

**ARTURO O. RADAZA, JULITO H. CUIZON, FERNANDO T. TAGA-AN, JR.,
AND ROGELIO D. VELOSO, PETITIONERS, VS. THE HONORABLE
COURT OF APPEALS, SPECIAL NINETEENTH (19TH) DIVISION,
OMBUDSM...**

G.R. No. 177135. October 15, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Assailed in this Special Civil Action for Certiorari with a prayer for the Immediate Issuance of a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction[1] is the Resolution[2] dated 2 April 2007 of the Special Nineteenth (19[th]) Division of the Court of Appeals in Cebu City in CA-G.R. SP No. 02615. Said Resolution denied petitioners' prayer for the issuance of a Temporary Restraining Order (TRO) to enjoin the Office of the Ombudsman from implementing its Order[3] dated 29 March 2007 placing the petitioners herein under preventive suspension for a period of six months, pending investigation.

The undisputed facts of the case are set forth hereunder:

On 9 to 15 January 2007, the Philippines successfully played host to the 12[th] Association of Southeast Asian Nations (ASEAN) Summit, which was held in the province of Cebu.

The preparations therefor were undertaken only in the year 2006 or less than a year before the designated date of the Summit.

Several cause-oriented groups[4] wrote a letter[5] dated 9 January 2007 to Honorable Virginia Palanca-Santiago, the Director of the Public Assistance and Corruption Prevention Office (PACPO) of the Office of the Ombudsman for the Visayas, urging the latter to investigate some allegedly anomalous transactions involving the preparations for the ASEAN Summit. In particular, the letter pointed out to the overpriced procurement of decorative lamp posts and streetlights, which were installed along the ceremonial routes in the cities of Cebu, Mandaue, and Lapu-Lapu. Said letter was docketed as CPL-V-07-0033.

Subsequently, Crisologo Saavedra, the Project Manager of the joint venture company Pelican/Cebesos that previously offered to sell and install decorative street lights in Cebu City, likewise submitted supplemental evidence[6] to PACPO Director Palanca-Santiago to prove that the decorative lamp posts and streetlights actually installed were indeed severely overpriced.

After the conduct of an investigation, a Final Evaluation Report[7] was submitted to PACPO Director Palanca-Santiago on 23 March 2007. The Report stated that the project for the procurement and installation of decorative lamp posts and street lighting facilities along the ceremonial routes of the 12[th] ASEAN Summit in the cities of Cebu, Mandaue, and Lapu-Lapu pertained to the national government through the Department of Public Works and Highways (DPWH). In the implementation of the said project, the local chief executives of the aforementioned cities were made to select the designs of the lamp posts to be installed in their areas of

jurisdiction, subject to the approval of the DPWH. The City Engineer's Office of Mandaue and Lapu-Lapu prepared their own Program of Works and Estimates (POWE) for the project, with the approval of their respective City Mayors; while the DPWH Regional Office No. VII prepared that of Cebu City. The POWE submitted by the cities contained the detailed list of the equipment, personnel, and total expenditure requirements for the part of the project within their respective jurisdiction.

Still, according to the PACPO Report, comparing in detail the costs of the lamp posts and street lighting facilities as specified in the POWE prepared by the cities of Mandaue and Lapu-Lapu vis-à-vis the costs for the same as indicated in the importation documents and price quotations from the suppliers, it could be determined that the former prices were as much as ten (10) times more than the latter.

Thus, the PACPO investigating team concluded that there was indeed prima facie evidence of overpricing, resulting from the collusion between the contractors, Gampik Construction and Development Corp. (Gampik) and Fabmik Construction and Equipment Co., Inc. (Fabmik), who supplied and installed the street lighting facilities and decorative lamp posts; the City Government of Lapu-Lapu, as represented by herein petitioners City Mayor Arturo O. Radaza and City Engineers Julito H. Cuizon, Fernando T. Taga-An, Jr., and Rogelio D. Veloso; the City Government of Mandaue, as represented by its City Mayor and City Engineers; and the Department of Public Works and Highways Region VII Officials.

Consequently, the Report recommended the filing of a criminal case for violation of Republic Act No. 3019, paragraph 3(e)[8] against all the individuals involved, as well as an administrative case for Dishonesty/Misconduct against the erring public officials.

