

ROMAN CRUZ, PETITIONER, VS. HON. OMBUDSMAN CONCHITA CARPIO-MORALES AND EXECUTIVE LABOR ARBITER VITO BOSE, NLRC, BAGUIO CITY, RESPONDENTS.

Ponente: ANTONIO-VALENZUELA, J.

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ANTONIO-VALENZUELA, J.:

This is the Petition[1] filed by Roman Cruz (“petitioner Cruz”), assailing the Joint Resolution dated 12 April 2010[2] (“assailed Resolution”), and the Joint Order (Motion for Reconsideration) dated 1 February 2012,[3] both issued by the Office of the Ombudsman (“Ombudsman”) in OMB-L-C-08-0455-F and OMB-L-A-08-0351-F, entitled “Roman P. Cruz v. Vito C. Bose.”

Petitioner Cruz filed two cases against Vito Bose (“respondent Bose”) before the Ombudsman: 1) criminal case for violations of Section 3(e), Republic Act No. 3019;[4] violations of Article 204,[5] and Article 205,[6] of the Revised Penal Code (RPC); 2) administrative case for grave misconduct, conduct prejudicial to the best interest of the service, oppression, and gross inexcusable negligence.

Petitioner Cruz's Affidavit Complaint[7] alleged: petitioner Cruz was the owner of Romy's Freight Service; petitioner Cruz's former employees, Jesus C. Castro (“Castro”) and Dominador Veloria (“Veloria”) filed the complaint for illegal dismissal against Romy's Freight Service, before the Labor Arbiter in Baguio City (“subject labor case”); in the Decision dated 15 September 1997,[8] the Labor Arbiter held that Romy's Freight Service illegally dismissed Castro and Veloria, and awarded Php 352,944.00 as Castro's and Veloria's monetary claims; Castro and Veloria filed the motion for clarification, and on 1 October 1997, the Labor Arbiter issued the Order,[9] amending the Labor Arbiter's Decision dated 15 September 1997, and re-computing Castro's and Veloria's award to Php 985,529.22 (including backwages and additional separation pay); petitioner Cruz appealed the Decision of the Labor Arbiter to the NLRC-Quezon City (NLRC), and on 29 October 1998, the NLRC issued the Decision[10] which reversed the Labor Arbiter's Decision, dismissed the Complaint, and awarded Veloria Php 1,800.00 (service incentive leave pay) and Php 1,825.00 (½ balance of 13[th] month pay); Castro and Veloria filed the petition for certiorari before the Court of Appeals, and on 9 September 1999, the Court of Appeals issued the Decision[11] which reversed the Decision of the NLRC, and reinstated the Decision of the Labor Arbiter dated 15 September 1997, as modified by the Order of the Labor Arbiter dated 1 October 1997; petitioner Cruz elevated the case to the Supreme Court via petition for certiorari, and on 8 June 2006, the Supreme Court issued the Decision[12] which dismissed petitioner Cruz's petition, thus affirming the Labor Arbiter's Decision dated 15 September 1997, as modified by the Order of the Labor Arbiter dated 1 October 1997; the Supreme Court Decision became final and executory on 24 October 2006 per Entry of Judgment;[13] on 29 June 2007, respondent Bose, as Executive Labor Arbiter issued the Order[14] for the issuance of the writ of execution for the award of Php 3,492,669.42, and the corresponding Writ of Execution[15] ordered the Acting Sheriff to place under custodia legis, goods and chattels of Romy's Freight Service, represented by petitioner Cruz, for the satisfaction of Php 3,492,669.42 (Castro's and Veloria's award), Php 34,426.69 (execution fees), and Php 17,483.35 (deposit fees); petitioner Cruz filed the Notice of Appeal with Motion to Stay Execution, and

