

**PFC ROGELIO R. CASTILLO, PETITIONER, VS. NAPOLCOM
ADJUDICATION BOARD NO. I COMPOSED OF: HON. ARTURO R.
ADAMOS, HON. WENCELITO R. ANDANAR, HON. GAUDIOSO A.
SOLOMON, HON. ROMEO R...**

G.R. No. 60150. December 11, 1987

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

This case arose in 1979 from the affidavit-complaint for Grave Misconduct (Arbitrary Detention and Slander by Deed) filed by private respondent Jessie Teovisio against petitioner Pfc. Rogelio Castillo with the National Police Commission (NAPOLCOM).

The petitioner was accused of arresting without legal cause, on May 10, 1979, the private respondent and two others, all waiters at the Ang Tunay na Pansit Malabon Restaurant situated at Timog Avenue, Quezon City; of handcuffing, slapping, and boxing on the chest the private respondent and forcing him and his two fellow waiters into the police car; and of detaining them in the police precinct for eight hours without charges.

The petitioner and his witnesses denied these imputations and gave their version of the incident, as follows: that on the above date, the petitioner, along with two other police officers, went to the said restaurant, owned by Mrs. Estrelita del Rosario, to make a follow-up of her complaint for Qualified Theft and Oral Defamation filed on May 4, 1979; that the petitioner merely invited the private respondent and the two other waiters to go with him to the police station without forcing them or placing any handcuffs on them; that the trio were released at past eleven o'clock in the evening of the same day on the order of the inquest fiscal to whom the case was duly referred.

After conducting formal hearings, NAPOLCOM hearing officer Ricardo Sanico found the petitioner "probably guilty" of a grave offense and consequently recommended his preventive suspension from the service during the pendency of the administrative case. Thereafter, the petitioner was preventively suspended effective June 23, 1979 but was subsequently reinstated on November 12, 1979 by reason of exigency of the service. After reviewing this report of the hearing officer, Adjudication Board No. 1 of the NAPOLCOM rendered a decision dated October 21, 1980 finding the petitioner guilty of Grave Misconduct (Arbitrary Detention and Illegal Arrest), and ordering his suspension from the service without pay for ten months, with a warning that a repetition of the same or similar offense in the future will be dealt with severely. On petitioner's second motion for reconsideration of this decision, his first motion having been denied, the respondent board, for humanitarian considerations, lowered the penalty to five months. Petitioner filed a third motion for reconsideration; the same was likewise denied. As a last resort, the petitioner comes to us by way of this special civil action for certiorari.

It is immediately noticeable that this petition suffers from a fatal defect in that nowhere does it raise a question of jurisdiction, which is the only question involved in certiorari. The petitioner does not allege, nor does he set out to prove, that the respondent board acted without jurisdiction, or in excess of its jurisdiction, or with grave abuse of discretion in rendering the questioned decision and resolutions. Even on this basis alone, this petition compels a

dismissal.

The errors alleged by the petitioner to have been committed by the respondent board pertain mainly to its findings of fact based on its appreciation of the evidence adduced by the opposing parties. It is, however, a well-recognized principle that findings of fact by an administrative board or officials, like the respondent board, following a hearing, are binding and conclusive upon the courts so long as they are supported by substantial evidence, even if not overwhelming or preponderant. The reviewing court cannot substitute its judgment for that of the administrative agency on the sufficiency of the evidence. Only where it clearly appears that there was no proof before the administrative board reasonable enough to support its conclusion would this court be justified in interfering with the board's decision.

We hold that the findings and conclusion of the respondent board are substantially supported by the record.

The petitioner, a public officer, arrested without a warrant on May 10, 1979 the private respondent and his companions and detained them on the mere suspicion that they had committed "qualified theft" and "oral defamation" in February and April 1979. The fact, however, is that the illegal arrest was perpetrated after the petitioner with two other policemen had taken their snacks and after talking to the cashier of the restaurant. The fact that the petitioner and his two other policemen companions did not effect the arrest immediately upon or soon after entering the restaurant strongly indicates that the complained subsequent action of the policemen was to accommodate or please the restaurant owner, a certain Mrs. del Rosario.

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x x x [M]oreover, that the respondent had the intention to arrest complainant and those against whom Mrs. Del Rosario had a complaint is also manifested by the prior agreement that policemen will go the place on May 10th, according to respondent's witness, Trinidad de Guzman. The said Trinidad de Guzman further testified that her aunt, the restaurant's owner, did not like the existence of the labor union in her restaurant. The President, Vice-President and Sergeant-at-Arms of the said newly organized labor union happened to be complainant and his two companions, Rodolfo Ramirez and Israel Boranque, respectively.[1]

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Upon these findings, the respondent board correctly declared the petitioner guilty of "illegal arrest" and "arbitrary detention" constitutive of the offense of grave misconduct. It is immaterial that "illegal arrest" was not one of the charges filed by the private respondent against the petitioner, because the facts themselves, as established by the evidence presented at the hearings, satisfactorily proved the commission of the same. Besides, proceedings before administrative bodies are governed by their own rules of procedure which are to be construed liberally in order to effect the just, speedy, and inexpensive settlement and disposition of disputes between the parties. Since from the start the detention was without legal grounds, the arrest having been made without a warrant, all subsequent proceedings were consequently tainted with illegality; hence, the question as to how many hours may the police complete its investigation and release the suspect under investigation without violating the law is obviously irrelevant.

In fine, there is no sufficient showing of grave abuse of discretion committed by the respondent board in rendering and issuing the assailed decision and resolutions.

WHEREFORE, the instant petition for certiorari is hereby DISMISSED for lack of merit. The Temporary Restraining Order issued on April 30, 1982 is accordingly lifted, and the questioned decision and resolutions of the respondent board are hereby AFFIRMED. This Decision is immediately executory.

No costs.

SO ORDERED.

Yap (Chairman), Melencio-Herrera, Paras, and Padilla, JJ., concur.

[1] Decision, Rollo, 52-53.

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