

OFFICE OF THE OMBUDSMAN, PETITIONER, VS. MANUEL P. VALENCIA, RESPONDENT.

G.R. No. 183890. April 13, 2011

Ponente: MENDOZA, J.

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MENDOZA, J.:

At bench is a petition for review assailing the April 11, 2008 Decision[1] and the July 16, 2008 Resolution[2] of the Court of Appeals (CA) in CA-G.R. SP No. 89299, which [1] reversed and set aside the September 30, 2004 Decision³ and January 31, 2005 Order⁴ of the Office of the Ombudsman (Ombudsman) finding respondent Manuel P. Valencia, Jr. (Valencia), Chief Customs Operations Officer of the Bureau of Custom (BOC), guilty of Dishonesty; and [2] nullified the October 14, 2003 Order[5] of the Ombudsman that placed Valencia under preventive suspension.

From the records, it appears that Valencia declared the following assets and liabilities in his sworn Statement of Assets and Liabilities and Networth (SALN) as of December 31, 1999:[6]

I. ASSETS

a. Real Properties

Kind

Location

Year Acquired

Assessed Value

Acquisition Cost

House/Lot

Parañaque

1988

P713,210.00

P1,225,070

Total

P 1,225,070

b. Personal and other Properties

Kind

Year Acquired

Acquisition Cost

Car

1988

P299,000.00

Jewelries

1979

P100,000.00

Cash on Hand/In Bank

P275,000.00

Total

P674,000.00

II. LIABILITIES

Nature

Amount

Loans & Mortgage

P350,000.00

Total

P 350,000.00

As of December 31, 2001, Valencia declared the following assets and liabilities:

I. ASSETS

a. Real Properties

Kind

Location

Year Acquired

Assessed Value

Acquisition Cost

House/Lot

Parañaque

1998

P713,210.00

P1,225,070

Total

P 1,225,070

b. Personal and other Properties

Kind

Year Acquired

Acquisition Cost

Jewelries

Various years

P150,000.00

Cash on Hand/In Bank

P600,000.00

Total

P750,000.00

II. LIABILITIES

Nature

Amount

Loans & Mortgage

P250,000.00

Total

P 250,000.00

On July 21, 2003, not satisfied that the entries made by Valencia in his SALN were reflective of his actual net worth, Napoleon P. Guenero (Guerrero), Intelligence Officer V of the Department of Finance, filed a complaint/motion for Subpoena/Subpoena Duces Tecum[7] with the Ombudsman against him for violation of Republic Act (R.A.) No. 13798 in relation to Section 8,[9] R.A. No. 3019.[10]

The criminal aspect of the complaint was docketed as OMB-C-C-03-0447-H, while the administrative aspect was docketed as OMB-C-A-03-0275-H.

In his complaint, Guerrero alleged that Valencia maintained two (2) US dollar time deposit accounts with the Far East Bank and Trust Company (FEBTC). The first account with the amount of US\$2,013,248.80 was covered by Certificate No. 962460, while the second, with the amount of US\$1,812,165.38, was covered by Certificate No. 962461. According to Guerrero, these huge amounts were "the actual fruits of his illegal transactions and activities of as an employee of the Bureau of Customs." [11]

In support of his allegation that Valencia maintained these accounts, Guerrero attached two (2) Letters of Agreement[12] placing the two US dollar time deposit accounts under the custody of FEBTC and authorizing said bank to apply the proceeds of the accounts to the forward contracts entered into by Valencia and FEBTC.

The complaint also alleged that the house and lot declared by Valencia in his SALNs was grossly undervalued considering that the house, described as "impressive," was erected on a parcel of land consisting of five (5) contiguous lots. [13]

Finally, it was alleged that from the credit card billings of his Bank of the Philippine Islands (BPI) Mastercard, it could be inferred that Valencia maintained a lavish lifestyle.

Guerrero sought issuance of a subpoena duces tecum against FEBTC and BPI for the production of records relative to the two U.S. dollar time deposits of Valencia and his Mastercard account, respectively.

