

**MARCIAL APAO SABAÑA, PETITIONER, VS. OFFICE OF THE
OMBUDSMAN MINDANAO, REPRESENTED BY THE HON. DEPUTY
OMBUDSMAN FOR MINDANAO HUMPHREY T. MONTEROSO, EVELYN
BARROSO, PHD, CESO III...**

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This is a Motion for Reconsideration[1] of this Court's Decision[2] promulgated on 30 July 2013, which dismissed petitioner's Petition[3] for Certiorari and Prohibition under Rule 65 of the Rules of Court with application for the issuance of a temporary restraining order and a writ of preliminary injunction assailing and seeking to enjoin public respondent from implementing the Decision[4] dated 6 February 2009 of the Office of the Ombudsman-Mindanao in the administrative case OMB-M-A-07-206-I.

A perusal of the motion for reconsideration shows that the grounds relied upon by the petitioner are substantially the same as those he raised in his petition for certiorari.

In this recourse, petitioner raises the following grounds, thus:

I.

With all due respect, the Honorable Court erred in holding that petitioner availed of the wrong remedy.

II.

With all due respect, the Honorable Court erred in upholding the validity of Memorandum Circular No. 1, Series of 2006 issued by Ombudsman Merceditas Gutierrez.

III.

With all due respect, the Honorable Court erred in holding that public respondent committed no grave abuse of discretion when it directed the immediate implementation of the Decision pending resolution of petitioner's motion for reconsideration.[5]

The first ground has been squarely passed upon by this Court in the assailed 30 July 2013 Decision.[6]

The second and third grounds are but a mere re-iteration of the issues raised by petitioner in his petition for certiorari, viz:

I.

Whether or not public respondent Ombudsman Mindanao committed grave abuse of discretion amounting to lack or excess of jurisdiction in directing the immediate implementation of the February 6, 2009 Decision notwithstanding the fact that it has not yet attained finality due to the pendency of petitioner's Motion for

Reconsideration dated February 19, 2010.

II

Whether or not public respondent Ombudsman Mindanao committed grave abuse of discretion amounting to lack or excess of jurisdiction in directing the immediate implementation of the February 6, 2009 Decision on the basis of Memorandum Circular No. 1, Series of 2006 dated April 11, 2006.

III

Assuming arguendo that Memorandum Circular No. 1 is valid in all respects, whether or not public respondent Ombudsman Mindanao committed grave abuse of discretion amounting to lack or excess of jurisdiction in directing the immediate implementation of the February 6, 2009 Decision notwithstanding its earlier suspension of the implementation of the Decision in OMB-M-A-07-018-A against private respondent Bernat by reason of the pendency of the latter's motion for reconsideration.[7]

Consequently, for petitioner's failure to raise new substantial matters, We find no compelling reason to warrant the reversal of Our decision. The grounds relied upon by the petitioner in his motion have already been carefully considered, evaluated and passed upon by this Court in the assailed Decision.

WHEREFORE, premises considered, the Motion for Reconsideration is hereby DENIED.

SO ORDERED.

Borja, J., Chairperson and Badelles, JJ., concur.

[1] Rollo, pp. 476-523

[2] Rollo, pp. 451-467

[3] Rollo, pp. 4-36

[4] Rollo, pp. 59-69

[5] Rollo, pp. 477-478

[6] Rollo, pp. 458-460

[7] Rollo, pp. 14-15

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