

ADORACION G. ANGELES, PETITIONER, VS. HON. ANIANO A. DESIERTO, AS OMBUDSMAN OF THE PHILIPPINES, ROLINE M. GINEZ-JABALDE, ANGEL C. MAYORALGO, JR., ABELARDO L. MONTEMAYOR, ROBERT ...

G.R. NO. 133077. September 08, 2006

Ponente: GARCIA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-133077/>

GARCIA, J.:

By this special civil action for certiorari and mandamus under Rule 65 of the Rules of Court, petitioner Adoracion G. Angeles seeks the annulment and setting aside of the following issuances in connection with OMB-0-97-0047, a proceeding instituted by the petitioner with the Office of the Ombudsman against the respondents (DSWD) Secretary Lina B. Laigo; Assistant Chief State Prosecutor Pascualita Duran-Cereno; Senior State Prosecutor (SSP) Hernani T. Barrios; and State Prosecutors (SPs) Richard Anthony D. Fadullon and Alfredo P. Agcaoili, for alleged violation of Article 171(5)[1] of the Revised Penal Code, violation of Republic Act (R.A.) No. 3019,[2] particularly Section 3(f)[3] thereof, in relation to Article I, Section 3(b) (4)[4] and Section 3 (c) (6)[5] of R.A. No. 7610:[6]

- Resolution dated September 18, 1997, issued by Graft Investigation Officer II Roline M. Ginez-Jabalde of the Office of the Ombudsman, recommending the dismissal of the charges filed by the petitioner against Secretary Lina B. Laigo of the DSWD; Assistant Chief State Prosecutor Pascualita Duran-Cereno; Senior State Prosecutor Hernani T. Barrios; and State Prosecutors Richard Anthony D. Fadullon and Alfredo P. Agcaoili;

- Memorandum dated November 20, 1997, issued by Special Prosecution Officer III Carlos D. Montemayor of the Department of Justice (DOJ), recommending the approval of the aforesaid September 18, 1997 Resolution; and

- Order dated January 23, 1998, duly approved by then Ombudsman Aniano A. Desierto, denying the herein petitioner's motion for reconsideration of the same September 18, 1997 Resolution.

The main case, OMB-0-97-0047, traces its roots from a criminal complaint for physical abuse and maltreatment under R.A. No. 7610, filed against the herein petitioner by her housemaids, Proclyn Pacay and Nancy Gaspar, before the Department of Justice (DOJ).

The complaint, docketed as I.S. No. 95-224, was initially assigned for investigation to SSP Hernani T. Barrios.

On April 21, 1995, the petitioner filed a manifestation and motion submitting I.S. No. 95-224 for resolution and praying for its dismissal.

On June 21, 1995, SSP Barrios issued a subpoena directing the petitioner as respondent in I.S. No. 95-224 to appear and present her evidence in the hearing of July 18, 1995. During the hearing, the petitioner reiterated her earlier plea to submit the case for resolution, which was duly granted by SSP Barrios.

On January 12, 1996, the petitioner, irritated with the delay in the resolution of I.S. No. 95-224, filed an administrative complaint against SSP Barrios charging the latter with dishonesty, gross negligence and incompetence. Three days later, or on January 15, 1996, the petitioner filed an urgent motion, this time to disqualify SSP Barrios from proceeding with or resolving I.S. No. 95-224.

In the meantime, another criminal complaint, also for violation of R.A. No. 7610, was filed against the petitioner and her sister Oliva Angeles, by Rebecca Pacay, a former helper of the petitioner. This other complaint was filed before the Quezon City Prosecutor's Office and thereat docketed as I.S. No. 96-258. On February 2, 1996, I.S. No. 96-258 was indorsed by the Quezon City Prosecutor to the Office of the Chief State Prosecutor, DOJ, because of its similarity with I.S. No. 95-224. In the DOJ, I.S. No. 96-258 was re-docketed as I.S. No. 96-097.

Later, pursuant to a Memorandum dated March 6, 1996 of Chief State Prosecutor (CSP) Jovencito Zuño, I.S. No. 95-224 and I.S. No. 96-097 were consolidated and assigned to SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili.

