

ELOISA L. TOLENTINO, PETITIONER, VS. ATTY. ROY M. LOYOLA, MUNICIPAL MAYOR, DOMINGO C. FLORES, MUNICIPAL BUDGET OFFICER, ALICIA L. OLIMPO, MUNICIPAL TREASURER, ANNALIZA L. BARABA...

G.R. No. 153809. July 27, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure seeking to reverse and set aside the Decision[1] dated December 3, 2001 of the Court of Appeals as well as its Resolution[2] dated May 28, 2002 in CA-G.R. SP No. 61841, entitled "Eloisa L. Tolentino v. Atty. Roy M. Loyola, et al." The December 3, 2001 Decision of the Court of Appeals affirmed the Decision[3] dated May 23, 2000 of Ombudsman Aniano A. Desierto in OMB-ADM-1-99-1035, which dismissed the administrative complaint that petitioner filed against herein respondents. On the other hand, the May 28, 2002 Resolution of the Court of Appeals denied the motion for reconsideration filed by petitioner.

The facts of this case, as narrated in the assailed Court of Appeals ruling, are as follows:

On November 9, 1999, the petitioner filed a Complaint-Affidavit charging respondents with Violation of Section 3 (e) of R.A. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, for Malversation of Public Funds thru Falsification of Public Documents and, administratively, for Grave Misconduct, Dishonesty, Gross Neglect of Duty, and Falsification of Official Documents.

The complaint averred that in a letter dated October 6, 1998, respondent Municipal Mayor Roy M. Loyola requested the Sangguniang Bayan of Carmona, Cavite for the creation of twenty-four (24) unappropriated positions for the inclusion in the 1998 Plantilla, to wit:

x x x x

OFFICE OF THE MAYOR

One (1) Computer Programmer III - SG - 18

One (1) Licensing Officer II - SG - 15

GENERAL SERVICE OFFICE

One (1) Supply Officer III - SG - 18

Eight (8) Driver I - SG - 3

Two (2) Utility I - SG - 1

HUMAN RESOURCE MANAGEMENT OFFICE

One (1) HRM Officer II - SG - 15

TREASURER'S OFFICE

One (1) Local Rev. Coll. Officer II - SG - 15

ACCOUNTING OFFICE

One (1) Bookkeeper II - SG - 9

ENRO

Two (2) Environment Mngt. Specialist II - SG - 15

One (1) Clerk III - SG - 6

DA

Agriculture Chief Center IV - SG - 18

Farm Foreman - SG - 6

Three (3) Farm Worker II - SG - 4

On November 23, 1998, the Sangguniang Bayan of Carmona, Cavite passed Municipal Resolution No. 061-98 approving the creation of only 19 out of the 24 requested positions, under the different offices of the Municipality of Carmona for inclusion in the 1998 Plantilla of Personnel. The following proposed positions were [allegedly] set aside:

x x x x

DA

Agriculture Chief Center IV - SG - 18

Farm Foreman - SG - 6

Three (3) Farm Worker II - SG - 4

Despite the disapproval of the aforesaid positions, on April 5, 1999, the Personnel Selection Board presided by the respondent Municipal Mayor as Chairman with Amelia C. Samson, HRMO V, as Secretary, together with the following respondents - Board Members: Edwin E. Tolentino, Domingo R. Tenedero and Roel Z. Manarin, filled-up the aforesaid inexistent positions and appointed the following:

1. Irene C. Paduyos - Farm Foreman
2. Mustiola A. Mojica - Farm Worker II
3. Ma. Cecilia F. Alumia - Farm Worker II
4. Lilibeth R. Bayugo - Farm Worker II

The appointment papers of the aforesaid personnel were subsequently approved by the Civil Service Commission.

Thereafter, respondents Budget Officer Domingo C. Flores, Municipal Treasurer Alicia L. Olimpo, Municipal Accountant Annaliza L. Barabat, Municipal Agriculturist Nenita L. Ernacio and Municipal Administrator Amador B. Alumia, allowed and caused the payment of salaries of the aforesaid employees.

