

THE OFFICE OF THE OMBUDSMAN, PETITIONER, VS. RAMON C. GALICIA, RESPONDENT.

G.R. No. 167711. October 10, 2008

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

GENERALLY, the Ombudsman must yield to the Division School Superintendent in the investigation of administrative charges against public school teachers.

The rule and the exception are at focus in this petition for review on certiorari of the Decision[1] of the Court of Appeals (CA) divesting the Ombudsman of jurisdiction.

The Facts

Culled from the records, the facts are as follows:[2]

Respondent Ramon C. Galicia was a former public school teacher at M.B. Asistio, Sr. High School (MBASHS) in Caloocan City. Based on the academic records that he submitted forming part of his 201 file, Galicia graduated from the Far Eastern University with a degree in civil engineering but failed to pass the board examinations. He also represented himself to have earned eighteen (18) units in education in school year (SY) 1985-1986, evidenced by a copy of a Transcript of Records (TOR) from the Caloocan City Polytechnic College (CCPC). Likewise, he passed the Teachers' Professional Board Examination (TPBE) given on November 22, 1987.

Subsequently, on December 2001, Reynaldo V. Yamsuan, then Principal of the MBASHS, reviewed the 201 files of his teaching staff. He took note that the TOR submitted by Galicia was not an original copy, but only stamped with "verified correct from the original" signed by Administrative Officer Rogelio Mallari. Pursuant to a Division Memorandum, Yamsuan required Galicia and other teachers with similar records, to secure authenticated copies of the TOR that they submitted. All of the teachers who were given the said instruction complied, with the exception of Galicia.

Yamsuan proceeded to verify the authenticity of the said TOR by requesting for confirmation from the school. Yamsuan was surprised to receive a reply from Marilyn Torres-De Jesus, College Registrar of CCPC, stating that they had no record of the said TOR, and more importantly, that they had no records that Galicia, indeed, took up eighteen (18) units of education in SY 1985-1986. The letter of De Jesus stated:

This has reference to the herein attached photocopy of Transcript of Records of MR. RAMON C. GALICIA which you forwarded in our office for authentication dated November 29, 2002.

Relative to this, we would like to inform you that on the basis of our records kept in this office, MR. RAMON C. GALICIA has no records from the 18 units of Education 1st Semester 1985-1986.[3]

Acting on his findings, Yamsuan lodged an affidavit-complaint for falsification, dishonesty, and grave misconduct against Galicia before the Ombudsman.[4]

In his Counter-Affidavit,[5] Galicia contended that the complaint was malicious and motivated by revenge. Yamsuan had an axe to grind against him. Earlier, he filed a falsification case against Yamsuan. The two likewise clashed on account of Galicia's chairmanship of the teachers' cooperative.

Galicia stressed that the TOR he submitted was authentic, as shown by the signature of then College Registrar Rolando Labrador. He argued that the certification from the present college registrar that CCPC had no record of his TOR did not prove that the document was spurious. Rather, it only proved that CCPC's filing system of scholastic records was disorganized. This, according to Galicia, explained why the school's copy of the TOR could not be found. Moreover, Galicia argued that the TPBE was a highly specialized type of exam that could only be passed if the examinee acquired academic units in education. If he did not take up the said eighteen (18) units in education, then he could not have possibly passed the TPBE which he took on November 22, 1987.

During the preliminary conference, Galicia presented for comparison the original of the TOR and Certificate of Grades (COG), as well as the original copies of the other documents in his 201 file. A subpoena duces tecum was subsequently served upon Prof. Marilyn T. De Jesus, Registrar of CCPC, to appear before the Evaluation and Preliminary Investigation Bureau for the purpose of certifying the authenticity of Galicia's school records. De Jesus, however, declined to certify the documents because no copies were on file in the school. In her reply letter, De Jesus stated:

x x x we would like to inform your good office that since I was appointed as the College Registrar only June 20, 1997, I cannot certify whether or not the attached documents were issued by the Caloocan City Polytechnic College. But, we would like to inform you that based on the records kept in this office, the attached two documents are not available in our file and MR. RAMON C. GALICIA has no records from the 18 units of Education, 1st Semester, 1985-1986.[6]

Ombudsman Disposition

After the parties submitted their reply, rejoinder, and respective memoranda, the Ombudsman gave judgment with the following disposition:

