



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 January 2022** which reads as follows:*

“**UDK-17182 (Marma Chazen Hingpit-Pineda v. Hon. Deputy Ombudsman for Mindanao and Eduardo O. Moratilla)**. — After a judicious study of the case, the Court resolves to **DISMISS** the petition<sup>1</sup> for the following reasons: (1) lack of proper proof of service to the Deputy Ombudsman for Mindanao (Ombudsman-Mindanao) and private respondent Eduardo O. Moratilla as only the registry receipt numbers were indicated without attaching the registry receipts; (2) lack of clearly legible duplicate originals or certified true copies of the assailed Resolution<sup>2</sup> dated July 14, 2020 and Joint Order<sup>3</sup> dated April 15, 2021 (assailed rulings) of the Ombudsman-Mindanao since only plain photocopies were attached; and (3) the affidavit of service was notarized on August 12, 2021 prior to the actual date of service on August 13, 2021.

In any event, there is neither any reversible error nor grave abuse of discretion in the issuance of the assailed rulings of the Ombudsman-Mindanao finding probable cause to indict petitioner Marma Chazen Hingpit-Pineda (petitioner) for violation of Article 171 of the Revised Penal Code (RPC) and recommending the filing of the corresponding Information against her before the appropriate court.

As correctly ruled by the Ombudsman-Mindanao, probable cause exists to charge petitioner with Falsification under Article 171 of the RPC as it was established that petitioner attested and certified as to the truthfulness and correctness of Barangay Resolution No. 12-S-019<sup>4</sup> causing it to appear that the Sangguniang Barangay of Barangay Magugpo Poblacion (SB) conducted a special session on July 12, 2019, cast their votes, and endorsed among others, then Barangay Treasurer Jerico Ryan R. Briz to the vacant SB position, when no such special session happened. As of July 26, 2019, the SB has not conducted any election as to who will

<sup>1</sup> *Rollo*, pp. 3-21.

<sup>2</sup> *Id.* at 25-32. Penned by Graft Investigation and Prosecution Officer III Gil Norman D. Ciudadano, reviewed by Officer-in-Charge Hilde C. Dela Cruz-Likit, recommended for approval by Assistant Ombudsman Maria Iluminada S. Lapid-Viva, and approved by Deputy Ombudsman for Mindanao Rodolfo M. Elman.

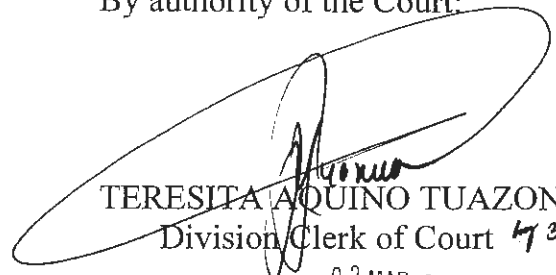
<sup>3</sup> *Id.* at 44-47.

<sup>4</sup> *Id.* at 56-57.

occupy the vacated position since the nominees were enjoined to be present on the next scheduled regular session. It is well-settled that a finding of probable cause by the Office of the Ombudsman is entitled to great weight and respect in the absence of any capricious, whimsical and arbitrary action on his part,<sup>5</sup> which was not shown in this case.

**SO ORDERED.”**

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *ky 3/2*  
02 MAR 2022

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(OMB Case No. OMB-M-C-20-0016)

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*Please notify the Court of any change in your address.*  
UDK-17182. 01/03/2022(141)URES

<sup>5</sup> Courts do not interfere in the Ombudsman's exercise of discretion in determining probable cause unless there are compelling reasons. The Ombudsman's finding of probable cause, or lack of it, is entitled to great respect absent a showing of grave abuse of discretion. To justify the issuance of the writ of *certiorari*, the abuse must be grave, as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined, or to act at all, in contemplation of law, as to be equivalent to having acted without jurisdiction. (See *Ganaden v. Hon. Office of the Ombudsman*, 665 Phil. 224, 232 [2011], citing *Vergara v. The Hon. Ombudsman*, 600 Phil. 26, 45 [2009]. See also *Sandoval II v. Office of the Ombudsman*, G.R. No. 241671 [Notice], October 1, 2018; and *Dalloran v. Office of the Deputy Ombudsman for Luzon*, G.R. No. 218227 [Notice], July 22, 2015.)