The petitioner further alleged that by the respondents' concerted efforts to make it appear that the inexistent positions were created, causing the unlawful payment of salaries to illegally appointed employees, the respondents are liable for malversation of public funds thru falsification of public documents. Likewise, the respondents are allegedly liable administratively for gross neglect of duty, grave misconduct, dishonesty and falsification of official documents.

The respondents filed their respective Counter-Affidavits on February 16, 2000, alleging among others that the

Appropriation Ordinance No. 006-98 which is the Annual Budget of the Municipality of Carmona for the year 1999 carries with it the 24 positions requested in the letter-request dated October 6, 1998 of the respondent Mayor for the inclusion of such 24 positions in the proposed 1998 Annual Budget. The approval of the budget was in the form of an ordinance. Moreover, the appointments were approved by the Civil Service Commission and the salaries were paid out of savings.

On March 9, 2000, the petitioner filed a Consolidated Reply refuting the allegations in the respondents' Counter-Affidavits, to which respondent Mayor Loyola filed a Rejoinder-Affidavit. On April 3, 2000, the petitioner submitted a Consolidated Rebuttal.

On May 23, 2000, upon recommendation of the OIC Deputy Ombudsman for Luzon Emilio A. Gonzales III, Ombudsman Aniano A. Desierto ordered the dismissal of the instant administrative Complaint for lack of merit. The respondent moved for a reconsideration of the aforesaid Decision which the respondents opposed. The said motion for reconsideration was however denied.[4]

Petitioner appealed the Ombudsman's dismissal order to the Court of Appeals but the appellate court merely affirmed the assailed ruling in its December 3, 2001 Decision. Undaunted, petitioner moved for reconsideration but this was denied by the Court of Appeals in its May 28, 2002 Resolution.

Hence, the instant petition.

Petitioner submits the following issues for consideration:

I

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN HOLDING THAT THE QUESTIONED POSITIONS WERE CREATED BY CIRCUMSTANCES

II

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN NOT HOLDING THAT RESPONDENTS SHOULD BE DISMISSED FROM THE SERVICE FOR GRAVE MISCONDUCT, GROSS NEGLIGENCE OF DUTY, DISHONESTY AND FALSIFICATION OF PUBLIC DOCUMENTS[5]

Petitioner, then Vice-Mayor of Carmona, Cavite filed the present case against respondent Mayor, members of the Sangguniang Bayan, and municipal officials to expose the alleged malfeasance committed by the respondents. She maintains that when Appropriation Ordinance No. 006-98,[6] otherwise known as the 1999 Annual Budget for the Municipal Government of Carmona, Cavite was passed, the same did not create the 24 government positions at issue. Aside from the fact that no express provision for the creation of the government positions at issue can be found in the said ordinance, no intent on the part of the Sangguniang Bayan to include said positions can be gleaned from the Minutes of the Sangguniang Bayan Session held on November 9, 1998 when the said ordinance was passed. The Minutes would allegedly show that the proposed creation of 19 government positions was deferred until such time that the copy of the proposed 1999 Plantilla of Positions was submitted by respondent Amelia C. Samson to the Sangguniang Bayan.

On November 23, 1998, Municipal Resolution No. 061-98 was passed, mentioning the creation of 19 government positions out of the 24 government positions requested by respondent Roy M. Loyola (Loyola), who was then the Municipal Mayor. Thus, it was petitioner's theory that 5 of the 24 positions requested by respondent Loyola for inclusion in the plantilla were not validly created. When the 1999 Plantilla of Positions was submitted together with the Appropriation Ordinance No. 006-98 to the Sangguniang Panlalawigan for approval, the Plantilla or Personnel Schedule for the Department of Agriculture was allegedly drastically changed by respondents Loyola,

Samson and Domingo Flores, making it appear that the five questioned positions were created and vacant. This was made possible because the preparation of the Plantilla or Personnel Schedule for the different offices of the Municipal Government of Carmona, Cavite was undertaken by respondent Samson, reviewed by respondent Flores, and approved by respondent Loyola.

Petitioner alleges that this is a clear case of falsification because the 1999 Plantilla allegedly did not indicate a specific amount allocated for the created but vacant government positions at issue in the Proposed Budget for January-December 1999. Consequently, as purportedly admitted by respondent Flores, the funding for the government positions at issue was sourced from the savings of the municipal budget for 1999.

