

Title: Lazatin v. Desierto, Sandiganbayan (Third Division), et al.

Facts:

1. On July 22, 1998, the Fact-Finding and Intelligence Bureau of the Office of the Ombudsman filed a Complaint-Affidavit, docketed as OMB-0-98-1500, against Carmello F. Lazatin, Marino A. Morales, Teodoro L. David, and Angelito A. Pelayo for Illegal Use of Public Funds under Article 220 of the Revised Penal Code and violations of Section 3(a) and (e) of Republic Act (R.A.) No. 3019.
2. The complaint alleged that Lazatin misused his Countrywide Development Fund (CDF) for 1996, functioning simultaneously as the proponent, implementer, and Disbursing Officer. He allegedly converted his CDF into cash, with assistance from Morales, Pelayo, and David, by signing supporting vouchers and receiving checks worth P4,868,277.08.
3. After a preliminary investigation, the Evaluation and Preliminary Investigation Bureau (EPIB) issued a Resolution on May 29, 2000, recommending the filing of fourteen counts each of Malversation of Public Funds and violation of Section 3(e) of R.A. No. 3019 against the petitioners. The Ombudsman approved this resolution, leading to the filing of 28 Informations (Criminal Case Nos. 26087-26114) against them before the Sandiganbayan.
4. Petitioners filed Motions for Reconsideration/Reinvestigation, which were granted by the Sandiganbayan (Third Division). The prosecution was ordered to reevaluate the cases.
5. The Office of the Special Prosecutor (OSP) later recommended the dismissal of the cases due to lack of evidence in its September 18, 2000, Resolution.
6. The Ombudsman ordered the Office of Legal Affairs (OLA) to review the OSP Resolution. The OLA, in an October 24, 2000, Memorandum, recommended disapproval of the OSP Resolution and directed the trial to proceed. The Ombudsman adopted this recommendation on October 27, 2000.
7. Petitioners filed a petition for certiorari under Rule 65, contesting the Ombudsman's disapproval of the OSP's recommendation to dismiss their cases.

Issues:

1. ****Whether the Ombudsman exceeded or abused its jurisdiction by overturning the OSP's Resolution recommending dismissal of the charges.****
2. ****Whether the Ombudsman's decision was based on misapprehension of facts,**

speculation, surmises, and conjectures.**

Court's Decision:

1. **First Issue:** The Court upheld the constitutionality of R.A. No. 6770, affirming the Ombudsman's prosecutorial powers and its supervisory and control authority over the OSP. The ruling is consistent with prior decisions like *Acop v. Office of the Ombudsman*, upholding the legislative grant of prosecutorial powers to the Ombudsman. The petitioners failed to present compelling reasons to overturn this established doctrine.
2. **Second Issue:** The Court ruled that determining the correctness of the Ombudsman's decision on probable cause falls outside certiorari's scope, which aims to correct errors of jurisdiction, not errors of judgment. The Ombudsman's ruling being a determination of probable cause involves evaluation of evidence, a matter beyond certiorari writs.

Doctrine:

1. **Prosecutorial Powers of the Ombudsman:** The Ombudsman has prosecutorial powers, including supervisory and control authority over the OSP, as validly legislated by R.A. No. 6770.
2. **Certiorari Scope:** The writ of certiorari can correct only errors of jurisdiction, not errors of judgment.

Class Notes:

- **Judicial Review Limitations:** Certiorari focuses on jurisdictional errors.
- **Ombudsman's Authority:** The Ombudsman has the power to investigate, prosecute, and supervise the OSP under R.A. No. 6770.
- **Probable Cause:** Determination involves evidence evaluation, not overseen by certiorari.
- **Stare Decisis:** Courts adhere to precedents like *Acop*, ensuring judicial stability.

Relevant Statutory Provisions:

- **Article 220, Revised Penal Code:** Illegal Use of Public Funds.
- **Section 3(a) and (e), R.A. No. 3019:** Anti-Graft and Corrupt Practices Act.
- **Section 13, Article XI, 1987 Constitution:** Powers of the Ombudsman.
- **R.A. No. 6770:** The Ombudsman Act of 1989.

Historical Background:

The case occurred against the backdrop of anti-corruption efforts within the Philippine political landscape. The creation of the Office of the Ombudsman, and its granting of

prosecutorial powers, reflects the nation's constitutional aim to enhance accountability and integrity within the government.