On July 25, 1996, SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili issued a Joint Resolution[7] in the consolidated cases. Therein, they recommended the dismissal of Rebecca Pacay's complaint in I.S. No. 96-097 and the filing of two (2) informations against the petitioner for violation of Section 10(a) of R.A. No. 7610. More specifically, the joint resolution dispositively reads:

WHEREFORE and in view of the foregoing, it is respectfully recommended that I.S. No. 96-097 filed by Rebecca Pacay against respondent Judge Adoracion Angeles and Oliva Angeles be dismissed. Likewise, we recommend for approval the filing of two (2) informations for violation of Section 10 (a) of Republic Act No. 7610 against respondent Judge Adoracion Angeles relative to I.S. No. 95-224.

The aforementioned Joint Resolution was approved by CSP Jovencito Zuño.

In time, the petitioner moved for a partial reconsideration of the aforesaid joint resolution. With the inhibition of CSP Zuño, petitioner's motion for partial reconsideration was referred to the Acting CSP, Pascualita Duran-Cereno. In a resolution[8] dated October 7, 1996, Acting CSP Duran-Cereno denied the petitioner's motion, to wit:

Premises considered, the partial motion for reconsideration is denied. Let the two (2) informations for violations of Section 10 (a), RA 7610 be filed in the Court of proper jurisdiction.

From the aforementioned denial resolution, the petitioner filed with the DOJ a petition for review. Unfortunately for her, however, the petition was denied by DOJ Undersecretary Ricardo G. Nepomuceno in the resolution dated January 16, 1997.

It was against the foregoing backdrop of events that the petitioner, obviously displeased with what transpired, filed with the Office of the Ombudsman an Affidavit-Complaint[9] against the following: Secretary Lina B. Laigo of the DSWD; Assistant Chief State Prosecutor Pascualita Duran-Cereno; SSP Hernani T. Barrios; and SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili. The complaint was docketed as OMB-0-97-0047.

We reproduce hereunder the petitioner's accusations against the impleaded respondents in OMB-0-97-0047, to wit:

- That the acts of all the respondents in unduly favoring the complainants in I.S. No. 95-224 and discriminating against me [petitioner] is likewise a wanton violation of Sec. 3(f) of RA 3019;
- That the malicious acts of herein respondents are also constitutive of child abuse as defined by Section 3(b) (4) in relation to Section 3(c) (6) RA 7610 inasmuch as the continued detention of the girls at the DSWD albeit

against their free will and their constant exposure to the trauma of a court litigation seriously impair their normal development as members of society. Undoubtedly, the unfounded scandal orchestrated by my detractors and maliciously supported by all the respondents will leave an indelible stigma upon the girls; and

- That it is evident that the case against me is rooted on vengeance with no other intention than to harass and cast a stigma to my good name and the respondents are all willing conspirators.

In the same affidavit-complaint, the petitioner charged respondents SSP Barrios and SPs Fadullon and Agcaoili of falsification under Article 171(5) of the Revised Penal Code.

In the herein first assailed Resolution[10] dated September 18, 1997, Graft Investigator Officer II Roline M. Ginez-Jabalde, of the Office of the Ombudsman, recommended the dismissal of OMB-0-97-0047.

In the Memorandum dated November 20, 1997, Special Prosecution Officer III Carlos D. Montemayor, also of the same office, recommended the approval of the September 18, 1997 Resolution.

Finally, in the Order dated January 23, 1998, Director Angel Mayoralgo, Jr., likewise of the Office of the Ombudsman, and Assistant Ombudsman Abelardo Aportadera, recommended the denial, for lack of merit, of the petitioner's motion for reconsideration of the Resolution dated September 18, 1997. The recommendation was duly approved by the herein respondent, then Ombudsman Aniano A. Desierto, as borne by the latter's signature appearing at the bottom of said Order.

Petitioner is now before the Court via the present recourse imputing grave abuse of discretion on the part of the Ombudsman and his investigating officers in dismissing OMB-0-97-0047. In the same vein, the petitioner seeks to annul and set aside their above stated issuances in said case. The mandamus aspect of the petition seeks to command the respondent Ombudsman to file the information in court for violations of Article 171(5) of the Revised Penal Code and Section 3(e) and (f) of R.A. No. 3019, as amended, against DSWD Secretary Lina B. Laigo, Assistant Chief State Prosecutor Pascualita Duran-Cereno, SSP Hernani T. Barrios and SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili.

The petition is bereft of merit.

To the petitioner, "the predisposition of the respondents to indict (her) at all cost is very apparent and an undeniable badge of bad faith on their part as it is clear that the findings (in the Joint Resolution) are not the result of an honest and objective appraisal of the evidence but the repulsive product of Barrios' avenging nature which was supported and cooperated with by his co-respondents,"[11] in OMB-0-97-0047.