In the same manner, petitioner argued that the enactment of Appropriation Ordinance No. 001-99 (Annual Budget for 2000) on November 8, 1999 with the government positions at issue again reflected to have been created and funded, is also an act of falsification committed by respondents. The said continuing act of falsification prompted the petitioner to bring the same to the attention of the Sangguniang Bayan during its regular session on November 8, 1999. However, the Sangguniang Bayan members did not deliberate on such unwarranted inclusion. Hence, petitioner wrote a letter to the Presiding Officer of the Sangguniang Panlalawigan on November 16, 1999.

Petitioner likewise asserts that the approval by the Civil Service Commission of the questioned appointments is tainted with illegality; hence, void ab initio. In her view, what were approved are falsified and uncreated government positions; therefore, the confirmation or approval of the invalid appointments has no force and effect. Moreover, contrary to the Ombudsman's findings, whatever flaw that attended the creation of the government positions at issue had not been cured by Municipal Resolution No. 012-00 dated March 13, 2000 passed by the Sangguniang Bayan, affirming the creation of the assailed positions. The said Resolution is also allegedly an act of falsification committed by the Sangguniang Bayan members because they made it appear that the said positions were created.

On the other hand, respondents counter petitioner's assertions by asserting that the dismissal of the criminal case, which involved the same set of facts, allegations and arguments as the administrative case at bar, by the Ombudsman and later affirmed successively by the Court of Appeals via a Decision^[7] dated June 8, 2001 in CA-G.R. SP No. 61840 and by this Court in a minute Resolution^[8] dated September 25, 2001 in G.R. No. 149534, effectively barred the review of the dismissal of the administrative complaint before this Court because of the application of the law of the case doctrine.

Respondents further argue that, as per jurisprudence on the matter, the reelection of respondent Loyola as Mayor of the Municipality of Carmona, Cavite during the May 14, 2001 local election had the effect of automatically abating the administrative charge leveled against him for an offense allegedly committed during his preceding term.

Moreover, respondents aver that under Section 7, Rule III of the Ombudsman Rules of Procedure, the decision of the Ombudsman in an administrative case absolving a respondent of the charge filed against him is final and unappealable, thus, the petition before the Court of Appeals and, subsequently, this Court should have been disallowed. In any case, the appeal before the Court of Appeals was filed beyond the reglementary period. Lastly, respondents contend that it is axiomatic that the factual findings of the Ombudsman and the Court of Appeals should be accorded great weight and finality.

After a careful review of the records, we find the petition to be without merit.

Before proceeding to the discussion on why the petitioner's contentions fail to convince, it is appropriate to restate here the law of the case doctrine in light of respondents' erroneous appreciation of the same.

In *Padillo v. Court of Appeals*,^[9] we had occasion to explain this principle, to wit:

Law of the case has been defined as the opinion delivered on a former appeal. More specifically, it means that whatever is once irrevocably established as the controlling legal rule or decision between the same parties in the same case continues to be the law of the case, whether correct on general principles or not, so long as the facts on which such decision was predicated continue to be the facts of the case before the court. As a general rule, a decision on a prior appeal of the same case is held to be the law of the case whether that question is right or wrong, the remedy of the party deeming himself aggrieved being to seek a rehearing.^[10]

The concept of law of the case was further elucidated in the 1919 case of *Zarate v. Director of Lands*,^[11] to wit:

A well-known legal principle is that when an appellate court has once declared the law in a case, such declaration continues to be the law of that case even on a subsequent appeal. The rule made by an appellate court, while it may be reversed in other cases, cannot be departed from in subsequent proceedings in the same case. The "Law of the Case," as applied to a former decision of an appellate court, merely expresses the practice of the courts in refusing to reopen what has been decided. Such a rule is "necessary to enable an appellate court to perform its duties satisfactorily and efficiently, which would be impossible if a question, once considered and decided by it, were to be litigated anew in the same case upon any and every subsequent appeal." Again, the rule is necessary as a matter of policy to end litigation. "There would be no end to a suit if every obstinate litigant could, by repeated appeals, compel a court to listen to criticisms on their opinions, or speculate of chances from changes in its members." x x x.^[12]

