

CHRISTOPHER H. PICCIO, PETITIONER, VS. OFFICE OF THE OMBUDSMAN, DARELL BAJALAN DELA FLOR, NELIA F. BASAÑES, AND EDNA ESCANER, RESPONDENTS.

G.R. No. E-00224, April 28, 2026

Ponente: GAERLAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d6079ff19644/>

GAERLAN, J.:

Before Us is a Petition for Review[1] under Rule 65 of the 2019 Revised Rules of Court seeking to nullify and set aside the Decision[2] dated June 24, 2024 and the Resolution[3] dated January 27, 2025 of the Court of Appeals (CA) in CA-G.R. SP No. 16066, which dismissed the Petition for Certiorari[4] filed by petitioner Christopher H. Piccio (Piccio), for being wrong or being the improper remedy and for lack of merit.

The instant controversy arose from a Complaint[5] filed by Piccio, who is the incumbent Mayor of the Municipality of Belison, Province of Antique (Municipality), against respondents, former Municipal Mayor Darell Bajalan Dela Flor (Dela Flor), Municipal Engineer Nelia F. Basañes (Basañes), and Municipal Accountant Edna Escaner (Escaner) (collectively, respondents), of the Municipality of Belison, Province of Antique (Municipality), for violation of Section 3(e)[6] of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act and for violation of Section 4[7] of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees and dishonesty. The complaint alleged that respondents violated the Department of Interior and Local Government (DILG) Memorandum Circular No. 2018-61[8] pertaining to the proper utilization of an assistance fund extended to the Municipality.[9]

On April 18, 2018, former Municipal Mayor Dela Flor received from the Department of Finance a Notice of Authority to debit an account called the "2018 Local Government Support Fund Priority Programs and Projects-Assistance to Municipality Batch 1" (LGSF-AM) in the amount of PHP 9,276,693.00.[10]

Dela Flor then issued a Certification dated August 7, 2018 identifying the project "Local Road Upgrading Barangay Poblacion-Barangay Ipil, Belison, Antique" (Road Project) to be funded from the LGSF-AM. The project's Approved Budget for the Contract (ABC) amounts to PHP 9,276,693.00. Bidding was conducted and Triple-Double Construction and Supply (Triple-Double) won the bidding with its submitted bid of PHP 6,029,219.83.[11]

On November 16, 2018, a Contract of Agreement was executed between Triple-Double and the Municipality for the construction of the Road Project for PHP 6,029,219.83.[12]

On March 22, 2019, the Road Project was completed by Triple-Double.[13]

On January 31, 2019, while the Road Project was being completed, the Municipality's Bids and Awards Committee issued an Invitation to Bid for the project "Local Road Upgrading Barangay Poblacion-Barangay Ipil, Belison, Antique-Additional Works" (Additional Works). This second project has an ABC of PHP 3,247,473.17 and is funded from the unutilized amount of the previous LGSF-AM financed project, i.e., the difference between

the ABC of the Road Project (PHP 9,276,693.00) and the actual price in the Municipality's Contract Agreement with Triple-Double (PHP 6,029,219.83), or the variance for short. The site for this second project is the road adjacent to the road covered by the previous project. Triple-Double was also the winning bidder for the Additional Works project, with a bid of PHP 3,241,344.43.[14]

Piccio assumed office as municipal mayor of the Municipality on July 1, 2019. He approved and authorized the full payment of the Additional Works on August 15, 2019. However, on August 19, 2019, Piccio received a Letter from the DILG Provincial Office, noting that the first project had already been completed and questioned why the Municipality used the variance between the allocated LGSF-AM amount and the contract price to procure another contract.[15]

Piccio then directed respondents to respond to the DILG's Letter. He also put on hold the 10% retention fee due to the contractor until the matter is resolved. Piccio submitted some queries to the DILG on the matter of the use of the variance. On September 24, 2019, the DILG sent another Letter to Piccio, this time, asking him to revert the variance to the Bureau of Treasury on or before December 6, 2019.[16]