Accordingly, an administrative complaint for Dishonesty and Grave Misconduct was filed against the public officials involved, including petitioners, before the Office of the Ombudsman (Visayas), docketed as Administrative Case No. OMB-V-A-07-0122-C.[9]

On 29 March 2007, Ombudsman Ma. Merceditas N. Gutierrez issued an Order[10] in Administrative Case No. OMB-V-A-07-0122-C, to the following effect:

Respondent DPWH-Region VII, Mandaue City and Lapu-Lapu City officials are the signatories to the Program of Work covering their respective areas of jurisdiction. On the other hand, respondent DPWH-VII [Bids and Awards Committee] Chairman and Members were the officials responsible for the conduct of the supposed bidding. Thus, taking into consideration how respondents are so closely involved, complainants now allege that respondents, in conspiracy among each other and with the private contractors, can be said to be the very people who orchestrated the subject overpricing of lighting facilities.

The Final Evaluation Report of the PACPO-Visayas, setting forth in detail the circumstances behind the alleged overpricing of lamp posts, and its numerous attachments which are mostly public documents, constitutes strong evidence of guilt. Moreover, in view of the flagrant nature of the acts complained of, the administrative charge definitely involves Grave Misconduct, which on another perspective might possibly advance further to include destruction or tampering of important official documents. For prudence' (sic) sake, measures, (sic) should be taken so as to ensure a fair and reliable progress of this investigation.

WHEREFORE, as warranted by aforesaid insight on the circumstances of the case, above-named respondents [including petitioners herein] are hereby placed under PREVENTIVE SUSPENSION for a period of six (6) months, pending investigation.

Without seeking reconsideration of the above order, petitioners filed with the Court of Appeals on 2 April 2007 a Petition for Certiorari[11] under Rule 65 with [a] Prayer for Preliminary Injunction and Issuance of Temporary Restraining Order, docketed as CA-G.R. SP No. 02615.

Petitioners contended that the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the order for their preventive suspension since there was no strong evidence of guilt to warrant the issuance of the said order. According to the petitioners, the procurement and installation of decorative lamp posts and street lighting facilities in the City of Lapu-Lapu were entirely the project of the national government. They argue that the POWE of Lapu-Lapu City, upon which their participation was based, was prepared by DPWH-Region VII and they merely signed the same given that the project was already pressed for time. Petitioners likewise claimed entitlement to a TRO and/or a Preliminary Injunction as they asserted that the issuance of the order of preventive suspension was a clear violation of their rights in esse and its impending enforcement would inflict grave injustice and irreparable injury on their part.

On the same day, 2 April 2007, the Court of Appeals issued the assailed Resolution,[12] in which it resolved as follows:

Addressing petitioners' prayer for the issuance of a TRO, this Court finds no cogent and compelling reason to issue the same.

Aggrieved, petitioners filed on 3 April 2007 a Very Urgent Motion for Reconsideration[13] thereon, arguing, inter alia, that the order for their preventive suspension violated the provisions of Section 261(x) of the Omnibus Election Code,[14] prohibiting the suspension of elective officials during the election period[15] without the approval of the Commission on Elections (COMELEC); and deprived the petitioners of their salaries for the duration of the preventive suspension. Petitioners reiterated therein their prayer for the issuance of a TRO against the implementation of the order for their preventive suspension.

On 4 April 2007, the Court of Appeals resolved[16] to direct the respondent Office of the Ombudsman to comment on the afore-mentioned motion within ten (10) days from notice.

In the meantime, on 3 April 2007, the office of the Department of Interior and Local Government (DILG), Region VII duly implemented the order for the preventive suspension of petitioner Radaza. This fact was confirmed by Rene K. Burdeos, Regional Director of the DILG in Region VII, in a letter[17] addressed to Ombudsman Ma. Merceditas N. Gutierrez, which reads:

Dear Hon. Gutierrez:

Please be advised that we have implemented the preventive suspension for six (6) months on Mayor Arturo O. Radaza of Lapu-lapu (sic) City on April 03, 2007, and on Mayor Thadeo Z. Ouano of Mandaue City on April 04, 2007.

The implementation of your Order dated March 29, 2007, was carried out through the issuance of separate Memorandum[18] to the respondent mayors by [Secretary of Interior and Local Government] Ronaldo V. Puno which were (sic) duly served. The respondents' respective vice mayors were likewise issued Memorandum by SILG Puno for them to assume and perform the duties and functions of the Office of the Mayor. The concerned vice mayors took their oath of office on the day the aforementioned memorandum to the respondent mayors was served.

