

**ROMEO R. ARAULLO, PETITIONER, VS. OFFICE OF THE
OMBUDSMAN, HON. MERCEDITAS N. GUTIERREZ, HON. GERARDO C.
NOGRALES, HON. ROMEO L. GO, HON. PERLITA B. VELASCO, AND
HON. ARDEN S. A...**

G.R. No. 194169. December 04, 2013

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

A public officer who acts pursuant to the dictates of law and within the limits of allowable discretion can hardly be considered guilty of misconduct.

This Petition for Certiorari[1] seeks to set aside the undated Decision[2] of the Office of the Ombudsman (Ombudsman) in Case No. OMB-C-A-09-0437-H, entitled “Romeo R. Araullo, Complainant, versus Gerardo C. Nograles, Romeo L. Go, Perlita B. Velasco, and Arden S. Anni, Respondents.”

Factual Antecedents

Relative to National Labor Relations Commission (NLRC), National Capital Region (NCR) NLRC NCR Case No. 00-01-00581-2001 (the labor case) entitled “Romeo R. Araullo, Complainant, versus Club Filipino, Inc., Respondent,” which is a case for illegal dismissal with a prayer for the recovery of salaries, benefits, and damages filed by herein petitioner Romeo R. Araullo against his former employer Club Filipino, Inc. (Club Filipino) with the Quezon City NCR Office of the NLRC, judgment[3] was rendered by the Court of Appeals (CA), to wit:

WHEREFORE, the instant petition is GRANTED. The Decisions of the NLRC and the Labor Arbiter are vacated and set aside. Petitioner Araullo’s dismissal is hereby declared illegal. Accordingly, the respondent Club Filipino is hereby ordered to reinstate Araullo to his former position without loss of seniority rights and to pay petitioner full [backwages], inclusive of allowances, including 13[th] month pay, as well as other monetary benefits, computed from the time his compensation was withheld from him to the time of his reinstatement. Should reinstatement be no longer possible the respondent Club Filipino should instead pay Araullo separation pay equivalent to one month a day [sic] for every year of service, with the fraction of at least six (6) months be [sic] considered as one whole year.

SO ORDERED.[4]

The above CA judgment became final and executory after it was affirmed by this Court via a Decision[5] dated November 29, 2006 in G.R. No. 167723. Thus, the labor case was remanded to the NLRC for computation of petitioner’s actual entitlements.

The Labor Arbiter handling the case, Fedriel Panganiban (Arbiter Panganiban) directed the NLRC Computation and Examination Unit to compute the liabilities of Club Filipino, after which the said office submitted a written computation[6] granting petitioner the following:

Backwages

P1,494,000.00

13th Month Pay

124,500.00

Sick Leave/Vacation Leave

143,652.25

Separation Pay

576,000.00

Total

P2,338,152.25[7]

On December 13, 2007, Arbiter Panganiban issued an Order[8] voluntarily inhibiting himself from handling the labor case “to obviate any suspicion of partiality.” The Order reads in part:

It was explained to the parties that after the submission of the comment, an order will be issued by this Arbitration Branch, however, even before the expiration of the ten[-]day period in which the respondent is to submit the comment, complainant’s counsel bombarded this office with constant follow-ups insisting for the issuance of the writ of execution. Complainant’s counsel even hinted that he will be filing a case before the Ombudsman if the writ of execution will not be issued.[9]

Club Filipino appealed Arbiter Panganiban’s Order of inhibition with the NLRC. Meanwhile, the labor case was raffled to herein respondent Labor Arbiter Arden S. Anni (Arbiter Anni) on January 4, 2008.

On January 8, 2008, petitioner filed a 4th Ex-Parte Manifestation With Very Urgent Prayer For Issuance Of Writ Of Execution.[10] On January 21, 2008, Club Filipino filed a Motion to Recompute dated January 10, 2008.[11]

On January 31, 2008, Arbiter Anni issued an Order[12] holding in abeyance any action on petitioner’s motion for execution and other related motions until Club Filipino’s appeal with the NLRC relative to Arbiter Panganiban’s inhibition is resolved.

