PRESIDENTIAL AD HOC FACT-FINDING COMMITTEE ON BEHEST LOANS, REPRESENTED BY: PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG), PETITIONER, VS. HON. OMBUDSMAN ANIANO DESIERTO, WE...

G.R. NO. 135687. July 24, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a petition for review on certiorari seeking to annul and set aside the Order[1] of the Ombudsman dated July 6, 1998 dismissing three complaints filed by petitioner docketed as OMB-0-96-2643, OMB-0-96-2644 and OMB-0-96-2645, and its Order[2] of August 31, 1998, denying petitioner's motion for reconsideration.

The factual and procedural antecedents of the case are as follows:

On October 8, 1992, then President Fidel V. Ramos issued Administrative Order No. 13, which created herein petitioner Presidential Ad Hoc Fact-Finding Committee on Behest Loans (Committee).

On March 6, 1996 and June 28, 1996, Orlando S. Salvador (Salvador), in his capacity as PCGG consultant, executed three separate Sworn Statements stating that among the loan accounts referred by the Assets Privatization Trust to the Committee for investigation, report and recommendation are those of the following corporations: P.R. Garcia and Sons Development and Investment Corporation (PRGS), Golden River Mining Corporation (Golden River), and Filipinas Carbon and Mining Corporation (Filcarbon).

With respect to the loan account of PRGS, Salvador alleged that the said corporation obtained from the Development Bank of the Philippines (DBP) an initial loan guarantee of P26,726,774.72 and a straight industrial loan amounting to P29,226,774.72 on October 26, 1967 for the purpose of redeeming mortgaged properties, rehabilitating buildings and equipment and defraying its operational expenses.

Anent the loan account of Golden River, Salvador claimed that the corporation obtained loan accommodations from DBP beginning from 1975 until 1982 and that as of October 31, 1986, it had a total obligation of P43,193,000.00; that out of its five loan accounts, only the first two loans of Golden River obtained in 1975 and 1977 were sufficiently collateralized, leaving three other loans without any sufficient collateral, to wit: refinancing loan obtained in 1980 for the amount of P14,724,430.00; refinancing loan obtained on March 13, 1982 for the amount of P5,551,000.00; and refinancing loan obtained on December 1, 1982 for the amount of P7,118,656.52.

As to the loan account of Filcarbon, Salvador averred that the said corporation applied with the National Investment Development Corporation (NIDC) a loan guarantee of P27.4 Million on January 17, 1977; that the loan application was favorably recommended by the President of the Philippine National Bank (PNB); that the application was subsequently approved by PNB's Board of Directors on August 17, 1977.

Salvador alleged that, based on the evidence submitted to the Committee, these three corporations did not have sufficient collaterals for the loans they obtained, except with respect to the loans obtained by Golden River in 1975 and 1977. Salvador also alleged that the above-mentioned corporations did not have adequate capital to ensure not only the viability of their operations but also their ability to repay all their loans. Accordingly, the Committee found the loan accounts of the above-mentioned three corporations as behest loans.

The Committee submitted its report to President Ramos who instructed then PCGG Chairman Magtanggol Gunigundo, sitting as the Committee's ex-officio Chairman, to file the necessary charges against the DBP Chairman and members of the Board of Directors, the former PNB President and former NIDC General Manager, together with the respective stockholders/officers of the three corporations.

Subsequently, the Sworn Statements of Salvador were used by the Committee as its bases in filing separate complaints with the Office of the Ombudsman against herein private respondents for alleged violation of the provisions of Sections 3 (e)[3] and (g)[4] of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

The complaint against respondents Lorenzo N. Salcedo and Josephine S. Garcia, stockholders of PRGS; and Wenceslao Pascual, Gaudencio Viduya, Julia D. Macuja, Placido L. Mapa, Jr., Jose Teves, Alejandro Melchor, Recio Garcia, Rafael Sison, Cesar Zalamea, Don M. Perry and Rolando Soza, then officers and members of the Board of Directors of DBP, is docketed as OMB-0-96-2643.

