

**WINSTON F. GARCIA, IN HIS CAPACITY AS PRESIDENT AND
GENERAL MANAGER OF THE GOVERNMENT SERVICE INSURANCE
SYSTEM (GSIS), PETITIONER, VS. COURT OF APPEALS AND RUDY C.
TESORO, RESPO...**

G.R. No. 169005. January 28, 2013

Ponente: VILLARAMA, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-169005/>

VILLARAMA, JR., J.:

Assailed in this petition for certiorari under Rule 65 are the Decision[1] dated April 11, 2005 and Resolution[2] dated July 20, 2005 of the Court of Appeals (CA) in CA-G.R. SP No. 82751.

In February and March, 2003, the Government Service Insurance System (GSIS) published an Invitation to Pre-Qualify to Bid for the construction of the GSIS Iloilo City Field Office (GSIS-ICFO) Building with an approved budget cost of P57,000,000.00.[3] Out of the eight (8) pre--qualified contractors, only four submitted their financial bids, as follows:

Embrol Builders, Inc.

-

P 55,350,000.00

Nelson S. Lee Construction

-

55,125,000.00

F. Gurrea Construction

-

53,503,013.33

H .S. Oaminal Construction

-

51,307,146.30[4]

After evaluation of the bids and post-qualification, the Bids and Awards Committee (BAC) declared the bid of Embrocal Builders, Inc. (Embrocal) as the “Lowest Calculated and Responsive Bid.” Subsequently, Atty. Henry S. Oaminal requested that they be awarded the contract for having submitted the lowest responsive bid, while Mr. Felix Gurrea sought clarification of certain bid instructions. Said bidders were informed of their disqualification only on December 10, 2003 through a letter signed by GSIS Iloilo Field Office Manager, Jesusa Ruby A. Teruel.[5]

In its Resolution No. 01-03 dated November 4, 2003, the BAC recommended to the Senior Vice-President of the Field Operations Group (SVP-FOG), herein private respondent Rudy C. Tesoro, that the proposed construction of the GSIS-ICFO building be awarded to Embrocal in the amount of P55,350,000.00 for a contract period of 300 days to be reckoned 15 days from the date of Notice to Proceed. The Notice of Award date November 4, 2003 was signed by Manager Teruel, Mateo E. Basa, Jr., VP Area II-FOG and private respondent. On even date, the Contract for the Construction of the GSIS-Iloilo Office Building was executed between GSIS represented by private respondent and Embrocal represented by its President Edgardo M. Brocal. In his letter dated November 20, 2003, Mr. Brocal requested for the release of the 15% mobilization fee pursuant to the terms of the contract.[6]

On November 24, 2003, petitioner Winston F. Garcia, then GSIS President and General Manager, issued Office Order No. 104-03 reassigning private respondent and designating him as SVP, Corporate Services Group (SVP-CSG), while SVP-CSG Enriqueta P. Disuanco was designated/reassigned to his post. The said reassignment order, received by the Office of the SVP-FOG on November 27, 2003, was to take effect immediately. Meanwhile, private respondent had approved and signed the Disbursement Voucher for the amount of P7,430,737.50 as mobilization fee (net of taxes) for the GSIS-ICFO building construction contract. Embrocal received the check payment and issued the corresponding receipt on November 27, 2003. However, due to several letters from losing bidders and the protest filed by F. Gurrea Construction, Inc. questioning the conduct of the bidding, SVP Disuanco investigated the matter.[7]

The Report[8] dated January 26, 2004 prepared by SVP-FOG Disuanco and Alfredo B. Pineda II of the OSVP-FOG concluded that the bidding process conducted by the BAC was flawed for non-compliance with the strict provisions of Republic Act (R.A.) No. 9184. It was further observed that the field office committed oversights such as the presence of unofficial BAC members with no defined roles and the BAC’s failure to comply with the requirement of promptly replying to formal queries in consonance with the provisions of R.A. No. 6713.

