

**GLORIA G. LASTIMOSA, FIRST ASSISTANT PROVINCIAL
PROSECUTOR OF CEBU, PETITIONER, VS. HONORABLE OMBUDSMAN
CONRADO VASQUEZ, HONORABLE ARTURO C. MOJICA, DEPUTY
OMBUDSMAN FOR THE VIS...**

G.R. No. 116801. April 06, 1995

Ponente: MENDOZA, J.

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MENDOZA, J.:

This case requires us to determine the extent to which the Ombudsman may call upon government prosecutors for assistance in the investigation and prosecution of criminal cases cognizable by his office and the conditions under which he may do so.

Petitioner Gloria G. Lastimosa is First Assistant Provincial Prosecutor of Cebu. Because she and the Provincial Prosecutor refused, or at any rate failed, to file a criminal charge as ordered by the Ombudsman, an administrative complaint for grave misconduct, insubordination, gross neglect of duty and maliciously refraining from prosecuting crime was filed against her and the Provincial Prosecutor and a charge for indirect contempt was brought against them, both in the Office of the Ombudsman. In the meantime the two were placed under preventive suspension. This is a petition for certiorari and prohibition filed by petitioner to set aside the orders of the Ombudsman with respect to the two proceedings.

The background of this case is as follows:

On February 18, 1993 Jessica Villacarlos Dayon, public health nurse of Santa Fe, Cebu, filed a criminal complaint for frustrated rape and an administrative complaint for immoral acts, abuse of authority and grave misconduct against the Municipal Mayor of Santa Fe, Rogelio Ilustrisimo.[1] The cases were filed with the Office of the Ombudsman-Visayas where they were docketed as OMB-VIS-(CRIM)-93-0140 and OMB-VIS-(ADM)-93-0036, respectively.

The complaint was assigned to a graft investigation officer who, after an investigation, found no prima facie evidence and accordingly recommended the dismissal of the complaint. After reviewing the matter, however, the Ombudsman, Hon. Conrado Vasquez, disapproved the recommendation and instead directed that Mayor Ilustrisimo be charged with attempted rape in the Regional Trial Court.[2]

Accordingly, in a letter dated May 17, 1994, the Deputy Ombudsman for Visayas, respondent Arturo C. Mojica, referred the case to Cebu Provincial Prosecutor Oliveros E. Kintanar for the "filing of appropriate information with the Regional Trial Court of Danao City, . . ."[3] The case was eventually assigned to herein petitioner, First Assistant Provincial Prosecutor Gloria G. Lastimosa.

It appears that petitioner conducted a preliminary investigation on the basis of which she found that only acts of lasciviousness had been committed.[4] With the approval of Provincial Prosecutor Kintanar, she filed on July 4, 1994 an information for acts of lasciviousness against Mayor Ilustrisimo with the Municipal Circuit Trial Court of

Santa Fe.[5]

In two letters written to the Provincial Prosecutor on July 11, 1994 and July 22, 1994, Deputy Ombudsman Mojica inquired as to any action taken on the previous referral of the case, more specifically the directive of the Ombudsman to charge Mayor Ilustrisimo with attempted rape.[6]

As no case for attempted rape had been filed by the Prosecutor's Office, Deputy Ombudsman Mojica ordered on July 27, 1994 Provincial Prosecutor Kintanar and petitioner Lastimosa to show cause why they should not be punished for contempt for "refusing and failing to obey the lawful directives" of the Office of the Ombudsman.[7]

For this purpose a hearing was set on August 1, 1994. Petitioner and the Provincial Prosecutor were given until August 3, 1994 within which to submit their answer.[8] An answer[9] was timely filed by them and hearings were thereupon conducted.

It appears that earlier, on July 22, 1994, two cases had been filed against the two prosecutors with the Office of the Ombudsman for Visayas by Julian Menchavez, a resident of Santa Fe, Cebu. One was an administrative complaint for violation of Republic Act No. 6713 and P.D. No. 807 (the Civil Service Law)[10] and another one was a criminal complaint for violation of §3(e) of Republic Act No. 3019 and Art. 208 of the Revised Penal Code.[11] The complaints were based on the alleged refusal of petitioner and Kintanar to obey the orders of the Ombudsman to charge Mayor Ilustrisimo with attempted rape.