Memorandum of Appeal and Urgent Petition for the Issuance of a Restraining Order to the Executive Labor Arbiter, before the NLRC; on 28 November 2007, the NLRC issued the Decision[16] which dismissed petitioner Cruz's appeal and petition for injunction to restrain the execution proceedings; on 6 December 2007, respondent Bose issued the Order[17] which directed the Branch Manager of the Bank of the Philippine Islands (BPI) Baguio-Burnham Branch to release the garnished deposit of petitioner Cruz in the amount of Php 3,544,479.86 for the payment of Castro's and Veloria's award, execution and deposit fees; respondent Bose's Order dated 6 December 2007 was issued with undue haste because the NLRC-Baguio City had not yet received the 28 November 2007 Decision of the NLRC, dismissing petitioner Cruz's appeal and petition for injunction to restrain the implementation of the writ of execution; the logbooks of the NLRC-Baguio showed that respondent Bose's office had not yet received the 28 November 2007 Decision of the NLRC when respondent Bose issued the Order dated 6 December 2007; respondent Bose's act of increasing Castro's and Veloria's judgment award to Php 3,492,669.42 from the award of the Labor Arbiter of Php 985,529.22 constituted violations of Section 3(e), R.A. No. 3019, Article 204 and Article 205 of the RPC, grave misconduct, conduct prejudicial to the best interest of the service, oppression and gross inexcusable negligence.

Respondent Bose filed Counter-Affidavit.[18]

On 12 April 2010, the Ombudsman issued the Joint Resolution which recommended the dismissal of the criminal and administrative cases filed against respondent Bose.[19]

The Joint Resolution held: there was no probable cause against respondent Bose for violations of Section 3(e) of Republic Act No. 3019, Article 204, and Article 205 of the RPC; records show that respondent Bose's orders were supported by legal and factual basis, and respondent Bose justified that the increase in the award from Php 3,492,669.42 to Php 3,544,479.86 was due to the payment of deposit and execution fees, which were supported by receipts; petitioner Cruz availed of remedies to assail respondent Bose's Order dated 29 June 2007 (directing the issuance of a writ of execution), through the filing of appeal, and petition for injunction before the NLRC, and the NLRC upheld the legality of respondent Bose's orders in the Decision dated 28 November 2007; respondent Bose could not be held liable under Article 204 and Article 205 of the RPC because these offenses could only be committed by a judge, and respondent Bose is not a judge, but a quasi-judicial officer; respondent Bose's assailed orders could not be considered judgments within the scope of Article 204 and Article 205 of the RPC, because respondent Bose's orders were limited to the execution proceedings, and did not pertain to a final determination on the matters submitted before the Labor Arbiter; there was no substantial evidence to hold respondent Bose administratively liable.

Petitioner Cruz filed the Motion for Reconsideration,[20] and the Supplement to Complainant's Motion for Reconsideration.[21]

Petitioner Cruz's Supplement to Complainant's Motion for Reconsideration averred: petitioner Cruz filed the petition for certiorari before the Court of Appeals assailing the Decision dated 28 November 2007 of the NLRC; on 7 April 2011, the Court of Appeals issued the Decision[22] which granted petitioner Cruz's petition for certiorari, and suspended the execution proceedings in view of supervening events (i.e., Castro was convicted of qualified theft which conviction was affirmed by the Court of Appeals, and Romy's Freight Service won in a civil case for collection of sum of money against Veloria); these supervening events rendered unjust and inequitable the execution of the labor arbiter's decision.

Respondent Bose filed the Urgent Opposition to the Supplement Motion for Reconsideration[23] and countered: the Decision of the Supreme Court which affirmed the illegal dismissal of Castro and Veloria was already final and executory, thus execution in the subject labor case was proper.

On 1 February 2012, the Ombudsman issued the Joint Order (Motion for Reconsideration)[24] which denied petitioner Cruz's motions for reconsideration, and affirmed the dismissal of the criminal and administrative cases against respondent Bose.