In a May 15, 2008 Decision[13] which became final and executory, the NLRC dismissed Club Filipino’s appeal relative to Arbiter Panganiban’s voluntary inhibition, and ordered that the records of the labor case be immediately forwarded to the branch of origin for continuation of the execution proceedings.

On July 29, 2008, Arbiter Anni issued a Writ of Execution[14] ordering the collection of the P2,338,152.25 award as computed by the NLRC Computation and Examination Unit, as well as execution fees in the amount of P23,380.00.

Club Filipino moved to quash the Writ of Execution,[15] claiming that Arbiter Anni improvidently issued the writ without resolving the pending incidents and issues and in violation of the NLRC rules of procedure – in that it was

issued without the required order approving the computation and without giving notice of such approval to the parties.[16] The motion to quash was set for hearing on August 20, 2008.

Even before Club Filipino's motion to quash could be heard on its scheduled hearing date, Arbiter Anni in an August 12, 2008 Order[17] quashed the Writ of Execution, enjoined the sheriff from conducting further execution, and lifted all notices of garnishment issued to the banks. Then, on August 14, 2008, he issued another Order voluntarily inhibiting himself from further proceedings in the labor case, on the ground that his "sense of impartiality may be questioned by any of the parties because of (his) rapport with Atty. Roberto 'Obet' De Leon, President of Club Filipino, and respondent's counsel, Atty. Ernesto P. Tabao x x x, who are both (his) fraternity brothers in San Beda College of Law." [18]

On August 22, 2008, petitioner filed with the NLRC a Very Urgent Petition to Set Aside the Order of Labor Arbiter Arden S. Anni dated 12 August 2008[19] claiming that the assailed Order defied the NLRC's directive to continue with the execution of the case; that execution of the judgment is ministerial, and the quashing of the writ constitutes an evasion of a positive duty; that Arbiter Anni's inhibition was calculated to favor Club Filipino and his fraternity brothers; that Club Filipino's motion to quash was a mere scrap of paper because petitioner's counsel was not furnished with a copy thereof; and that the Writ of Execution has been duly implemented and completely satisfied. However, the Petition was denied for lack of merit in an October 29, 2008 Resolution[20] issued by the First Division of the NLRC, composed of the herein respondent Commissioners – Presiding Commissioner Gerardo C. Nograles and Commissioners Romeo L. Go, and Perlita B. Velasco. The following was decreed:

WHEREFORE, the petition to set aside the quashal order dated August 12, 2008 is hereby DENIED for lack of merit and the Motion for the Issuance of Preliminary Injunction and/or Temporary Restraining Order is DISMISSED for being MOOT and academic. Let the entire records be immediately forwarded to the Arbitration Branch of origin for the purpose aforementioned.

SO ORDERED.[21]

In the above-quoted October 29, 2008 Resolution, the respondent Commissioners noted that in Arbiter Panganiban's December 13, 2007 Order,[22] he committed that after the parties shall have submitted their comments to the NLRC Computation and Examination Unit's written computation, he will issue the corresponding order, either approving or disapproving the computation; however, the matter was overtaken by his voluntary inhibition from the case. And when Arbiter Anni took over, he improvidently issued the Writ of Execution without first approving or disapproving the NLRC Computation and Examination Unit's computation or resolving Club Filipino's subsequent January 10, 2008 Motion to Recompute, thus circumventing Rule XI, Section 4 of the 2005 NLRC Revised Rules of Procedure[23] (NLRC Rules). The logical step, then, was to first resolve the pending issues and incidents in accordance with the NLRC Rules; a remand of the case to the Labor Arbiter was thus in order.

Petitioner moved to reconsider, but in a March 18, 2009 Resolution,[24] the respondent Commissioners resolved to deny his motion for reconsideration.

Ruling of the Ombudsman

On July 28, 2009, petitioner filed a Complaint[25] before the Ombudsman against the respondent Commissioners and Arbiter Anni, for violation of Section 3(e)[26] of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, and Article 206 of the Revised Penal Code.[27] The criminal aspect was docketed as OMB-C-C-09-0410-H; it was later dismissed by the Ombudsman via an undated Resolution.[28] On the other hand, the administrative case – docketed as OMB-C-A-09-0437-H – was based on a charge of grave misconduct.