Truly yours,

(Sgd.)
RENE K. BURDEOS
Regional Director

[Emphasis ours.]

The following day, on 4 April 2007, petitioners Cuizon, Tagaan, Jr., and Veloso were served by the Acting Mayor

of Lapu-Lapu City, Norma Patalingjug with copies of DILG Secretary Puno's Memorandum[19] directing the implementation of the order of preventive suspension against them.[20]

On 10 April 2007, petitioners filed a Motion to Withdraw Motion for Reconsideration[21] with the Court of Appeals, alleging that "due to the said service of the notice of preventive suspension, the [Very Urgent] Motion for Reconsideration could not anymore be pursued further since the act sought to be restrained has been performed already."

The very next day, on 11 April 2007, petitioners filed with this Court the instant Petition for Certiorari with a prayer for the Immediate Issuance of a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction,[22] raising the following issues:

I.

WHETHER OR NOT PETITIONERS ARE ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF THE SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT THERE IS NO STRONG EVIDENCE OF GUILT AGAINST PETITIONERS WHICH WOULD WARRANT THE ISSUANCE OF AN ORDER OF PREVENTIVE SUSPENSION.

II.

WHETHER OR NOT PETITIONERS ARE ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF THE SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT THERE IS NO NECESSITY FOR THE REMOVAL OR SUSPENSION OF THE PETITIONERS IN THEIR RESPECTIVE OFFICES SINCE THEIR CONTINUED EXERCISE OF THEIR RESPECTIVE FUNCTIONS WILL NOT JEOPARDIZE OR HAMPER THE INVESTIGATION OF THE OMBUDSMAN. THE ORDER OF PREVENTIVE SUSPENSION ISSUED BY THE OMBUDSMAN DOES NOT SERVE ITS PURPOSE AS PROVIDED BY LAW AND JURISPRUDENCE.

III.

WHETHER OR NOT PETITIONERS ARE ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF THE SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT THEIR CONSTITUTIONAL RIGHT TO PROCEDURAL DUE PROCESS WAS VIOLATED WHEN PUBLIC RESPONDENT OMBUDSMAN SUMMARILY ISSUED ITS ORDER OF PREVENTIVE SUSPENSION AGAINST THEM.

IV.

WHETHER OR NOT PETITIONERS ARE ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF THE SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT THE ORDER OF PREVENTIVE SUSPENSION ISSUED BY THE OMBUDSMAN WAS IN VIOLATION OF SECTION 261, PAR. (X) OF THE OMNIBUS ELECTION CODE.

V.

WHETHER OR NOT PETITIONERS ARE ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF THE SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT THE LENGTH OF THE PREVENTIVE SUSPENSION IMPOSED BY THE

OMBUDSMAN IS UNWARRANTEDLY DRAWN OUT, JUST SIGNIFYING ALSO THE ARBITRARINESS WITH WHICH THE SAID ORDER HAD BEEN ISSUED.

VI.

AS TO PETITIONER CITY MAYOR RADAZA ALONE, WHETHER OR NOT HE IS ENTITLED TO THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER ON THE CONTINUATION OF HIS SUSPENSION ORDER AND/OR WRIT OF PRELIMINARY MANDATORY INJUNCTION TO MAINTAIN THE "STATUS QUO ANTE" ON THE GROUND THAT UNDER THE DOCTRINE ENUNCIATED IN ARIAS VS. SANDIGANBAYAN, G.R. NO. 81563, DECEMBER 19, 1989, WHEREIN HE CANNOT BE HELD LIABLE AS THE LOCAL CHIEF EXECUTIVE FOR RELYING IN HIS SUBORDINATES WHEN HE SIGNED THE POWE, WHETHER TO APPROVE OR MERELY NOTE THE SAME.

Without acting on petitioners' prayer for the issuance of a TRO and/or Preliminary Injunction, the Court, in a Resolution[23] dated 23 April 2007, required the respondents Ombudsman Ma. Mercedes N. Gutierrez, Deputy Ombudsman Virginia Palanca-Santiago, the DILG, Acting Mayor of Lapu-Lapu City Norma R. Patalingjug,[24] and private complainant Crisologo Saavedra[25] to comment on the Petition at bar.