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered finding Galicia RAMON C. GALICIA, Guilty of Dishonesty for which the penalty of Dismissal From the Service, Forfeiture of Leave Credits and Retirement Benefits and Temporary Disqualification for Re-employment in the Government Service for a period of One (1) Year from the Finality of this Decision, is hereby imposed, pursuant to Section 52 (A-1) OF THE Uniform Rules on Administrative Cases (CSC Resolution No. 991936).[7]

While stating that Galicia presented the original of the questioned documents during the preliminary conference,[8] the Ombudsman nevertheless found that the absence of a certification from the College Registrar destroyed the TOR's credibility. Said the Ombudsman:

In the preliminary conference of the case held on September 10, 2002, the respondent, together with his counsel presented for comparison the original copies of the following documents: (1) transcript of records (FEU for Civil Engineering), (2) transcript of records, Caloocan City Polytechnic College of the 18 units subject signed by the then Registrar Rolando Labrador; (3) Certification of grades also signed by then Registrar Rolando Labrador; and (4) PBET (teachers board examination grade 73.75% issued by the Civil Service).

All these documents (transcript from the Far Eastern University and the Caloocan City Polytechnic College) were duly signed by their respective registrar.[9]

x x x x

It is therefore clear that the pieces of evidence on record tend to establish the fact that the Official Transcript of Records submitted by the respondent is spurious, owing to the fact that he does not have any record of having attended and/or obtained the eighteen (18) units of teaching education subjects.

The photocopy of his Official Transcript of Records does not in any way rebut the evident findings against him, as the same prove to be weak as specie of evidence. If, indeed, the respondent has obtained the eighteen (18) units of teaching education which he claims, then he could easily prove the same apart from the mere photocopy of this Official Transcript of Records. Stated otherwise, if the respondents did took (sic) eighteen (18) units of teaching education subjects, then the same can be easily established by the records of the college itself. However, the Caloocan City Polytechnic College has been consistent in its stand that the respondent has no record of having obtained the teaching education units in question.[10] (Emphasis supplied)

Galicia filed a motion for reconsideration, raising the issue of jurisdiction for the first time. He argued that it is not the Ombudsman, but the Department of Education, through the School Superintendent, which has jurisdiction over administrative cases against public school teachers, as mandated by Republic Act (R.A.) No. 4670, or the Magna Carta for Public School Teachers.[11]

Galicia further challenged the jurisdiction of the Ombudsman by invoking Section 20 of R.A. No. 6770 or the Ombudsman Act[12] which enumerates the instances when the Ombudsman may not conduct an administrative investigation. Under the said provision, the Ombudsman may not conduct investigation if the following requisites concur:

- Complainant has an adequate remedy in another judicial or quasi-judicial body;
- The complaint pertains to a matter outside the jurisdiction of the Ombudsman;
- The complaint is trivial, frivolous, vexatious or made in bad faith;
- Complainant has no sufficient personal interest in the subject matter of the grievance; or
- The complaint was filed after one year from the occurrence of the act or omission complained of.[13]

According to Galicia, all of the above conditions were present in the case filed against him. An adequate remedy existed in the Office of the Secretary of Education; the matter was outside the jurisdiction of the Ombudsman; the complaint was made in bad faith; and complainant Yamsuan had no sufficient personal interest in the matter.

Lastly, Galicia claimed that the Ombudsman lacked jurisdiction inasmuch as the complaint was filed only in 2002, thirteen (13) years from the time he allegedly committed the dishonest act in 1989. According to him, this violated Section 20(5) of R.A. No. 6770, which mandated that all complaints must be filed within one year from the occurrence of the act charged.[14]

The Ombudsman denied Galicia's motion for reconsideration.[15] It declared that the Ombudsman's disciplining authority extended over all illegal, unjust, and improper acts of public officials or employees, as expressly provided by the 1987 Constitution and the Ombudsman Act.

Even granting that R.A. No. 4670[16] gave the School Superintendent jurisdiction over administrative cases against public school teachers like Galicia, it did not operate to oust the Ombudsman from its disciplining authority over public employees. There was, in fact, as argued by the Ombudsman, concurrent jurisdiction between the two.

Galicia elevated the case to the CA.

