JUDGE JOSE F. CAOIBES, JR., PETITIONER, VS. THE HONORABLE OMBUDSMAN AND JUDGE FLORENTINO M. ALUMBRES, RESPONDENTS.

G.R. No. 132177. July 19, 2001

Ponente: BUENA, J.

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BUENA, J.:

Petitioner Jose F. Caoibes, Jr., Presiding Judge of Branch 253 of the Regional Trial Court of Las Piñas City, seeks the review of the following orders of the Office of the Ombudsman: (1) the Order dated August 22, 1997 denying the ex-parte motion to refer to the Supreme Court filed by petitioner; and (2) the Order dated December 22, 1997 denying petitioner's motion for reconsideration and directing petitioner to file his counter-affidavit and other controverting evidences.

On May 23, 1997, respondent Florentino M. Alumbres, Presiding Judge of Branch 255 of the Regional Trial Court of Las Pinas City, filed before the Office of the Ombudsman, a Criminal Complaint[1] for physical injuries, malicious mischief for the destruction of complainant's eyeglasses, and assault upon a person in authority. Respondent alleged therein that on May 20, 1997, at the hallway on the third floor of the Hall of Justice, Las Pinas City, he requested petitioner to return the executive table he borrowed from respondent; that petitioner did not answer so respondent reiterated his request but before he could finish talking, petitioner blurted "Tarantado ito ah," and boxed him at his right eyebrow and left lower jaw so that the right lens of his eyeglasses was thrown away, rendering his eyeglasses unserviceable; and that respondent had the incident blottered with the Las Piñas Police Station. He prayed that criminal charges be filed before the Sandiganbayan against the petitioner.

On June 13, 1997, respondent Judge lodged another Complaint[2] against petitioner, this time and administrative case with the Supreme Court, docketed as Adm. Case No. 97-387-RTJ, praying for the dismissal of petitioner from the judiciary on the ground of grave misconduct or conduct unbecoming a judicial officer. Said complaint is based on the same facts as those in the complaint filed earlier with the office of the Ombudsman.

In the Order[3] dated June 25, 1997, the Office of the Ombudsman required petitioner to file a counter-affidavit within ten (10) days from receipt thereof. Instead of filing a counter-affidavit, petitioner filed on July 7, 1997 and "Ex-Parte Motion for Referral to the Honorable Supreme Court,"[4] praying that the Office of the Ombudsman hold its investigation of Case No. OMB-0-97-0903 in abeyance, and refer the same to the Supreme Court which, through the Office of the Court Administrator, is already investigating what transpired on May 20, 1997. Petitioner contended that the Supreme Court, not the Office of the Ombudsman, has the authority to make a preliminary determination of the respective culpability of petitioner and respondent Judge who, both being members of the bench, are under its exclusive supervision and control.

On August 22, 197, the Office of the Ombudsman issued an Order[5] denying the motion for referral to the Supreme Court. Invoking Section 15 (1) of Republic Act No. 6770, the Office of the Ombudsman held that it is within its jurisdiction to investigate the criminal charges of respondent Judge against petitioner.

Petitioner moved for reconsideration[6] of the foregoing order, maintaining that the Office of the Ombudsman should either refer Case No. OMB-0-97-0903 to the Supreme Court for preliminary evaluation, or await the latter's resolution of Adm. Case No. 97-387-RTJ which involves the same parties and subject matter. Otherwise, petitioner argues, the absurd situation may result wherein the Office of the Ombudsman files criminal charges against petitioner who, on the other hand, is declared without fault by the Supreme Court.

In the Order[7] dated December 22, 1997, the Office of the Ombudsman denied the motion for reconsideration and required petitioner to submit a counter-affidavit within an inextendible period of five (5) days from receipt thereof.

Hence, petitioner filed this petition for certiorari, asking for the reversal of the assailed Orders dated August 22, 1997 and December 22, 1997 of the Office of the Ombudsman and the issuance of a writ of injunction or temporary restraining order, directing the Office of the Ombudsman to refrain from taking further action in the implementation of the challenged orders.

The issue in this case is whether or not the Office of the Ombudsman should defer action on case No. OMB-0-97-0903 pending resolution of Adm. Case No. 97-387-RTJ.

The issue is not novel. In Maceda vs. Vasquez,[8] this Court resolved in the affirmative the issue of whether or not the Ombudsman must defer action on a criminal complaint against a judge, or a court employee where the same arises from their administrative duties, and refer the same to this Court for determination whether said judge or court employee had acted within the scope of their administrative duties.