Petitioner charged that Arbiter Anni entertained Club Filipino's motion to quash despite the fact that only he – and not his counsel – was furnished with a copy thereof; that he hastily resolved to quash the Writ of Execution and lift the notices of garnishment even before the scheduled date of hearing of Club Filipino's motion to quash; and that after quashing the Writ of Execution, he voluntarily inhibited himself from further proceeding with the labor case to “wash his hands” of the improper quashal of the Writ of Execution. Petitioner accused Arbiter Anni of conspiring with his fraternity brothers in Club Filipino to delay the execution of the decision in the labor case, thus giving unwarranted benefits and advantage to them. On the other hand, petitioner accused the respondent Commissioners of gross misconduct for improperly affirming and “legitimizing”, through their October 29, 2008 Resolution, Arbiter Anni's order quashing the Writ of Execution.

In their Counter-Affidavit,[29] the respondent Commissioners set up the defense that they acted lawfully and regularly in the performance of their functions relative to petitioner's labor case – specifically the quashing of the Writ of Execution, which was issued improvidently by Arbiter Anni; that if they allowed the execution to proceed, Club Filipino's right to due process would have been violated, and this would have opened the door to further appeals or proceedings. They added that they did not act with partiality, malice or with deliberate intent to cause damage to petitioner, nor is there evidence to show that they acted in such manner; on the contrary, they acted with caution, prudence, good faith, and with due regard for the rules of procedure of the NLRC. They maintained that the presumption of regularity should apply to them, and they should be afforded a wide latitude of discretion, as government officers possessing the knowledge, expertise, and experience in labor matters. They note particularly petitioner's repeated threats to file an administrative case if the labor case is not decided in his favor, from Arbiter Panganiban's December 13, 2007 Order which revealed petitioner's counsel's threat to file an administrative case if the Writ of Execution is not granted, to the insinuation that if petitioner's Very Urgent Petition to Set Aside the Order of Labor Arbiter Arden S. Anni dated 12 August 2008 is denied, a complaint with the Ombudsman would be instituted.

For his part, Arbiter Anni in his Counter-Affidavit[30] avowed that there is no plot or conspiracy to delay the execution of the final judgment in the labor case; that he was not influenced by his fraternity brothers in Club Filipino; that he was compelled to quash the Writ of Execution on account of pending incidents that had to be resolved first, in conformity with Rule XI, Section 4 of the NLRC Rules; that when the writ was quashed, garnishment had not been effected; that he scheduled the hearing on the motion to quash on August 20, 2008 only because the motion could not be accommodated in his official calendar – thus, in issuing his August 12, 2008 Order quashing the Writ of Execution, he did not violate petitioner's right to due process; that it was necessary to quash the Writ of Execution as it did not conform to Rule XI, Section 4 of the NLRC Rules; that in inhibiting himself from the case, he had no intention to delay the execution of the judgment therein; and that petitioner should not be allowed to obtain execution and satisfaction of the judgment at the expense and in violation of the rights of Club Filipino.

In a Consolidated Reply-Affidavit,[31] petitioner reiterated that he should have been heard on the motion to quash before the Writ of Execution was withdrawn; that Arbiter Anni's August 12, 2008 Order quashing the writ was patently void as the motion to quash was still scheduled to be heard on August 20, 2008; that in issuing the Writ of Execution on July 29, 2008 ordering the collection of the amount of P2,338,152.25, Arbiter Anni is deemed to have approved the said computation of the NLRC Computation and Examination Unit; that because the Writ of Execution was validly issued and the order quashing it is void, the respondent Commissioners are guilty of misconduct in sustaining the said order, and caused undue injury to the petitioner as a result of the delay in the execution and unwarranted benefits given by the respondents to Club Filipino; and that Arbiter Anni is guilty of evident partiality, causing undue injury to petitioner and delay in the labor case, as well as giving unwarranted benefits and advantage to his fraternity brothers in Club Filipino.