Instead of a counter-affidavit, Valencia filed a Motion To Set Aside Orders Both Dated September 3, 2003[14] contending that the case was not yet ripe for preliminary investigation/administrative adjudication, and that he should be excused from filing a counter affidavit because 1] the complaint was subscribed and sworn to before Assistant Ombudsman Ernesto M. Nocos (Nocos), a person not authorized to administer oaths under Section 41 of the Revised Administrative Code, as amended by R.A. No. 6733;[15] 2] the complaint lacked the certification from Nocos that he "personally examined the complaint and that he is satisfied that he voluntarily executed and understood his complaint" in violation of Section 3 (a), Rule 112 of the Rules of Court; and 3] similar charges against him, in CPL No. 99-1783, were earlier dismissed by the Ombudsman for lack of evidence.

In its Order[16] dated October 3, 2003, the Ombudsman denied Valencia's motion, citing Section 15 and Section 26 of R.A. No. 6770, otherwise known as the "Ombudsman Act of 1989." The Ombudsman added that the properties involved in CPL No. 99-1783 were different from those alleged by Guerrero to have been unlawfully acquired. Valencia was, thus, ordered to submit his counter-affidavit, those of his witnesses, as well as other supporting documents.

Answering the charges hurled against him, Valencia alleged in his Consolidated Counter-Affidavit[17] that at the time he joined the Bureau of Customs on October 1, 1982, his family had been in the textile and garment business for more than fifteen (15) years; and that because of their business, his family was able to purchase a house and lot in Dasmarinas Village, Makati City, then valued at P400,000.00. The house and lot was later on sold for P1,500,000.00. His family then transferred to B.F. Homes in Parañaque and rented a house.

Then, sometime in 1985, his family transferred again to a house and lot belonging to his aunt, Paulina Potente (Potente), also in B.F. Homes, Paranaque. As his aunt preferred to live in General Trias, Cavite, he offered to lease-purchase the house to which she agreed. From 1985 to 1987, he introduced improvements to the house worth P600,000.00.

At the rear portion of the house of Potente, two (2) vacant lots belonging to one Rosalinda B. Silva were being offered for sale. Being adjacent to the house of his aunt, he purchased the same on August 24, 1988 for a total consideration of P268,950.00. Consequently, a Deed of Absolute Sale¹⁸ was executed by the parties and Transfer Certificates of Title (TCT) Nos. 12695 and 12696 were eventually issued in his name.

After fully paying the three (3) lots owned by his aunt, he obtained a Deed of Absolute Sale[19] dated September 26, 1988 executed by Potente in his favor. As a result, TCT Nos. 14704, 14705 and 14706 were issued in his name. When declared for real property tax purposes, the Assessor's Office of Paranaque assigned a market value in the amount of P641,870.00 and assessed value of P513,500.00 for the house.[20]

It was Valencia's contention that his properties were accurately valued in his SALNs, and that his house, which may look impressive, was a result of regular maintenance and minor additions or renovations introduced from time to time.

Valencia denied that he had been maintaining the two US dollar time deposits pointing out that the Letters of Agreement did not even bear his signature. Thus, the agreements were mere scraps of paper with no probative value. On October 14, 2003, on the basis of the complaint of Guerrero, the Ombudsman placed Valencia under preventive suspension for six (6) months without pay. He sought the lifting of the order of preventive suspension, but his request was denied by the Ombudsman in its Order[21] dated November 14, 2003.

When the parties were required to submit their position papers, Valencia manifested that he would waive his right to a formal investigation and would submit the case for decision.[23]

Complainant Guerrero did not file a position paper.

On April 6, 2004, for the purpose of verifying the complaint, the Ombudsman issued a subpoena duces tecum²⁴ against the BPI Card Customer Service Department. It requested for the clear and certified copies of Valencia's Mastercard transactions from 2003 backward.