In support of her conspiracy theory, the petitioner alleges that Secretary Lina B. Laigo of the DSWD interfered with and manifested undue interest in the maltreatment case by making repeated calls to the DOJ urging the immediate filing of criminal information therefor against the petitioner.

As their part in the perceived grand conspiracy, petitioner avers that respondents Barrios, Fadullon and Agcaoili, whom she claims to have a close link with the DSWD Secretary, allegedly orchestrated her indictment for maltreatment to protect the image of the DSWD which was allegedly holding the complainants in the maltreatment cases against their will.

Turning to respondent Pascualita Duran-Cereno, this respondent, according to the petitioner, conspired with the other respondents when "she maliciously affirmed in toto the obviously biased findings of her co-respondents Barrios, Fadullon and Agcaoili." [12]

With respect to respondents Fadullon and Agcaoili, the petitioner alleged that the two conspired with respondent Barrios in falsifying an unsigned Joint Resolution[13] in the maltreatment cases by ante-dating the same to show

that it was ready for release by February 7, 1996. Petitioner insists that "respondent Barrios could not have made the document on February 7, 1996 since the referral of I.S. No. 96-097 was made on February 2, 1996 and the investigation commenced only on March 21, 1996 by respondents Fadullon and Agcaoili." [14]

Time and again, the Court has ruled that the Ombudsman has the full discretion to determine whether a criminal complaint should be dismissed or the necessary Information be filed in the appropriate court. His determination and evaluation of the adequacy of evidence in this regard are unfettered. His is an exercise of powers based upon a constitutional mandate and the courts should not interfere in such exercise. [15] So it is that in *Espinosa v. Office of the Ombudsman*, [16] the Court states:

The prosecution of offenses committed by public officers is vested in the Office of the Ombudsman. To insulate the Office from outside pressure and improper influence, the Constitution as well as RA 6770 has endowed it with a wide latitude of investigatory and prosecutory powers virtually free from legislative, executive or judicial intervention. This Court consistently refrains from interfering with the exercise of its powers, and respects the initiative and independence inherent in the Ombudsman who, 'beholden to no one, acts as the champion of the people and the preserver of the integrity of public service.

The same ruling was reiterated in *Salvador v. Desierto, et al.*, [17] where the Court further declared:

On the issue of whether respondent Ombudsman committed grave abuse of discretion in dismissing the complaint against respondents, let it be stressed that the Ombudsman has discretion to determine whether a criminal case, given its facts and circumstances, should be filed or not. It is basically his call. He may dismiss the complaint forthwith should he find it to be insufficient in form or substance or he may proceed with the investigation if, in his view, the complaint is in due and proper form and substance.

xxx xxx xxx

Indeed, we have consistently ruled that unless there are good and compelling reasons, we cannot interfere in the Ombudsman's exercise of his investigatory and prosecutory powers.

Without good and compelling reasons to indicate otherwise, the Court cannot freely interfere in the Ombudsman's exercise of his investigatory and prosecutory powers. He may dismiss the complaint forthwith if he finds it to be insufficient in form or substance or if he otherwise finds no ground to continue with the inquiry; or he may proceed with the investigation if the complaint is, in his view, in due and proper form. [18] However, while the Ombudsman has the full discretion to determine whether or not a criminal case should be filed, the Court is not precluded from reviewing his action when there is an abuse of discretion, by way of Rule 65 of the Rules of Court. [19]

The Court sees no abuse, much less grave abuse of discretion, committed in this case. Grave abuse of discretion implies such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction, or, in other words where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law. [20] Such arbitrariness or despotism does not obtain here.

Without more, petitioner's bare allegation of intimacy among the respondents in OMB-0-97-0047 does not prove conspiracy inasmuch as conspiracy transcends companionship. [21] To establish conspiracy, evidence of actual cooperation, rather than mere cognizance or approval of an illegal act is required. [22] As we see it, nothing on record even minutely suggests that the respondents conspired to insure the indictment of the petitioner. As correctly pointed out by the Ombudsman in the challenged Order dated January 23, 1998:

The coordination and monitoring on the cases against the complainant Judge (petitioner) made by the respondent Secretary should not be interpreted as pure interference on the job of the state prosecutors.