Piccio alleged that respondents were responsible for the above dilemma. He also alleged that respondents committed dishonesty when they certified in the Individual Program of Works and other supporting documents that there were available funds and appropriations for the Additional Works. Further, respondents conspired with one another to bring about the Additional Works and caused undue injury to the Municipality as it must now revert the amount to the National Treasury.[17]

In defense of Piccio's allegation, Dela Flor claimed that he acted in good faith. Dela Flor claimed that his co-respondent Basañes endeavored to clarify with the Project Management Office (PMO) of the DILG about the propriety of using the variance to fund for additional works to the original project. On November 8, 2018, during a conference for locally funded projects, the PMO speaker advised Basañes that the variance can be used for extension/additional works provided that the location and the project's title are the same with the original project. However, the name and designation of the PMO speaker were not disclosed.[18]

Dela Flor also requested for a post-facto approval for the Additional Works from the Office of the President through the Secretary of the DILG. This request had already been endorsed to the DILG's Legal and Legislative Liaison Services for evaluation.[19]

As for Escaner, she echoed the defenses raised by co-respondent Dela Flor and added that she, as the Municipal Accountant, was not the accountable officer for the LGSF-AM funds but the Municipal Treasurer. She also explained that she was under a one-year suspension effective January 13, 2020 imposed by Piccio, thus she should no longer be placed under preventive suspension by the Ombudsman.[20]

As for Basañes, she also echoed the defenses raised by Dela Flor. She further submitted the Affidavits of seven other Municipal Engineers of Antique Province who attended the Devtalk, Quarterly Review and Planning Conference for Locally Funded Projects held on November 8, 2018. In their Affidavits, the engineers attested that Basañes had indeed clarified from the PMO speaker about the use of the variance to fund the Additional Works.[21]

Piccio countered the defenses raised. Additionally, he explained that he cannot be held liable with respondents as he had no knowledge of the source of the fund for the Additional Works despite his approval of its final payment.[22]

Respondents filed their respective Rejoinders to Piccio's Reply maintaining the defenses raised in their previous pleadings. On August 24, 2020, the Ombudsman ordered the parties to file their Position Papers. Both parties

complied essentially maintaining their respective allegations and claims from their previous pleadings.[23]

Ruling of the Ombudsman

In its Joint Resolution[24] dated March 29, 2021, the Ombudsman dismissed the instant case for lack of probable cause and lack of substantial evidence, thus:

WHEREFORE, the criminal complaint against respondents DARELL BAJALAN DELA FLOR, NELIA F. BASAÑES[,] and EDNA B. ESCANER for Section 3(e) of [Republic Act No.] 3019 is DISMISSED for lack of probable cause.

The administrative charges of Dishonesty and Violation of Section 4 of [Republic Act No.] 6713 against same respondents are DISMISSED for lack of substantial evidence.

SO ORDERED.[25] (Emphasis in the original)

The Ombudsman held that the criminal complaint against respondents should be dismissed considering that there was no sufficient evidence to establish that respondents acted with manifest partiality, evident bad faith, or inexcusable negligence. There was also no sufficient evidence to show that respondents' actions caused any undue injury, gave unwarranted benefits or advantage or preference to any party.[26]

The administrative complaint must likewise be dismissed as the evidence against them is insufficient to establish the charge of dishonesty.[27]

A Motion for Reconsideration[28] was filed by Piccio questioning the aforecited Resolution. However, in the Joint Order[29] dated September 2, 2022, the Ombudsman denied the motion, to wit:

WHEREFORE, the Motion for Reconsideration of complainant-movant CHRISTOPHER H. PICCIO is DENIED. The Office's Joint Resolution dated 29 March 2021 STANDS.

SO ORDERED.[30] (Emphasis in the original)

Ruling of the CA

Piccio then elevated the case to the CA through a petition for certiorari under Rule 65 of the Rules of Court. Piccio claimed that the Ombudsman in issuing the Joint Resolution committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the administrative complaint against respondents. Further, the Ombudsman's reliance on the request for post-facto approval before the Office of the President was also tainted with grave abuse of discretion.