In the administrative case (OMB-VIS-(ADM)-94-0189) respondent Deputy Ombudsman for Visayas Mojica issued an order on August 15, 1994, placing petitioner Gloria G. Lastimosa and Provincial Prosecutor Oliveros E. Kintanar under preventive suspension for a period of six (6) months,[12] pursuant to Rule III, §9 of the Rules of Procedure of the Office of the Ombudsman (Administrative Order No. 7), in relation to §24 of R.A. No. 6770. The order was approved by Ombudsman Conrado M. Vasquez on August 16, 1994 and on August 18, 1994 Acting Secretary of Justice Ramon J. Liwag designated Eduardo Concepcion of Region VII as Acting Provincial Prosecutor of Cebu.

On the other hand, the Graft Investigation Officer II, Edgardo G. Canton, issued orders[13] in the two cases, directing petitioner and Provincial Prosecutor Kintanar to submit their counter affidavits and controverting evidence.

On September 6, 1994, petitioner Gloria G. Lastimosa filed the present petition for certiorari and prohibition to set aside the following orders of the Office of the Ombudsman and Department of Justice:

(a) Letter dated May 17, 1994 of Deputy Ombudsman for Visayas Arturo C. Mojica and related orders, referring to the Office of the Cebu Provincial Prosecutor the records of OMB-VIS-CRIM-93-0140, entitled Jessica V. Dayon vs. Mayor Regelio Ilustrisimo, "for filing of the appropriate action (for Attempted Rape) with the Regional Trial Court of Danao City."

(b) Order dated July 27, 1994 of Deputy Ombudsman Mojica and related orders directing petitioner and Cebu Provincial Prosecutor Oliveros E. Kintanar to explain in writing within three (3) days from receipt why they should not be punished for Indirect Contempt of the Office of the Ombudsman "for refusing and failing . . . to file the appropriate Information for Attempted Rape against Mayor Rogelio Ilustrisimo."

(c) The 1st Indorsement dated August 9, 1994 of Acting Justice Secretary Ramon J. Liwag, ordering the Office of the Provincial Prosecutor to comply with the directive of the Office of the Ombudsman that a charge for attempted rape be filed against respondent Mayor Ilustrisimo in recognition of the authority of said Office.

(d) Order dated August 15, 1994 of Deputy Ombudsman Mojica, duly approved by Ombudsman Conrado

Vasquez, and related orders in OMB-VIS-(ADM)-94-0189, entitled Julian Menchavez vs. Oliveros Kintanar and Gloria Lastimosa, placing petitioner and Provincial Prosecutor Kintanar under preventive suspension for a period of six (6) months, without pay.

(e) The 1st Indorsement dated August 18, 1994 of Acting Justice Secretary Liwag directing Assistant Regional State Prosecutor Eduardo O. Concepcion (Region VII) to implement the letter dated August 15, 1994 of Ombudsman Vasquez, together with the Order dated August 15, 1994, placing petitioner and Provincial Prosecutor Kintanar under preventive suspension.

(f) Department Order No. 259 issued by Acting Secretary Liwag on August 18, 1994, designating Assistant Regional State Prosecutor Concepcion Acting Provincial Prosecutor of Cebu.

Petitioner raises a number of issues which will be discussed not necessarily in the order they are stated in the petition.

I.

The pivotal question in this case is whether the Office of the Ombudsman has the power to call on the Provincial Prosecutor to assist it in the prosecution of the case for attempted rape against Mayor Ilustrisimo. Lastimosa claims that the Office of the Ombudsman and the prosecutor's office have concurrent authority to investigate public officers or employees and that when the former first took cognizance of the case against Mayor Ilustrisimo, it did so to the exclusion of the latter. It then became the duty of the Ombudsman's office, according to petitioner, to finish the preliminary investigation by filing the information in court instead of asking the Office of the Provincial Prosecutor to do so. Petitioner contends that the preparation and filing of the information were part and parcel of the preliminary investigation assumed by the Office of the Ombudsman and the filing of information in court could not be delegated by it to the Office of the Provincial Prosecutor. Petitioner defends her actuations in conducting a preliminary investigation as having been made necessary by the insistence of the Ombudsman to delegate the filing of the case to her office.

In any event, petitioner contends, the Office of the Ombudsman has no jurisdiction over the case against the mayor because the crime involved (rape) was not committed in relation to a public office. For this reason it is argued that the Office of the Ombudsman has no authority to place her and Provincial Prosecutor Kintanar under preventive suspension for refusing to follow his orders and to cite them for indirect contempt for such refusal.