The Joint Order (Motion for Reconsideration) held: there was no evidence that respondent Bose acted in bad faith, manifest partiality, and gross inexcusable negligence in issuing the assailed Orders, in the execution of the subject labor case; petitioner Cruz did not show evidence to overcome the presumption of regularity in the performance of respondent Bose's duties in the recomputation of Castro's and Veloria's award.

Aggrieved, petitioner Cruz files this Petition, with the following issues:

ASSIGNMENT OF ISSUES

I. WHETHER OR NOT THE RESPONDENT OMBUDSMAN GRAVELY ERRED IN DISMISSING THE CRIMINAL AND ADMINISTRATIVE CASES FILED BY THE PETITIONER AGAINST RESPONDENT BOSE FOR HIS ACT OF INCREASING THE MONETARY BENEFITS OF THE EMPLOYEES OF THE PETITIONER FROM P985,529.22 TO P3,544,479.46 BY COMPUTING THE BACKWAGES UP TO THE FINALITY OF THE DECISION OF THE SUPREME COURT SAID BENEFITS DESPITE THE FACT THAT THE LABOR ARBITER'S DECISION WHICH WAS NOT APPEALED BY THE EMPLOYEES MANDATES NO REINSTATEMENT AND THEREFORE, THEIR BACKWAGES SHOULD ONLY BE UP TO THE TIME SAID LABOR ARBITER'S DECISION WAS RENDERED.

II. WHETHER OR NOT THE RESPONDENT OMBUDSMAN GRAVELY ERRED IN DISMISSING THE CRIMINAL AND ADMINISTRATIVE CASES FILED BY THE PETITIONER AGAINST RESPONDENT BOSE FOR HIS ACT OF INCREASING SAID MONETARY BENEFITS OF THE EMPLOYEES OF THE PETITIONER FROM P985,529.22 TO P3,544,479.46 DESPITE THE FACT THAT THE SUPREME COURT AND THE COURT OF APPEALS AFFIRMED ONLY THE DECISION OF ELA LATOJA, AS MODIFIED BY THE ORDER AWARDING A TOTAL OF P985,529.22 ONLY TO PETITIONER'S EMPLOYEES BY WAY OF MONETARY BENEFITS.

III. WHETHER OR NOT THE RESPONDENT OMBUDSMAN GRAVELY ERRED IN DISMISSING THE CRIMINAL AND ADMINISTRATIVE CASES FILED BY THE PETITIONER AGAINST RESPONDENT BOSE FOR HIS ACT OF GARNISHING THE MONEY OF THE PETITIONER AND HIS CO-DEPOSITORS ON DECEMBER 6, 2007 EVEN THOUGH HE HAS NOT RECEIVED A COPY OF THE NLRC DECISION DENYING THE PETITION OF THE PETITIONER QUESTIONING HIS COMPUTATION AND WRIT OF EXECUTION; EVEN THOUGH THE PETITIONER HAS NOT RECEIVED HIS COPY OF THE SAID NLRC DECISION AND BEFORE THE EXPIRATION OF THE REGLEMENTARY PERIOD TO QUESTION THE SAME TO THE COURT OF APPEALS – WHICH HE DID SUCCESSFULLY.

IV. WHETHER OR NOT THE RESPONDENT OMBUDSMAN GRAVELY ERRED IN DISMISSING THE CRIMINAL AND ADMINISTRATIVE CASES FILED BY THE PETITIONER AGAINST RESPONDENT BOSE FOR HIS ACT OF TURNING OVER SAID P3,544,479.46 TO ATTY. JOHNICO ALIM, HIS CLOSE FRIEND AND PROVINCE MATE WITH A NON-EXISTING SPECIAL POWER OF ATTORNEY WHICH COULD NOT EVEN BE FOUND BY THE CLERK OF COURT, RTC BAGUIO, FROM THE NOTARIAL DOCUMENTS SUBMITTED BY THE ALLEGED NOTARY PUBLIC WHO NOTARIZED SAID SPECIAL POWER OF ATTORNEY.