On January 28, 2004, Ma. Josefina V. Rivas, Regional Cluster Director, Commission on Audit (COA), GSIS-Iloilo City, submitted her observations to Manager Teruel recommending that her office explain the reason for the release of mobilization fee to Embrocal despite non-issuance of the Notice to Proceed, contrary to Section IB 10.10 (1) of Presidential Decree (P.D.) No. 1594. Rivas also noted that per their ocular inspection conducted in late December 2003 at the project site, there was no discernible major construction activity nor deliveries of construction materials or presence of construction crew except for two security guards.[9]

Under Memorandum dated February 6, 2004, private respondent along with other branch officers were directed by the GSIS Investigation Unit to submit within three days from receipt their Counter- Affidavit/Comment explaining why no administrative sanctions shall be imposed upon them, pursuant to Section 11 of the Uniform Rules on Administrative Cases in the Civil Service (URACCS). Private respondent and Mateo E. Basa, Jr. submitted their written explanation under oath on February 11, 2004.[10]

On February 16, 2004, the GSIS Investigation Unit submitted its Preliminary Investigation Report[11]

recommending that administrative charges be filed against the following branch officials and employees: private respondent, Basa, Jr., Teruel, Branch Attorney Catherine Portia P. Corteza, Finance Division Chief Adelaida J. Jamantoc, Senior General Insurance Specialist Jose Ma. C. Capalla and Administrative Division Chief Lita L. Sonalan. It was further recommended that said officials be placed under preventive suspension.

On February 19, 2004, private respondent was formally charged with Gross Neglect of Duty, Grave Misconduct and/or Violation of Reasonable Office Rules and Regulations as provided under Section 46, paragraphs (3), (4) and (12), Chapter 6, Book V, Title I, Subtitle A of Executive Order No. 292, otherwise known as the "Administrative Code of 1987," in relation to Section 52 (A), paragraphs (2) and (3), and (C), paragraph (3), Rule IV of the Civil Service Commission Resolution No. 99-1936 (URACCS). The Formal Charge[12] reads as follows:

That on or about November 4, 2003, you approved the award for the construction of the Government Service Insurance System (GSIS) Iloilo City Field Office (ICFO) building to Embrocal Builders, Inc. and thereafter entered into contract with the same to the disadvantage of GSIS in view of the fact that Embrocal Builders, Inc. had submitted the HIGHEST BID during the bid opening conducted at the ICFO on September 19, 2003;

That on November 27, 2003 you approved the payment of 15% mobilization fee in the amount of Eight Million Three Hundred Two Thousand Five Hundred Pesos (P8,302,500) to Embrocal Builders, Inc. in excess and/or without authority and contrary to the Manual on Signing Authorities for Disbursement Voucher and Check approved by the Board of Trustees of GSIS per Resolution No. 383 dated December 18, 2002. The records show that effective November 24, 2003 you were already effectively reassigned to the Office of Corporate Services pursuant to Office Order No. 104-03 dated November 24, 2003;

That you approved the payment of 15% mobilization fee to Embrocal Builders, Inc. prior to the issuance of the Notice to Proceed in violation of Section 30.5 of the Implementing Rules and Regulations of E.O. 40; and

That you approved the payment of 15% mobilization fee to Embrocal Builders, Inc. contrary to Section 91 of P.D. 1445, otherwise known as the "Government Auditing Code of the Philippines." It was shown that on November 27, 2003 you were not anymore authorized to approve the payment in behalf of the GSIS Field Operations Group.

Private respondent was also placed on preventive suspension for a period of ninety (90) days. On February 23, 2004, he filed his Answer to the charges, in addition to the previous joint explanation dated February 9, 2004 submitted to the Investigation Unit.

However, on March 15, 2004 during the pendency of formal investigation being conducted by GSIS, private respondent filed before the CA a Petition With Prayer for Temporary Restraining Order and/or Writ of Preliminary Injunction (CA-G.R. SP No. 82751).[13] In his petition, private respondent questioned the legality of the formal charge which he claimed was issued without going through the process of preliminary investigation. He thus prayed that petitioner be permanently enjoined from "enforcing and implementing the said illegally issued Formal Charge with the order of preventive suspension." [14]

On May 24, 2004, petitioner rendered his Decision[15] finding private respondent administratively liable, as follows:

WHEREFORE, premises considered, respondent RUDY C. TESORO, is hereby found GUILTY OF GROSS NEGLIGENCE OF DUTY and GRAVE MISCONDUCT pursuant to Section 46 (b) (3) and (4), Chapter 7, Book V, Title I, Subtitle A of Executive Order No. 292, otherwise known as the "Administrative Code of 1987", in relation to Section 52 (A)(2) and (3), Rule IV of the Uniform Rules on Administrative Cases in the Civil Service (URACCS). Consequently, respondent is hereby meted the penalty of DISMISSAL FROM THE SERVICE, WITH PERPETUAL PROHIBITION FROM REEMPLOYMENT IN THE GOVERNMENT

SERVICE, FORFEITURE OF RETIREMENT BENEFITS AND CANCELLATION OF HIS ELIGIBILITY.