Meanwhile, it appears that the labor case was assigned to Arbiter Fe S. Cellan (Arbiter Cellan), who proceeded with the execution. In a September 14, 2009 Order, Arbiter Cellan corrected the computed award, thus:

WHEREFORE, in view of the foregoing, the Motion to Recompute is denied. However, the computation of the backwages and separation pay should be corrected and should be limited until 03 October 2007 and the outstanding account of complainant in the amount of P186,545.81 should be deducted therefrom.

SO ORDERED.[32]

It likewise appears that a recomputation was made, and the award due to petitioner was reduced to P2,117,002.35; that in an October 8, 2009 Order, Arbiter Cellan approved the new computation and ordered the issuance of a Writ of Execution; and that on December 10, 2010, petitioner received in full the amount of the judgment award.[33]

Meanwhile, in OMB-C-A-09-0437-H, the assailed undated Decision was issued, decreeing as follows:

WHEREFORE, the charge of Grave Misconduct against the respondents is hereby dismissed.

SO ORDERED.[34]

The Ombudsman held that the quashing of the Writ of Execution was done to correct an error in the proceedings in the labor case; there were pending motions and incidents that remained unresolved – yet the Writ of Execution was issued nonetheless. In quashing the writ, the Ombudsman believed that Arbiter Anni was motivated by the desire to rectify any violation of the NLRC Rules and prevent further contravention thereof, and not by ill motive to delay the case or favor Club Filipino. The Ombudsman further assumed that it was necessary for Arbiter Anni to have corrected himself before inhibiting from the labor case.

The Ombudsman added that “the writ of execution would have been nullified regardless of the motion to quash filed by Club Filipino because there was a need to rectify a lapse in the labor proceedings,”[35] and that this was “precisely the reason why the respondent Commissioners sustained the ruling”[36] of Arbiter Anni. Finally, the Ombudsman held that in the absence of a clear and manifest intent to violate the law, or a flagrant disregard of established rule, there could be no grave misconduct on the respondents’ part. On the contrary, what respondents did was to “correct an error to avoid any transgression of the rules of procedure.”[37]

Issue

With the dismissal of his charges, petitioner commenced the instant Petition, which raises the sole issue of whether there is substantial evidence to hold respondents liable for grave misconduct.

Petitioner’s Arguments

Essentially, petitioner in his Petition and Consolidated Reply[38] reiterates his arguments in his original charge: that Arbiter Anni entertained Club Filipino’s motion to quash despite the fact that only he – and not his counsel – was furnished with a copy thereof; that Arbiter Anni hastily resolved to quash the Writ of Execution and lift the notices of garnishment even before the motion to quash could be heard; that Arbiter Anni conspired with his fraternity brothers in Club Filipino to delay the execution of the decision in the labor case, thus giving unwarranted benefits and advantage to Club Filipino and causing undue injury to petitioner; and that the respondent Commissioners improperly affirmed, through their October 29, 2008 Resolution, Arbiter Anni’s order quashing the Writ of Execution.

Petitioner concludes that in view of the foregoing, the Ombudsman committed patent error and grave abuse of discretion in exonerating the respondents from the charge of grave misconduct. He likewise takes exception to the

fact that the assailed decision is undated – insinuating that it is an irregular and highly unusual circumstance, and notes that his counsel of record was not furnished with a copy of the assailed Decision.

Petitioner thus prays that the Court set aside the assailed Decision of the Ombudsman and declare respondents guilty of grave misconduct.

Respondents' Arguments

In their Comment[39] praying for the dismissal of the Petition, respondent Commissioners argue that no grave abuse of discretion exists to warrant a reversal of the Ombudsman's ruling; that in the absence of evidence that it acted in a capricious, whimsical and arbitrary manner, its findings are entitled to respect; that the elements of grave misconduct are not present in their case; that they acted lawfully, regularly, and with prudence and caution, in the performance of their functions; that in issuing the October 29, 2008 Resolution, they merely rectified Arbiter Anni's mistake in issuing the Writ of Execution without observing the proper procedure under the NLRC Rules.