CA Decision

On January 20, 2005, the CA reversed and set aside the decision of the Ombudsman,[17] disposing as follows:

WHEREFORE, in view of the foregoing, the instant Petition is hereby GRANTED and the Decision dated October 18, 2002 as well as the Order dated July 28, 2003 of public respondent are hereby REVERSED AND SET ASIDE. Petitioner is ordered REINSTATED to his former position and is hereby awarded backwages from the time of his illegal dismissal until he is reinstated and also all other monetary benefits that may have accrued to him during the period of his unjustified dismissal.[18]

Principally, the CA held that jurisdiction over public school teachers belonged to the School Superintendent as mandated by R.A. No. 4670.[19]

The CA, however, did not hinge its decision solely on the question of jurisdiction. It upheld the arguments of Galicia and, consequently, overturned the findings of fact during the investigation proceedings. Contrary to the ruling of the Ombudsman, the CA ruled that the school's lack of certification did not establish that the TOR was fabricated or spurious. It was possible that the records were only missing. The "verified correct from the original" notations in the photocopied TOR and COG prove that the documents were, indeed, authentic.

Issues

In this petition for review, the Ombudsman, via Rule 45, imputes to the CA twin errors, viz.:

I

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS ERRED IN NULLIFYING THE DECISION OF THE OFFICE OF THE OMBUDSMAN ON ALLEGED JURISDICTIONAL INFIRMITY.

II

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS ERRED IN REVERSING THE FINDINGS OF FACT OF THE OFFICE OF THE OMBUDSMAN WHICH ARE BASED ON SUBSTANTIAL EVIDENCE.[20] (Underscoring supplied)

Our Ruling

At the center of the present controversy is the authority granted to the Ombudsman over administrative cases against public school teachers. Before We proceed to discuss the merits of the petition, We shall first review the authority granted to the Ombudsman under existing laws.

The duty and privilege of the Ombudsman to act as protector of the people against the illegal and unjust acts of those who are in the public service, emanate from no less than the 1987 Constitution. Section 12 of Article XI states:

Section 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.

Under Section 13, Article XI, the Ombudsman is empowered to conduct investigations on its own or upon complaint by any person when such act appears to be illegal, unjust, improper, or inefficient. He is also given broad powers to take the appropriate disciplinary actions against erring public officials and employees.

In *Deloso v. Domingo*,[21] the Court declared that the clause "illegal act or omission of any public official" encompasses any crime committed by a public official or employee. Its reach is so vast that there is no requirement that the act or omission be related to or be connected with the performance of official duty. The

rationale for this grant of vast authority is to insulate the Ombudsman from the corrupt influences of interested persons who are able to sway decisions in their favor, and thus thwart the efforts to prosecute offenses committed while in office and to penalize erring employees and officials.

As mandated by the 1987 Constitution, The Ombudsman Act was enacted in line with the state's policy of maintaining honesty and integrity in the public service and take effective measures against graft and corruption.[22] Its investigative authority is enshrined in Section 15:

SEC. 15. Powers, Functions and Duties. - The Ombudsman shall have the following powers, functions and duties:

- Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of this primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases. (Emphasis supplied)

This power of investigation granted to the Ombudsman by the 1987 Constitution and The Ombudsman Act is not exclusive but is shared with other similarly authorized government agencies, such as the PCGG and judges of municipal trial courts and municipal circuit trial courts.[23] The power to conduct preliminary investigation on charges against public employees and officials is likewise concurrently shared with the Department of Justice.[24] Despite the passage of the Local Government Code in 1991, the Ombudsman retains concurrent jurisdiction with the Office of the President and the local Sanggunians to investigate complaints against local elective officials.[25]

Section 19 of the Ombudsman Act further enumerates the types of acts covered by the authority granted to the Ombudsman:

SEC. 19. Administrative Complaints. - The Ombudsman shall act on all complaints relating, but not limited to acts or omissions which:

- Are contrary to law or regulation;
- Are unreasonable, unfair, oppressive or discriminatory;
- Are inconsistent with the general course of an agency's functions, though in accordance with law;
- Proceed from a mistake of law or an arbitrary ascertainment of facts;
- Are in the exercise of discretionary powers but for an improper purpose; or
- Are otherwise irregular, immoral or devoid of justification

In the exercise of its duties, the Ombudsman is given full administrative disciplinary authority. His power is not limited merely to receiving, processing complaints, or recommending penalties. He is to conduct investigations, hold hearings, summon witnesses and require production of evidence and place respondents under preventive suspension. This includes the power to impose the penalty of removal, suspension, demotion, fine, or censure of a public officer or employee.[26]

A review of the Ombudsman Act and the Magna Carta for Public School Teachers reveals an apparent overlapping of jurisdiction over administrative cases against public school teachers.