After receiving the photocopies of the monthly statements for Valencia's Mastercard transactions, the Ombudsman required Valencia to file his Comment. Valencia, however, filed a Motion to Set Aside Order dated July 16, 2004 and for Early Resolution of Cases.,[25] According to him, the said order of the Ombudsman requiring him to file his comment after eight (8) long months of inaction was "irregular, unprocedural and in violation of his constitutional right to due process." He further pointed out that the monthly statements of the BPI Mastercard transactions were not original documents, thus, the authenticity and due execution of which must first be proven.

Valencia's motion was not acted upon by the Ombudsman. Instead, the Ombudsman issued a subpoena duces tecum²⁶ addressed to the manager of FEBTC to produce documents relative to the alleged time deposits in his name. Due to the acquisition of FEBTC by BPI, a similar subpoena ' was addressed to the president of BPI on August 11, 2004.

In a letter²⁸ dated August 20, 2004, invoking the Court's ruling in *Lourdez T. Marquez v. Hon. Aniano A. Desierto*,²⁹ BPI informed the Ombudsman that absent any case pending before a court of competent jurisdiction, it was legally restricted from producing documents regarding bank deposits, particularly foreign currency deposits, without the written permission of the depositor.

Despite said letter, on August 27, 2004, Ernesto N. Olaguer (Olaguer), the Service Manager of BPI in charge of the records of all deposit accounts, submitted an affidavit³⁰ stating that "[d]espite diligent efforts, and given the limited information on the US Dollar Time deposits, wherein only the number of the time deposit certificates and the amount were specified, [he was] not able to locate any time deposit records belonging to Manuel P. Valencia, Jr."

In its September 2, 2004 Order,³¹ the Ombudsman required Olaguer and the counsel for BPI to appear before it for clarificatory hearing.

On September 30, 2004, being of the view that Valencia maintained a lavish lifestyle and lived beyond the modest means that his salary as a government official could offer, the Ombudsman opined that he must have derived income from unlawful sources. This, according to the Ombudsman, constituted deception and dishonesty which warranted his dismissal from office. Thus, the Ombudsman disposed:

FOREGOING CONSIDERED, pursuant to Section 52 (A-1) Rule IV of the Uniform Rules on Administrative Cases (CSC Resolution No. 991936), dated August 31, 1999, respondent MANUEL P. VALENCIA is hereby found guilty of DISHONESTY and is meted the corresponding penalty of DISMISSAL FROM THE SERVICE including all its accessory penalties and without prejudice to criminal prosecution.

SO ORDERED.

Valencia sought reconsideration of the Decision of the Ombudsman, but the same was denied on January 31, 2005.

At the CA, however, the decision of the Ombudsman was reversed. According to the CA, the charge of Unexplained Wealth under R.A. No. 1379 in relation to Section 8 of R.A. No. 3019 was separate and distinct from the offense of Dishonesty under Section 36 of Article IX of the Civil Service Decree of the Philippines.[32] The CA reasoned out that to hold Valencia liable for Dishonesty when in fact the charge against him was for Unexplained Wealth, violated Valencia's right to due process, especially his right to be informed of the charges against him and to be convicted only of the offense charged.

Furthermore, it added that even if the offense of Dishonesty were to be considered, there was no substantial evidence on record to hold Valencia administratively liable. The CA, thus, explained:

The evidence relied upon by the Office of the Ombudsman consists of petitioner's Statement of Assets and Liabilities (SALs) and photocopies of petitioner's Transfer of Certificate of Titles, photocopies of alleged Letters of Agreement executed between petitioner and then Far East Bank and Trust Company and unauthenticated copies of petitioner's alleged BPI Mastercard transactions. Furthermore, the Office of the Ombudsman believed respondent's speculations [i] that petitioner's money are fruits of his illegal transaction and activities as an employee of the Bureau of Customs, [2] that petitioner accomplished his SALs in a manner in order to evade investigation or criminal prosecution for acquiring unexplained wealth, and [3] that petitioner has a lavish spending habit.