In his Comment,[40] Arbiter Anni maintains his innocence, insisting that he acted in good faith and under a sense of duty to rectify his mistake in improvidently issuing the Writ of Execution. He claims that he did not commit grave misconduct, nor did he act with a clear intent to violate the law or flagrantly disregard the NLRC Rules; that he favored no one; that in inhibiting from the case, he acted prudently; that in sustaining his actions, the Ombudsman did not commit grave abuse of discretion, but was merely acting in accordance with the facts, the law and evidence on record.

The Ombudsman, on the other hand, insists in its Comment[41] that there is no substantial evidence to hold respondents liable for grave misconduct; and in the absence of such evidence, the instant Petition must necessarily fail as the requisite grave abuse of discretion is lacking.

Our Ruling

The Petition is dismissed.

During execution proceedings, errors may be committed such that the rights of a party may be prejudiced, in which case corrective measures are called for. These may involve instances where –

- 1)
the [W]rit of [E]xecution varies the judgment;
- 2)
there has been a change in the situation of the parties making execution inequitable or unjust;
- 3)
execution is sought to be enforced against property exempt from execution;
- 4)
it appears that the controversy has never been subject to the judgment of the court;
- 5)
the terms of the judgment are not clear enough and there remains room for interpretation thereof; or
- 6)

x x x the [W]rit of [E]xecution [was] improvidently issued, or x x x is defective in substance, or [was] issued against the wrong party, or x x x the judgment debt has been paid or otherwise satisfied, or the writ was issued without authority.[42]

In such event, one of the corrective measures that may be taken is the quashing of the Writ of Execution.[43]

There is no doubt that Arbiter Anni's July 29, 2008 Writ of Execution was procedurally irregular, as it pre-empted the NLRC Rules which require that where further computation of the award in the decision is necessary during the course of the execution proceedings, no Writ of Execution shall be issued until after the computation has been approved by the Labor Arbiter in an order issued after the parties have been duly notified and heard on the matter. When the writ was issued, there was as yet no order approving the computation made by the NLRC Computation and Examination Unit, and there was a pending and unresolved Motion to Recompute filed by Club Filipino. A cursory examination of the motion reveals that it raised valid issues that required determination in order to arrive at a just resolution, so that none of the parties would be unjustly enriched. For example, it appears that petitioner owed Club Filipino a substantial amount of money which the latter sought to deduct from the judgment award by way of compensation; if this is true, then the necessary adjustment in the award may be made to allow Club Filipino to recover what petitioner owes it, to the extent allowable by law.

Since the Writ of Execution was issued in contravention of the law, it is irregular and defective, and there was no need to further hear Club Filipino's motion to quash the writ; Arbiter Anni's issuance of the August 12, 2008 Order quashing the writ ahead of the scheduled August 20, 2008 hearing is therefore not improper. "A void judgment or order has no legal and binding effect, force or efficacy for any purpose. In contemplation of law, it is non-existent. x x x It is not even necessary to take any steps to vacate or avoid a void judgment or final order; it may simply be ignored." [44]

The Court cannot blame the respondents for not treating the Writ of Execution as an implicit approval of the NLRC Computation and Examination Unit's computation, or even as an implied denial of Club Filipino's Motion to Recompute, because the NLRC Rules precisely require that the computation must be approved by the Labor Arbiter in an order issued after the parties have been duly notified and heard. Besides, the pending motion to recompute was not touched upon in the Writ of Execution. Finally, given petitioner's threats of exacting criminal and administrative liability if he did not have his way, respondents chose to act with extreme caution and took an academic and literal approach in construing and applying the NLRC Rules.

Nor may it be said that in quashing the Writ of Execution or in inhibiting himself from the labor case, Arbiter Anni unduly favored Club Filipino. Quite the contrary, Arbiter Anni risked being dragged to court on a gross ignorance charge by issuing the Writ of Execution in disregard of the NLRC Rules; if he did not quash the writ, he would likewise have been perceived as favoring petitioner. Moreover, it could also be said that if Arbiter Anni favored his fraternity brothers in Club Filipino, he would not have issued the Writ of Execution in the first place; and he would have stayed on with the case, instead of inhibiting himself therefrom.

