JUDGE RENATO A. FUENTES, PETITIONER, VS. OFFICE OF THE OMBUDSMAN-MINDANAO, GRAFT INVESTIGATION OFFICER II, MARIVIC A. TRABAJO-DARAY, ANTONIO E. VALENZUELA IN HIS CAPACITY AS THE...

G.R. No. 124295. October 23, 2001

Ponente: PARDO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-124295/

PARDO, J.:

The case is a petition[1] for certiorari assailing the propriety of the Ombudsman's action investigating petitioner for violation of Republic Act No. 3019, Section 3(e).[2]

On August 23, 1995, we promulgated a decision in Administrative Matter No. RTJ-94-1270.[3] The antecedent facts are as follows:

> "x x x [P]ursuant to the government's plan to construct its first fly-over in Davao City, the Republic of the Philippines (represented by DPWH) filed an expropriation case against the owners of the properties affected by the project, namely, defendants Tessie Amadeo, Reynaldo Lao and Rev. Alfonso Galo. The case was docketed as Special Civil Case No. 22,052-93 and presided by Judge Renato A. Fuentes.
>
> "The government won the expropriation case. x x x
>
> "As of May 19, 1994, the DPWH still owed the defendants-lot owners, the total sum of P15,510,415.00 broken down as follows:
>
> Dr. Reynaldo Lao -P 489,000.00
> Tessie P. Amadeo -P 1,094,200.00
> Rev. Alfonso Galo-P 13,927,215.00

"In an order dated April 5, 1994, the lower court granted Tessie Amadeo's motion for the issuance of a writ of execution against the DPWH to satisfy her unpaid claim. The Order was received by DPWH (Regional XI) through its Legal Officer, Atty. Warelito Cartagena. DPWH's counsel, the Office of the Solicitor General, received its copy of the order only on May 10, 1994.

"On April 6, 1994, Clerk of Court Rogelio Fabro issued the corresponding Writ of Execution. On April 15, 1994, the writ was served by respondent Sheriff Paralisan to the DPWH-Region XI (Legal Services) through William Nagar.

"On May 3, 1994, respondent Sheriff Paralisan issued a Notice of Levy, addressed to the Regional Director of the DPWH, Davao City, describing the properties subject of the levy as `All scrap iron/junks found in the premises of the Department of Public Works and Highways depot at Panacan, Davao City'x x x.

"The auction sale pushed through on May 18, 1994 at the DPWH depot in Panacan, Davao City. Alex Bacquial emerged as the highest bidder. x x x Sheriff Paralisan issued the corresponding certificate of sale in favor of Alex

Bacquial. x x x

"Meanwhile, Alex Bacquial, together with respondent Sheriff Paralisan, attempted to withdraw the auctioned properties on May 19, 1994. They were, however, prevented from doing so by the custodian of the subject DPWH properties, a certain Engr. Ramon Alejo, Regional Equipment Engineer, Regional Equipment Services, DPWH depot in Panacan, Davao City. Engr. Alejo claimed that his office was totally unaware of the auction sale, and informed the sheriff that many of the properties within the holding area of the depot were still serviceable and were due for repair and rehabilitation.

"On May 20, 1994, Alex Bacquial filed an ex-parte urgent motion for the issuance of a `break through' order to enable him to effect the withdrawal of the auctioned properties. The motion was granted by Judge Fuentes on the same date.

"On May 21, 1994, Alex Bacquial and Sheriff Paralisan returned to the depot, armed with the lower court's order."[4]

Thus, Bacquial succeeded in hauling off the scrap iron/junk equipment in the depot, including the repairable equipment within the DPWH depot. He hauled equipment from the depot for five successive days until the lower court issued another order temporarily suspending the writ of execution it earlier issued in the expropriation case and directing Bacquial not to implement the writ.[5]

However, on June 21, 1994, the lower court issued another order upholding the validity of the writ of execution issued in favor of the defendants in Special Civil Case No. 22, 052-93.[6]

On the basis of letters from Congressman Manuel M. Garcia of the Second District of Davao City and Engineer Ramon A. Alejo, the Court Administrator, Supreme Court directed Judge Renato A. Fuentes and Sheriff Norberto Paralisan to comment on the report recommending the filing of an administrative case against the sheriff and other persons responsible for the anomalous implementation of the writ of execution. Also, on September 21, 1994, the Department of Public Works and Highways, through the Solicitor General, filed an administrative complaint against Sheriff Norberto Paralisan for conduct prejudicial to the best interest of the service, in violation of Article IX, Section 36 (b) of P. D. No. 807.[7]

After considering the foregoing facts, on August 23, 1995, the Supreme Court promulgated a decision, the dispositive portion of which states:

> "IN VIEW WHEREOF, respondent NORBERTO PARALISAN, Sheriff IV, Regional Trial Court (Branch XVII), Davao City, is declared guilty of conduct prejudicial to the best interest of the service, in violation of Section 36 (b), Article IX of PD 807. Accordingly, respondent sheriff is DISMISSED from the service, with forfeiture of all retirement benefits and accrued leave credits and with prejudice to reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations. The office of the Court Administrator is directed to conduct an investigation on Judge Renato Fuentes and to charge him if the result of the investigation so warrants. The Office of the Solicitor General is likewise ordered to take appropriate action to recover the value of the serviceable or repairable equipment which were unlawfully hauled by Alex Bacquial."[8] (underscoring ours)

On January 15, 1996, Director Antonio E. Valenzuela (hereafter, Valenzuela) of the Office of the Ombudsman-Mindanao recommended that petitioner Judge Renato A. Fuentes be charged before the Sandiganbayan with violation of Republic Act No. 3019, Section 3 (e) and likewise be administratively charged before the Supreme Court with acts unbecoming of a judge.[9]

On January 22, 1996, Director Valenzuela filed with the Office of the Deputy Ombudsman for Mindanao a

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

criminal complaint[10] charging Judge Rentao A. Fuentes with violation of Republic Act No. 3019, Section 3 (e).