In the assailed Decision of the CA, it dismissed the petition for being a wrong or improper remedy in so far as the criminal aspect is concerned while the administrative aspect was dismissed for lack of merit.

The CA held that based on the prevailing jurisprudence, petition for certiorari questioning the criminal incident of the case should be filed with the Supreme Court and not with the CA. By availing of the wrong remedy, the petition merits outright dismissal insofar as the criminal aspect is concerned.[31]

While the CA found that the petition questioning the administrative aspect is proper, it lacks sufficient evidence to show that the Ombudsman acted capriciously or arbitrarily in exonerating respondents from their administrative liabilities.[32] At the outset, the CA held that the issue raised by Piccio touched on the factual findings of the Ombudsman which are not reviewable via certiorari.[33] Moreover, the CA agreed with the Ombudsman that the administrative charge of dishonesty was not established by sufficient evidence. Records reveal that respondents were able to prove that the issuance of the Individual Program of Works for the Additional Works is based on the belief that the variance can be used to fund the Additional Works. Thus, the statement therein that the

appropriation or found source is from the LGSF-AM in 2018 is consistent with this belief, whether later proven to be erroneous by the DILG or otherwise. Such belief appears to be genuine and does not show that respondents concealed or distorted the truth, which shows a lack of integrity or disposition to defraud, cheat, deceive or betray, or intent to violate the truth to constitute the administrative offense of dishonesty.[34]

The dispositive portion of the Decision reads:

WHEREFORE, the instant Petition is DISMISSED for being the wrong or improper remedy insofar as the criminal aspect is concerned and for lack of merit with regard (sic) the administrative aspect.

SO ORDERED.[35] (Emphasis in the original)

Piccio filed a Motion for Reconsideration. Respondents filed their Comment/Opposition to the motion. However, the CA finds it wanting of compelling and sufficient cause to warrant the reversal of their Decision. Thus, the dispositive portion of the Resolution reads:

WHEREFORE, the private respondent Dela Flor's Comment/ Opposition to Motion for Reconsideration and private respondent Escaner's Opposition to Motion for Reconsideration dated September 5, 2024, are NOTED. Accordingly, the Motion for Reconsideration is DENIED.

SO ORDERED.[36] (Emphasis in the original)

Thus, the present recourse.

Issues

Whether the CA acted with grave abuse of discretion in upholding the Ombudsman's decision and dismissing the administrative complaint against respondents due to insufficiency of evidence.

Ruling of the Court

We dismiss the Petition for Review.

First, it must be noted that the present petition is a petition for review under Rule 65 of the Rules of Court.[37] The petition seeks to review if the CA committed grave abuse of discretion in dismissing the petition to review the criminal and administrative aspects of the resolution of the Ombudsman.

Grave abuse of discretion has been defined as such capricious and whimsical exercise of judgment as to be equivalent to lack or excess of jurisdiction, or when the power is exercised in an arbitrary or despotic manner by reason of passion, prejudice, or personal hostility, and such exercise is so patent or so gross as to amount to an evasion of a positive duty or to a virtual refusal either to perform the duty enjoined or to act at all in contemplation of law.[38] We find that the CA did not err in dismissing the criminal aspect of the petition on the ground that it was a wrong remedy. Jurisprudence already settled that the CA does not have jurisdiction over orders and decisions of the Ombudsman in non-administrative cases, and that the remedy of aggrieved parties was to file a petition for certiorari under Rule 65 with the Court. Since the CA based its ruling on established rules and jurisprudence, We do not find that it acted capriciously or arbitrarily in dismissing the criminal aspect of the petition. To reiterate, the prevailing rule is that a petition for certiorari questioning the criminal incident of the case should be filed with the Supreme Court and not with the CA.[39] Hence, the CA correctly dismissed the petition filed before it insofar as the criminal aspect is concerned.