Petitioner's contention has no merit. The Office of the Ombudsman has the power to "investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient." [14] This power has been held to include the investigation and prosecution of any crime committed by a public official regardless of whether the acts or omissions complained of are related to, or connected with, or arise from the performance of his official duty. [15] It is enough that the act or omission was committed by a public official. Hence, the crime of rape, when committed by a public official like a municipal mayor, is within the power of the Ombudsman to investigate and prosecute.

In the exercise of his power, the Ombudsman is authorized to call on prosecutors for assistance §31 of the Ombudsman Act of 1989 (R.A. No. 6770) provides:

Designation of Investigators and Prosecutors. - The Ombudsman may utilize the personnel of his office and/or designate or deputize any fiscal, state prosecutor or lawyer in the government service to act as special investigator or prosecutor to assist in the investigation and prosecution of certain cases. Those designated or deputized to assist him as herein provided shall be under his supervision and control. (Emphasis added)

It was on the basis of this provision that Ombudsman Conrado Vasquez and Deputy Ombudsman Arturo C. Mojica ordered the Provincial Prosecutor of Cebu to file an information for attempted rape against Mayor Rogelio Ilustrisimo.

It does not matter that the Office of the Provincial Prosecutor had already conducted the preliminary investigation and all that remained to be done was for the Office of the Provincial Prosecutor to file the corresponding case in court. Even if the preliminary investigation had been given over to the Provincial Prosecutor to conduct, his determination of the nature of the offense to be charged would still be subject to the approval of the Office of the Ombudsman. This is because under §31 of the Ombudsman's Act, when a prosecutor is deputized, he comes under the "supervision and control" of the Ombudsman which means that he is subject to the power of the Ombudsman to direct, review, approve, reverse or modify his (prosecutor's) decision.[16] Petitioner cannot legally act on her own and refuse to prepare and file the information as directed by the Ombudsman.

II.

The records show that despite repeated orders of the Ombudsman, petitioner refused to file an information for attempted rape against Mayor Ilustrisimo, insisting that after investigating the complaint in the case she found that he had committed only acts of lasciviousness.

§15(g) of the Ombudsman Act gives the Office of the Ombudsman the power to "punish for contempt, in accordance with the Rules of Court and under the same procedure and with the same penalties provided therein." There is no merit in the argument that petitioner and Provincial Prosecutor Kintanar cannot be held liable for contempt because their refusal arose out of an administrative, rather than judicial, proceeding before the Office of the Ombudsman. As petitioner herself says in another context, the preliminary investigation of a case, of which the filing of an information is a part, is quasi judicial in character.

Whether petitioner's refusal to follow the Ombudsman's orders constitutes a defiance, disobedience or resistance of a lawful process, order or command of the Ombudsman thus making her liable for indirect contempt under Rule 71, §3 of the Rules of Court is for respondents to determine after appropriate hearing. At this point it is important only to note the existence of the contempt power of the Ombudsman as a means of enforcing his lawful orders.

III.

Neither is there any doubt as to the power of the Ombudsman to discipline petitioner should it be found that she is guilty of grave misconduct, insubordination and/or neglect of duty, nor of the Ombudsman's power to place her in the meantime under preventive suspension. The pertinent provisions of the Ombudsman Act of 1989 state:

§21. Officials Subject To Disciplinary Authority; Exceptions. - The Office of the Ombudsman shall have disciplinary authority over all elective and appointive officials of the Government and its subdivisions, instrumentalities and agencies, including Members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries, except over officials who may be removed only by impeachment or over Members of Congress, and the Judiciary.

§24. Preventive Suspension. - The Ombudsman or his Deputy may suspend any officer or employee under his authority pending an investigation, if in his judgment the evidence of guilt is strong, and (a) the charge against such officer or employee involves dishonesty, oppression or grave misconduct or neglect in the performance of duty; (b) the charges would warrant removal from the service; or (c) the respondent's continued stay in office may prejudice the case filed against him.

The preventive suspension shall continue until the case is terminated by the Office of the Ombudsman but not more than six months, without pay, except when the delay in the disposition of the case by the Office of the Ombudsman is due to the fault, negligence or petition of the respondent, in which case the period of such delay shall not be counted in computing the period of suspension herein provided.

A.