Aside from the certified true copies of petitioner's Statements of Assets and Liabilities (SALs), the pieces of evidence presented by respondent have no probative value for being mere photocopies. As such photocopies, as earlier averted to, they are incompetent pieces of evidence unworthy of any probative value.

The genuineness and authenticity of the evidence against petitioner is grievously suspicious in view of the fact that the photocopies of the Letters of Agreement of petitioner's alleged time deposits with then Far East Bank and Trust Company and petitioner's alleged BPI Mastercard transactions are not certified as true copies by the responsible officer in custody of the originals thereof. Such being the case, the conclusions of the respondent arising from these pieces of evidence are mere hearsay which are, again, inadmissible in evidence pursuant to Section 36, Rule 130 of the Revised Rules of Court.[33]

Finally, the CA also opined that even assuming the evidence of the prosecution were admissible, the same was insufficient to hold Valencia guilty of the charges against him. Thus, it disposed:

WHEREFORE, the instant petition is GRANTED. The assailed Decision dated 30 September 2004 and Order dated 31 January 7 2005 of the Office of the Ombudsman are hereby REVERSED and SET ASIDE. The Order dated 14 October 2003 is NULLIFIED and petitioner is hereby REINSTATED to Ms former position without loss of seniority, rights and with payment of back salaries and other accrued benefits.

Hence, this petition.

GROUND FOR ALLOWANCE OF PETITION

I.

THE HONORABLE COURT OF APPEALS' REVERSAL OF THE PETITIONER OFFICE OF THE OMBUDSMAN'S DECISION FINDING THAT PRIVATE RESPONDENT IS ADMINISTRATIVELY LIABLE FOR DISHONESTY IS AN ERROR OF LAW CONSIDERING THAT -

A. THE RULES OF PROCEDURE OF THE OFFICE OF THE OMBUDSMAN AND SETTLED

ADMINISTRATIVE LAW PRINCIPLES ALLOW THE OFFICE OF THE OMBUDSMAN TO RENDER ITS DECISION IN ADMINISTRATIVE DISCIPLINARY CASES BASED ON THE AFFIDAVITS AND DOCUMENTS CONSTITUTING THE EVIDENCE ON RECORD.

B. THE DOCUMENTARY EVIDENCE SHOWING PRIVATE RESPONDENT VALENCIA'S NON-DECLARATION IN HIS SALNs OF HIS ACQUISITION OF REAL PROPERTIES AND LAVISH LIFESTYLE, GROSSLY DISPROPORTIONATE TO HIS INCOME AS A GOVERNMENT EMPLOYEE, CONSTITUTED SUBSTANTIAL EVIDENCE OF HIS ADMINISTRATIVE LIABILITY FOR DISHONESTY.

II.

THE ISSUANCE OF THE PREVENTIVE SUSPENSION ORDER BY THE PETITIONER OFFICE OF THE OMBUDSMAN IN FINDING, AT THAT STAGE, THE EVIDENCE OF GUILT ON THE PART OF PRIVATE RESPONDENT VALENCIA FOR DISHONESTY BEING THUS FAR STRONG .[34]

On due process, the Court agrees with the Ombudsman that Valencia was not deprived of his constitutional right thereto.

Section 7 and Section 8 of R.A. No. 3019 explain the nature and importance of accomplishing a true, detailed and sworn SALN, thus:

Sec. 7. Statement of Assets and Liabilities. — Every public officer, within thirty days after assuming office, and thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of corresponding Department Head, or in the case of a Head Department or chief of an independent office, with the Office of the President, a true, detailed and sworn statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statement on or before the fifteenth day of April following the close of said calendar year.