V. WHETHER OR NOT THE RESPONDENT OMBUDSMAN GRAVELY ERRED IN DISMISSING THE CRIMINAL AND ADMINISTRATIVE CASES FILED BY THE PETITIONER AGAINST RESPONDENT BOSE DESPITE THE DECISION OF THE COURT OF APPEALS CLEARLY SHOWING THE GRAVE ABUSE OF AUTHORITY ON THE PART OF RESPONDENT BOSE IN AWARDING P3,544,479.46 TO

THE FORMER EMPLOYEES OF THE PETITIONER INSTEAD OF ONLY P30,000.00 EACH.

The issues are: 1) whether the Ombudsman erred in dismissing the criminal case against respondent Bose; 2) whether the Ombudsman erred in dismissing the administrative case against respondent Bose.

THE PETITIONER'S ARGUMENTS

Anent the first issue, petitioner Cruz answers in the affirmative. The Ombudsman erred in dismissing the criminal case against respondent Bose.

The Petition[25] thrusts: all the elements of Section 3(e) of R.A. No. 3019, Article 204, and Article 205 of the RPC are present (i.e., respondent Bose is a public officer discharging administrative functions, respondent Bose acted with manifest partiality and evident bad faith [respondent Bose re-computed Castro's and Veloria's award until the finality on 24 October 2006, and increased the award from Php 985,529.22, as decided by the Labor Arbiter, to Php 3,544,479.86; respondent Bose had not yet received the Decision dated 28 November 2007 of the NLRC when he issued the Order dated 6 December 2007, and ordered the garnishment of Php 3,544,479.86 from petitioner Cruz's BPI Baguio account; the period to appeal the Decision dated 28 November 2007 of the NLRC had not yet expired when respondent Bose directed the garnishment of petitioner Cruz's funds], respondent Bose's actions caused undue injury to petitioner Cruz, and to two of his co-depositors because respondent Bose erroneously ordered the garnishment of the award which was petitioner Cruz's personal liability from the joint account of petitioner Cruz and two of his co-depositors).

Regarding the second issue, petitioner Cruz answers in the affirmative. The Ombudsman erred in dismissing the administrative case against respondent Bose.

The Petition thrusts: respondent Bose's acts pertaining to the execution proceedings of the subject labor case constituted grave misconduct, conduct prejudicial to the best interest of the service, oppression, and gross inexcusable negligence.

Petitioner Cruz filed the Reply[26] which reiterated his previous arguments.

THE RESPONDENTS' ARGUMENTS

Anent the first issue, respondents answer in the negative. The Ombudsman did not err in dismissing the criminal case against respondent Bose.

Respondent Bose's Comment to Petition[27] parries: the recomputation of Castro's and Veloria's award was proper because the award should be reckoned until the finality of the subject labor case on 24 October 2006; in *Session Delights Ice Cream and Fast Foods v. Court of Appeals*,[28] the Supreme Court held that recomputation is a necessary consequence from the finding of illegal dismissal, and it is not a violation of the principle of immutability of final judgments because it does not amend the final decision being implemented; petitioner Cruz was afforded due process in the execution proceedings of the subject labor case because petitioner Cruz appealed respondent Bose's orders in the NLRC but the NLRC dismissed petitioner Cruz's appeal and petition for injunction; there was a presumption of regularity in the performance of respondent Bose's functions, and petitioner Cruz failed to show evidence to overcome this presumption.

Public respondent Ombudsman's Comment[29] parries: the Ombudsman, in the exercise of its quasi-judicial functions, is given the leeway and discretion to determine whether to file the information charging the respondent criminally, or to dismiss the case outright; the assailed Resolution of the Ombudsman extensively discussed its finding that no probable cause exists to hold respondent Bose criminally liable for the offenses charged.

Regarding the second issue, respondents answer in the negative. The Ombudsman did not err in dismissing the

administrative case against respondent Bose.

