

SPO1 LEONITO ACUZAR, PETITIONER, VS. APRONIANO JOROLAN AND HON. EDUARDO A. APRESA, PEOPLE'S LAW ENFORCEMENT BOARD (PLEB) CHAIRMAN, NEW CORELLA, DAVAO DEL NORTE, RESPONDENTS.

G.R. No. 177878. April 07, 2010

Ponente: VILLARAMA, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-177878/>

VILLARAMA, JR., J.:

Before this Court is a petition for review on certiorari under Rule 45 of the 1997 Rules of Civil Procedure, as amended, filed by petitioner SPO1 Leonito Acuzar assailing the March 23, 2007 Decision [1] of the Court of Appeals (CA) in CA-G.R. SP No. 77110. The assailed decision reversed and set aside the October 15, 2002 Decision [2] of the Regional Trial Court (RTC) of Tagum City, Branch 31, which had annulled the Decision [3] of the People's Law Enforcement Board (PLEB) of the Municipality of New Corella, Davao del Norte, finding petitioner guilty of Grave Misconduct and ordering his dismissal from service.

The facts are as follows:

On May 2, 2000, respondent Aproniano Jorolan filed Administrative Case No. 2000-01 [4] against petitioner before the PLEB charging the latter of Grave Misconduct for allegedly having an illicit relationship with respondent's minor daughter.

On May 11, 2000, respondent also instituted a criminal case against petitioner before the Municipal Trial Court of New Corella, docketed as Criminal Case No. 1712, for Violation of Section 5 (b), Article III of Republic Act No. 7610, otherwise known as the Child Abuse Act.

On May 15, 2000, petitioner filed his Counter-Affidavit [5] before the PLEB vehemently denying all the accusations leveled against him. In support thereof, petitioner attached the affidavit of complainant's daughter, Rigma A. Jorolan, who denied having any relationship with the petitioner or having kissed him despite knowing him to be a married person.

On July 24, 2000, petitioner filed a motion to suspend the proceedings before the PLEB pending resolution of the criminal case filed before the regular court. The PLEB denied his motion for lack of merit and a hearing of the case was conducted. The PLEB also denied petitioner's motion for reconsideration on August 9, 2000 for allegedly being dilatory.

On August 17, 2000, after due proceedings, the PLEB issued a decision, the decretal portion of which reads:

WHEREFORE, premises considered, the Board finds the respondent, SPO1 Leonito Acuzar, PNP New Corella, Davao del Norte Police Station GUILTY of GRAVE MISCONDUCT (Child Abuse) which is punishable by DISMISSAL effective immediately.

SO ORDERED. [6]

Immediately upon receipt of the decision, petitioner filed a Petition for Certiorari with Prayer for Preliminary Mandatory Injunction and Temporary Restraining Order [7] with the RTC of Tagum City, Branch 31, docketed as Special Civil Case No. 384. Petitioner alleged that the subject decision was issued without giving him an opportunity to be heard. He likewise averred that the respondent Board acted without jurisdiction in proceeding with the case without the petitioner having been first convicted in the criminal case before the regular court. Petitioner pointed out that under the PLEB Rules of Procedure, prior conviction was required before the Board may act on the administrative case considering that the charge was actually for violation of law, although denominated as one (1) for grave misconduct.

On September 16, 2000, petitioner was ordered dismissed from the Philippine National Police (PNP) by the Chief Regional Directorial Staff of the PNP, Police Regional Office 11, effective September 7, 2000.

On October 15, 2002, the trial court rendered a Decision annulling the Decision of the PLEB. The trial court noted:

x x x x

But nothing in the record would show that the Board scheduled a hearing for the reception of the evidence of the petitioner. In a nutshell, the petitioner was not given his day in Court. The Board could have scheduled the hearing for the reception of petitioner's evidence and if he failed to appear, then the Board could have considered the non-appearance of the petitioner as a waiver to present his evidence. It was only then that the decision could have been rendered.

x x x x

The hearing at the People's Law Enforcement Board, although administrative in nature, has penal sanction of dismissal and for forfeiture of benefits of the petitioner. It is along this context that the petitioner should be afforded all the opportunities of hearing which principally includes the reception of his evidence consistent with our established rules. Due process of law embraces not only substantive due process, but also procedural due process.

x x x x

While this Court does not tolerate any form of misconduct committed by members of the Philippine National Police, yet it equally considers the right of the petitioner enshrined under the Bill of Rights and the deprivation of petitioner's gainful employment which is the economic life blood of the family, especially the innocent dependents. [8]

Respondent thereafter elevated the case to the CA. On March 23, 2007, the CA rendered its Decision reversing and setting aside the trial court's decision.