SO ORDERED.[16]

The Board of Trustees of GSIS through Resolution No. 118 dated May 26, 2004, approved the draft decision. Copy of the decision was served on private respondent on June 2, 2004 but was returned to the Investigation Unit because private respondent has not reported for work since June 1, 2004.[17]

On June 28, 2004, private respondent filed a motion for reconsideration from the May 24, 2004 Decision but it was denied by petitioner in his Resolution dated July 5, 2004.[18]

In his Comment[19] filed before the CA on June 11, 2004, petitioner contended that private respondent's petition for certiorari is already moot and academic with the rendition of the decision in the administrative case. Petitioner also pointed out that private respondent is misleading the appellate court when the petition alleged that the Formal Charge was issued without any preliminary investigation. Further, petitioner asserted that private respondent violated the principle of exhaustion of administrative remedies when he filed the petition for certiorari despite the availability of appeal.

Private respondent filed his Reply to which a Rejoinder was filed by the petitioner.

Aside from the petition filed in the CA, private respondent also appealed the order of preventive suspension, as well as the Decision dated May 24, 2004 finding him administratively liable for gross neglect of duty and grave misconduct and imposing the penalty of dismissal from service, to the Civil Service Commission (CSC).[20]

In the meantime, upon reevaluation the GSIS Physical Resources Bids and Awards Committee (PRBAC) declared a "failure of bidding" pursuant to Section 41 of the Implementing Rules and Regulations (IRR) of R.A. 9184. Embrocal and its counsel were advised that the contract for the construction of the GSIS-ICFO building entered into with private respondent was null and void ab initio, and hence Embrocal should return the amount of mobilization fees illegally released to it.[21] The COA Regional Legal and Adjudication Office later issued a Notice of Disallowance of the amount released to Embrocal as mobilization fee. Private respondent along with Teruel, Jamantoc, Corteza, Sonalan, Capalla and Basa, Jr. were all found liable for the disallowed sum. Private respondent has not filed any motion for reconsideration of the said disallowance.[22]

On April 11, 2005, the CA rendered the assailed Decision[23] which decreed, as follows:

WHEREFORE, in view of the foregoing premises, the assailed Formal Charge dated 19 February 2004 of the respondent, and his Decision dated 24 May 2004, are hereby MODIFIED as follows:

(a)

The administrative offense of gross neglect of duty and grave misconduct and/or violation of reasonable office rules and regulations for which petitioner is charged is hereby set aside, and modified to the lower administrative offense of SIMPLE NEGLECT OF DUTY.

(b)

The Decision dated 24 May 2004 of herein respondent, the dispositive portion of which reads:

x x x x

is hereby set aside, and a new one is hereby rendered, finding the petitioner RUDY C. TESORO, GUILTY OF SIMPLE NEGLECT OF DUTY pursuant to Section 52 (B) (I), Rule IV, Uniform Rules on Administrative Cases in the Civil Service (URACCS). Consequently, petitioner is hereby meted the penalty of suspension for six (6)

months, without pay, the period for which he was preventively suspended and subsequently dismissed shall be credited for the purpose of serving the penalty hereof. Accordingly, the respondent is directed to immediately reinstate the petitioner to his last position, without loss of seniority rights and other privileges with payment of backwages inclusive of allowances and other benefits from the time of his suspension and dismissal exceeding six (6) months until actual reinstatement. The petitioner is further sternly warned that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.[24]

Petitioner received a copy of the above decision on April 22, 2005, and thus had only until May 7, 2005 within which to file a motion for reconsideration. However, on May 4, 2005, it filed a Motion for Extension of Time to File the Motion for Reconsideration alleging that the lawyer in charge of the case, Atty. Violeta C.F. Quintos of the Investigation Unit, had to immediately take a flight to Cebu City on April 24, 2005 because her father died; she is expected to report for work on May 5, 2005. The motion for reconsideration was filed on May 16, 2005.[25]

Private respondent filed a Motion for Entry of Judgment and Writ of Execution asserting that the decision had attained finality for failure of petitioner to file a timely motion for reconsideration or appeal.[26] He likewise filed a Manifestation and Motion to Withdraw Appeal in CSC Adm. Case No. 04-001 (Preventive Suspension and Illegal Dismissal).[27]

By Resolution dated July 20, 2005, the CA, citing the case of *Habaluyas Enterprises, Inc. v. Japson*[28] denied petitioner's motion for extension to file a motion for reconsideration and merely noted private respondent's motion.

