

MARIA NYMPHA MANDAGAN, PETITIONER, V. RUFINO DELA CRUZ OF THE SKILLS AND LIVELIHOOD TRAINING CENTER AND DING VILLAREAL OF THE GENERAL SERVICES DIVISION, BOTH OF THE LOCAL GOVERN...

G.R. No. 228267. October 08, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Assailed in this petition for review on certiorari[1] are the Resolutions dated July 4, 2016,[2] September 15, 2016,[3] and October 28, 2016[4] of the Court of Appeals (CA) in CA-G.R. SP No. 145966, which dismissed petitioner Maria Nympha Mandagan's (Mandagan) petition for certiorari before it on technical grounds, i.e., availing of a wrong remedy as she should have purportedly filed an appeal from the Office of the Ombudsman's (Ombudsman) ruling.

The Facts

Mandagan alleged that on July 28, 2014, her Honda CRV figured into a collision with a Toyota Revo owned by the Local Government Unit of San Juan City, Metro Manila (LGU-San Juan) and driven by respondent Rufino Dela Cruz (Dela Cruz), Administrative Aide III of the Skills and Livelihood Training Center of LGU-San Juan. According to Mandagan, it was discovered during police investigation that the Toyota Revo's last registration was in 2002 and that Dela Cruz had no valid driver's license. Initially, Dela Cruz attempted to evade liability by introducing himself as a government employee performing official duties, but due to fear of possible administrative and civil charges against him, he later admitted to his fault and pleaded for amicable settlement, promising that the LGU-San Juan shall answer for the cost of the repairs of Mandagan's vehicle.[5] Thereafter, Mandagan made follow-ups with respondent Ding Villareal (Villareal), Administrative Aide III of the General Services Division of LGU-San Juan, who allegedly misrepresented that the Toyota Revo driven by Dela Cruz was covered by insurance policies issued by the Government Service Insurance System (GSIS) and Malayan Insurance.[6] Despite the foregoing, Mandagan was unable to reimburse the costs of repairs of her vehicle, prompting her to send demand letters and make several calls to both Dela Cruz and Villareal (respondents). However, respondents not only failed to heed Mandagan's demands and to answer her calls, they also avoided her whenever she visited their office.[7] Hence, Mandagan filed an administrative complaint for Grave Misconduct, Gross Negligence, and Serious Dishonesty against respondents before the Ombudsman.[8]

In his defense, Villareal maintained that the Toyota Revo is indeed insured, and that upon receiving the report of the vehicular accident, he immediately asked their accredited repair shop and insurance providers to coordinate with Mandagan's insurance provider for the purpose of repairing her vehicle.[9] For his part, Dela Cruz insisted that he has a valid driver's license which he surrendered to the police traffic investigator at the scene of the accident. He likewise claimed that the investigation results were biased against him as the person driving Mandagan's vehicle at the time of the accident was a former official of the Philippine National Police.[10]

Notably, both respondents asserted that they had no obligation to cause the registration of the Toyota Revo as the same should be handled by another division of the LGU-San Juan. [11]

The Ombudsman Ruling

In a Decision[12] dated November 26, 2015, the Ombudsman dismissed Mandagan's complaint against respondents for lack of factual and legal bases.[13] It found Mandagan's allegations that the Toyota Revo was unregistered and that Dela Cruz did not have a valid driver's license to be without merit as documents proving otherwise were presented during trial. [14] In this regard, the Ombudsman opined that respondents cannot be said to be remiss in their duties, considering that: (a) it has not been shown that, by the nature of their positions in the LGU-San Juan, they are required to have the Toyota Revo registered; and (b) as mere low-level employees of the LGU- San Juan, they cannot be faulted for any delay in facilitating the release of the money representing the repair costs of Mandagan's vehicle.[15]

Mandagan moved for reconsideration[16] but the same was denied in an Order[17] dated March 10, 2016. Aggrieved, she filed a petition for certiorari[18] under Rule 65 of the Rules of Court before the CA.

The CA Ruling

In a Resolution[19] dated July 4, 2016, the CA dismissed the petition on technical grounds. It held that Mandagan's plain, speedy, and adequate remedy to assail the Ombudsman's ruling is to file a petition for review under Rule 43 of the Rules of Court, and not a Rule 65 petition for certiorari.[20]

Undaunted, Mandagan filed two (2) motions for reconsideration,[21] both of which were, however, denied in Resolutions dated September 15, 2016[22] and October 28, 2016,[23] respectively. Hence, this petition.

The Issue Before the Court

The issue in this case is whether or not the CA erred in dismissing the petition for certiorari.