Enforcement of R.A. 7610 lies principally on the shoulders of the respondent Secretary being the head of the agency called for this purpose. The undue interest shown by the respondent Secretary should not be viewed on the negative perspective but should be given a positive outlook. This is a clear signal that she is serious in performing her job as protector of the rights of children against child abuse, exploitation and discrimination.

xxx xxx xxx

The continued custody by the DSWD over the children Proclyn Pacay and Nancy Gaspar works for their own advantage and benefit contrary to the belief of the complainant Judge. Their constant exposure to the trauma of court litigation are the necessary consequences of their decision to file a complaint against Judge Adoracion G. Angeles but this is not tantamount to child abuse.

Neither does the alleged similarity existing between the resolution prepared by respondent Barrios and the Joint Resolution prepared by respondents Fadullon and Agcaoili indicate conspiracy. The similarities could simply be attributed to the fact that the two resolutions have been lifted from the same set of records.

With regard to the charge of falsification against respondents Barrios, Fadullon and Agcaoili, again, we agree with the observations of Graft Investigation Officer II Roline M. Ginez-Jabalde in his assailed Resolution dated September 18, 1997:

Respondent Barrios did not antedate his resolution because on the same date February 7, 1996, complainant Judge had learned from him that he would personally file charges against her. This means that he had already disposed the case by having at that time a prepared resolution and the contents of the same had already been fed to the respondent's computer for printing and for subsequent release.

Complainant Judge's assertion of ante-dating to conceal connivance is entirely baseless because nobody could know at that time to whom the case would be assigned in the event the inhibition and disqualification will be granted.

xxx xxx xxx

A Sur-Rejoinder was filed by the complainant Judge where she narrated some material facts which could enlighten the undersigned investigator in the determination of probable cause.

Furthermore, the Joint Resolution was not even signed by respondent Barrios, hence, it produces no legal effect and is a mere scrap of paper. The fact that it was introduced as evidence in the administrative complaint does not change the status of the document.

The allegation that respondent Pascualita Duran-Cereno allowed herself to be a part of the conspiracy when she denied the petitioner's partial motion for reconsideration and affirmed the findings in the Joint Resolution of respondents Fadullon and Agcaoili is utterly without basis. Petitioner who is herself a judge should understand that respondent Pascualita Duran-Cereno merely performed her duties as a reviewing officer. The alleged failure to consider the evidence adduced by the petitioner should not be a cause for an administrative case against said respondent because these matters are best addressed to the sound discretion of the trial court during the trial proper.

It is likewise noteworthy that the petitioner had exhausted all remedies available to her, which shows that the findings of the Prosecutors and the reviewing officer are in accordance with law.

To recapitulate, in the absence, as here, of a clear case of grave abuse of discretion, the Court will not interfere with the discretion of the Ombudsman, who, depending on his finding and considered evaluation of the case, either dismisses a complaint or proceeds with it.

WHEREFORE, the instant petition is DISMISSED.

SO ORDERED.

Puno (Chairperson), Sandoval-Gutierrez, Corona and Azcuna, JJ., concur.

[1] Article 171. Falsification by public officer, employee or notary or ecclesiastic minister - The penalty of prison mayor and a fine not to exceed P500 shall be imposed upon any public officer, employee or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

xxx xxx xxx

5. Altering true dates;

[2] Anti-graft and Corrupt Practices Law as amended.

[3] 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:

xxx xxx xxx

f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

[4] SEC. 3. Definition of Terms. -

xxx xxx xxx

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

xxx xxx xxx

(4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

[5] SEC. 3. Definition of Terms. -

xxx xxx xxx

(c) "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following:

xxx xxx xxx

(6) Circumstances analogous to those abovestated which endanger the life, safety or normal development of children.

[6] Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.

[7] Rollo, pp. 185-216.

[8] Id. at 241-244.

[9] Id. at 70-74.

[10] Id. at 45-59.

[11] Affidavit Complaint, Id. at 70-74.

[12] Id. at 22.

[13] Id. at 218-235.

[14] Id. at 71.

[15] Ocampo IV v. The Ombudsman, et al., G.R. Nos. 103446-67, August 30, 1993, 225 SCRA 725.

[16] G.R. No. 135775, October 19, 2000, 343 SCRA 744.

[17] G.R. No. 135249, January 16, 2004, 420 SCRA 76.

[18] Supra note 15.

[19] Director Guillermo T. Domondon v. Sandiganbayan, G.R. No. 129904, March 16, 2000, 328 SCRA 292.

[20] Cuison v. Court of Appeals, G.R. No. 128540, April 15, 1998, 289 SCRA 159.

[21] People v. Noel Paguntalan, et al., G.R. No. 116272, March 27, 1995, 242 SCRA 753.

[22] Supra.

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.