On the part of the respondent Commissioners, the Court detects no irregularity in their actions either. While petitioner accuses them of gross misconduct for improperly affirming, through their October 29, 2008 Resolution, Arbiter Anni's order quashing the Writ of Execution, the Court believes otherwise; they acted pursuant to the NLRC Rules, and averted further mistake and damage by affirming the quashing of an otherwise improvident writ.

The Court fails to discern any indication of malice, bad faith, misconduct, or even negligence in the respondents' actions. Nor are there signs of partiality or attempts to favor a party to the case. All their actions were aboveboard. Even Arbiter Anni's subsequent inhibition from the case is far from questionable; like Arbiter Panganiban, he

may have been rendered uneasy by petitioner's threats of criminal and administrative sanction if he failed to expedite the proceedings.

Under the 2005 NLRC Rules, a Labor Arbiter may voluntarily inhibit himself from the resolution of a case and shall so state in writing the legal justifications therefor. Arbiter Anni was not precluded from voluntarily inhibiting himself from the case; indeed, his inhibition was warranted under the circumstances and given his fraternity ties with the President of Club Filipino and its counsel of record. What may have been placed in question is the timing of his inhibition; one may wonder why he had to do so just days after he quashed his own Writ of Execution. Petitioner – given his leaning – understandably interprets this as an attempt to prolong the execution proceedings. An objective analysis of the situation, however, engenders the view that inhibition was a well-considered decision on Arbiter Anni's part, who realizing that he committed a procedural misstep by his impetuous issuance of the Writ of Execution which set him up for a possible administrative case grounded on gross ignorance or otherwise, quashed his own writ. At the same time, he realized that his action of quashing the writ would be scrutinized or misinterpreted, given his fraternity ties with the Club Filipino President and counsel; thus, he took it upon himself to reveal such relationship, and then recuse himself from the case in order to avoid a possible administrative case. In short, the events reveal that Arbiter Anni acted with his interest solely in mind; he had no intentions of favoring any party to the case. His actions do not betray malice, bad faith, misconduct, or even negligence.

“Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. x x x [And when] the elements of corruption, clear intent to violate the law or flagrant disregard of established rule [are] manifest,”[45] the public officer shall be liable for grave misconduct. Evidently, a public officer who acts pursuant to the dictates of law and within the limits of allowable discretion can hardly be considered guilty of misconduct.

Finding no irregularity in the acts of respondents, the Ombudsman did not commit grave abuse of discretion in exonerating them from the administrative charge of grave misconduct. As a matter of fact, its disposition is correct in every respect. Thus, the Court's policy of non-interference with the Ombudsman's exercise of sound discretion and judgment stands.

Next, petitioner ascribes wrongdoing because the assailed decision of the Ombudsman is undated, and allegedly his counsel was not furnished with a copy thereof. In the past, this Court did not pay much attention to the fact that the assailed decisions or orders brought before it were undated;[46] indeed, in many of those cases, the Court even sustained these undated dispositions. Unless the date itself was material or constituted the very subject matter of the inquiry, the Court made short shrift of the defect. On the other hand, it appears that the apparent failure of petitioner's counsel to be served with a copy of the assailed decision did not prejudice petitioner's rights; it did not prevent him from timely filing this Petition. And if there were any procedural infirmities attendant or leading to petitioner's filing of the instant Petition, they seem to have been ignored or overlooked for petitioner's own benefit.

Finally, we note that from the assailed undated Decision of the Ombudsman in OMB-C-A-09-0437-H, petitioner went directly to this Court via this Petition for Certiorari. This is not allowed. It is settled jurisprudence that “appeals from decisions of the Office of the Ombudsman in administrative disciplinary cases should be taken to the Court of Appeals under the provisions of Rule 43, in line with the regulatory philosophy adopted in appeals from quasi-judicial agencies in the 1997 Revised Rules of Civil Procedure.”[47]

WHEREFORE, the Petition is DISMISSED for lack of merit.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Perlas-Bernabe, JJ., concur.

[1] Rollo, pp. 3-42.