On the other hand, We find that petitioner availed of the wrong remedy in questioning the ruling of the CA in the administrative aspect of the case. A petition for certiorari under Rule 65 of the Rules of Court is a special civil action that may be resorted to only in the absence of appeal or any plain, speedy, and adequate remedy in the ordinary course of law.[40] Generally, the procedural process of elevating a petition for certiorari under Rule 65

of the Rules of Court to the Court is by way of a petition for review on certiorari under Rule 45 raising only questions of law. It is only when the petition clearly falls under the exception provided for under our jurisprudence^[41] will the Court allow the petition to prosper. It must be emphasized that there is a clear difference between an appeal and a certiorari petition. Certiorari is a remedy designed for the correction of errors of jurisdiction, not errors of judgment.^[42] The supervisory jurisdiction of a court over the issuance of a writ of certiorari cannot be exercised for the purpose of reviewing the intrinsic correctness of a judgment of the lower court — on the basis either of the law or the facts of the case, or of the wisdom or legal soundness of the decision. Even if the findings of the court are incorrect, as long as it has jurisdiction over the case, such correction is normally beyond the province of certiorari. Where the error is not one of jurisdiction, but of an error of law or fact—a mistake of judgment—appeal is the remedy.^[43]

In the present case, the issue being raised is not about the jurisdiction of the CA in reviewing the ruling in the administrative aspect of the Ombudsman's Joint Resolution. In fact, it was clearly established in the CA assailed Decision that the petition was properly filed and that it has jurisdiction to resolve the issue. What was being questioned in the present petition is the ruling on the violation of the respondents of the DILG Memorandum Circular No. 2018-61 with regard to the utilization of the variance of the allocated funds. This issue is in no way an issue of jurisdiction of the CA and as such, the petition must be dismissed outrightly.

Nonetheless, even if we treat the present petition to have been correctly filed in the interest of justice, the case will still not prosper. The issue being raised is essentially factual in nature and does not in any way raise a question of law. It has been settled in our jurisprudence that the court is not a trier of facts. The settled rule is that, the findings of fact by the Ombudsman are conclusive when supported by substantial evidence. Its factual findings are generally accorded with great weight and respect, if not finality by the courts, by reason of its special knowledge and expertise over matters falling under its jurisdiction. While this doctrine is not absolute and admits certain exceptions, such exceptions are not extant in this case.^[44]

In the case at bar, We agree with the CA that there was no sufficient evidence to reverse the ruling of the Ombudsman in exonerating respondents from their administrative liabilities. Dishonesty has been defined as the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive or betray, or intent to violate the truth.^[45] Respondents' alleged dishonesty was overturned by their claim of good faith which was consistent with the documentary evidence submitted. To reiterate, the records of the case showed that the issuance of the Individual Program of Works for the Additional Works is based on the belief that the variance can be used to fund the Additional Works. Thus, the statement therein that the appropriation or fund source is from the LGSF-AM in 2018 is consistent with this belief, whether later proven to be erroneous by the DILG or otherwise. Such belief appears to be genuine and does not show that respondents concealed or distorted the truth, which shows a lack of integrity or disposition to defraud, cheat, deceive or betray, or intent to violate truth to constitute the administrative offense of dishonesty.^[46] As to the other charge, violation of Section 4 of Republic Act No. 6713 speaks of norms of conduct of public officials and employees. We find that there was no allegation neither was there any evidence to support the alleged violation. Thus, the Ombudsman has correctly ruled to dismiss the complaint with regard to this violation.

The CA, therefore, committed no grave abuse of discretion in the assailed Decision and the Resolution. As aptly stated, a writ of certiorari is a prerogative writ, never demandable as a matter of right, never issued except in the exercise of judicial discretion. Hence, he who seeks a writ of certiorari must apply for it only in the manner and strictly in accordance with the provisions of the law and the Rules.^[47] In the present case, the petitioner failed to do so.