Sec. 8. Prima Facie Evidence of and Dismissal Due to Unexplained Wealth. — If in accordance with the provisions of Republic Act Numbered One Thousand Three Hundred Seventy-Nine, a public official has been found to have acquired during his incumbency, whether in his name or in the name of other persons, an amount of property and/or money manifestly out of proportion to his salary and to his other lawful income, that fact shall be ground for dismissal or removal. Properties in the name of the spouse and dependents of such public official may be taken into consideration, when their acquisition through legitimate means cannot be satisfactorily shown. Bank deposits in the name of or manifestly excessive expenditures incurred by the public official, his spouse or any of their dependents including but not limited to activities in any club or association or any ostentatious display of wealth including frequent travel abroad of a non-official character by any public official when such activities entail expenses evidently out of proportion to legitimate income, shall likewise be taken into consideration in the enforcement of this Section, notwithstanding any provision of law to the contrary. The circumstances hereinabove mentioned shall constitute valid ground for the administrative suspension of the public official concerned for an indefinite period until the investigation of the unexplained wealth is completed.

In the case of *Carabeo v. Court of Appeals*,^[35] citing *Ombudsman v. Valeroso*,^[36] the Court restated the rationale for the SALN and the evils that it seeks to thwart, to wit:

Section 8 above, speaks of unlawful acquisition of wealth, the evil sought to be suppressed and avoided, and Section 7, which mandates full disclosure of wealth in the SALN, is a means of preventing said evil and is aimed particularly at curtailing and minimizing, the opportunities for official corruption and maintaining a

standard of honesty in the public service. "Unexplained" matter normally results from "non-disclosure" or concealment of vital facts. SALN, which all public officials and employees are mandated to file, are the means to achieve the policy of accountability of all public officers and employees in the government. By the SALN, the public are able to monitor movement in the fortune of a public official; it is a valid check and balance mechanism to verify undisclosed properties and wealth. [Emphasis supplied]

On the other hand, Dishonesty is incurred when an individual intentionally makes a false statement of any material fact, practicing or attempting to practice any deception or fraud in order to secure his examination, registration, appointment, or promotion.[37] It is understood to imply the disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; the disposition to defraud, deceive or betray.[38] It is a malevolent act that puts serious doubt upon one's ability to perform his duties with the integrity and uprightness demanded of a public officer or employee.[39] Like the offense of Unexplained Wealth, Section 52 (A)(1), Rule IV of the Revised Uniform Rules on Administrative Cases in Civil Service treats Dishonesty as a grave offense, the penalty of which is dismissal from the service at the first infraction.

From the above, when the statement of wealth becomes manifestly disproportionate to an employee's income or other sources of income and he fails to properly account or explain his other sources of income, he becomes liable for Dishonesty. This is especially true considering that when a public officer takes an oath or office, he binds himself to faithfully perform the duties of the office and use reasonable skill and diligence, and to act primarily for the benefit of the public. Thus, a public officer in the discharge of duties, is to use that prudence, caution and attention which careful persons use in the management of his affairs.[40]

Consequently, an accused charged with Unexplained Wealth cannot claim to have been denied due process should he be held administratively liable for Dishonesty.

It should be pointed out that the actual recital of facts of the complaint shows that the nature and cause of the accusation hurled by Guerrero includes the charge of Dishonesty. Well-settled is the rule that what determines the real nature and cause of the accusation against an accused is the actual recital of facts stated in the information or complaint and not the caption or preamble of the information or complaint, nor the specification of the provision of law alleged to have been violated, they being conclusions of law.[41]

The Court, however, sustains the finding of the CA that there is no substantial evidence to hold Valencia liable for Dishonesty.

Administrative proceedings are governed by the "substantial evidence rule." Otherwise stated, a finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed acts stated in the complaint.[42] Substantial evidence is more than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine otherwise.[43]

The question of whether there is sufficient evidence to hold Valencia liable for the charges against him is one of fact, which is not generally subject to review by the Court. A review of the facts, however, is in order not only because the findings of fact of the Ombudsman and the CA were diametrically opposed, but also because the Ombudsman decision was alleged to have been grounded on speculations, surmises and conjectures.

