

## **MICHAELA A. LONTOC, PETITIONER, VS. OFFICE OF THE PRESIDENT OF THE PHILIPPINES; HON. PAQUITO N. OCHOA JR., IN HIS OFFICIAL CAPACITY AS EXECUTIVE SECRETARY, OFFICE OF THE PRESIDE...**

Ponente: CRUZ, R.A., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d889599bb962/>

---

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

On November 17, 2014, the petitioner filed a Petition for Certiorari under Rule 65 of the Rules of Court, which seeks to annul the Decision dated May 12, 2014 and the Resolution dated August 28, 2014 of the Office of the President in OP-DC Case No. 14-A-002.

The Petition is an improper remedy. To seek relief through the extraordinary Writ of Certiorari, pursuant to Rule 65, the following requirements must be alleged in and established by the petition: (1) that the writ is directed against a tribunal, a board or any officer exercising judicial or quasi-judicial functions; (2) that such tribunal, board or officer has acted without or in excess of jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) that there is no appeal or any plain, speedy and adequate remedy in the ordinary course of law.[1] The third requisite has not been complied with. There is, in this case, an appeal or a plain, speedy and adequate remedy in the ordinary course of law. With Rule 43[2] as legal basis, it has been held that appeals from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions, which includes the Office of the President, may be taken to the Court of Appeals.[3]

The Petition, therefore, ought to be dismissed because the use of an erroneous mode of appeal is cause for dismissal of the Petition for Certiorari.[4] In addition, the petitioner failed to attach copies of pertinent documents, particularly those in relation to the proceedings before the Board of Inquiry of the National Labor Relations Commission, which investigated her and recommended her dismissal to the Office of the President. This defect is another ground for the dismissal of the Petition in accordance with Section 1, Rule 65, in relation to Section 3, Rule 46, of the Rules of Court.[5]

WHEREFORE, premises considered, the Petition for Certiorari is DISMISSED.

### **SO ORDERED.**

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

---

[1] *Ceferina Lopez Tan vs Spouses Antazo*, G.R. No. 187208, February 23, 2011, citing *Equitable-PCI Bank Inc. vs Apurillo*, G.R. No. 168746, 5 November 2009, 605 SCRA 30, 42-43.

[2] Sections 1 and 3 of Rule 43 reads:

SECTION 1. Scope. — This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in

the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President xxx.

SECTION 3. Where to appeal. — An appeal under this Rule may be taken to the Court of Appeals within the period and in the manner herein provided, whether the appeal involves questions of fact, of law, or mixed questions of fact and law. (Emphasis supplied)

[3] Sergio I. Carbonilla, et al. vs. Board of Airlines Representatives, G.R. Nos. 193247 & 194276, September 14, 2011.

[4] Nippon Paint Employees Union-Olalia vs Court of Appeals, G.R. No. 159010, November 19, 2004, 443 SCRA 286, 291, cited in Tanenglian vs Lorenzo et al., G.R. No. 173415, March 28, 2008.

[5] Section 1 of Rule 65 reads:

SECTION 1. Petition for certiorari. - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of [its or his] jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, xxx.

The petition shall be accompanied by a certified true copy of the judgment, order or resolution subject thereof, copies of all pleadings and documents relevant and pertinent thereto, and a sworn certification of non-forum shopping as provided in the third paragraph of Section 3, Rule 46. (Emphasis supplied)

Section 3 of Rule 46 reads:

SECTION 3. 1 - The petition shall contain the full names and actual addresses of all the petitioners xxx xxx xxx.

It shall be filed in seven (7) clearly legible copies together with proof of service thereof on the respondent with the original copy intended for the court indicated as such by the petitioner and shall be accompanied by a clearly legible duplicate original or certified true copy of the judgment, order, resolution, or ruling subject thereof, such material portions of the record as are referred to therein, and other documents relevant or pertinent thereto. xxx xxx xxx.

The failure of the petitioner to comply with any of the foregoing requirements shall be sufficient ground for the dismissal of the petition. (Emphasis supplied)

**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.