Invoking Section 15 of R.A. 6770, the Office of the Ombudsman refuses to refrain from taking cognizance of Case NO. OMB-0-97-0903 in favor of this Court on the ground that, allegedly, the accusations therein against petitioner constitute simple criminal charges falling within the parameters of its constitutional power and duty to investigate and prosecute any act or omission of any public officer or employee which appears to be illegal, unjust, improper or inefficient.

Section 15 (1) of R.A. 6770 grants, among others, the following powers and duties to the Office of the Ombudsman:

> "(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 takeover, at any stage, from any investigatory agency of Government, the investigation of such cases;
>
> "(2)
>
> Direct, upon complaint or at its own instance, any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent and correct any abuse or impropriety in the performance of duties;
>
> "(3)
>
> Direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglects to perform an act or discharge a duty required by law, and recommend his removal, suspension, demotion, fine, censure or prosecution, and ensure compliance therewith, or enforce its disciplinary authority as provided in Section 21 of this Act..."

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The foregoing provisions supply the legal basis for the Ombudsman in maintaining its jurisdiction over the charges of physical injuries, malicious mischief and assault upon a person in authority filed by respondent Judge against petitioner. This conclusion seems to be reinforced by Section 16 of R.A. 6770 which states that the powers of the Office of the Ombudsman apply to all kinds of malfeasance, misfeasance and nonfeasance committed by public officers and employees during their tenure or office.

The Office of the Solicitor General in its Manifestations, in Lieu of Comment, correctly opined and we quote:

> "xxx the grant of the aforequoted powers to the Office of the Ombudsman is not tantamount to giving it exclusive authority thereon. In fact, Section 15 (1) of R.A. 6770, which is relied upon by the Office of the Ombudsman in its assailed order, provides that it has primary, not exclusive, jurisdiction over graft and corruption cases and felonies committed by public officers in relation to their office. Moreover, it was held in Sanchez vs. Demetriou, 227 SCRA 627 [1993], that the Ombudsman's power under Section 15 (1) of R.A. 6770 is not an exclusive authority but rather a shared or concurrent authority in respect of the offense charged."[9]

It appears that the present case involves two members of the judiciary who were entangled in a fight within court premises over a piece of office furniture. Under Section 6, Article VIII of the Constitution, it is the Supreme Court which is vested with exclusive administrative supervision over all courts and its personnel. Prescinding from this premise, the Ombudsman cannot determine for itself and by itself whether a criminal complaint against a judge, or court employee, involves an administrative matter. The Ombudsman is duty bound to have all cases against judges and court personnel filed before it, referred to the Supreme Court for determination as to whether and administrative aspect is involved therein. This rule should hold true regardless of whether an administrative case based on the act subject of the complaint before the Ombudsman is already pending with the Court. For, aside from the fact that the Ombudsman would not know of this matter unless he is informed of it, he should give due respect for and recognition of the administrative authority of the Court, because in determining whether an administrative matter is involved, the Court passes upon not only administrative liabilities but also other administrative concerns, as is clearly conveyed in the case of Maceda vs. Vasquez.[10]

The Ombudsman cannot dictate to, and bind the Court, to its findings that a case before it does or does not have administrative implications. To do so is to deprive the Court of the exercise of its administrative prerogatives and to arrogate unto itself a power not constitutionally sanctioned. This is a dangerous policy which impinges, as it does, on judicial independence.

Maceda is emphatic that by virtue of its constitutional power of administrative supervision over all courts and court personnel, from the Presiding Justice of the Court of Appeals down to the lowest municipal trial court clerk, it is only the Supreme Court that can oversee the judges' and court personnel's compliance with all laws, and take the proper administrative action against them if they commit any violation thereof. No other branch of government may intrude into this power, without running afoul of the doctrine of separation of powers.

WHEREFORE, the petition for certiorari is hereby GRANTED. The Ombudsman is hereby directed to dismiss the complaint filed by respondent Judge Florentino M. Alumbres and to refer the same to this Court for appropriate action.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Quisumbing, J., on official business.

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[1] Annex "A," Petition, Rollo, pp. 14-15.

[2] Rollo, pp. 28-30.

[3] Original Records, p. 12.

[4] Annex "B," Petition, Rollo, pp. 21-22.

[5] Annex "C," Petition, Rollo, pp. 23-24.

[6] Annex "D," Petition, Rollo, pp. 25-27.

[7] Annex "E," Petition, Rollo, pp. 39-40.

[8] 221 SCRA 464 [1993].

[9] Manifestation in Lieu of Comment, p. 8, Rollo, p. 64.

[10] Supra.

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