ACCORDINGLY, the Petition for Review is DISMISSED. The Decision dated June 24, 2024, and the Resolution dated January 27, 2025 of the Court of Appeals in CA-G.R. SP No. 16066 are hereby AFFIRMED.

SO ORDERED.

Caguioa (Chairperson), Inting, Dimaampao, and Singh, JJ., concur.

[*] Also referred to as "Edna B. Escaner" in some parts of the rollo.

[1] Rollo, pp. 3-21.

[2] Id. at 29-49. Penned by Associate Justice Bautista G. Corpin, Jr. and concurred in by Associate Justices Mercedita G. Dadole-Ygnacio and Ma. Consejo M. Gengos-Ignalaga of the Twentieth Division, Court of Appeals, Cebu City.

[3] Id. at 52-56.

[4] Id. at 58-87.

[5] Id. at 134-145.

[6] 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:

. . . .

(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.

[7] Section 4. Norms of Conduct of Public Officials and Employees. — (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

(a) Commitment to public interest. — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices

(b) Professionalism. — Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

(c) Justness and sincerity. — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

(d) Political neutrality. — Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.

(e) Responsiveness to the public. — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.

(f) Nationalism and patriotism. — Public officials and employees shall at all times be loyal to the Republic and to the Filipino people, promote the use of locally produced goods, resources and technology and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion.

(g) Commitment to democracy. — Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.

(h) Simple living. — Public officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.

[8] Policy Guidelines and Procedures in the Implementation of the F.Y. 2018 Local Government Support Fund-Assistance to Municipalities (LGSF-AM) Program.

[9] Rollo, p. 30.

[10] Id.

[11] Id. at 31.

[12] Id.

[13] Id.

[14] Id. at 31-32.

[15] Id. at 32.

[16] Id.

[17] Id.

[18] Id. at 32-33.

[19] Id. at 33.

[20] Id.

[21] Id. at 33-34.

[22] Id. at 33.

[23] Id.

[24] Id. at 101-112. Penned by Graft Investigation and Prosecution Officer III Darius L. Sagadal as approved by then Ombudsman Samuel R. Martires (a retired Member of this Court).

[25] Id. at 110.

[26] Id. at 108-109.

[27] Id. at 109-110.

[28] Id. at 113-127.

[29] Id. at 91-99. Penned by Graft Investigation and Prosecution Officer III Darius L. Sagadal as approved by then Ombudsman Samuel R. Martires (a retired Member of this Court).

[30] Id. at 99.

[31] Id. at 42.

[32] Id. at 46-47.

[33] Id.

[34] Id.

[35] Id. at 48.

[36] Id. at 56.

[37] Id. at 3.

[38] *Enriquez v. Heirs of Florencio F. Enriquez*, 954 Phil. 787, 800 (2024) [Per J. Kho, Jr., Second Division].

[39] *Yatco v. Office of the Deputy Ombudsman for Luzon, et al.*, 876 Phil. 282, 298 (2020) [Per J. Perlas-Bernabe, Second Division].

[40] *Gaoiran v. Court of Appeals*, 920 Phil. 557, 562 (2022) [Per J. Hernando, Second Division].

[41] *Domdom v. Third and Fifth Divisions of the Sandiganbayan, et al.*, 627 Phil. 341, 346 (2010) [Per J. Carpio Morales, En Banc].

[42] *Madrigal Transport Inc. v. Lapanday Holdings Corp.*, 479 Phil. 768, 779 (2004) [Per J. Panganiban, Third Division].

[43] Id. at 780.

[44] *Tsunami Management Corp. v. Office of the Ombudsman and Carlos Alan T. Yam*, G.R. No. 232712, September 29, 2021 [Notice, First Division].

[45] *Loreño v. Office of the Ombudsman*, 883 Phil. 532, 541 (2020) [Per J. Delos Santos, Second Division].

[46] *Rollo*, p. 47.

[47] *Tsunami Management Corp. v. Office of the Ombudsman and Carlos Alan T. Yam*, G.R. No. 232712, September 29, 2021 [Notice, First Division].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.