It should be noted that other than the SALNs of Valencia, the evidence of the prosecution consists of photocopies of 1] the unsigned letters of agreement alluding to Valencia's dollar time deposit accounts; and 2] the monthly statements of the BPJ Mastercard transactions of Valencia.

Indeed, in administrative proceedings, the law does not require evidence beyond reasonable doubt or preponderance of evidence. Substantial evidence is enough. This presupposes, however, that the evidence proffered is admissible under the rules. With respect to photocopied private documents, the rule is that before it can be considered admissible in evidence, its due execution or genuineness should be first shown.[44] Failing in this, the photocopies are inadmissible in evidence; at the very least, it has no probative value.[45]

As the records bear out, the due execution and genuineness of the photocopied letters of agreement and monthly statements of the BPJ Mastercard transactions of Valencia were never verified and confirmed. The basic rule is that these photocopied private documents are secondary evidence which are inadmissible unless there is ample proof of the loss of the originals.[46] Absent such proof, these documents are incompetent as evidence. The Court cannot rightly appreciate firsthand the genuineness of an unverified and unidentified document, much less, accord it evidentiary value.[47] Regarding the photocopied letters of agreement, these were not even signed by Valencia. Thus, these letters of agreement relating to the alleged dollar time deposits of Valencia and his credit card billings are incompetent pieces of evidence unworthy of any probative value.

As to the US dollar deposits, the Ombudsman did try to verify them. On August 27, 2004, however, as earlier stated, Olaguer, the Service Manager of BPI in charge of the records of all deposit accounts, stated in his affidavit that "[d]espite diligent efforts, and given the limited information on the US Dollar Time deposits, wherein only the number of the time deposit certificates and the amount were specified, [he was] not able to locate any time deposit records belonging to Manuel P. Valencia, Jr."

To dismiss a public officer or employee on the basis of photocopies of private documents which are questioned and disputed is to set a dangerous precedent. It can be abused by oppressive or abusive superiors who may want their own protege to replace the charged officers or employees or by any individual who may want to harass a public employee for no legitimate reason at all. Photocopies should only be considered as evidence if they are not contested, if they are admitted, or if they constitute matters which need not be proved. Unverified photocopied private documents are not evidence which a reasonable mind might accept as adequate to support a conclusion.

Nevertheless, granting that these pieces of evidence relied upon by the Ombudsman are admissible in evidence, the Court still finds the same insufficient to establish the liability of Valencia for Dishonesty. The Court quotes, with approval, the following disquisition of the CA on the matter:

Besides, even *gratia argumenti* that the evidence are admissible, still, respondent's evidence against the petitioner is not sufficient to hold the petitioner guilty of the charges against him. The following evidence on record should have impelled the Office of the Ombudsman to absolve the petitioner:

- Petitioner's family owned a house and lot in Dasmariñas, Village, Makati City which they sold in 1977 for a hefty sum of P1,500,000.00.
- Petitioner and his family acquired their present residential house and lot in BF Homes, Paranaque City (composed of three contiguous lots) by leasing it from petitioner's aunt in 1985 until they were able to buy it in 1988.
- Petitioner purchased two adjacent lots in August 1988.
- The cumulative acquisition cost of his house and lot which is P1,225,070.00 and its current assessed value at P713.210.00 were duly reflected in petitioner's Statement of Assets and Liabilities (SALs) from 1994 to 2001.

As observed by the CA, the Ombudsman totally ignored the affidavit of BPI Service Manager Olaguer certifying that he could not locate any time deposit record belonging to Valencia. Being a responsible officer in custody of the supposed time deposits, his attestation is the best evidence that the bank does not have a record of any time

deposit in the name of Valencia.

In sum, with the presented SALNs being the only competent evidence for the prosecution, the Court upholds the finding of the CA that there is no substantial evidence that respondent Manuel P. Valencia [1] acquired property through unlawful means, [2] maintained US time deposit accounts, and [3] lived a lavish lifestyle.

WHEREFORE, the petition is DENIED.