Petitioner contends that her suspension is invalid because the order was issued without giving her and Provincial Prosecutor Kintanar the opportunity to refute the charges against them and because, at any rate, the evidence against them is not strong as required by §24. The contention is without merit. Prior notice and hearing is not required, such suspension not being a penalty but only a preliminary step in an administrative investigation. As held in *Nera v. Garcia*:^[17]

In connection with the suspension of petitioner before he could file his answer to the administrative complaint, suffice it to say that the suspension was not a punishment or penalty for the acts of dishonesty and misconduct in office, but only as a preventive measure. Suspension is a preliminary step in an administrative investigation. If after such investigation, the charges are established and the person investigated is found guilty of acts warranting his removal, then he is removed or dismissed. This is the penalty. There is, therefore, nothing improper in suspending an officer pending his investigation and before the charges against him are heard and be given an opportunity to prove his innocence. (Emphasis added)

It is true that, under §24 of the Ombudsman's Act, to justify the preventive suspension of a public official, the evidence against him should be strong, and any of the following circumstances is present:

- (a) the charge against such officer or employee involves dishonesty, oppression or grave misconduct or neglect in the performance of duty;
- (b) the charges would warrant removal from the service; or
- (c) the respondent's continued stay in office may prejudice the case filed against him.

As held in *Buenaseda v. Flavier*,^[18] however, whether the evidence of guilt is strong is left to the determination of the Ombudsman by taking into account the evidence before him. A preliminary hearing as in bail petitions in cases involving capital offenses is not required. In rejecting a similar argument as that made by petitioner in this case, this Court said in that case:

The import of the *Nera* decision is that the disciplining authority is given the discretion to decide when the evidence of guilt is strong. This fact is bolstered by Section 24 of R.A. No. 6770, which expressly left such determination of guilt to the "judgment" of the Ombudsman on the basis of the administrative complaint....^[19]

In this case, respondent Deputy Ombudsman Mojica justified the preventive suspension of petitioner and Provincial Prosecutor Kintanar on the following grounds:

A careful assessment of the facts and circumstances of the herein cases and the records pertaining thereto against respondents [Provincial Prosecutor Kintanar and herein petitioner] clearly leads to the conclusion that the evidence on record of guilt is strong and the charges involved offenses of grave misconduct, gross neglect of duty and dishonesty which will warrant respondents [Provincial Prosecutor Kintanar and herein petitioner] removal from the service. Moreover, considering the unabashed attitude of respondents in openly announcing various false pretexts and alibis to justify their stubborn disregard for the lawful directives of the Ombudsman as their official position in their pleadings filed in OMB-VIS-0-94-0478 and in print and broadcast media, the probability is strong that public service more particularly in the prosecution of cases referred by the Office of the Ombudsman

to the Cebu Provincial Prosecutor's office will be disrupted and prejudiced and the records of said cases even be tampered with if respondents [Provincial Prosecutor Kintanar and herein petitioner] are allowed to stay in the Cebu Provincial Prosecutor's Office during the pendency of these proceedings.

Indeed respondent Deputy Ombudsman Mojica had personal knowledge of the facts justifying the preventive suspension of petitioner and the Provincial Prosecutor since the acts alleged in the administrative complaint against them were done in the course of their official transaction with the Office of the Ombudsman. The administrative complaint against petitioner and Provincial Prosecutor Kintanar was filed in connection with their designation as deputies of the ombudsman in the prosecution of a criminal case against Mayor Rogelio Ilustrisimo. Respondent Deputy Ombudsman did not have to go far to verify the matters alleged in the administrative complaint to determine whether the evidence of guilt of petitioner and Provincial Prosecutor was a strong for the purpose of placing them under preventive suspension.

Given the attitude displayed by petitioner and the Provincial Prosecutor toward the criminal case against Mayor Rogelio Ilustrisimo, their preventive suspension is justified to the end that the proper prosecution of that case may not be hampered.[20] In addition, because the charges against the two prosecutors involve grave misconduct, insubordination and neglect of duty and these charges, if proven, can lead to a dismissal from public office, the Ombudsman was justified in ordering their preventive suspension.

B.

