

**RE: VERIFIED COMPLAINT OF ENGR. OSCAR L. ONGJOCO,
CHAIRMAN OF THE BOARD/CEO OF FH-GYMN MULTI-PURPOSE AND
TRANSPORT SERVICE COOPERATIVE, AGAINST HON. JUAN Q.
ENRIQUEZ, JR., HON. ...**

A.M. OCA IPI No. 11-184-CA-J. January 31, 2012

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Judicial officers do not have to suffer the brunt of unsuccessful or dissatisfied litigants' baseless and false imputations of their violating the Constitution in resolving their cases and of harboring bias and partiality towards the adverse parties. The litigant who baselessly accuses them of such violations is not immune from appropriate sanctions if he thereby affronts the administration of justice and manifests a disrespect towards the judicial office.

Antecedents

On June 7, 2011, the Court received a letter from Engr. Oscar L. Ongjoco, claiming himself to be the Chairman of the Board and Chief Executive Officer (CEO) of the FH-GYMN Multi-Purpose and Transport Service Cooperative (FH-GYMN).[1] The letter included a complaint-affidavit,[2] whereby Ongjoco charged the CA's Sixth Division composed of Associate Justice Juan Q. Enriquez, Jr. (as Chairman), Associate Justice Ramon M. Bato, Jr., and Associate Justice Florito S. Macalino as Members for rendering an arbitrary and baseless decision in CA-G.R. SP No. 102289 entitled FH-GYMN Multi-Purpose and Transport Service Cooperative v. Allan Ray A. Baluyut, et al.[3]

The genesis of CA-G.R. SP No. 102289 started on July 26, 2004 when FH-GYMN requested the amendment of Kautusang Bayan Blg. 37-02-97 of the City of San Jose del Monte, Bulacan through the Committee on Transportation and Communications (Committee) of the Sangguniang Panlungsod (Sanggunian) in order to include the authorization of FH-GYMN's Chairman to issue motorized tricycle operators permit (MTOP) to its members.[4] During the ensuing scheduled public hearings, City Councilors Allan Ray A. Baluyut and Nolly Concepcion, together with ABC President Bartolome B. Aguirre and one Noel Mendoza (an employee of the Sanggunian), were alleged to have uttered statements exhibiting their bias against FH-GYMN, giving FH-GYMN reason to believe that the Committee members were favoring the existing franchisees Francisco Homes Tricycle Operators and Drivers Association (FRAHTODA) and Barangay Mulawin Tricycle Operators and Drivers Association (BMTODA).[5] Indeed, later on, the Sanggunian, acting upon the recommendation of the Committee, denied the request of FH-GYMN.[6]

On July 15, 2005, FH-GYMN brought a complaint in the Office of the Deputy Ombudsman for Luzon charging Baluyut, Concepcion, Aguirre, Mendoza with violations of Article 124(2)(d) of the Cooperative Code, Section 3(e) and (f) of the Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and Section 5(a) of Republic Act No. 6713 (Code of Conduct for Public Officials and Employees). The complaint also charged Eduardo de

Guzman (FRAHTODA President) and Wilson de Guzman (BMTODA President). Eventually, the complaint of FH-GYMN was dismissed for insufficiency of evidence as to the public officials, and for lack of merit and lack of jurisdiction as to the private respondents. FH-GYMN sought reconsideration, but its motion to that effect was denied.[7]

FH-GYMN timely filed a petition for review in the CA.

In the meanwhile, FH-GYMN filed in the Office of the President a complaint accusing Overall Deputy Ombudsman Orlando C. Casimiro, Deputy Ombudsman Emilio A. Gonzales III, and Graft Investigator and Prosecution Officer Robert C. Renido with a violation of Section 3(i) of Republic Act No. 3019 arising from the dismissal of its complaint.[8]

On January 31, 2011, the CA's Sixth Division denied the petition for review.[9]

FH-GYMN, through Ongjoco, moved for the reconsideration of the denial of the petition for review, with prayer for inhibition,[10] but the CA's Sixth Division denied the motion.

Thereafter, Ongjoco initiated this administrative case against the aforementioned member of the CA's Sixth Division.