The complaint against Ricardo Silverio, Sr., Ricardo Silverio, Jr., and Ricardo S. Tangco, stockholders of Golden River; and Placido Mapa, Jose de Ocampo, Recio Garcia, Jose Tengco, Jr., Rafael Sison, Jose de Ocampo, Jose R. Tengco, Alice L. Reyes, Cesar Zalamea, Don Perry and Rolando M. Soza, then officers and members of the Board of Directors of DBP, is docketed as OMB-0-96-2644.

The complaint against Panfilo O. Domingo, then PNB President; Conrado S. Reyes, then NIDC General Manager; and Conrado Calalang. Antonio M. Gonzales, Norberto L. Villarama, Sene B. dela Costa, Antonio O. Mendoza, Jr. and Ignacio C. Bertumen, officers and stockholders of Filcarbon, is docketed as OMB-0-96-2645.

Subsequently, the three aforementioned cases were consolidated by the Office of the Ombudsman.

In his assailed Order of July 6, 1998, the Ombudsman, upon the recommendation of the Evaluation and Preliminary Investigation Bureau, dismissed the complaints against herein respondents. The Ombudsman ruled that, except with respect to the two loan transactions entered into by Golden River in 1982, all the offenses alleged by the Committee as having been committed by herein respondents had already prescribed under the provisions of Section 11 of R.A. No. 3019. As to the two 1982 transactions of Golden River, the Ombudsman found that, contrary to the claims of herein petitioner, the loan accounts obtained by the said corporation have sufficient collaterals.

Petitioner filed a Motion for Reconsideration but the Ombudsman denied it in its Order dated August 31, 1998.

Hence, herein petition.

Petitioner contends that the Ombudsman erred in dismissing, motu proprio, the three complaints without first requiring respondents to submit their counter-affidavits and petitioner to file its reply thereto. Such dismissal, petitioner avers, is premature. Petitioner further argues that even granting that the Ombudsman feels that petitioner's evidence is insufficient, the Ombudsman should have first required petitioner to clarify said evidence or to adduce additional evidence, in accordance with due process.

Petitioner also asserts that the Ombudsman erred in dismissing petitioner's Motion for Reconsideration on the

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ground that it was filed out of time as evidence shows that the said motion was timely filed.

Petitioner contends that the consolidation of the three complaints and the subsequent issuance of a single Order dismissing them is erroneous. Petitioner argues that the three complaints cannot be lumped together and a single order issued for their resolution as these complaints involve different sets of facts and are based on different loan transactions.

Petitioner further avers that the pieces of evidence submitted as part of the complaints were not considered by the Ombudsman when it issued the assailed Orders; that the findings of the Committee that the subject loans are behest loans prevail; and, that the right of the State to recover behest loans as ill-gotten wealth is not barred by prescription.

In his Comment, the Ombudsman, citing the proceedings of the 1986 Constitutional Commission as authority, contends that the provisions of Section 15, Article XI of the Constitution, which provides for the imprescriptibility of the right of the State to recover ill-gotten wealth, applies only to civil actions and not to criminal cases. The Ombudsman further avers that prior to its amendment, Section 11 of R.A. No. 3019 provided that the period for the prescription or extinguishment of a violation of the Anti-Graft and Corrupt Practices Act was ten years. Subsequently, the said provision was amended in 1982 increasing the prescriptive period to fifteen years. Applying the Constitution and the law to the present case, the Ombudsman argues that, except with respect to the two loan transactions entered into by Golden River in 1982, all the other alleged criminal acts of herein private respondents in connection with the loan transactions they entered into in the years 1967 until 1980 had already prescribed in 1995. Hence, private respondents can no longer be prosecuted with respect to these transactions.

The Ombudsman also avers that under Section 2, Rule II of Administrative Order No. 7 (Rules of Procedure of the Office of the Ombudsman), the Ombudsman is authorized to dismiss, motu proprio, a complaint even without requiring the respondents to file their counter-affidavits and even without conducting a preliminary investigation.

As to the loan accounts of Golden River obtained on March 13, 1982 and December 1, 1982, the Ombusman contends that based on pieces of evidence presented by the complainant, the said loans had more than sufficient collateral.

The Ombudsman asserts that his findings of fact and his application of pertinent laws as well as rules of evidence deserve great weight and respect and even accorded full faith and credit in the absence of any showing of any error or grave abuse of discretion.