SO ORDERED.

Carpio, (Chairperson), Nachura, Peralta, and Abad, JJ., concur.

[1] Penned by Associate Justice Ramon M. Bato, Jr., with Associate justice Hakim S. Abdulvvhahid and Associate Justice Jose C Reyes, Jr., concurring: rollo, pp. 48-67.

[2] Id. at 68-70.

[3] Id. at 83-104.

[4] Records, pp. 288-295.

[5] Id. at 58-62.

[6] Id. at 9-10.

[7] Id. at 1-19.

[8] Otherwise known as the Law on Forfeiture of Unlawfully Acquired Wealth.

[9] Sec. 8. Dismissal due to unexplained wealth. - If in accordance with the provisions of Republic Act Numbered One thousand three hundred seventy-nine, a public official has been found to have acquired during his incumbency, whether in his name or in the name of other persons, an amount of property and/or money manifestly out of proportion to his salary and to his other lawful income, that fact shall be a ground for dismissal or removal. Properties in the name of the spouse and unmarried children of such public official may be taken into consideration, when their acquisition through legitimate means cannot be satisfactorily shown. Bank deposits shall be taken into consideration in the enforcement of this section, notwithstanding any provision of law to the contrary.

[10] Otherwise known as the Anti-Graft and Corrupt Practices Act.

[11] Records, p. 3.

[12] Id. at 13-14.

[13] Covered by Transfer Certificate of Title (TCT) Nos. 14704, 14705, 14706. 12695, and 12696.

[14] Records, pp. 30-31.

[15] Sec. 41. Officers Authorized to Administer Oath; - The following officers have general authority to administer oaths: President; Vice-President; Members and Secretaries of both Houses of the Congress; Members of the judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of courts; registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; and notaries public.

- [16] Records, pp. 38-41.
- [17] Id. at 42-45.
- [18] Id. at 49-51.
- [19] Id. at 46-48.
- [20] Id. at 52.
- [21] Id. at 85-87.
- [22] Id. at 93.
- [23] Id. at 95-96.
- [24] Id. at 328.
- [25] Id. at 222-226.
- [26] Id. at 232.
- [27] Id. at 234.
- [28] Id. at 236-237.
- [29] 412 Phil. 387(2001).
- [30] Records, p, 235.
- [31] Id. at 238-239.
- [32] Rollo. pp. 57-60.
- [33] Id. at 61-62.
- [34] Id. at 20-21.
- [35] G.R. Nos. 178000 and 178003, December 04, 2009, 607 SCRA394, 412.
- [36] G.R. No. 167828, April 02, 2007, 520 SCRA 140, 149-150.
- [37] Pleyto v. PNP-CIDG, G.R.No. 169982. November 23, 2007. 538 SCRA 534. 586.
- [38] Ampong v. Civil Service Commission, CSC-Regional Office No. 11. GR. No. 167916, August 26, 2008, 563SCRA293, 307. y)
- [39] Civil Service Commission v. Sta. Ana, 435 Phil. 1,12 (2002).
- [40] Atty. Salumbides v. Office of the Ombudsman, G.R. No. 1809 17, April 23, 2010.
- [41] Nombrefia v. People, G.R. No. 157919, January 30, 2007, 513 SCRA 369, 374-375; Matilde, Jr. v. Jabson, 160-APhil. 1098(1975).
- [42] Office of the Ombudsman v. Santas, G.R. No. 166116, March 31, 2006, 486 SCRA 463, 470.
- [43] Montemayor v. Bundalian, 453 Phil. 158, 167 (2003).
- [44] Unchuan v. Lozaga., G.R. No. 172671, April 16,2009,585 SCRA 421,432.

[45] Office of the Ombudsman v. Coronel, G.R. No. 164460, June 27, 2006, 493 SCRA 392.

[46] Section 3. Rule 130, Revised Rules of Court.

[47] People v. Sumalpong, 348 Phil. 501, 522 (1998).

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