On 27 April 2007, petitioners filed an Urgent Motion to Resolve Prayer for Temporary Restraining Order with Manifestations,[26] stating therein that the order of preventive suspension upon petitioner Radaza had already caused damage to his bid for re-election as Mayor of Lapu-Lapu City. Petitioners further manifested that they had just obtained a copy of the Final Evaluation Report by PACPO and averred that their involvement in the alleged anomalous transactions was not clearly set forth therein.

Petitioners eventually filed on 4 June 2007 a Motion to Withdraw Petition for Certiorari for Being Moot and Academic,[27] praying that their petition be considered withdrawn with respect to petitioner Radaza in view of his re-election as Mayor of Lapu-Lapu City, thereby rendering moot the issue of the validity of his preventive suspension.

In a Resolution[28] dated 13 June 2007, the Court granted the above-mentioned Motion to Withdraw Petition insofar as petitioner Radaza was concerned and noted without action petitioners' Urgent Motion to Resolve Prayer for Temporary Restraining Order with Manifestations.

On 29 June 2007, the Ombudsman duly filed its Comment,[29] arguing that petitioners failed to exhaust available ordinary remedies before filing their petition before this Court and the Ombudsman did not act with grave abuse of discretion in issuing the order of preventive suspension against the petitioners.

On 12 December 2007, the Court ordered[30] petitioners to file their Reply to the Comment of the Ombudsman.

During the pendency of the present Petition before this Court, the Court of Appeals rendered its Decision[31] on 24 January 2008, dismissing petitioners' Petition for Certiorari in CA-G.R. SP No. 02615. The appellate court noted that petitioner Radaza was successfully re-elected during the 14 May 2007 elections and the six-month period of preventive suspension imposed upon the petitioners had already lapsed, the same having been served on April 2007 and which ended on October 2007. Hence, the Court of Appeals found it already unnecessary to further discuss the issues raised by the petitioners as their Petition had become moot.

In the meantime, on 31 January 2008, the Office of the Ombudsman (Visayas) rendered a Decision[32] in Administrative Case No. OMB-V-A-07-0122-C, ordering the dismissal from service of petitioners Cuizon, Taga-an, Jr., and Veloso. The dispositive portion partly reads:

WHEREFORE, x x x.

Likewise there being substantial evidence showing that respondents x x x, JULITO H. CUIZON, FERNANDO T. TAGAAN, JR., [and] ROGELIO D. VELOSO, in their respective official capacities, caused the preparation of the corresponding Program of Works and Detailed Estimates which were used as basis in the aforesaid procurement of street lighting facilities, let these respondents also be all found guilty of the administrative offense of GRAVE MISCONDUCT, and each meted the penalty of DISMISSAL and all inherent penalties. x x x [Emphasis ours.]

x x x x

The xxx HONORABLE LAPU-LAPU CITY MAYOR ARTURO O. RADAZA, [is hereby ordered] to implement the aforesaid penalties of DISMISSAL with all inherent penalties, upon respondents JULITO H. CUIZON, FERNANDO T. TAGAAN, JR., and ROGELIO D. VELOSO; and to furnish this Office with the memorandum and/or office order evidencing said implementation.

On 18 February 2008, petitioners filed a Manifestation with Motion[33] before this Court, praying that they be relieved from filing a Reply to the Comment of the Ombudsman inasmuch as the instant Petition had already become moot and academic. They cited therein the fact that the Court had previously granted petitioner Radaza's Motion to Withdraw Petition for Certiorari and petitioners Cuizon, Tagaan, Jr., and Veloso have already completed the service of the period of their suspension.

Upon being ordered[34] to comment on the petitioners' Manifestation and Motion, the Ombudsman interposed no objection to the same.

The Court finds that the Petition at bar has indeed become moot and academic. By virtue of the supervening events that transpired after the filing of the instant Petition on 11 April 2007, the same has ceased to present a justiciable controversy, such that a declaration thereon would no longer be of practical use or value.[35]

Notably, the order of the Ombudsman, which placed the petitioners under preventive suspension for a period of six (6) months, was issued on 29 March 2007 and petitioners received copies of the said order on 30 March 2007.[36] DILG Secretary Puno issued Memoranda directing the implementation of the order of suspension against petitioners. The suspension was effected upon service of DILG Secretary Puno's Memoranda upon petitioners, particularly, petitioner Radaza on 3 April 2007; and petitioners Cuizon, Taga-an, Jr., and Veloso on 4 April 2007.