Respondents Panfilo O. Domingo, Jose R. Tengco, Jr., Alicia Ll. Reyes, Cesar Zalamea, Placido L. Mapa, Jr., Conrado T. Calalang, Norberto Villarama and Ricardo C. Silverio filed their respective Comments. While the present petition is pending in this Court, respondents Conrado Reyes and Jose Teves died.[5] In a Resolution[6] issued by this Court dated February 22, 2006, respondents Wenceslao Pascual, Senen dela Costa, Lorenzo Salcedo and Antonio Mendoza were dropped as respondents for an earlier resolution of the case after all efforts of petitioner to ascertain their correct and present addresses proved to be in vain.

With respect to the other respondents who failed to file their respective comments, the Court dispenses with the comments in order that the present petition may be resolved.

The Court shall first deal with the issue of prescription as this was the main basis of the Ombudsman in dismissing petitioner's complaints.

Section 15, Article XI of the 1987 Constitution provides:

> The right of the State to recover properties unlawfully acquired by public officials or employees, from them or

> from their nominees or transferees, shall not be barred by prescription, laches, or estoppel.

In Presidential Ad Hoc Committee v. Hon. Desierto[7], the Court held that the imprescriptibility of the right of the State to recover ill-gotten wealth applies only to civil actions for recovery of ill-gotten wealth, and not to criminal cases. In other words, the prosecution of offenses arising from, relating or incident to, or involving ill-gotten wealth contemplated in the above-mentioned provision of the Constitution may be barred by prescription.[8]

Under Section 11 of R.A. No. 3019, as amended by Batas Pambansa (B.P.) Blg. 195, which took effect on March 16, 1982, the prescriptive period for offenses punishable under the said Act was increased from ten to fifteen years.

As to whether or not the subject complaints filed against herein respondents had already prescribed, the Court's disquisition on an identical issue in Salvador v. Desierto[9] is instructive, to wit:

> The applicable laws on prescription of criminal offenses defined and penalized under the Revised Penal Code are found in Articles 90 and 91 of the same Code. For those penalized by special laws, Act No. 3326, as amended, applies. Here, since R.A. 3019, the law alleged to have been violated, is a special law, the applicable law in the computation of the prescriptive period is Section 2 of Act No. 3326, as amended, which provides:
> Sec. 2. Prescription shall begin to run from the day of the commission of the violation of the law, and if the same not be known at the time, from the discovery thereof and the institution of judicial proceedings for its investigation and punishment.
>
> The prescription shall be interrupted when proceedings are instituted against the guilty person, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy."

The above provisions are clear and need no interpretation. In Presidential Ad Hoc Committee vs. Hon. Desierto[*], we held:

> x x x it was well-nigh impossible for the State, the aggrieved party, to have known the violations of R.A. No. 3019 at the time the questioned transactions were made because, as alleged, the public officials concerned connived or conspired with the "beneficiaries of the loans." Thus, we agree with the COMMITTEE that the prescriptive period for the offenses with which respondents in OMB-0-96-0968 were charged should be computed from the discovery of the commission thereof and not from the day of such commission.
>
> The assertion by the Ombudsman that the phrase 'if the same not be known' in Section 2 of Act No. 3326 does not mean 'lack of knowledge' but that the crime 'is not reasonably knowable' is unacceptable, as it provides an interpretation that defeats or negates the intent of the law, which is written in a clear and unambiguous language and thus provides no room for interpretation but only application."

We reiterated the above ruling in Presidential Ad Hoc Fact Finding Committee on Behest Loans vs. Desierto[**[]] thus:

> In cases involving violations of R.A. No. 3019 committed prior to the February 1986 Edsa Revolution that ousted President Ferdinand E. Marcos, we ruled that the government as the aggrieved party could not have known of the violations at the time the questioned transactions were made (PCGG vs. Desierto, G.R. No. 140232, January 19, 2001, 349 SCRA 767; Domingo vs. Sandiganbayan, supra, Note 14; Presidential Ad Hoc Fact Finding Committee on Behest Loans vs. Desierto, supra, Note 16). Moreover, no person would have dared to question the legality of those transactions. Thus, the counting of the prescriptive period commenced from the date of discovery of the offense in 1992 after an exhaustive investigation by the Presidential Ad Hoc Committee on Behest Loans.
>
> As to when the period of prescription was interrupted, the second paragraph of Section 2, Act No. 3326, as amended, provides that prescription is interrupted 'when proceedings are instituted against the guilty

person.[10]