In the complaint, Ongjoco maintained that respondent members of the CA's Sixth Division violated Section 14, Article VIII of the 1987 Constitution by not specifically stating the facts and the law on which the denial of the petition for review was based; that they summarily denied the petition for review without setting forth the basis for denying the five issues FH-GYMN's petition for review raised; that the denial was "unjust, unfair and partial," and heavily favored the other party; that the denial of the petition warranted the presumption of "directly or indirectly becoming interested for personal gain" under Section 3(i) of Republic Act No. 3019; and that the Ombudsman officials who were probably respondent Justices' schoolmates or associates persuaded, induced or influenced said Justices to dismiss the petition for review and to manipulate the delivery of the copy of the decision to FH-GYMN to prevent it from timely filing a motion for reconsideration.[11]

Ruling

We find the administrative complaint against respondent Justices of the Court of Appeals baseless and utterly devoid of legal and factual merit, and outrightly dismiss it.

Firstly, Ongjoco insists that the decision promulgated on January 31, 2011 by the CA's Sixth Division had no legal foundation and did not even address the five issues presented in the petition for review; and that the respondents as members of the CA's Sixth Division thereby violated Section 14, Article VIII of the Constitution, which provides as follows:

Section 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor.

The insistence of Ongjoco is unfounded. The essential purpose of the constitutional provision is to require that a judicial decision be clear on why a party has prevailed under the law as applied to the facts as proved; the provision nowhere demands that a point-by-point consideration and resolution of the issues raised by the parties are necessary.[12] Cogently, the Court has said in *Tichangco v. Enriquez*,[13] to wit:

This constitutional provision deals with the disposition of petitions for review and of motions for reconsideration. In appellate courts, the rule does not require any comprehensive statement of facts or mention of the applicable law, but merely a statement of the "legal basis" for denying due course.

Thus, there is sufficient compliance with the constitutional requirement when a collegiate appellate court, after deliberation, decides to deny a motion; states that the questions raised are factual or have already been passed upon; or cites some other legal basis. There is no need to explain fully the court's denial, since the facts and the law have already been laid out in the assailed Decision. (Emphasis supplied)

Its decision shows that the CA's Sixth Division complied with the requirements of the constitutional provision,[14] viz:

The petition is without merit.

Petitioner alleged that the Ombudsman erred in not finding respondents liable for violation of the Cooperative Code of the Philippines considering that their actuations constituted acts of direct or indirect interference or intervention with the internal affairs of FH-GYMN and that recommendation to deny FH-GYMN's application was tantamount to "any other act inimical or adverse to its autonomy and independence."

We disagree.

It is well settled that in administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in his complaint. Section 27 of the Ombudsman Act is unequivocal. Findings of fact by the Office of the Ombudsman, when supported by substantial evidence, are conclusive. Conversely, when the findings of fact by the Ombudsman are not adequately supported by substantial evidence, they shall not be binding upon the courts (Marcelo vs. Bungubung, 552 SCRA 589).

In the present case, the Deputy Ombudsman found no substantial evidence to prove that there was interference in the internal affairs of FH-GYMN nor was there a violation of the law by the respondents. As aptly ruled by the Ombudsman:

"While the utterances made by respondents Baluyot, Aguirre and Mendoza in the course of public hearings earlier mentioned indeed demonstrate exaltation of FRAHTODA and BMTODA, to the apparent disadvantage of FH-GYMN, the same does not imply or suggest interference in the internal affairs of the latter considering that said remarks or comments were made precisely in the lawful exercise of the mandate of the Sangguniang Panlungsod of the locality concerned through the Committee on Transportation and Communication. It is worthy to emphasize that were it not for the complainant's letter-request dated July 23, 2004, the committee concerned would not have conducted the aforementioned public hearings, thus, there would have been no occasion for the subject unfavorable remarks to unleash. Thus, it would be irrational to conclude that simply because the questioned utterances were unfavorable to FH-GYMN, the same constitutes interference or intervention in the internal affairs of the said cooperative.