The present petition filed on August 10, 2005 alleges that –

- The Court of Appeals acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it ruled on the merits of the case despite the fact that it did not have the complete records of the case thus depriving petitioner of due process;
- The Honorable Court of Appeals acted with grave abuse of discretion amounting to lack or excess of jurisdiction when it went beyond the Petition for Certiorari filed by respondent and proceeded to rule on the formal charge and the merits of the case;
- Factual errors and misapplication of law were committed by the Honorable Court of Appeals even as the evidence does not support the decision;
- Petitioner's notice to the Court of Appeals of the Decision in the administrative case rendered the Petition for Certiorari filed [by] respondent moot and academic;
- The Honorable Court of Appeals gravely erred in failing to appreciate and apply the principle of Exhaustion of Administrative Remedies when it gave due course to the Petition for Certiorari filed by respondent;
- There is no plain, adequate and speedy remedy available to petitioner.[29]

In his Comment,[30] private respondent argues that with the denial by the CA of petitioner's motion for extension to file a motion for reconsideration, the April 11, 2005 Decision of the CA is already final and executory. Hence, he prays for the outright dismissal of the present petition.

As to the issue of non-exhaustion of administrative remedies, private respondent contends that this case falls under the recognized exceptions to the said rule considering the purely legal issue involved and the violation of

his right to due process. He further asserts that no grave abuse of discretion was committed by the CA when it modified the charge against him considering that: (1) there was no document or evidence showing that he received the November 24, 2003 reassignment order on the date he signed the disbursement voucher (November 25, 2003) for the release of the 15% mobilization fee to Embrocal; (2) even assuming he was informed immediately on November 24, 2003 regarding his transfer, his act of signing the check and disbursement voucher was still valid and legal since he has not assumed the duties of the new position (SVP-CSG) at that time; (3) he was not in a position to overturn the decision and recommendation of the BAC and the previous signatories to the check and voucher; (4) he cannot be charged with gross neglect of duty in relying on the expert recommendation of the BAC members and his subordinates.

Petitioner counters that the private respondent may not deprive this Court of appellate jurisdiction over the CA's April 11, 2005 Decision, citing *Barnes v. Padilla*.^[31] He reiterates that the CA gravely abused its discretion when it ruled on the merits of the administrative case despite the absence of complete records and transformed the petition for certiorari filed by private respondent into an appeal. The CA also ignored the more than substantial evidence showing that private respondent was guilty of gross neglect of duty and grave misconduct that would justify the imposition of a higher penalty.

Petitioner stresses that contrary to private respondent's assertions, he was the final approving authority who could accept, modify or completely disregard the BAC's recommendation after evaluation of the bidding process. The CA decision, in fact, had confirmed petitioner's finding that private respondent was really remiss in his job and is actually to be blamed for the anomalous award to the highest bidder. Moreover, BAC members were not appointed for their expertise in the bidding process but are employees designated to said committee by virtue of their positions in the Iloilo City Field Office Department (ICFOD). Private respondent's supervision over the ICFOD-BAC, as SVP-FOG, includes authority over their recommendations. On his continuing claim that he signed the disbursement voucher and check on November 25, 2003 prior to his receipt of the transfer order, petitioner cites the affidavit of Manager Teruel stating that the disbursement voucher and check were hand-carried from the Iloilo City Field Office to the OSVP-FOG for private respondent's signature on November 27, 2003.