The CA found merit in respondent's argument that the petition for certiorari filed by petitioner before the RTC was not the proper remedy because (1) appeal was available and (2) the issues raised were not pure questions of law but both questions of law and fact. According to the CA, the existence and availability of the right of appeal proscribes resort to certiorari because one (1) of the requirements for its availment is the absence of the remedy of appeal or any other plain, speedy or adequate remedy. The CA ruled that petitioner should have appealed the decision of the PLEB to the regional appellate board of the PNP before resorting to certiorari before the court. The CA added that while it is true that there are instances where the extraordinary remedy of certiorari may be resorted to despite the availability of an appeal, petitioner, however, failed to demonstrate any ground to warrant immediate resort to it. Thus, it held that the trial court erred in giving due course to the petition.

Petitioner now assails the Decision of the CA in this recourse raising the following assigned errors:

- The Honorable Court of Appeals erred in ruling that Certiorari was not a proper remedy [to assail] the Decision of the Respondent-People's Law Enforcement Board (PLEB), New Corella, Davao del Norte, because (1) appeal was available; and (2) the issue raised were not pure questions of law but both questions of law and fact. And that herein Petitioner failed to exhaust administrative remedies.

- The Honorable Court of Appeals erred in ruling that Petitioner was accorded with due process before the Respondent-People's Law Enforcement Board (PLEB), New Corella, Davao del Norte, and was given his day in court for his defense. [9]

In essence, the issue is whether or not the CA erred in ruling that petitioner's resort to certiorari was not warranted as the remedy of appeal from the decision of the PLEB was available to him.

Petitioner contends that the petition he filed before the trial court was appropriate because the instant case falls under the exceptions to the rule on exhaustion of administrative remedies, the decision being patently illegal. Petitioner maintains that a conviction should have been first obtained in the criminal case filed against him for child abuse before the PLEB can acquire jurisdiction over his administrative case. He also maintains that the Board's decision was reached without giving him an opportunity to be heard and his right to due process was violated. The Board's decision having been rendered without jurisdiction, appeal was not an appropriate remedy.

We affirm the appellate court's ruling.

To reiterate, petitioner opted to file a petition for certiorari before the trial court on the pretext that the PLEB had no jurisdiction to hear the administrative case until petitioner is convicted before the regular court. According to petitioner, although the case filed before the PLEB was captioned as "Grave Misconduct," the offense charged was actually for "Violation of Law," which requires prior conviction before a hearing on the administrative case can proceed. Thus, petitioner insists that the PLEB should have awaited the resolution of the criminal case before conducting a hearing on the administrative charge against him.

The contention however is untenable. A careful perusal of respondent's affidavit-complaint against petitioner would show that petitioner was charged with grave misconduct for engaging in an illicit affair with respondent's minor daughter, he being a married man, and not for violation of law, as petitioner would like to convince this Court. Misconduct generally means wrongful, improper or unlawful conduct, motivated by premeditated, obstinate or intentional purpose. [10] It usually refers to transgression of some established and definite rule of action, where no discretion is left except what necessity may demand; it does not necessarily imply corruption or criminal intention but implies wrongful intention and not to mere error of judgment. [11] On the other hand, "violation of law" presupposes final conviction in court of any crime or offense penalized under the Revised Penal Code or any special law or ordinance. [12] The settled rule is that criminal and administrative cases are separate and distinct from each other. [13] In criminal cases, proof beyond reasonable doubt is needed whereas in administrative proceedings, only substantial evidence is required. Verily, administrative cases may proceed independently of criminal proceedings. [14] The PLEB, being the administrative disciplinary body tasked to hear complaints against erring members of the PNP, has jurisdiction over the case.

Moreover, Section 43 (e) of Republic Act No. 6975, [15] is explicit, thus:

SEC. 43. People's Law Enforcement Board (PLEB). - x x x

x x x x

(e) Decisions - The decision of the PLEB shall become final and executory: Provided, That a decision involving demotion or dismissal from the service may be appealed by either party with the regional appellate board within ten (10) days from receipt of the copy of the decision.

It is apparent from the foregoing provision that the remedy of appeal from the decision of the PLEB to the Regional Appellate Board was available to petitioner. Since appeal was available, filing a petition for certiorari was inapt. The existence and availability of the right of appeal are antithetical to the availment of the special civil action of certiorari. [16] Corollarily, the principle of exhaustion of administrative remedies requires that before a party is allowed to seek the intervention of the court, it is a precondition that he should have availed of the means of administrative processes afforded to him. If a remedy is available within the administrative machinery of the administrative agency, then this alternative should first be utilized before resort can be made to the courts. This is to enable such body to review and correct any mistakes without the intervention of the court.

Moreover, for a special civil action for certiorari to prosper, the following requisites must concur: (1) it must be directed against a tribunal, board or officer exercising judicial or quasi-judicial functions; (2) the tribunal, board or officer must have acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal nor any plain, speedy and adequate remedy in the ordinary course of law. [17] For sure, petitioner's bare allegation that appeal from the judgment of the Board may not be adequate does not justify immediate resort to certiorari. Moreover, the extraordinary writ of certiorari may be issued only where it is clearly shown that there is patent and gross abuse of discretion as to amount to an evasion of positive duty or to virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or personal hostility. [18] Here, not only was an appeal available to petitioner as a remedy from the decision of the PLEB, petitioner also failed to sufficiently show any grave abuse of discretion of the Board which would justify his immediate resort to certiorari in lieu of an appeal.