In the same vein, while respondents Baluyot, Concepcion and Aguirre rendered an adverse recommendation as against complainant's letter-request earlier mentioned, the same does not signify giving of undue favors to FRAHTODA or BMTODA, or causing of undue injury to FH-GYMN, inasmuch as said recommendation or decision, as the records vividly show, was arrived at by the said respondents in honest exercise of their sound judgment based on their interpretation of the applicable ordinance governing the operation of tricycles within their area of jurisdiction. Evidence on record no doubt failed to sufficiently establish that, in so making the questioned recommendation, respondents Baluyot, Concepcion and Aguirre acted with manifest partiality, evident bad faith or gross inexcusable negligence. It is likewise worthy to note that, contrary to complainant's insinuation, the letter-request adverted to was acted upon by respondents Baluyot, Concepcion and Aguirre within a reasonable time and, as a matter of fact, complainant had been notified of the action taken by the former relative to his letter-request or proposals.

Time and again, it has been held, no less than by the Supreme Court, that mere suspicions and speculations can never be the basis of conviction in a criminal case. Guided by the same doctrinal rule, this Office is not duty-bound to proceed with the indictment of the public respondents as charged. Indeed well entrenched is the

rule that “(t)he purpose of a preliminary investigation is to secure the innocent against hasty, malicious and oppressive prosecution and to protect him from an open and public accusation of crime, from the trouble, expense and anxiety of a public trial, and also to protect the state from useless and expensive trials (Joint Resolution, October 17, 2005, Rollo pp. 142-143).

Moreover, petitioners failed to rebut the presumption of regularity in the performance of the official duties of respondents by affirmative evidence of irregularity or failure to perform a duty. The presumption prevails and becomes conclusive until it is overcome by no less than clear and convincing evidence to the contrary. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer’s act being lawful or unlawful, construction should be in favor of its lawfulness (*Bustillo vs. People of the Philippines*, G.R. No. 160718, May 12, 2010).

There being no substantial evidence to reverse the findings of the Ombudsman, the instant petition is denied.

WHEREFORE, premises considered the Petition for Review is DENIED for lack of merit. The Joint Resolution dated October 17, 2005 and Joint Order dated April 25, 2006 of the Deputy Ombudsman of Luzon are AFFIRMED.

SO ORDERED.

Indeed, the definitive pronouncement of the CA’s Sixth Division that “the Deputy Ombudsman found no substantial evidence to prove that there was interference in the internal affairs of FH-GYMN nor was there a violation of the law by the respondents”[15] met the constitutional demand for a clear and distinct statement of the facts and the law on which the decision was based. The CA’s Sixth Division did not have to point out and discuss the flaws of FH-GYMN’s petition considering that the decision of the Deputy Ombudsman sufficiently detailed the factual and legal bases for the denial of the petition.

Moreover, the CA’s Sixth Division expressly found that FH-GYMN had not discharged its burden as the petitioner of proving its allegations with substantial evidence.[16] In administrative cases involving judicial officers, the complainants always carried on their shoulders the burden of proof to substantiate their allegations through substantial evidence. That standard of substantial evidence is satisfied only when there is reasonable ground to believe that the respondent is responsible for the misconduct complained of although such evidence may not be overwhelming or even preponderant.[17]

Secondly, Ongjoco ought to know, if he genuinely wanted the Court to sustain his allegations of misconduct against respondent Justices, that his administrative complaint must rest on the quality of the evidence; and that his basing his plain accusations on hunches and speculations would not suffice to hold them administratively liable for rendering the adverse decision. Nonetheless, he exhibited disrespect for respondent Justices’ judicial office by still filing this administrative complaint against them despite conceding in the administrative complaint itself his having no proof of his charges, viz:

21. The petition to review in determining probable cause in a preliminary investigation had reached this far and may reach the Supreme Court due to corrupt practices and culpable violation of the 1987 Constitution committed by Ombudsman officials and the herein respondents of the Court of Appeals. A Motion for Reconsideration was submitted with prayer for the respondents to inhibit themselves to act on it. Otherwise, it will add to congest the court docket which this Honorable Court should intercede to look deeper into this matter by exercising its disciplinary functions over herein respondents. The arbitrary denial of the Petition for Review rendered by the herein respondents is meant that there is no sufficient ground out of the five (5) issues raised to engender a well-founded belief that no single offense has been committed.[18]