The assailed CA resolution upheld the general rule that the filing of a motion for extension of time to file a motion for reconsideration in the CA does not toll the fifteen-day period to appeal, citing *Habaluyas Enterprises, Inc. v. Japson*.^[32] However, in previous cases we suspended this rule in order to serve substantial justice.^[33]

In *Barnes v. Padilla*,^[34] we exempted from the operation of the general rule the petitioner whose motion for extension of time to file a motion for reconsideration was denied by the CA. In the Resolution denying the motion for reconsideration of our Decision dated September 30, 2004, we held that:

A suspension of the Rules is warranted in this case since the procedural infirmity was not entirely attributable to the fault or negligence of the petitioner. Petitioner's counsel was understandably confused with the absence of an explicit prohibition in the 2002 Internal Rules of the Court of Appeals (IRCA) that the period of filing a motion for reconsideration is non-extendible, which was expressly stated in the Revised Internal Rules of the Court of Appeals that was in effect prior to the IRCA. The lawyer's negligence without any participatory negligence on the part of the petitioner is a sufficient reason to set aside the resolution of the CA.

More significantly, a careful study of the merits of the case and the lack of any showing that the review sought is merely frivolous and dilatory, dictated the setting aside of the resolutions of the CA in CA- G.R. SP No. 69573 and Branch 215 in Civil Case No. Q-99-37219, as both are patently erroneous. x x x

Furthermore, the private respondents will not be unjustly prejudiced by the suspension of the rules. What is subject of the appeal is only a question of law, involving the issue of forum-shopping, and not a factual matter involving the merits of each party's respective claims and defenses relating to the enforcement of the MOA,

wherein petitioner was given an option to purchase the subject property. Litigations should, as much as possible, be decided on their merits and not on mere technicalities. Every party-litigant should be afforded the amplest opportunity for the proper and just disposition of his cause, freed from the constraints of technicalities.[35] (Emphases supplied)

After a conscientious review, we hold that a suspension of the Rules is warranted in this case since the delay of one week and two days in the filing of the motion for reconsideration was not occasioned by negligence on the part of petitioner's lawyer in charge of the case, the latter having a valid excuse to immediately take leave of absence in view of her fathers' sudden demise. Additionally, the merits of the case impel us to adopt a more liberal stance. There is likewise no showing that the review sought is merely frivolous and dilatory. As we said in *Barnes v. Padilla*:[36]

Invariably, rules of procedure should be viewed as mere tools designed to facilitate the attainment of justice. Their strict and rigid application, which would result in technicalities that tend to frustrate rather than promote substantial justice, must always be eschewed. Even the Rules of Court reflects this principle. The power to suspend or even disregard rules can be so pervasive and compelling as to alter even that which this Court itself had already declared to be final.

x x x x

Indeed, the emerging trend in the rulings of this Court is to afford every party litigant the amplest opportunity for the proper and just determination of his cause, free from the constraints of technicalities.

While private respondent filed his answer to the Formal Charge issued by petitioner, he filed a petition for certiorari in the CA questioning its validity and the order of preventive suspension, even before the hearing proper was conducted. The CA found no jurisdictional ground to invalidate the Formal Charge, and did not make any ruling on the issue of whether grave abuse of discretion attended the imposition of the preventive suspension order. However, the CA proceeded to review the merits of the administrative charge against private respondent, concurring with petitioner's finding that private respondent was remiss in his duties and responsibilities but declaring private respondent liable for the lesser offense of Simple Neglect and imposing on him the lower penalty therefor. The CA thus exceeded its certiorari jurisdiction when it reviewed the alleged errors of the disciplining authority not only in finding a *prima facie* case against the private respondent but also in determining his guilt. This despite the fact that the rendition of the decision in Adm. Case No. 04-001 by the disciplining authority (GSIS) was earlier brought to the attention of the CA.

A certiorari proceeding is limited in scope and narrow in character. The special civil action for certiorari lies only to correct acts rendered without jurisdiction, in excess of jurisdiction, or with grave abuse of discretion. Certiorari will issue only to correct errors of jurisdiction, not errors of procedure or mistakes in the findings or conclusions of the lower court.[37] As long as the court acts within its jurisdiction, any alleged errors committed in the exercise of its discretion will amount to nothing more than mere errors of judgment, correctible by an appeal or a petition for review under Rule 43 of the Rules of Court,[38] and not a petition for certiorari.

Considering that the CA did not declare any act of the petitioner to have been exercised without or in excess of jurisdiction, or with grave abuse of discretion, the grant of relief to private respondent by sentencing him to a lower offense with reduced penalty cannot be sustained. Whether the private respondent may be held liable for Gross Neglect of Duty as stated in the Formal Charge or for the lower offense of Simple Neglect of Duty should be properly threshed out in Adm. Case No. 04-001 and thereafter in a timely appeal to the Civil Service Commission, not in the certiorari proceedings before the CA seeking nullification of the Formal Charge and preventive suspension order.