Petitioner questions her preventive suspension for six (6) months without pay and contends that it should only be for ninety (90) days on the basis of cases decided by this Court. Petitioner is in error. She is referring to cases where the law is either silent or expressly limits the period of suspension to ninety (90) days. With respect to the first situation, we ruled in the case of *Gonzaga v. Sandiganbayan*[21] that -

To the extent that there may be cases of indefinite suspension imposed either under Section 13 of Rep. Act 3019, or Section 42 of Pres. Decree 807, it is best for the guidance of all concerned that this Court set forth the rules on the period of preventive suspension under the aforementioned laws, as follows:

1. Preventive suspension under Section 13, Rep. Act 3019 as amended shall be limited to a maximum period of ninety (90) days, from issuances thereof, and this applies to all public officers, (as defined in Section 2(b) of Rep. Act 3019) who are validly charged under said Act.
2. Preventive suspension under Section 42 of Pres. Decree 807 shall apply to all officers or employees whose positions are embraced in the Civil Service, as provided under Sections 3 and 4 of said Pres. Decree 807, and shall be limited to a maximum period of ninety (90) days from issuance, except where there is delay in the disposition of the case, which is due to the fault, negligence or petition of the respondent, in which case the period of delay shall both be counted in computing the period of suspension herein stated; provided that if the person suspended is a presidential appointee, the continuance of his suspension shall be for a reasonable time as the circumstances of the case may warrant.

On the other hand, petitioner and the Provincial Prosecutor were placed under preventive suspension pursuant to §24 of the Ombudsman Act which expressly provides that "the preventive suspension shall continue until the case is terminated by the Office of the Ombudsman but not more than six months, without pay." Their preventive suspension for six (6) months without pay is thus according to law.

C.

Nor is there merit in petitioner's claim that the contempt charge should first be resolved before any action in the administrative complaint case can be taken because the contempt case involves a prejudicial question. There is simply no basis for this contention. The two cases arose out of the same act or omission and may proceed hand in hand, or one can be heard before the other. Whatever order is followed will not really matter.

WHEREFORE, the petition is DISMISSED for lack of merit and the Motion to Lift Order of Preventive Suspension is DENIED.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Davide, Jr., Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Francisco, JJ., concur.

Regalado, J., see concurring opinion.

Romero, J., on leave.

[1] Petition for Certiorari and Prohibition, Annex A, Rollo, pp. 42-43.

[2] Annex B, Rollo, pp. 47-52.

[3] Annex D, Rollo, p. 54.

[4] Annex H, Rollo, pp. 59-69.

[5] Annex I, Rollo, p. 70.

[6] Annex E & F, Rollo, pp. 55-57.

[7] Rollo, p. 72.

[8] Annex O, Rollo, p. 80.

[9] Annex Q, Rollo, pp. 83-90.

[10] OMB-VIS-(ADM)-94-0189.

[11] OMB-VIS-(CRIM)-94-0475.

[12] Annex V, Rollo, pp. 95-96.

[13] Annexes FF and GG, Rollo, pp. 110 and 118.

[14] Ombudsman Act of 1989, (R.A. No. 6770) §15(1).

[15] *Deloso v. Domingo*, 191 SCRA 545 (1990).

[16] ADMINISTRATIVE CODE of 1987, Bk IV, Ch. 7, §38(1).

[17] 106 Phil. 1031 (1960). Accord, *Buenaseda v. Flavier*, 226 SCRA 645 (1993).

[18] 226 SCRA 645 (1993).

[19] At 655.

[20] Cf. *Lacson v. Roque*, 92 Phil. 456, 469 (1953).

[21] 201 SCRA 417, 427-8 (1991).**CONCURRING OPINION****REGALADO, J.:**

I concur and welcome this opportunity to make some observations on the matter of the power of the Ombudsman to preventively suspend petitioner for six (6) months without pay, and which petitioner assails in the case at bar.

It would, of course, be a handy expedient to just refer petitioner to the provisions of Section 24 of Republic Act No. 6770 which expressly grants that authority to respondent Ombudsman. Conveniently, we would merely need to remind petitioner that for this Court to limit such authority to suspend to a lesser period would, in effect, be constitutive of judicial legislation. But I will go a little further by essaying the rationale for such conferment of a more extended authority to the Ombudsman on the issue of preventive suspension, vis-a-vis the provisions on preventive suspension in other enactments, and thereby dispel lingering doubts or misgivings thereon.