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24. Though there was no clear evidence to link Ombudsman officials, they may have persuaded, induced or influenced the herein respondents, who are either their schoolmates or associates, to deny the Petition for Review in their bid to establish innocence on the related offense charged against them on 18 August 2010 before the Office of the President docketed as OP-DC Case No. 11-C-006. Likewise, they may have manipulated the delivery of a copy of Decision intended for the petitioner in order for the latter to fail in submitting a motion for reconsideration purposely to make the Decision final and executory by which the said Ombudsman officials could use such Decision to attain impunity on complaint against them filed with the Office of the President.[19] (emphasis supplied)

It is evident to us that Ongjoco's objective in filing the administrative complaint was to take respondent Justices to task for the regular performance of their sworn duty of upholding the rule of law. He would thereby lay the groundwork for getting back at them for not favoring his unworthy cause. Such actuations cannot be tolerated at all, for even a mere threat of administrative investigation and prosecution made against a judge to influence or intimidate him in his regular performance of the judicial office always subverts and undermines the independence of the Judiciary.[20]

We seize this occasion, therefore, to stress once again that disciplinary proceedings and criminal actions brought against any judge in relation to the performance of his official functions are neither complementary to nor suppletory of appropriate judicial remedies, nor a substitute for such remedies.[21] Any party who may feel aggrieved should resort to these remedies, and exhaust them, instead of resorting to disciplinary proceedings and criminal actions. We explained why in *In Re: Joaquin T. Borromeo*: [22]

Given the nature of the judicial function, the power vested by the Constitution in the Supreme Court and the lower courts established by law, the question submits to only one answer: the administrative or criminal remedies are neither alternative or cumulative to judicial review where such review is available, and must wait on the result thereof.

Simple reflection will make this proposition amply clear, and demonstrate that any contrary postulation can have only intolerable legal implications. Allowing a party who feels aggrieved by a judicial order or decision not yet final and executory to mount an administrative, civil or criminal prosecution for unjust judgment against the issuing judge would, at a minimum and as an indispensable first step, confer the prosecutor (Ombudsman) with an incongruous function pertaining, not to him, but to the courts: the determination of whether the questioned disposition is erroneous in its findings of fact or conclusions of law, or both. If he does proceed despite that impediment, whatever determination he makes could well set off a proliferation of administrative or criminal litigation, a possibility hereafter more fully explored.

Such actions are impermissible and cannot prosper. It is not, as already pointed out, within the power of public prosecutors, or the Ombudsman or his Deputies, directly or vicariously, to review judgments or final orders or resolutions of the Courts of the land. The power of review—by appeal or special civil action—is not only lodged exclusively in the Courts themselves but must be exercised in accordance with a well-defined and long established hierarchy, and long standing processes and procedures. No other review is allowed; otherwise litigation would be interminable, and vexatiously repetitive.

In this regard, we reiterate that a judge's failure to correctly interpret the law or to properly appreciate the evidence presented does not necessarily incur administrative liability,[23] for to hold him administratively accountable for every erroneous ruling or decision he renders, assuming he has erred, will be nothing short of harassment and will make his position doubly unbearable. His judicial office will then be rendered untenable, because no one called upon to try the facts or to interpret the law in the process of administering justice can be infallible in his judgment.[24] Administrative sanction and criminal liability should be visited on him only when the error is so gross, deliberate and malicious, or is committed with evident bad faith,[25] or only in clear cases of

violations by him of the standards and norms of propriety and good behavior prescribed by law and the rules of procedure, or fixed and defined by pertinent jurisprudence.[26]

What the Court sees herein is Ongjoco's proclivity to indiscriminately file complaints. His proclivity reminds us now of Joaquin T. Borromeo whom this Court pronounced guilty of indirect contempt of court he "repeatedly committed over time, despite warnings and instructions given to him." [27] The Court imposed the penalty for contempt of court "to the end that he may ponder his serious errors and grave misconduct and learn due respect for the Courts and their authority." [28]

Having determined that the administrative charge against respondent Justices had no factual and legal bases, we cannot hesitate to shield them by immediately rejecting the charge. We do so because unfounded administrative charges do not contribute anything worthwhile to the orderly administration of justice; instead, they retard it.