[2] Ombudsman rollo, pp. 445-457; per Graft Investigation and Prosecution Officer I Romualdo V. Francisco, reviewed by PIAB-C OIC-Director Aleu A. Amante, recommended for approval by PAMO Acting Assistant Ombudsman Mary Susan S. Guillermo, and approved by Ombudsman Ma. Merceditas N. Gutierrez.

[3] Rollo, pp. 136-145; penned by Associate Justice Rosmari D. Carandang and concurred in by Associate Justices Remedios Salazar-Fernando and Monina Arevalo-Zenarosa.

[4] Id. at 144.

[5] Id. at 146-154; penned by Associate Justice Conchita Carpio Morales and concurred in by Associate Justices Leonardo A. Quisumbing, Antonio T. Carpio, Dante O. Tinga, and Presbitero J. Velasco, Jr.

[6] “Computation of Monetary Award as per Decision of the Court of Appeals dated February 28, 2005 affirmed by the Supreme Court dated November 29, 2006.”

[7] Ombudsman rollo, p. 95.

[8] Rollo, pp. 181-182.

[9] Id.

[10] Id. at 193-205.

[11] Id. at 214-227.

[12] Id. at 207-208.

[13] Id. at 228-231; penned by Commissioner Perlita B. Velasco and concurred in by Presiding Commissioner Gerardo C. Nograles and Commissioner Romeo L. Go.

[14] Id. at 232-237.

[15] Id. at 241-253.

[16] 2005 NLRC REVISED RULES OF PROCEDURE, Rule XI, Section 4. Computation During Execution. - Where further computation of the award in the decision, resolution or order is necessary during the course of the execution proceedings, no writ of execution shall be issued until after the computation has been approved by the Labor Arbiter in an order issued after the parties have been duly notified and heard on the matter.

[17] Rollo, pp. 254-255.

[18] Id. at 256-257.

[19] Id. at 258-268.

[20] Id. at 283-289.

[21] Id. at 288.

[22] Id. at 181-182.

[23] Supra note 16.

[24] Rollo, pp. 301-304.

[25] Ombudsman rollo, pp. 1-34.

[26] Section 3. Corrupt practices of public officers. – In addition to acts or omissions of public officers already penalized by existing law, 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 private 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.

x x x x

[27] Art. 206. Unjust interlocutory order. – Any judge who shall knowingly render an unjust interlocutory order or decree shall suffer the penalty of arresto mayor in its minimum period and suspension; but if he shall have acted by reason of inexcusable negligence or ignorance and the interlocutory order or decree be manifestly unjust, the penalty shall be suspension.

[28] Rollo, pp. 617-618.

[29] Id. at 306-316.

[30] Id. at 317-337.

[31] Id. at 338-362.

[32] Id. at 618.

[33] Id. at 375, 618-619.

[34] Id. at 54.

[35] Id. at 53.

[36] Id.

[37] Id.

[38] Id. at 556-589.

[39] Id. at 367-379.

[40] Id. at 437-473.

[41] Id. at 516-544.

[42] Banaga v. Judge Majaducon, 526 Phil. 641, 649-650 (2006).

[43] Ibatan v. Melicor, G.R. No. 39125, August 20, 1990, 188 SCRA 598, 605.

[44] Land Bank of the Philippines v. Orilla, G.R. No. 194168, February 13, 2013, 690 SCRA 610, 618-619.

[45] Bureau of Internal Revenue v. Organo, 468 Phil. 111, 118 (2004).

[46] Among others, Gonzales III v. Office of the President of the Philippines, G.R. Nos. 196231 & 196232, September 4, 2012, 679 SCRA 614; Aberdeen Court, Inc. v. Agustin, Jr., 495 Phil. 706 (2005); M.A. Santander Construction, Inc. v. Villanueva, 484 Phil. 500 (2004); Padilla v. Hon. Sto. Tomas, 312 Phil. 1095 (1995); Lozano v. Yorac, G.R. Nos. 94521 & 94626, October 28, 1991, 203 SCRA 256; Peñaflor v. National Labor Relations Commission, 205 Phil. 44 (1983); Samala v. Saulog Transit, Inc., 159 Phil. 822 (1975).

[47] Contes v. Office of the Ombudsman, G.R. Nos. 187896-97, June 10, 2013.

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