Section 9 of the Magna Carta for Public School Teachers grants jurisdiction over erring public school teachers to an Investigating Committee headed by the Division School Superintendent. The provision reads:

SEC. 9. Administrative Charges. - Administrative charges against a teacher shall be heard initially by a committee composed of the corresponding School Superintendent of the Division or a duly authorized representative who should at least have the rank of a division supervisor, where the teacher belongs, as chairman, a representative of the local or, in its absence, any existing provincial or national teachers' organization and a supervisor of the Division, the last two to be designated by the Director of Public Schools. The committee shall submit its findings and recommendations to the Director of Public Schools within thirty days from the termination of the hearings: Provided, however, That where the school superintendent is the complainant or an interested party, all the members of the committee shall be appointed by the Secretary of Education.

Galicia argues that jurisdiction exclusively belongs to the investigating committee on the main thesis that the Magna Carta for Public School Teachers is a special law which should take precedence over the Ombudsman Act, a general law. The Ombudsman maintains that jurisdiction among the two bodies is concurrent since there is no express repeal in either of the laws that would oust the Ombudsman from its authority over public school teachers.

This is not a novel issue. This Court has recently ruled in *Office of the Ombudsman v. Estandarte*[27] that by virtue of the Magna Carta for Public School Teachers, original jurisdiction belongs to the school superintendent. The intention of the law, which is to impose a separate standard and procedural requirement for administrative cases involving public school teachers, must be given consideration.[28] Hence, the Ombudsman must yield to this committee of the Division School Superintendent. Even in the earlier case of *Alcala v. Villar*,[29] the Court held that:

Republic Act No. 6770, the Ombudsman Act of 1989, provides that the Ombudsman shall have disciplinary authority over all elective and appointive officials of the Government and its subdivisions, instrumentalities and agencies, including members of the Cabinet, local government, government-owned or controlled corporations and their subsidiaries except over officials who may be removed by impeachment or over Members of Congress, and the Judiciary. However, in *Fabella v. Court of Appeals*, it was held that R.A. No. 4670, the Magna Carta for Public School Teachers, specifically covers and governs administrative proceedings involving public school teachers. x x x[30] (Emphasis supplied)

Be that as it may, We hold here that the Ombudsman's exercise of jurisdiction was proper.

The CA was in error in relying on *Alcala*, without taking into consideration the case's full import. In *Alcala*, the Court, while recognizing the jurisdiction of the School Superintendent, nonetheless upheld the decision of the Ombudsman on the rationale that the parties were afforded their right to due process during the investigation proceedings. Respondent in the *Alcala* case was given sufficient opportunity to be heard and submit his defenses to the charges made against him. Thus, he is estopped from questioning the jurisdiction of the Ombudsman after an adverse decision was promulgated.

In the same manner, the recent *Estandarte* case recognized similar circumstances cited in *Emin v. De Leon*. [31] In *De Leon*, it was found that the parties were afforded their right to due process when both fully participated in the proceedings before the Civil Service Commission (CSC). The Court ruled that while jurisdiction lies with the School Superintendent, respondent is estopped from attacking the proceedings before the CSC.

In the present case, records show that Galicia was given the right to due process in the investigation of the charges against him. He participated in the proceedings by making known his defenses in the pleadings that he submitted. It was only when a decision adverse to him was rendered did he question the jurisdiction of the Ombudsman.

Under the principles of estoppel and laches, We rule that it is now too late for Galicia to assail the administrative investigation conducted and the decision rendered against him.