Nor should we just let such rejected charge pass and go unchallenged. We recognize that unfounded administrative charges against judges really degrade the judicial office, and interfere with the due performance of their work for the Judiciary. Hence, we deem to be warranted to now direct Ongjoco to fully explain his act of filing an utterly baseless charge against respondent Justices.

ACCORDINGLY, the Court: (a) DISMISSES the administrative complaint against Associate Justice Juan Q. Enriquez, Jr., Associate Justice Ramon M. Bato, Jr., and Associate Justice Florito S. Macalino for its utter lack of merit; and (b) ORDERS Engr. Oscar L. Ongjoco to show cause in writing within ten (10) days from notice why he should not be punished for indirect contempt of court for degrading the judicial office of respondent Associate Justices of the Court of Appeals, and for interfering with the due performance of their work for the Judiciary.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, and Perlas-Bernabe, JJ., concur.

Abad and Sereno, JJ., on leave.

[1] Rollo, p. 2.

[2] Id., pp. 3-11.

[3] Id., pp. 12-20.

[4] Id., pp. 34-35 (the other amendment was to implement a color-coding scheme for the tricycles belonging to the two existing operators/drivers associations and the complainant cooperative).

[5] Id., pp. 34-36.

[6] Id., p. 36.

[7] Id., pp. 37-38.

[8] Id., pp. 61-71.

[9] Id., pp. 12-20.

[10] Id., pp. 21-31.

[11] Id., pp. 9-10.

- [12] Civil Service Commission v. Ledesma, G.R. No. 154521, September 30, 2005, 471 SCRA 589, 602.
- [13] G.R. No. 150629, June 30, 2004, 433 SCRA 325, 341.
- [14] Rollo, pp. 17-20.
- [15] Rollo, p. 18.
- [16] Rollo, p. 18.
- [17] Maneja v. de Castro-Panganiban, A.M. OCA IPI No. 03-1347-MTJ. January 17, 2005.
- [18] Rollo, pp. 8-9 (emphasis supplied).
- [19] Rollo, pp. 9-10.
- [20] Complaint of Mr. Aurelio Indencia Arrienda Against SC Justices Puno, Kapunan, Pardo, Ynares-Santiago, et al., A.M. No. 03-11-30-SC, June 9, 2005, 460 SCRA 1.
- [21] In Re: Wenceslao Laureta, March 12, 1987, 148 SCRA 382, 420, where the Court stated:
- To allow litigants to go beyond the Court’s resolution and claim that the members acted “with deliberate bad faith” and rendered an “unjust resolution” in disregard or violation of the duty of their high office to act upon their own independent consideration and judgment of the matter at hand would be to destroy the authenticity, integrity and conclusiveness of such collegiate acts and resolutions and to disregard utterly the presumption of regular performance of official duty. To allow such collateral attack would destroy the separation of powers and undermine the role of the Supreme Court as the final arbiter of all judicial disputes.
- [22] A.M. No.93-7-696-0, February 21, 1995, 241 SCRA 405.
- [23] Estrada, Jr. v. Himalaloan, A.M. No. MTJ-05-1617, November 18, 2005, 475 SCRA 353, 360.
- [24] Visitacion v. Libre, A.M. No. RTJ-05-1918, June 8, 2005, 459 SCRA 398, 407; Estrada, Jr. v. Himalaloan, A.M. No. MTJ-05-1617, November 18, 2005, 475 SCRA 353, 360.
- [25] In Re Joaquin T. Borromeo, supra, note 22.
- [26] Wong Jan Realty v. Español, A.M. No. RTJ-01-1647, October 13, 2006, 472 SCRA 496, 503.
- [27] Supra, note 22, p. 466.
- [28] Id.

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