In the case of *People v. Court of Appeals*,^[39] accused-respondents were convicted by the Regional Trial Court (RTC) of violation of Section 68 of P.D. No. 705 and accordingly sentenced with the prescribed penalty of imprisonment. Instead of appealing the RTC judgment after the denial of their motion for reconsideration, respondents filed a petition for certiorari under Rule 65 with the CA, praying for the reversal of their conviction. The CA reviewed the trial court's assessment of the evidence on record, its findings of facts, and its conclusions based on the said findings. The CA forthwith concluded that the said evidence was utterly insufficient on which to anchor a judgment of conviction, and acquitted one of the respondents of the crime charged.

On appeal by the People to this Court, we reversed and set aside the CA's decision ordering a re-promulgation of the RTC decision against the two respondents and acquitting one respondent. Addressing the issue of whether the CA acted in excess of its jurisdiction or without jurisdiction when it acquitted one of the respondents in a petition for certiorari for the nullification of the trial court's decision, we held:

x x x. However, instead of appealing the decision by writ of error, the respondents filed their petition for certiorari with the CA assailing the decision of the trial court on its merits. They questioned their conviction and the penalty imposed on them, alleging that the prosecution failed to prove their guilt for the crime charged, the evidence against them being merely hearsay and based on mere inferences. In fine, the respondents alleged mere errors of judgment of the trial court in their petition. It behooved the appellate court to have dismissed the petition, instead of giving it due course and granting it.

The CA reviewed the trial court's assessment of the evidence on record, its findings of facts, and its conclusions based on the said findings. The CA forthwith concluded that the said evidence was utterly insufficient on which to anchor a judgment of conviction, and acquitted respondent Almuete of the crime charged.

The appellate court acted with grave abuse of its discretion when it ventured beyond the sphere of its authority and arrogated unto itself, in the certiorari proceedings, the authority to review perceived errors of the trial court in the exercise of its judgment and discretion, which are correctible only by appeal by writ of error. Consequently, the decision of the CA acquitting respondent Almuete of the crime charged is a nullity. If a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void. The lack of statutory authority to make a particular judgment is akin to lack of subject-matter jurisdiction. In this case, the CA is authorized to entertain and resolve only errors of jurisdiction and not errors of judgment.^[40] (Emphasis supplied)

In this case, records showed that private respondent appealed the May 24, 2004 Decision of petitioner finding him administratively liable for gross neglect of duty and grave misconduct and imposing the penalty of dismissal from service, to the CSC. He also separately appealed the preventive suspension order to the CSC. Later, however, private respondent filed a Manifestation and Motion to Withdraw Appeal (both the preventive suspension and illegal dismissal cases) with the CSC on May 25, 2005, without mentioning the April 11, 2005 Decision of the CA modifying the Formal Charge and the aforesaid May 24, 2004 Decision of petitioner.

In a petition for certiorari, the public respondent acts without jurisdiction if it does not have the legal power to determine the case; there is excess of jurisdiction where the respondent, being clothed with the power to determine the case, oversteps its authority as determined by law. There is grave abuse of discretion where the public respondent acts in a capricious, whimsical, arbitrary or despotic manner in the exercise of its judgment as to be said to be equivalent to lack of jurisdiction. Mere abuse of discretion is not enough.^[41]

Excess of jurisdiction as distinguished from absence of jurisdiction means that an act, though within the general power of a tribunal, board or officer is not authorized, and invalid with respect to the particular proceeding,

because the conditions which alone authorize the exercise of the general power in respect of it are wanting.[42] The supervisory jurisdiction of the court to issue a certiorari writ cannot be exercised in order to review the judgment of the lower court as to its intrinsic correctness, either upon the law or the facts of the case. In the absence of a showing that there is reason for the Court to annul the decision of the concerned tribunal or to substitute its own judgment, it is not the office of the Court in a petition for certiorari to inquire into the correctness of the assailed decision or resolution.[43]

Since petitioner is vested with the requisite legal authority to issue the Formal Charge, after due investigation in accordance with existing rules and regulations of the Civil Service, and to commence administrative proceedings against the private respondent,[44] and in the absence of grave abuse of discretion in the exercise of such powers, it behooved the CA to dismiss the petition instead of giving it due course and granting it. In resolving the merits of the decision rendered in the administrative case despite the pendency of private respondent's appeal before the CSC assailing the correctness of the same decision, the CA clearly exceeded its certiorari jurisdiction.