It is worthy to note that petitioners did not bother to move for the reconsideration of the Order dated 29 March 2007 of the Office of the Ombudsman in Administrative Case No. OMB-V-A-07-0122-C, imposing upon them preventive suspension for six (6) months. Section 8, Rule III of the Rules of Procedure of the Office of the Ombudsman in administrative cases allows the filing of a motion for reconsideration or reinvestigation within ten (10) days from receipt by the party of the challenged decision or order, based on any of the following grounds:

- a) New evidence had been discovered which materially affects the order, directive or decision;
- b) Grave errors of facts or laws or serious irregularities have been committed prejudicial to the interest of the movant.[37]

Petitioners, instead, directly assailed the 29 March 2007 Order of the Office of the Ombudsman in a Petition for Certiorari before the Court of Appeals, docketed as CA-G.R. SP No. 02615.

However, petitioners were unsuccessful in securing a TRO or a preliminary injunction from either the Court of Appeals in CA-G.R. SP No. 02615 or this Court in the Petition at bar, which would have enjoined the implementation of the order of suspension against them. Thus, the period of preventive suspension was never interrupted.

The six-month period of the preventive suspension against petitioners Cuizon, Taga-an, Jr., and Veloso, which commenced on 4 April 2007, had already lapsed on 1 October 2007.[38] Said petitioners even acknowledged this fact in their Manifestation with Motion[39] filed before this Court on 18 February 2008, wherein they manifested that they have accordingly resumed their posts and admitted that the instant Petition had indeed become moot and academic.[40]

As regards petitioner Radaza, the Court had previously resolved on 13 June 2007 to allow him to withdraw from the instant Petition, considering his successful re-election as Mayor of Lapu-Lapu City.

Finally, the Court notes that the Office of the Ombudsman has since rendered a Decision dated 31 January 2008 in Administrative Case No. OMB-V-A-07-0122-C, wherein petitioners Cuizon, Taga-an, Jr., and Veloso, among other public officials, were found guilty of Grave Misconduct and were, thus, sentenced to the penalty of dismissal from service. Resultantly, the order of preventive suspension against petitioners has become inconsequential by then. Under Section 24 of Republic Act No. 6770,[41] the preventive suspension shall continue until the case is terminated by the Office of the Ombudsman but not more than six months, without pay, except when the delay in the disposition of the case by the Office of the Ombudsman is due to the fault, negligence or petition of the respondent, in which case, the period of such delay shall not be counted in computing the period of suspension herein provided. In the case at bar, both resolatory conditions for the preventive suspension have taken place: first, the six-month period without pay had already expired on 1 October 2007; and second, the Office of the Ombudsman had terminated Administrative Case No. OMB-V-A-07-0122-C by the promulgation of its Decision therein on 31 January 2008.

All told, a determination by this Court of the issues of the validity of the issuance of the order of preventive suspension against petitioners and the propriety of a TRO and/or a preliminary injunction to arrest the injurious effects of the same would merely be an exercise in futility as there is no more preventive suspension to speak of. And although the Court has previously ruled that the "moot and academic" doctrine will not automatically dissuade it from resolving a case where (a) there is a grave violation of the Constitution; (b) the exceptional character of the situation and the paramount public interest is involved; (c) when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar and the public; and (d) the case is capable of repetition yet evading review,[42] none of the said circumstances are obtaining in the instant case.

WHEREFORE, the Court hereby accordingly DISMISSES the Petition at bar for mootness. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Rollo, pp. 7-46.

[2] Penned by Associate Justice Stephen C. Cruz with Associate Justices Isaias P. Dicdican and Pampio A. Abarintos, concurring; id. at 48-49.

[3] Id. at 104-109.

[4] Bagong Alyansang Makabayan-Central Visayas, Panaghugpong sa Kabus sa Dakbayan-KADAMAY, Kilusang Magbubukid sa Pilipinas, Panaghiusa sa Gagmay'ng Mangingisda sa Sugbo, and Alyansa sa Mamumu-o sa Sugbo.

[5] Records, Folder 1, pp. 10-11.

[6] Id. at 148-152.

[7] Rollo, pp. 130-136.