Galicia strongly believes and claims that he was denied due process for the reason that he only presented his original documents once and he was allegedly not informed of the hearing date when De Jesus, the CCPC Registrar, testified. A perusal of the records show, however, that Galicia was given an opportunity by petitioner to comment on the certification issued by De Jesus that CCPC has no record of the TOR and COG presented by Galicia.[32] Indeed, Galicia was able to present his side when he filed his comment to said certification on January 17, 2003.[33]

The essence of due process in administrative proceedings is an opportunity to explain one's side or an opportunity to seek reconsideration of the action or ruling complained of.[34] During the proceedings before the Ombudsman, Galicia filed a Counter-Affidavit, Rejoinder-Affidavit, Comment on the Certification of the CCPC Registrar, and a Rejoinder to Reply. He also submitted documents in support of his contentions. Likewise, there is no indication that the proceedings were done in a manner that would prevent him from presenting his defenses. Verily, these suffice to satisfy the requirements of due process because the opportunity to be heard especially in administrative proceedings (where technical rules of procedure and evidence are not strictly applied) is not limited to oral arguments. More often, this opportunity is conferred through written pleadings that the parties submit to present their charges and defenses.[35]

In sum, We reiterate that it is the School Superintendent and not the Ombudsman that has jurisdiction over administrative cases against public school teachers. Yet, Galicia is estopped from belatedly assailing the jurisdiction of the Ombudsman. His right to due process was satisfied when he participated fully in the investigation proceedings. He was able to present evidence and arguments in his defense. The investigation conducted by the Ombudsman was therefore valid.

We now proceed to discuss the meat of the petition.

Superior courts are not triers of facts. When the findings of fact of the Ombudsman are supported by substantial evidence, it should be considered as conclusive.[36] This court recognizes the expertise and independence of the Ombudsman and will avoid interfering with its findings absent a finding of grave abuse of discretion.[37] However, the findings of fact of the Ombudsman will not escape judicial review, more so in cases where the CA reached a different conclusion on appeal.[38]

The Ombudsman found that the TOR submitted by Galicia as evidence that he took up eighteen (18) units of education in the CCPC is spurious. In arriving at this conclusion, the Ombudsman conducted investigation proceedings and examined the evidence presented by both parties. In essence, it was held that a TOR that is not authenticated by the school is not a valid document.

Records show that Galicia presented an original copy of the TOR and COG during the preliminary investigation conducted by the Ombudsman.[39] He argues that these original copies are enough proof that his documents are authentic and the fact that the present registrar of the school did not certify his school records is not persuasive evidence to defeat his original documents.

On appeal, the CA reversed the findings of the Ombudsman on the ground that the certification by the present College Registrar attests merely to the fact that petitioner's transcript does not appear in their records. According to the CA, Galicia did present the original copy of his TOR during the preliminary conference. We quote with approval the observations of the CA on this matter:

The certification issued by the present College Registrar, Prof. Marilyn de Jesus of the Polytechnic College of Caloocan City attests merely to the fact that petitioner's transcript does not appear on their records. It is possible that the transcript of petitioner's was only misplaced and/or missing. Such certification, however, does not necessarily mean that petitioner fabricated his education records or that the one which he presented is

spurious just so he could gain employment at the M.B. Asistio Sr. High School. Verily, the failure of Prof. Marilyn de Jesus to locate the transcript of records of petitioner should not be taken against the latter. Besides, as confirmed by the investigating officer in the administrative proceedings, petitioner presented the original of his transcript of records at the preliminary conference of the case on September 10, 2002.

As earlier intimated, the transcript of grades for the 18 units of teaching education which petitioner submitted was issued to him by then College Registrar Rolando Labrador and bears the signature of Administrative Officer III Rogelio Mallari with the notation: "verified correct from the original." The certification was signed by Administrative Officer III Rogelio Mallari and the previous College Registrar, Rolando Labrador. Said notation, thus, connotes that the transcript of records and accompanying certification are authentic reproductions of the original.[40] (Emphasis supplied)

We are mindful of Our decision in *Lumancas v. Intas*,^[41] where two government employees submitted TORs and Special Orders as proof of their educational attainment. Upon verification with the CHED, it was found that there were no records with the Department of Education that respondents were enrolled with the named school during the period. Consequently, the decision of the Ombudsman finding them guilty of falsification, dishonesty, and grave misconduct was upheld.

We find, however, that *Lumancas* is not applicable to this case. In *Lumancas*, it was the CHED which issued the negative certification, a public document of a government institution which enjoys the presumption of regularity.^[42] Here, what was presented to the Ombudsman was a certification not from the CHED but from a college, and that does not enjoy the same evidentiary value.

In administrative proceedings, the complainant has the burden of proving the allegations in the complaint.^[43] Absent substantial evidence to prove the falsity of the TOR presented by Galicia duly signed by the College Registrar at that time, We are constrained to uphold his innocence of the charges of falsification.