The law of the case doctrine applies in a situation where an appellate court has made a ruling on a question on appeal and thereafter remands the case to the lower court for further proceedings; the question settled by the appellate court becomes the law of the case at the lower court and in any subsequent appeal.^[13]

Contrary to respondents' assertion, the law of the case doctrine does not find application in the case at bar simply because what was involved in G.R. No. 149534 was a criminal proceeding while what we have before us is an administrative case. Although both cases possess a similar set of facts, allegations and arguments, they do not serve the same objectives and do not require the same quantum of evidence necessary for a finding of guilt or conviction/liability which makes them entirely different cases altogether and, therefore, beyond the purview of the legal principle of law of the case.

In administrative cases, substantial evidence is required to support any finding. Substantial evidence is such relevant evidence as a reasonable mind may accept as adequate to support a conclusion. The requirement is satisfied where there is reasonable ground to believe that the petitioner is guilty of the act or omission complained of, even if the evidence might not be overwhelming.^[14] While in criminal cases, the accused is entitled to an acquittal, unless his guilt is shown beyond a reasonable doubt.^[15] Proof beyond reasonable doubt does not mean evidence that which produces absolute certainty; only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind.^[16]

Having disposed of that issue, we now proceed to discuss the reasons why the instant petition must fail.

On a procedural note, the assailed ruling of the Ombudsman obviously possesses the character of finality and, thus, not subject to appeal. The pertinent provision in this case is the old Section 7, Rule III of Ombudsman Administrative Order No. 7, Series of 1990 (Rules of Procedure of the Office of the Ombudsman), before it was amended by Ombudsman Administrative Order No. 17, Series of 2003 (Amendment of Rule III, Administrative Order No. 7), which states that:

Sec. 7. FINALITY OF DECISION. -- Where the respondent is absolved of the charge and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final and unappealable. In all other cases, the

decision shall become final after the expiration of ten (10) days from receipt thereof by the respondent, unless a motion for reconsideration or petition for certiorari shall have been filed by him as prescribed in Section 27 of RA 6770.

The basis for the said rule of procedure is Section 27 of Republic Act No. 6770 (The Ombudsman Act), to wit:

Section 27. Effectivity and Finality of Decisions. -- (1) All provisionary orders of the Office of the Ombudsman are immediately effective and executory.

x x x x

Findings of fact by the Office of the Ombudsman when supported by substantial evidence are conclusive. Any order, directive or decision imposing the penalty of public censure or reprimand, suspension of not more than one (1) month's salary shall be final and unappealable.

As shown by the aforementioned regulation and statute, a decision of the Ombudsman absolving the respondent of an administrative charge is final and unappealable.

The Court categorically upheld this principle in *Reyes, Jr. v. Belisario*,^[17] to wit:

Notably, exoneration is not mentioned in Section 27 as final and unappealable. However, its inclusion is implicit for, as we held in *Barata v. Abalos*, if a sentence of censure, reprimand and a one-month suspension is considered final and unappealable, so should exoneration.

The clear import of Section 7, Rule III of the Ombudsman Rules is to deny the complainant in an administrative complaint the right to appeal where the Ombudsman has exonerated the respondent of the administrative charge, as in this case. The complainant, therefore, is not entitled to any corrective recourse, whether by motion for reconsideration in the Office of the Ombudsman, or by appeal to the courts, to effect a reversal of the exoneration. Only the respondent is granted the right to appeal but only in case he is found liable and the penalty imposed is higher than public censure, reprimand, one-month suspension or a fine equivalent to one month salary.