The complaints filed against respondents did not specify the exact dates when the alleged offenses were discovered. However, it is not disputed that it was the Committee that discovered the same. As such, the discovery could not have been made earlier than October 13, 1992, the date when the Committee was created. It is clear, therefore, that the alleged criminal offenses against herein respondents had not yet prescribed when the complaints were filed in 1996. Thus, the Ombudsman seriously erred in dismissing the three complaints filed by petitioner on the ground of prescription.

As to petitioner's claim that it is error on the part of the Ombudsman to deny petitioner's Motion for Reconsideration on the ground that the same was filed out of time:

The Ombudsman is presumed to have regularly performed its official duty in the determination of whether or not the said Motion was really filed beyond the reglementary period as provided under the pertinent rules of the Office of the Ombudsman. However, this presumption is disputable. In the present case, petitioner contends that the subject Motion was sent by registered mail on July 29, 1998, which was the last day allowed for filing of the same. As proof of such mailing, petitioner presented a Certification[11] issued by the Central Post Office in Manila stating therein that Registered Letter No. 74220 was sent by the PCGG on July 29, 1998, addressed to the Office of the Ombudsman in Manila, and that said letter was duly delivered to and received on August 5, 1998 by an authorized representative of the Office of the Ombudsman. The Ombudsman failed to controvert petitioner's submission in any of the pleadings filed in the present petition. A simple referral to the date that appears on the front page of the Motion for Reconsideration, indicating the date when the Office of the Ombudsman received the Motion, would have easily disputed the allegation of petitioners. In the absence thereof, the Court finds that the presumption of regularity of the Ombudsman's performance of his official duties must yield to the evidence presented by petitioner. As such, petitioner's Motion for Reconsideration of the Order of the Ombudsman dated July 6, 1998 should be considered as timely filed.

Nonetheless, a perusal of the assailed Order dated August 31, 1998 of the Ombudsman shows that there are grounds other than late filing upon which the Ombudsman denied petitioner's Motion for Reconsideration, to wit:

x x x x

All the foregoing notwithstanding, and bearing in mind the peculiar circumstances of this case, particularly the fact that the subject loans are now alleged as ill-gotten wealth and behest loans, the same remains to be bare allegations with no new evidence tendered to thwart the Order in question.

The complaints herein are plain and simple. There is no allegation even that the questioned loans were granted "at the behest" of respondent officials in these cases xxx.

x x x x[12]

It, thus, appears that the Ombudsman's basis for dismissing the complaints was not merely the prescription of the complaints, but also the lack of any allegation therein that the questioned loans are behest loans.

However, while there was no specific or particular mention that the questioned loan accounts were "behest loans," the complaints contain allegations consistent with the criteria laid down by Memorandum Order No, 61 issued by President Ramos on November 9, 1992.

The said Memorandum provides for the following as a frame of reference in determining whether a loan, which is under scrutiny, is behest:

(a) It is under-collateralized;

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(b) The borrower corporation is undercapitalized;

(c) Direct or indirect endorsement by high government officials, like the presence of marginal notes;

(d) Stockholders, officers or agents of the borrower corporation are identified as cronies;

(e) Deviation of use of loan proceeds from the purpose intended;

(f) Use of corporate layering;

(g) Non-feasibility of the project for which financing is being sought; and

(h) Extraordinary speed with which the loan release was made.[13] (Emphasis supplied).

In Presidential Commission on Good Government v. Hon. Desierto,[14] the Ombudsman adopted the position that to qualify as a behest loan, two or more of the criteria enumerated in Memorandum Order No. 61 must be present.

It is therefore erroneous for the Ombudsman to conclude in the present case that the complaints against PRGS and Filcarbon were bereft of any allegations that their questioned loans are behest, considering that said complaints explicitly alleged the presence of two of the criteria: that the subject loans are "under-collateralized" and that the borrower corporations are "undercapitalized."