On February 6, 1996, the Office of the Ombudsman-Mindanao through Graft Investigation Officer II Marivic A. Trabajo-Daray issued an order directing petitioner to submit his counter-affidavit within ten days.[11]

On February 22, 1996, petitioner filed with the Office of the Ombudsman-Mindanao a motion to dismiss complaint and/or manifestation to forward all records to the Supreme Court.[12]

On March 15, 1996, Graft Investigation Officer Marivic A. Trabajo-Daray denied the motion of petitioner.[13]

Hence, this petition.[14]

The issue is whether the Ombudsman may conduct an investigation of acts of a judge in the exercise of his official functions alleged to be in violation of the Anti-Graft and Corrupt Practices Act, in the absence of an administrative charge for the same acts before the Supreme Court.

Petitioner alleged that the respondent Ombudsman-Mindanao committed a grave abuse of discretion amounting to lack or excess of jurisdiction when he initiated a criminal complaint against petitioner for violation of R.A. No. 3019, Section 3 [e]. And he conducted an investigation of said complaint against petitioner. Thus, he encroached on the power of the Supreme Court of administrative supervision over all courts and its personnel.

The Solicitor General submitted that the Ombudsman may conduct an investigation because the Supreme Court is not in possession of any record which would verify the propriety of the issuance of the questioned order and writ. Moreover, the Court Administrator has not filed any administrative case against petitioner judge that would pose similar issues on the present inquiry of the Ombudsman-Mindanao.

We grant the petition.

Republic Act No. 6770, otherwise known as the Ombudsman Act of 1989, provides:

> "Sec. 15. Powers, Functions and Duties. - The Office of the Ombudsman shall have the following powers, functions and duties: (1) 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. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of this primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases."[15]
>
> xxx xxx xxx
>
> "Section 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."[16] (underscoring ours)

Thus, the Ombudsman may not initiate or investigate a criminal or administrative complaint before his office against petitioner judge, pursuant to his power to investigate public officers. The Ombudsman must indorse the case to the Supreme Court, for appropriate action.

Article VIII, Section 6 of the Constitution exclusively vests in the Supreme Court administrative supervision over all courts and court personnel, from the Presiding Justice of the Court of Appeals to the lowest municipal trial court clerk.[17]

Hence, it is the Supreme Court that is tasked to oversee the judges and court personnel and take the proper

administrative action against them if they commit any violation of the laws of the land. No other branch of government may intrude into this power, without running afoul of the independence of the judiciary and the doctrine of separation of powers.[18]

Petitioner's questioned order directing the attachment of government property and issuing a writ of execution were done in relation to his office, well within his official functions. The order may be erroneous or void for lack or excess of jurisdiction. However, whether or not such order of execution was valid under the given circumstances, must be inquired into in the course of the judicial action only by the Supreme Court that is tasked to supervise the courts. "No other entity or official of the Government, not the prosecution or investigation service of any other branch, not any functionary thereof, has competence to review a judicial order or decision--whether final and executory or not--and pronounce it erroneous so as to lay the basis for a criminal or administrative complaint for rendering an unjust judgment or order. That prerogative belongs to the courts alone."[19]

WHEREFORE, the petition is GRANTED. The Ombudsman is directed to dismiss the case and refer the complaint against petitioner Judge Renato A. Fuentes to the Supreme Court for appropriate action.

No costs.

SO ORDERED.

Davide, Jr., CJ., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Vitug, J., on official leave.

---

[1] Petition, Rollo, pp. 3-21.

[2] Otherwise known as the Anti-Graft and Corrupt Practices Act.

[3] Entitled "Office of the Court Administrator v. Judge Renato A. Fuentes, et al."

[4] Petition, Annex "A", Rollo, pp. 24-33.

[5] Ibid.

[6] Ibid.

[7] Complaint, Records of A. M. No. RTJ-94-1270, pp. 51-71.

[8] Rollo, p. 40.

[9] Petition, Annex "B", Memorandum, Office of the Ombudsman-Mindanao, Rollo, pp. 42-44.

[10] Petition, Annex "D", Rollo, pp. 46-47.

[11] Petition, Annex "C", Order, Rollo, p. 45.

[12] Petition, Annex "E", Rollo, pp. 97-107.

[13] Petition, Annex "F", Order, Rollo, pp. 108-113.

[14] Filed on April 10, 1996. Petition, Rollo, pp. 3-23. On July 31, 2000, we gave due course to the petition (Rollo, pp. 301-302).

[15] Republic Act No. 6770, Section 15.

[16] Republic Act No. 6770, Section 21.

[17] Sanz Maceda v. Vasquez, 221 SCRA 464, 466-467 [1993]; Judge Dolalas v. Ombudsman-Mindanao, 333 Phil. 690, 695 [1996].

[18] Maceda v. Vasquez, supra, Note 17.

[19] De Vera v. Pelayo, 335 SCRA 281(2000).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.