Respondent Bose's Comment to Petition parries: there was no substantial evidence to hold respondent Bose administratively liable because the recomputation of Castro's and Veloria's award was sanctioned by law and jurisprudence.

Public respondent Ombudsman's Comment parries: the assailed Resolution extensively discussed its finding of lack of substantial evidence to hold respondent Bose administratively liable.

Respondent Bose and the Ombudsman filed their respective memoranda.[30]

THE COURT'S RULING

At the outset, we note that petitioner Cruz improperly raised the issue of respondent Bose's failure to answer petitioner Cruz's letter-request (i.e., to present the Special Power of Attorney, used by Atty. Johnico Alim in the release of Php 3,544,479.46, in favor of Castro and Veloria). Records show that this issue was the subject of a separate case (OMB-L-A-08-0509-H) filed by petitioner Cruz before the Ombudsman for violation of Republic Act (R.A.) No. 6713.[31] This issue was also not raised in the Affidavit Complaint. Thus we disregard this issue.

We also note that petitioner Cruz attached respondent Bose's Counter-Affidavit in OMB-L-A-08-0509-H for violation of R.A. No. 6713, which case was different from the cases reviewed here (i.e., OMB-L-C-08-0455-F and OMB-L-A-08-0351-F). Rule 43, Section 6 of the Rules of Court[32] provides that the petition for review shall be accompanied by certified true copies of such material portions of the record, and other supporting papers. Pursuant to Rule 43, Section 7 of the Rules of Court,[33] the failure of petitioner to attach the documents which should accompany the petition shall be sufficient ground for the dismissal.

Thus, this Petition should be dismissed outright, for failure to comply with the Rules of Court.

However, setting aside the procedural defect of petitioner Cruz's Petition, and ruling on the merits, we hold that the Ombudsman did not err in dismissing the criminal and administrative cases filed against respondent Bose.

Anent the first issue, we rule in the negative. The Ombudsman did not err in dismissing the criminal case for violations of R.A. No. 3019, Section 3(e), Article 204, and Article 205 of the RPC, against respondent Bose.

Applicable is R.A. No. 3019, Section 3(e) which provides:

Section 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx xxx xxx

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

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The three essential elements for violation of Section 3 (e) of R.A. No. 3019 are: (1) that the accused is a public officer discharging administrative, judicial or official functions; (2) that the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence; and (3) that the accused caused undue injury to any party including the Government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.[34]

While the first element was satisfied because respondent Bose is a public officer discharging administrative functions as a labor arbiter, we find the second and third elements wanting.

The second element was absent. Respondent Bose did not act with manifest partiality, evident bad faith or gross inexcusable negligence in the execution proceedings of the subject labor case.

Respondent Bose's order for the issuance of the writ of execution was proper because the decision of the Labor Arbiter attained final and executory status on 24 October 2006, per Entry of Judgment issued by the Supreme Court. Pursuant to Article 229 of the Labor Code,[35] respondent Bose, as labor arbiter, may, *motu proprio* or on motion of any interested party, issue a writ of execution on a judgment within five years from the date the judgment becomes final and executory. Thus, respondent Bose did not err in ordering the issuance of the writ of execution because the decision in the subject labor case had already become final and executory.

We hold that the recomputation of Castro's and Veloria's award was proper.

Petitioner Cruz argues that respondent Bose acted with manifest partiality, evident bad faith, and gross inexcusable negligence, in increasing Castro's and Veloria's award from Php 985,529.22 (amount contained in the Order dated 1 October 1997 of the Labor Arbiter) to Php 3,544,479.46 (amount contained in the writ of execution).

We do not agree.

The facts obtaining in the subject labor case were similar to *Session Delights Ice Cream and Fast Foods v. Court of Appeals*[36] (“Session Delights”), and *Nacar v. Gallery Frames et al.*,[37] (“Nacar”), where the Labor Arbiter's initial computation of the award provided for payment of separation pay (in lieu of reinstatement) and backwages, and upon execution, recomputation was made until finality of the judgment.