The absence of any statutory right to appeal the exoneration of the respondent in an administrative case does not mean, however, that the complainant is left with absolutely no remedy. Over and above our statutes is the Constitution whose Section 1, Article VIII empowers the courts of justice to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. This is an overriding authority that cuts across all branches and instrumentalities of the government and is implemented through the petition for certiorari that Rule 65 of the Rules of Court provides. A petition for certiorari is appropriate when a tribunal, clothed with judicial or quasi-judicial authority, acted without jurisdiction (i.e., without the appropriate legal power to resolve a case), or in excess of jurisdiction (i.e., although clothed with the appropriate power to resolve a case, it oversteps its authority as determined by law, or that it committed grave abuse of its discretion by acting either outside the contemplation of the law or in a capricious, whimsical, arbitrary or despotic manner equivalent to lack of jurisdiction). The Rules of Court and its provisions and jurisprudence on writs of certiorari fully apply to the Office of the Ombudsman as these Rules are supplementary to the Ombudsman's Rules. The Rules of Court are also the applicable rules in procedural matters on recourses to the courts and hence, are the rules the parties have to contend with in going to the CA.^[18]

In the case at bar, the petitioner did not file a petition for certiorari under Rule 65 of the Rules of Court and instead filed a petition for review under Rule 43 of the Rules of Court with the Court of Appeals. The latter is effectively an appeal to the Court of Appeals which is disallowed by the Rules of Procedure of the Office of the Ombudsman as well as the Ombudsman Act in case the respondent is exonerated by the Ombudsman for an administrative charge.

In any event, the instant petition failed to show any grave abuse of discretion or any reversible error on the part of the Ombudsman in issuing its assailed administrative decision, as affirmed by the Court of Appeals, which would compel this Court to overturn it.

Elementary is the rule that the findings of fact of the Office of the Ombudsman are conclusive when supported by substantial evidence and are accorded due respect and weight, especially when they are affirmed by the Court of Appeals. It is only when there is grave abuse of discretion by the Ombudsman that a review of factual findings may aptly be made. In reviewing administrative decisions, it is beyond the province of this Court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its judgment for that of the administrative agency with respect to the sufficiency of evidence. It is not the function of this Court to analyze and weigh the parties' evidence all over again except when there is serious ground to believe that a possible miscarriage of justice would thereby result.[19]

The Court quotes with approval the findings and conclusion of the assailed Ombudsman ruling which was also adopted by the Court of Appeals:

We believe that the questioned positions had been created under the circumstances. Evidence shows that on October 6, 1998, respondent Mayor Loyola requested the Sanggunian to create twenty-four (24) positions by including the same in the 1998 plantilla. Such creation has been taken up by the Sanggunian in its session and traces of favorable action thereon has been shown in the minutes of the Sanggunian session held on November 19, 1998 when the 1999 Annual Budget was taken up (pp. 3-4, Complainants Consolidated Reply). Though the four (4) positions had not been created by a separate ordinance, its creation has been made when the Sanggunian included them in the 1999 Plantilla of Positions under Ordinance No. 006-98 enacting the 1999 Annual Budget.

The positions having been created, personnel were appointed thereto by the respondent Mayor which appointments were confirmed by the Civil Service Commission. Since the appointments were confirmed/approved by the CSC all questions pertaining thereto including the validity of the creation of positions has been rendered moot and academic. It is the CSC which is empowered to look into the validity of creation of positions and appointments thereto. Also, such confirmation further strengthened the presumption of regularity of official functions particularly the creation of position.

There being a valid appointment confirmed by CSC and the concerned personnel having rendered services, payment of their salaries is proper and legal. Thus, respondent Flores, as Budget Officer; Olimpo as Treasurer; Barabat as Accountant; Alumia as Administrator and Ernacio as the Agriculturist/Head of Office acted in accordance with law when they processed and allowed the payment of salaries to the four (4) employees. The payment of salaries to the employees who has rendered service to the government does not constitute grave misconduct, neglect of duty and dishonesty.

The appointments made by respondent Loyola including the selection and screening of employees by the Selection Board could not be considered grave misconduct and dishonesty by respondents who compose the Board. There were vacant positions caused by the creation of positions and the exigencies of the service demand that these vacancies should be filled up. There is misconduct if there is a transgressi[on] of some established and definite rule of action (Phil. Law Dictionary, 3[rd] Edition, Federico B. Moreno). In the instant case, evidence show that respondents did not transgress some established and definite rule of action. Had there been a transgression in the creation of positions and appointments thereto, the Civil Service Commission should have so stated when the appointments were submitted for approval/confirmation.

Since the appointed personnel has already rendered service, the processing and payment of their salaries was but legal and proper and does not constitute dishonesty, falsification and neglect of duty on the part of the respondents responsible therefore. Had respondents refused to pay the salaries of the concerned employees, they could have been held liable for neglect of duty.