It is true that the Civil Service Decree allows a maximum preventive suspension of only ninety (90) days.[1] However, a comparison of the grounds therefor[2] with those provided for in the Ombudsman Act[3] will readily show that there is in the latter the added requirement that the evidence of guilt is strong and the additional ground that "the respondent's continued stay in office may prejudice the case filed against him." Further, in the aforecited Section 41 of the Civil Service Decree, preventive suspension may be imposed on the mere simple showing that the charge involves dishonesty, oppression or grave misconduct, neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service: whereas in Section 24 of Republic Act No. 6770, it is required that such charges must be supported by strong evidence of guilt in order to justify preventive suspension.

On the other hand, the still shorter period of sixty (60) days prescribed in the Local Government Code of 1991[4] as the maximum period for the preventive suspension of local elective officials is justifiable and deemed sufficient not only because the respondent involved is elected by the people, but more precisely because such preventive suspension may only be ordered "after the issues are joined." That means that before the order of suspension is issued, all the preliminary requirements and exchanges had been completed and the respondent had already filed his counter-affidavits to the affidavits of the complainant and the latter's witnesses. At that stage, the case is ready for resolution if the parties would not opt for a formal hearing.

The preparatory procedures before such stage is reached undoubtedly necessitate and consume a lot of time. Yet, it will be noted that those preliminary steps are included in the case of the period of preventive suspension ordered even before issues are joined, as in preventive suspension by the Ombudsman pursuant to the aforecited Section 24 of Republic Act No. 6770. They conceivably include the service of the subpoena or order for the respondent to file his counter-affidavits, the usual resort to motions for extension of time to comply with the same, the improvident recourse to the Supreme Court to suspend, annul or otherwise delay the proceedings, as well as the filing and resolution of motions to dismiss or for a bill of particulars or for the inhibition of the investigating officer, the denial of which motions is often also brought all over again to this Court on petitions for certiorari.

An illustration of how the proceedings can be delayed by such procedural maneuvers is afforded by the case of Buenaseda, et al. vs. Flavie, et al.,[5] the decision in which was ultimately promulgated by this Court on September 21, 1993. The petitioners therein questioned through repeated resourceful submissions the order of preventive suspension issued by the Ombudsman on January 7, 1992 and it took more than twenty (20) months before said order could eventually be reviewed on the merits and finally sustained by the Supreme Court.

That is not all. Even after the formal hearing is scheduled, respondents can easily resort to the same dilatory tactics usually employed by an accused in regular court trials in criminal actions. Such stratagems can obviously result in the continued occupancy by the respondent of his office and, in the language of the law, could "prejudice the case filed against him."

The longer period of six (6) months for preventive suspension under Republic Act No. 6770 was evidently induced by a desire to more meaningfully emphasize and implement the authority of the Office of the Ombudsman over public officials and employees in order to serve as a deterrent against illegal, unjust, improper and inefficient conduct on their part. As the agency mandated by the Constitution to undertake such task, it was invested with the corresponding authority to enable it to perform its mission. This intention is easily deducible from the pertinent constitutional provisions creating said office and from the express provisions of Republic Act No. 6770. Significantly, it is the only body authorized to investigate even officials removable by impeachment.[6]

For purposes of the present case, therefore, and specifically on the issue subject of this concurring opinion, it would be advisable to recall what we said in *Buenaseda*, to wit:

"The purpose of RA No. 6770 is to give the Ombudsman such powers as he may need to perform efficiently the task committed to him by the Constitution. Such being the case, said statute, particularly its provisions dealing with procedure, should be given such interpretation that will effectuate the purposes and objective of the Constitution. Any interpretation that will hamper the work of the Ombudsman should be avoided.

"A statute granting powers to an agency created by the Constitution should be liberally construed for the advancement of the purposes and objectives for which it was created (Cf. *Department of Public Utilities v. Arkansas Louisiana Gas, Co.*, 200 Ark. 983, 142 S.W. [2d] 213 [1940]; *Wallace v. Feehan*, 206 Ind. 522, 190 N.E. 438 [1934])."

On the foregoing considerations, which are much a matter of judicial and legislative experience, it is puerile for petitioner to impugn the expanded authority of preventive suspension as now granted by law to the Ombudsman. In fact, in certain situations, the maximum allowable period may even prove too short to subserve the intended purpose of the law.

[1] Section 42, Presidential Decree No. 807.

[2] Section 41, *id.*

[3] Section 24, Republic Act No. 6770.

[4] Section 63, Republic Act No. 7160.

[5] G.R. No. 196719, September 21, 1993, 226 SCRA 645.

[6] Section 22, Republic Act No. 6770.

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