Nacar explains that no essential change is made by a recomputation, as this step is a necessary consequence that flows from the nature of the illegality of dismissal. As expressed under Article 279 (now Article 292) of the Labor Code,[38] the reliefs continue to add up until full satisfaction. The recomputation of the consequences of illegal dismissal upon execution of the decision does not constitute an alteration or amendment of the final decision being implemented. The illegal dismissal ruling stands; only the computation of monetary consequences of this dismissal is affected, and this is not a violation of the principle of immutability of final judgments.

The third element was absent. Respondent Bose did not cause undue injury to any party in the discharge of his functions. Considering that the respondent Bose's acts were justified, we find that respondent Bose could not have caused undue injury to any party.

Respondent Bose could not be charged under Article 204 and Article 205 of the RPC.

Applicable are Article 204 and Article 205 of the RPC which provide:

Article 204. Knowingly Rendering Unjust Judgment. — Any judge who shall knowingly render an unjust judgment in any case submitted to him for decision, shall be punished by *prisión mayor* and perpetual absolute disqualification.

Article 205. Judgment Rendered Through Negligence. — Any judge who, by reason of inexcusable negligence or ignorance, shall render a manifestly unjust judgment in any case submitted to him for decision shall be punished by *arresto mayor* and temporary special disqualification.

As above-quoted, the elements for violation of Article 204 of the RPC are: that the (a) offender is a judge; (b) he renders a judgment in a case submitted to him for decision; (c) the judgment is unjust; (d) he knew that said

judgment is unjust.[39] On the other hand, the elements for violation of Article 205 of the RPC are: that the (a) offender is a judge; (b) he renders a judgment in a case submitted to him for decision; (c) the judgment is unjust; (d) he was inexcusably negligent or ignorant in rendering the judgment.

The Ombudsman correctly dismissed the criminal case against respondent Bose for violations of Article 204 and Article 205 of the RPC. Respondent Bose is a labor arbiter, and is not a judge performing judicial functions. Further, respondent Bose's orders were not rendered in a case submitted to him for decision because his orders were limited to the execution in the subject labor case.

It is well-settled in this jurisdiction that penal statutes are strictly construed against the state and liberally for the accused, so much so that the scope of a penal statute cannot be extended by good intention, implication, or even equity consideration.[40]

Regarding the second issue, we rule in the negative. The Ombudsman did not err in dismissing the administrative case against respondent Bose.

The "substantial evidence" rule in administrative proceedings merely requires such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[41]

Petitioner Cruz failed to show substantial evidence to hold respondent Bose administratively liable. As discussed above, respondent Bose's orders were justified by law and jurisprudence. Thus, we see no reason to hold respondent Bose administratively liable for the charges filed against him.

We DISMISS the Petition.

IT IS SO ORDERED.

[*]Carandang, R.D., Acting Chairperson and De Leon, M.M. JJ., concur.

[*] Vice Justice J.A.C. Lantion per Raffle dated 12 February 2015.

[1] C.A. Rollo, p. 8.

[2] Annex B of the Petition, C.A. Rollo, p. 131.

[3] Annex E of the Petition, C.A. Rollo, p. 169.

[4] Section 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx xxx xxx

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

[5] Article 204. Knowingly Rendering Unjust Judgment. — Any judge who shall knowingly render an unjust judgment in any case submitted to him for decision, shall be punished by prisión mayor and perpetual absolute disqualification.

[6] Article 205. Judgment Rendered Through Negligence. — Any judge who, by reason of inexcusable negligence or ignorance, shall render a manifestly unjust judgment in any case submitted to him for decision shall be punished by arresto mayor and temporary special disqualification.

[7] Annex A of the Petition, C.A. Rollo, p. 30.

[8] C.A. Rollo, p. 270.

