552.

[13] G.R. No. 176478, February 4, 2008.

[14] G.R. No. 81563, December 19, 1989.

[15] G.R. No. 81563, December 19, 1989.

[16] G.R. No. 81563, December 19, 1989.

[17] G.R. No. 176172, November 20, 2012.

[18] G.R. NO. 197307, February 16, 2014.

[19] PAGCOR vs. Ariel Marquex, G.R No. 191877, June 18, 2013.

[20] Office of the Ombudsman vs. Arnel Bernardo, G.R. No. 181598 , March 6, 2013.

[21] Leodegario Basos, Jr. and Eleazar Pagalilauan vs. Engr. Jose Taganahan and Office of the Ombudsman, G.R. No. 180666, February 18, 2009.

[22] Eugenio Avenido vs. Civil Service Commission, G.R. No.177666 , April 30, 2008.

[23] G.R. No. 143885-86, January 21, 2002.

[24] G.R. Nos. 146368-69, October 18, 2004.

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