Contrary to petitioner's claim that he has not been afforded all the opportunity to present his side, our own review of the records of the proceedings before the PLEB reveals otherwise. The PLEB summarized its proceedings as follows:

The Board issued a summon to SPO1 Leonito Acuzar on May 03, 2000 informing him of the case filed against him. On May 4, 2000, the respondent's wife Mrs. Arcella Acuzar made an informal letter addressed to the Chairman of the PLEB that the respondent cannot answer the summon because he was still in a critical condition in the hospital as alleged. After three days, May 9, 2000 the respondent through his legal counsel filed a motion for extension of time to submit counter affidavit. The Board received the sworn statement of the respondent on May 16, 2000. Subpoenas were sent to both parties informing them of the first hearing which was set on June 01, 2000; 8:00 a.m. at the SB session hall, New Corella, Davao del Norte. Then the Board set for a second hearing on June 15, 2000; 8:30 a.m. but the respondent's counsel moved for a postponement because he was slated to appear before the Regional Trial Court Branch 1, Tagum City of the same date and time; the third hearing on June 21, 2000; 8:30 a.m.; the fourth hearing on July 13, 2000, 8:30 a.m.; the fifth hearing on July 19, 2000, 9:00 a.m.; [and] the sixth hearing on July 26, 2000 [were] postponed because the respondent's counsel filed motions for postponement and to suspend proceedings pending resolution of criminal case before the regular court and the final hearing was set on August 03, 2000; 9:00 a.m. of the same place but the respondent walked out during the hearing because of the non-appearance of his legal counsel but the PLEB Members continued to hear the case without the respondent and legal counsel's presence based on sworn affidavit in the hands of the PLEB Members. [19]

In administrative proceedings, procedural due process has been recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondent's legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in one's favor, and to defend one's rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing

or contained in the records or made known to the parties affected. [20]

In the instant case, petitioner was notified of the complaint against him and in fact, he had submitted his counter-affidavit and the affidavits of his witnesses. He attended the hearings together with his counsel and even asked for several postponements. Petitioner therefore cannot claim that he had been denied of due process. Due process in an administrative context does not require trial-type proceedings similar to those in courts of justice. Where opportunity to be heard either through oral arguments or through pleadings is accorded, there is no denial of due process. The requirements are satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy. In other words, it is not legally objectionable for being violative of due process for an administrative agency to resolve a case based solely on position papers, affidavits or documentary evidence submitted by the parties as affidavits of witnesses may take the place of direct testimony. Here, we note that petitioner had more than enough opportunity to present his side and adduce evidence in support of his defense; thus, he cannot claim that his right to due process has been violated.

WHEREFORE, the petition is DENIED. The Decision dated March 23, 2007 of the Court of Appeals in CA-G.R. SP No. 77110 is hereby AFFIRMED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio Morales, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Rollo, pp. 19-30. Penned by Associate Justice Romulo V. Borja with Associate Justices Sixto C. Marella, Jr. and Michael P. Elbinias concurring.

[2] Records, pp. 134-138.

[3] Id. at 122-125. Exh. "2".

[4] Id. at 8-9.

[5] Id. at 13-14. Exh. "C".

[6] Id. at 24.

[7] Id. at 1-7.

[8] Id. at 163-169.

[9] Rollo, p. 7.

[10] Revised Rules of Procedure in the Hearing and Adjudication of Citizen's Complaints Against Uniformed Members of the Philippine National Police (PNP) Before the People's Law Enforcement Board (PLEB), Rule VI, Sec. 2(c).

[11] Id.

[12] Id., Rule VI, Sec. 2(h).

[13] Villaseñor v. Sandiganbayan (5[th] Division), G.R. No. 180700, March 4, 2008, 547 SCRA 658, 666.

[14] Id. at 665-666.

[15] An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government, and for other Purposes.

[16] Metropolitan Bank & Trust Company v. Hon. Salvador Abad Santos, Presiding Judge, RTC, Br. 65, Makati City and Manfred Jacob De Koning, G.R. No. 157867, December 15, 2009, p. 6.

[17] Metropolitan Bank and Trust Company, Inc. v. National Wages and Productivity Commission, G.R. No. 144322, February 26, 2007, 514 SCRA 346, 356.

[18] Redeña v. Court of Appeals, G.R. No. 146611, February 6, 2007, 514 SCRA 389, 403.

[19] Records, p. 21.

[20] Philippine Economic Zone Authority (PEZA) v. Pearl City Manufacturing Corporation, G.R. No. 168668, December 16, 2009, pp. 6-7.

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.