

Title: Agdeppa v. Office of the Ombudsman, et al.

Facts:

Rodolfo M. Agdeppa, a resident auditor of the Commission on Audit (COA) at the National Housing Authority (NHA), filed an administrative complaint against Marydel B. Jarlos-Martin, Emmanuel M. Laurezo, and Iluminado L. Junia, Jr. at the Office of the Ombudsman. This case, docketed as OMB-MIL-CRIM-00-0470, was precipitated by a preceding administrative complaint, OMB-0-99-1015, filed by Junia against Agdeppa himself. Junia alleged overpayment to SupraCon, a contractor for an NHA project, facilitated by audit reports from Agdeppa, causing damage to the government.

Agdeppa alleged that Junia's complaint was not under oath and accused Jarlos-Martin, Laurezo, and Junia of corrupt practices in handling the complaint. The Office of the Ombudsman, after requiring counter-affidavits from only the public official respondents (Jarlos-Martin and Laurezo), dismissed Agdeppa's complaint against them, finding no probable cause. Agdeppa's Motion for Reconsideration was denied, maintaining the resolution to dismiss his complaint. Agdeppa then petitioned the Supreme Court, alleging grave abuse of discretion by the Office of the Ombudsman.

Issues:

1. Whether there was grave abuse of discretion by the Office of the Ombudsman in dismissing Agdeppa's complaint.
2. Whether the procedure for the preliminary investigation was compromised by the exclusion of Junia.
3. Whether the acts of the Ombudsman officials constituted a malicious design to prejudice Agdeppa and benefit Junia.
4. Whether Agdeppa's right to the speedy disposition of his case was violated.

Court's Decision:

1. **\*\*Grave Abuse of Discretion\*\***: The Supreme Court found no grave abuse of discretion by the Office of the Ombudsman. The Court explained that the discretion to file a complaint or dismiss it belongs solely to the Ombudsman, and without a demonstration of capriciousness or arbitrariness, the Ombudsman's action stands.
2. **\*\*Procedural Issue\*\***: The Court held that the exclusion of Junia, a private respondent, from the directive to file a counter-affidavit effectively dismissed the charges against him outright. The Office of the Ombudsman did not find sufficient basis to involve Junia in the

case, a discretion which falls within its power according to law.

3. **Conspiracy and Malicious Intent**: The Court found Agdeppa's allegations of conspiracy and malicious intent between the Ombudsman officials and Junia speculative and unsupported by evidence. The burden of proof was not met by Agdeppa, relying predominantly on conjecture rather than objective evidence.

4. **Speedy Disposition**: With regard to the supposed violation of Agdeppa's right to a speedy disposition, the Court found no evidence of intentional delay inflicted by the Ombudsman or any procedural impropriety that would constitute a denial of his rights.

Doctrine:

The case articulates the discretion of the Ombudsman in handling complaints and conducting preliminary investigations. It reaffirms the principle that the judicial review of the Ombudsman's discretion is limited to instances of clear error or arbitrary action. Mere allegations of bias or conspiracy must be supported with clear, substantive evidence.

Class Notes:

- **Probable Cause**: In evaluating whether to file charges, probable cause requires a determination beyond mere suspicion but less than what would justify conviction. It must be substantiated by observable facts.
- **Ombudsman's Discretion**: The Ombudsman is empowered by law to dismiss baseless complaints and possesses the independence to determine probable cause without interference from courts unless grave abuse of discretion is evident.
- **Regularity Presumption**: Actions by public officials are presumed regular absent proof of irregularity.
- **Conspiracy Allegations**: Must be proven with evidence of a clear common goal or concerted action, not merely based on suspicion or conjecture.

Historical Background:

This case fits within a broader context of administrative oversight in the Philippines, emphasizing the Ombudsman's role as an independent constitutional body designed to investigate and prosecute government officials. Over time, disputes such as Agdeppa's have underscored challenges in balancing thorough investigations against the rights of individuals to be free from prolonged and unsupported legal accusations. The case serves as a significant precedent for understanding the limits of the judicial review of Ombudsman actions.