The Court's Ruling

Pertinent portions of Section 27 of Republic Act No. 6770,[24] otherwise known as "The Ombudsman Act of 1989," read:

Section 27. Effectivity and Finality of Decisions.- x x x

x x x x

Findings of fact by the Officer of the Ombudsman when supported by substantial evidence are conclusive. Any order, directive or decision imposing the penalty of public censure or reprimand, suspension of not more than one (1) month's salary shall be final and unappealable.

x x x x

This provision is reflected in Section 7, Rule III of Administrative Order No. (AO) 07,[25] as amended, which further covers situations where a respondent is absolved of the charges against him, to wit:

Section 7. Finality and execution of decision. - Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory, and unappealable. In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration.

x x x x (Emphases and underscoring supplied)

Based on the foregoing, case law recognizes two (2) instances where a decision, resolution or order of the Ombudsman arising from an administrative case becomes final and unappealable: (a) where the respondent is absolved of the charge; and (b) in case of conviction, where the penalty imposed is public censure or reprimand, suspension of not more than one (1) month, or a fine equivalent to one (1)-month salary.[26] Nonetheless, in *Reyes, Jr. v. Belisario*,[27] the Court clarified that in situations where the Ombudsman's ruling is deemed as "final and unappealable," an aggrieved party is not left without any recourse, as he may avail of the remedy of filing a petition for certiorari under Rule 65 of the Rules of Court, to wit:

The clear import of Section 7, Rule III of the Ombudsman Rules is to deny the complainant in an administrative complaint the right to appeal where the Ombudsman has exonerated the respondent of the administrative charge, as in this case. The complainant, therefore, is not entitled to any corrective recourse, whether by motion for reconsideration in the Office of the Ombudsman, or by appeal to the courts, to effect a reversal of the exoneration. Only the respondent is granted the right to appeal but only in case he is found liable and the penalty imposed is higher than public censure, reprimand, one-month suspension or a fine equivalent to one month salary.

The absence of any statutory right to appeal the exoneration of the respondent in an administrative case does not mean, however, that the complainant is left with absolutely no remedy. Over and above our statutes is the Constitution whose Section 1, Article VIII empowers the courts of justice to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government. This is an overriding authority that cuts across all branches and instrumentalities of government and is implemented through the petition for certiorari that Rule 65 of the Rules of Court provides. A petition for certiorari is appropriate when a tribunal, clothed with judicial or quasi-judicial authority, acted without jurisdiction (i.e., without the appropriate legal power to resolve a case), or in excess of jurisdiction (i.e., although clothed with the appropriate power to resolve a case, it oversteps its authority as determined by law, or that it committed grave abuse of its discretion by acting either outside the contemplation of the law or in a capricious, whimsical, arbitrary or despotic manner equivalent to lack of jurisdiction). The Rules of Court and its provisions and jurisprudence on writs of certiorari fully apply to the Office of the Ombudsman as these Rules are suppletory to the Ombudsman's Rules. The Rules of Court are also the applicable rules in procedural matters on recourses to the courts and hence, are the rules the parties have to contend with in going to the CA.[28] (Emphases and underscoring supplied)

In this case, considering that the Ombudsman ruling exonerated respondents from administrative liability – a ruling which is deemed "final and unappealable" – Mandagan correctly filed a Rule 65 petition for certiorari to assail the Ombudsman ruling on the ground of grave abuse of discretion,[29] instead of a Rule 43 petition for review as erroneously posited by the CA. On this note, since the Court recognizes that the dismissal of Mandagan's petition for certiorari was due to a mere technicality, it is only appropriate that this case be remanded to the CA for its resolution on the merits.

WHEREFORE, the petition is GRANTED. The Resolutions dated July 4, 2016, September 15, 2016, and October 28, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 145966 are hereby REVERSED and SET ASIDE. Accordingly, this case is REMANDED to the CA for its resolution on the merits.

SO ORDERED.

Carpio (Chairperson), Caguioa, and A. Reyes, Jr., JJ., concur.

J. Reyes, Jr.,[*] J., on official leave.

[*] Designated as Additional Member per Special Order No. 2587 dated August 28, 2018; on official leave.

[1] Rollo, pp. 3-11.

[2] Id. at 27-28. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Fernanda Lampas Peralta and Nina G. Antonio-Valenzuela, concurring.

[3] Id. at 22-23.

[4] Id. at 14-14-A.

[5] Id. at 34.

[6] Id.

[7] Id.

[8] Id. at 33.

[9] Id. at 34-35.

[10] Id. at 35.

[11] Id.

[12] Id. at 33-38. Issued by Graft Investigation and Prosecution Officer II Joseph O. Menzon, reviewed by Director Moreno F. Generoso, and approved by Overall Deputy Ombudsman Melchor Arthur H. Carandang.

[13] Id. at 37.

[14] See id. at 36-37.

[15] Id.

[16] Dated February 4, 2016. Id. at 59-62.

[17] Id. at 29-32.

[18] Dated June 7, 2016. Id. at 39-47.

[19] Id. at 27-28.

[20] Id.

[21] See motion for reconsideration dated July 30, 2016 (id. at 89-93); and second motion for reconsideration dated October 19, 2016 (id. at 15-18).

[22] Id. at 22-23.

[23] Id. at 14-14-A.

[24] Entitled "AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES," approved on November 17, 1989.

[25] Entitled "RULES OF PROCEDURE OF THE OFFICE OF THE OMBUDSMAN "(April 10, 1990)

[26] Dagan v. Office of the Ombudsman, 721 Phil. 400, 411 (2013), citing Office of the Ombudsman v. Alano, 544 Phil. 709, 714 (2007).

[27] 612 Phil. 936 (2009).

[28] Id. at 954-955; citations omitted.

[29] See rollo, pp. 39-48.

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