WHEREFORE, the present petition is hereby GIVEN DUE COURSE and the writ prayed for, accordingly GRANTED. The Decision dated April 11, 2005 and Resolution dated July 20, 2005 of the Court of Appeals in CA-G.R. No. SP No. 82751 are hereby ANNULLED AND SET ASIDE.

No pronouncement as to costs.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Brion,[*] JJ., concur.

[*] Designated additional member per Raffle dated November 7, 2012 vice Associate Justice Bienvenido L. Reyes who recused himself from the case for having penned the assailed Court of Appeals Decision and Resolution.

[1] Rollo, pp. 47-68. Penned by Associate Justice Bienvenido L. Reyes (now a Member of this Court) with Associate Justices Godardo A. Jacinto and Rosalinda Asuncion-Vicente concurring.

[2] Id. at 108-111.

[3] Id. at 181,300.

[4] Id. at 184, 302.

[5] Id. at 188, 302-303.

[6] CA rollo, pp. 90-91, 114-123, 127.

[7] Id. at 133-151.

[8] Rollo, pp. 181-193.

[9] CA rollo, pp. 153-154.

[10] Id. at 156-157, 160-167.

[11] Id. at 168-180.

[12] Rollo, pp. 126-127.

[13] CA rollo, p. 2-15.

- [14] Id. at 13.
- [15] Rollo, pp. 297-323; ADM. Case No. 04-001.
- [16] Id. at 323.
- [17] Id. at 324-326.
- [18] Id. at 383-417.
- [19] CA rollo, pp. 45-74.
- [20] Rollo, pp. 446-496. Annexed to the Supplement to the Petition.
- [21] Id. at 497-504.
- [22] Id. at 505-506, 511.
- [23] Id. at 47-68.
- [24] Id. at 66-67.
- [25] CA rollo, pp. 342-344, 349-373.
- [26] Id. at 345-348.
- [27] Rollo, pp. 512-514.
- [28] No. L-70895, May 30, 1986, 142 SCRA 208.
- [29] Rollo, pp. 21-22.
- [30] Id. at 617-652.
- [31] G.R. No. 160753, September 30, 2004, 439 SCRA 675.
- [32] Supra note 28.
- [33] Barnes v. Padilla, G.R. No. 160753, June 28, 2005, 461 SCRA 533, 540 (Resolution denying motion for reconsideration).
- [34] Supra note 31, at 686-687.
- [35] Barnes v. Padilla, supra note 33, at 542-544.
- [36] Supra note 31, at 687.
- [37] Civil Service Commission v. Asensi, G.R. No. 160657, June 30, 2004, 433 SCRA 342, 345.
- [38] Suyat, Jr. v. Torres, G.R. No. 133530, October 25, 2004, 441 SCRA 265, 275.
- [39] G.R. No. 144332, June 10, 2004, 431 SCRA 610.
- [40] Id. at 618-619.
- [41] Id. at 616-617.
- [42] Angara v. Fedman Development Corporation, G.R. No. 156822, October 18, 2004, 440 SCRA 467, 477-478, citing Toyota Motor Phils. Corporation Workers' Association (TMPCWA) v. Court of Appeals, G.R. No. 148924, September 24, 2003, 412 SCRA 69, 85 and Land Bank of the Philippines v. Court of Appeals, G.R. No.

129368, August 25, 2003, 409 SCRA 455, 479.

[43] *Angara v. Fedman Development Corporation*, id. at 480.

[44] For the GSIS, Section 45, R.A. No. 8291 otherwise known as the GSIS Act of 1997, specifies the disciplining authority, viz:

SECTION 45. Powers and Duties of the President and General Manager.— The President and General Manager of the GSIS shall among others, execute and administer the policies and resolutions approved by the Board and direct and supervise the administration and operations of the GSIS. The President and General Manager, subject to the approval of the Board, shall appoint the personnel of the GSIS, remove, suspend or otherwise discipline them for cause, in accordance with existing Civil Service rules and regulations, and prescribe their duties and qualifications to the end that only competent persons may be employed.

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.