Galicia's original TOR, although belatedly submitted, is positive evidence that, indeed, he took up 18 units of education at the CCPC. The present College Registrar's certification of the absence of Galicia's records in her office, is negative evidence to the contrary. Following the general rule that positive evidence is more credible than negative evidence, We find more reason to uphold the findings of the CA.^[44]

WHEREFORE, the petition is DENIED and the appealed Decision AFFIRMED.

SO ORDERED.

Puno, C.J., QUisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, and Brion, JJ., concur.
Nachura[*], J., no part.

[*] No part. Justice Nachura participated as Solicitor General in the instant case.

[1] Rollo, pp. 36-46. Penned by Associate Justice Lucenito N. Tagle, with Associate Justices Martin S. Villarama, Jr. and Regalado E. Maambong, concurring.

[2] Id. at 78-81.

[3] Id. at 4.

[4] Id. at 1-4.

[5] Id. at 10-24.

- [6] Id. at 66.
- [7] Id. at 89.
- [8] Id. at 84.
- [9] Id.
- [10] Id. at 88.
- [11] Enacted on June 18, 1966.
- [12] Enacted on November 17, 1989.
- [13] Id.; Republic Act No. 6770, Sec. 20.
- [14] Rollo, pp. 91-96.
- [15] Id. at 97-107.
- [16] Or the Magna Carta for Public School Teachers.
- [17] Rollo, pp. 36-46. Penned by Associate Justice Lucenito N. Tagle, with Associate Justices Martin S. Villarama, Jr. and Regalado E. Maambong, concurring.
- [18] Id. at 45-46.
- [19] *Alcala v. Villar*, G.R. No. 156063, November 18, 2003, 416 SCRA 147.
- [20] Id. at 21-22.
- [21] G.R. No. 90591, November 21, 1990, 191 SCRA 545, 550.
- [22] See note 12.
- [23] *Panlilio v. Sandiganbayan*, G.R. No. 92276, June 26, 1992, 210 SCRA 421; *Cojuangco, Jr. v. Presidential Commission on Good Government*, G.R. Nos. 92319-20, October 2, 1990, 190 SCRA 226.
- [24] *Honasan II v. The Panel of Investigating Prosecutors of the DOJ*, G.R. No. 159747, April 13, 2004, 427 SCRA 46.
- [25] *Hagad v. Gozo-Dadole*, G.R. No. 108072, December 12, 1995, 251 SCRA 242.
- [26] *Ombudsman v. Lucero*, G.R. No. 168718, November 24, 2006, 508 SCRA 106.
- [27] G.R. No. 168670, April 13, 2007, 521 SCRA 155.
- [28] *Ombudsman v. Estandarte*, id.
- [29] *Supra* note 19.
- [30] *Alcala v. Villar*, id. at 151-152.
- [31] G.R. No. 139794, February 27, 2002, 378 SCRA 143.
- [32] Rollo, p. 63.
- [33] Id. at 69-73.
- [34] *Pizza Hut/Progressive Development Corporation v. National Labor Relations Commission*, G.R. No. 117059,

January 29, 1996, 252 SCRA 531.

[35] Concerned Officials of the MWSS v. Vasquez, G.R. No. 109113, January 25, 1995, 240 SCRA 502.

[36] Olivarez v. Sandiganbayan, G.R. No. 118533, October 4, 1995, 248 SCRA 700.

[37] Jao v. Court of Appeals, G.R. Nos. 104604 & 111223, October 6, 1995, 249 SCRA 35; Yabut v. Ombudsman, G.R. No. 111304, June 17, 1994, 233 SCRA 310.

[38] See Olivarez v. Sandiganbayan, supra note 36; Gaw v. Intermediate Appellate Court, G.R. No. 70451, March 24, 1993, 220 SCRA 405.

[39] Rollo, p. 84.

[40] Id. at 44-45.

[41] 400 Phil. 785 (2000).

[42] See Rule 132, Sec 23. Public Documents as Evidence; Pan Pacific Industrial Sales Co., Inc. v Court of Appeals, G.R. No. 125283, February 10, 2006, 482 SCRA 164.

[43] Melchor v. Gironella, G.R. No. 151138, February 16, 2005, 451 SCRA 476.

[44] Gomez v. Gomez-Samson, G.R. No. 156284, February 6, 2007, 514 SCRA 475.

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