[9] Annex B of the Petition, C.A. Rollo, p. 49.

[10] Annex C of the Petition, C.A. Rollo, p. 54.

[11] Annex D of the Petition, C.A. Rollo, p. 72.

[12] C.A. Rollo, p. 79.

[13] Annex F of the Petition, C.A. Rollo, p. 90.

[14] Annex G of the Petition, C.A. Rollo, p. 92.

[15] Annex H of the Petition, C.A. Rollo, p. 95.

[16] Annex I of the Petition, C.A. Rollo, p. 99.

[17] Annex J of the Petition, C.A. Rollo, p. 112.

[18] Petitioner Cruz attached respondent Bose's Counter-Affidavit in a different case (OMB-L-A-08-0509-H).

[19] Supra, note 2.

[20] C.A. Rollo, p. 148.

[21] C.A. Rollo, p. 157.

[22] Annex L of the Petition, C.A. Rollo, p. 224.

[23] Annex M of the Petition, C.A. Rollo, p. 234.

[24] Supra, note 3.

[25] Supra, note 1.

[26] C.A. Rollo, p. 337.

[27] C.A. Rollo, p. 280.

[28] G.R. No. 172149, 8 February 2010.

[29] C.A. Rollo, p. 302.

[30] C.A. Rollo, p. 360 (Respondent Bose's Memorandum); C.A. Rollo, p. 381 (Public Respondent Ombudsman's Memorandum).

[31] Code of Conduct and Ethical Standards for Public Officials and Employees.

[32] Section 6. Contents of the petition. — The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from,

together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of Section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein. (2a)

[33] Section 7. Effect of failure to comply with requirements. — The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof. (n)

[34] Garcia et al., v. Sandiganbayan and People of the Philippines, G.R. No. 197204, 26 March 2014 citing Catindig v. People, G.R. No. 183141, 18 September 2009, 600 SCRA 749; Soriano v. Marcelo, 610 Phil. 72 (2009); People v. Pajaro, 577 Phil. 441 (2008).

[35] Article 229. Execution of Decisions, Orders, or Awards. — (a) The Secretary of Labor and Employment or any Regional Director, the Commission or any Labor Arbiter, or Med-Arbiter, or the voluntary arbitrator or panel of voluntary arbitrators may, motu proprio or on motion of any interested party, issue a writ of execution on a judgment within five (5) years from the date it becomes final and executory, requiring a sheriff or a duly deputized officer to execute or enforce final decisions, orders or awards of the Secretary of Labor and Employment or Regional Director, the Commission, or the Labor Arbiter or Med-Arbiter, or voluntary arbitrator or panel of voluntary arbitrators. In any case, it shall be the duty of the responsible officer to separately furnish immediately the counsels of record and the parties with copies of said decisions, orders and awards. Failure to comply with the duty prescribed herein shall subject such responsible officer to appropriate administrative sanctions.

[36] Supra, note 28.

[37] G.R. No. 189871, 13 August 2013.

[38] Article 292. Security of Tenure. — In cases of regular employment, the employer shall not terminate the services of an employee except for a just cause or when authorized by this Title. An employee who is unjustly dismissed from work shall be entitled to reinstatement without loss of seniority rights and other privileges and to his full backwages, inclusive of allowances, and to his other benefits or their monetary equivalent computed from the time his compensation was withheld from him up to the time of his actual reinstatement.

[39] Louis Vuitton S.A., v. Judge Villanueva, A.M. No. MTJ-92-643, 27 November 1992 citing GUEVARRA, FUNDAMENTALS OF CRIMINAL LAW 426 (8th ed., 1988).

[40] Lao v. Court of Appeals, et al., G.R. No. 119178, 20 June 1997.

[41] Añonuevo et al., v. Court of Appeals, et al., G.R. No. 152998, 23 September 2003 citing Ocampo v. Office of the Ombudsman & Eclipse, G.R. No. 114683, 18 January 2000.

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