Section 2, Rule II of Administrative Order No. 7 of the Office of the Ombudsman, otherwise known as the Rules of Procedure of the Office of the Ombudsman, provides:

SEC. 2. Evaluation. - Upon evaluating the complaint, the investigating officer shall recommend whether it may be:

a) dismissed outright for want of palpable merit;

b) referred to respondent for comment;

c) indorsed to the proper government office or agency which has jurisdiction over the case;

d) forwarded to the appropriate officer or official for fact-finding investigation;

e) referred for administrative adjudication; or

f) subjected to a preliminary investigation.

While under this Rule, the Ombudsman may dismiss a complaint outright for want of palpable merit, but a sense of justice and fairness demands that the Ombudsman must set forth in a Resolution the reasons for such dismissal.

It is a requirement of due process that the parties to a litigation be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court.[15] This Court has held that the constitutional and statutory mandate that no decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based applies as well to dispositions by quasi-judicial and administrative bodies.[16] In fact, Section 18 of R.A. No. 6770, otherwise known as the Ombudsman Act of 1989, makes the Rules of Court applicable, in a suppletory manner, to its own rules of procedure. One of the requirements provided under Section 1, Rule 36 of the Rules of Court is that a judgment or final order determining the merits of the case should state the facts and the law on which it is based.

A careful reading of the questioned Orders of the Ombudsman shows that there is no express finding that the complaints filed by petitioner were manifestly without merit. There is no explanation or discussion, whatsoever, as to how it reached its conclusion that the disputed loans are not behest insofar as PRGS and Filcarbon are concerned.

Thus, for a proper disposition of the complaints against PRGS and Filcarbon, the Court finds it necessary to refer them back to the Ombudsman for proper evaluation based on their merits.

As to Golden River, the Ombudsman did not err in dismissing the complaint against it with respect to its loan transactions obtained on March 13, 1982 and December 1, 1982. The Court finds no cogent reason to deviate from the findings of the Ombudsman, to wit:

> Discussing these two loans, we find that in 1980, Golden River Corporation was granted a refinance in the amount of P14,724,430 pesos. Such grant in 1982 for P5,551,000.00 is less than 50% of the said P14,724,430 pesos, hence, this cannot be said to be granted with insufficient collateral, taking the same as reference point alone without the previous collaterals and assets which were admittedly sufficient as admitted by complainant in paragraph b, p. 2 of the Sworn Statement of Orlando L. Salvador (p. 10, Records, OMB-0-96-2644)
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> x x x
>
> Likewise, the loans for P7,118,656.52 on December 1, 1982 is not more than 50% of the additional assets alone which is the money equivalent of the two refinanced loans of P14,724,430.00 and P5,551,000.00 the total of which is P20,275,430.00 pesos. Considering that the refinancing ratio has a maximum of 70% of the total assets/collaterals, even the last two loans which were within the prescriptive period are not without sufficient collaterals.
>
> In other words, collaterals were sufficient in accordance with Sec. 78, R.A. 337, as amended (General Banking Act) x x x[17]

This Court has consistently held 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 and substance or, should he find it otherwise, to continue with the inquiry; or he may proceed with the investigation if, in his view, the complaint is in due and proper form and substance. Quite relevant is the Court's ruling in Espinosa v. Office of the Ombudsman[18] and reiterated in the case of The Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Hon. Desierto,[19] to wit:

> 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 R.A. 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 the public service."[20]

As a rule, the Court shall not unduly interfere in the Ombudsman's exercise of his investigatory and prosecutory powers, as provided in the Constitution, without good and compelling reasons to indicate otherwise.[21] The basis for this rule was provided in the case of Ocampo IV v. Ombudsman[22] where the Court held as follows:

> The rule is based not only upon respect for the investigatory and prosecutory powers granted by the Constitution to the Office of the Ombudsman but upon practicality as well. Otherwise, the functions of the courts will be grievously hampered by innumerable petitions assailing the dismissal of investigatory proceedings conducted by the Office of the Ombudsman with regard to complaints filed before it, in much the same way that the courts would be extremely swamped if they would be compelled to review the exercise of discretion on the part of the fiscals or prosecuting attorneys each time they decide to file an information in court or dismiss a complaint by a private complainant.[23]

While the Court has previously held that it may interfere with the discretion of the Ombudsman in case of clear abuse of discretion,[24] the Ombudsman is not guilty of abuse of discretion in dismissing the complaint against

Golden River insofar as the two 1982 loan transactions are concerned.