In sum, respondents could not be held administratively liable since their official actions starting from the creation of positions to selection of personnel, appointment, and ultimately payment of salaries were all in accordance with the law.[20]

To reiterate, the Court is not a trier of facts. As long as there is substantial evidence in support of the Ombudsman's decision, that decision will not be overturned.[21] We are also guided by the ruling in *Cortes v. Bartolome*,[22] which similarly dealt with a purportedly invalid appointment to an allegedly inexistent office, to wit:

It is undisputed that on January 1, 1976, there was no existing position of "Sangguniang Bayan" Secretary in the organizational set-up of the municipal Government of Piddig, Ilocos Norte. Neither was there any appropriation for the said position in the municipal budget for 1975-1976 although an appropriation for the position of Municipal Secretary was retained in said budget.

Respondent took his oath of office before Mayor Aquino on February 1, 1976.

In a special session held on February 23, 1976, the "Sangguniang Bayan" of Piddig passed Resolution No. 1 creating the position of "Sangguniang Bayan" Secretary as a "vital" position, and Resolution No. 2 revalidating the appointment of respondent as such.

x x x x

While it may be that at the time of appointment, no position of "Sangguniang Bayan" Secretary formally existed, whatever defect there may have been initially was cured subsequently by the creation of said position and the revalidation of respondent's appointment. That appointment was ultimately approved by the Civil Service Commission on May 11, 1976 thus giving it the stamp of finality. x x x[23] (Emphases supplied.)

In the case at bar, the 24 new positions were included in Ordinance No. 006-98 enacting the 1999 Annual Budget. Subsequently, the Sangguniang Bayan later affirmed the creation of all questioned positions in separate resolutions and continued to include the said positions in the appropriations in subsequent budget ordinances. It is likewise undisputed that the questioned appointments were all approved by the Civil Service Commission.

In view of the foregoing, petitioner's underlying premise for her administrative complaint, i.e., the alleged non-creation of the subject positions, cannot be upheld and thus, it is no longer necessary to pass upon the remaining corollary issues of the instant petition.

WHEREFORE, premises considered, the petition is hereby DENIED. The assailed Decision dated December 3, 2001 as well as the Resolution dated May 28, 2002 of the Court of Appeals in CA-G.R. SP No. 61841 are AFFIRMED. The assailed Decision dated May 23, 2000 of the Ombudsman in OMB-ADM-1-99-1035 is likewise AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 33-42; penned by Associate Justice Delilah Vidallon-Magtolis with Associate Justices Candido V. Rivera and Juan Q. Enriquez, Jr., concurring.

[2] *Id.* at 52.

[3] *Id.* at 25-32.

[4] *Id.* at 34-37.

- [5] Id. at 8.
- [6] Id. at 53-54.
- [7] Id. at 77-87.
- [8] Id. at 88.
- [9] 422 Phil. 334 (2001).
- [10] Id. at 351.
- [11] 39 Phil. 747 (1919).
- [12] Id. at 749.
- [13] *Vios v. Pantangco, Jr.*, G.R. No. 163103, February 6, 2009, 578 SCRA 129, 143.
- [14] *Orbase v. Office of the Ombudsman*, G.R. No. 175115, December 23, 2009, 609 SCRA 111, 126.
- [15] Rules of Court, Rule 133, Section 2.
- [16] *Cadio-Palacios v. People*, G.R. No. 168544, March 31, 2009, 582 SCRA 713, 727.
- [17] G.R. No. 154652, August 14, 2009, 596 SCRA 31.
- [18] Id. at 44-46.
- [19] *Bascos, Jr. v. Taganahan*, G.R. No. 180666, February 18, 2009, 579 SCRA 653, 674-675.
- [20] Rollo, pp. 30-31.
- [21] *Francisco, Jr. v. Desierto*, G.R. No. 154117, October 2, 2009, 602 SCRA 50, 125, citing *Morong Water District v. Office of the Deputy Ombudsman*, 385 Phil. 45, 58 (2000).
- [22] 188 Phil. 148 (1980).
- [23] Id. at 150-154.

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