[8] The Anti-Graft and Corrupt Practices Act, paragraph 3(e) of which provides:

SEC. 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already penalized by existing laws, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

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

[9] The case was entitled "Public Assistance and Corruption Prevention Office (PACPO)-Office of the Ombudsman (Visayas), et al., v. Lala, et al." Rollo, p. 104.

[10] Id. at 107-109.

[11] Id. at 72-93.

[12] Id. at 47-49.

[13] Id. at 50-66.

[14] (x) Suspension of elective provincial, city, municipal or barangay officer. - The provisions of law to the contrary notwithstanding during the election period, any public official who suspends, without prior approval of the Commission [on Elections], any elective provincial, city, municipal or barangay officer, unless said suspension will be for purposes of applying the "Anti-Graft and Corrupt Practices Act" in relation to the suspension and removal of elective officials; in which case the provisions of this section shall be inapplicable.

[15] COMELEC Resolution No. 7707 dated 30 August 2006 provides that the election period shall be from 14 January 2007 to 13 June 2007.

[16] Rollo, pp. 70-71.

[17] Records, Folder 5 at 720.

[18] Id., Folder 6 at 1023.

[19] Id. at 1027.

[20] Rollo, p. 17.

[21] Id. at 117-119.

[22] Id. at 7-46.

[23] Id. at 120a.

[24] On 10 October 2007, petitioners filed a Manifestation with Motion (Rollo, 192-195) before the Court, which prayed that Patalingjug be dropped as a respondent in the instant petition for being an improper party. In a

Resolution dated 12 December 2007 (Rollo, 201-202), the Court granted the motion.

[25] On 15 October 2007, Crisologo Saavedra filed an Explanation with Motion to be [Excused] from [Filing] Comment (Rollo, 185-187), stating that he honestly believed that he did not have to take an active part in the proceedings before the Court since it was his understanding that the Office of the Solicitor General will handle the case on behalf of the PACPO. The Court also granted this motion in the Resolution dated 12 December 2007 (Rollo, 201-202).

[26] Rollo, pp. 121-129.

[27] Id. at 137-145.

[28] Id. at 154.

[29] Id. at 160-178.

[30] Id. at 201-202.

[31] Id. at 210-214.

[32] Records, Folder 9 at 2069-2093.

[33] Rollo, pp. 203-209.

[34] Id. at 216-217.

[35] David v. Macapagal-Arroyo, G.R. No. 171369, 3 May 2006, 489 SCRA 160, 213-214.

[36] Rollo, p. 77.

[37] Ombudsman Administrative Order No. 7 dated 10 April 1990, as amended by Administrative Order No. 17 dated 7 September 2003. Section 8 of Rule III (Procedure in Administrative Cases) provides:

Sec. 8. Motion for reconsideration or reinvestigation: Grounds- Whenever allowable, a motion for reconsideration or reinvestigation may only be entertained if filed within ten (10) days from receipt of the decision or order by the party on the basis of any of the following grounds:

- a) New evidence had been discovered which materially affects the order, directive or decision;
- b) Grave errors of facts or laws or serious irregularities have been committed prejudicial to the interest of the movant.

Only one motion for reconsideration or reinvestigation shall be allowed, and the Hearing Officer shall resolve the same within five (5) days from the date of submission for resolution.

[38] In ascertaining the last day of the period of suspension, one (1) month is to be treated as equivalent to thirty (30) days, such that six (6) months is equal to one hundred eighty (180) days. Thus, a preventive suspension for a period of six (6) months, which begins on 4 April 2007, shall end on 1 October 2007. This is in line with the provisions of Article 13 of the New Civil Code, which provides:

Art. 13. When the law speaks of years, months, days or nights, it shall be understood that years are of three hundred sixty-five days each; months, of thirty days; days of twenty four hours; and nights from sunset to sunrise.

If months are designated by their name, they shall be computed by the number of days which they respectively have.

In computing a period, the first day shall be excluded, and the last day included.

[39] Rollo, pp. 203-209.

[40] In the Petition for Certiorari with a prayer for the Immediate Issuance of a Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction filed before this Court, the date of the implementation of the order for the preventive suspension of petitioners Cuizon, Taga-an, Jr. and Veloso was stated to be 4 April 2007. (Rollo, p. 11) However, in their Manifestation with Motion, the date specified was 3 April 2007. (Rollo, p. 205)

[41] The Ombudsman Act of 1989.

[42] David v. Macapagal-Arroyo, *supra* note 35 at 214-215.

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