However, the complaint against Golden River had not been completely disposed of by the Ombudsman as it failed to discuss the refinancing loan obtained by the said corporation in 1980 for the amount of P14,724,430.00. Hence, the complaint against Golden River should also be referred back to the Ombudsman for proper evaluation of its merits with respect to the aforementioned loan.

Petitioner contended that the Ombudsman erred in dismissing the complaints without requiring respondents to file their counter-affidavits and petitioner its reply, or to further require petitioner to clarify its evidence or adduce additional evidence.

It is quite clear under Section 2(a), Rule II of the Rules of Procedure of the Office of the Ombudsman, that it may dismiss a complaint outright for want of palpable merit. At that point, the Ombudsman does not have to conduct a preliminary investigation upon receipt of a complaint.[25] Should the investigating officer find the complaint devoid of merit, then he may recommend its outright dismissal.[26] The Ombudsman has discretion to determine whether a preliminary investigation is proper.[27] It is only when the Ombudsman opts not to dismiss the complaint outright for lack of palpable merit would the Ombudsman be expected to require the respondents to file their counter-affidavit and petitioner, its reply.

Lastly, the Court finds nothing erroneous in the Ombudsman's act of consolidating the three complaints and of issuing a single order for their dismissal considering that, with the exception of the complaint regarding the two 1982 loan accounts of Golden River which was separately discussed by the Ombudsman on their merits, the dismissal of all the other complaints was based on a common ground, which is prescription.

However, in the remand of the complaints against respondents, orderly administration of justice behooves the Ombudsman not to consolidate the three complaints, as the respective respondents therein would inevitably raise different defenses which would require separate presentation of evidence by the parties involved.

WHEREFORE, the instant petition is PARTIALLY GRANTED.

Except with respect to the complaints relative to the loan accounts of Golden River obtained on March 13, 1982, and December 1, 1982, the assailed Orders of the Ombudsman dated July 6, 1998 and August 31, 1998 in OMB-0-96-2643, OMB-0-96-2644 and OMB-0-96-2645 are SET ASIDE.

The Office of the Ombudsman is directed to conduct with dispatch an evaluation on the respective merits of the complaints against herein respondents pursuant to the provisions of Section 2, Rule II of its Rules of Procedure.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Rollo, p. 49.

[2]Id. at 60.

[3] Section 3(e)-Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

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[4]Section 3(g)-Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

[5] Rollo, pp. 1154 and 1164.

[6] Id. at 1211.

[7]375 Phil. 697,716(1999).

[8]Id. at 723.

[9] 464 Phil. 988 (2004).

[*] 375 Phil. 697 (1999).

[**] 415 Phil. 723, 729-730 (2001).

[10] Salvador v. Desierto, supra note 9, at 994-996.

[11] Rollo, Vol. I, p. 402.

[12] Rollo, p. 61.

[13] Official Gazette, Vol. 88, No. 48, November 30, 1992, pp. 7549-7550.

[14]402 Phil. 821,829-831(2001).

[15] Nicos Industrial Corporation v. Court of Appeals, G.R. No. 88709, February 11, 1992, 206 SCRA 127, 132.

[16]Pilipinas Kao, Inc. v. Court of Appeals, 423 Phil. 834, 849 (2001).

[17] Rollo, pp. 54-55.

[18]397 Phil. 829 (2000).

[19] 418 Phil. 715(2001).

[20]The Presidential Ad Hoc Fact-Finding Committee on Behest Loans v. Hon. Desierto, supra note 19, at 721.

[21]Id. at 721.

[22] G.R. Nos. 103446-47, August 30, 1993, 225 SCRA 725.

[23]Ocampo IV v. Ombudsman, supra note 22, at 730.

[24] Young v. Office of the Ombudsman, G.R. No. 110736, December 27, 1993, 228 SCRA 718, 722.

[25] Kara-an v. Office of the Ombudsman, G.R. No. 119990, June 21, 2004, 432 SCRA 457, 466.

[26]Id.

[27] Id.

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