



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 23, 2022 which reads as follows:

“G.R. No. 227143 (Office of the Ombudsman, petitioner v. Rosalinda Arland Peñera (SG 27), Municipal Mayor, Sta. Monica, Surigao Del Norte, and Dalia Langamin Camanga (SG 24), Municipal Social Work and Development Officer, Sta. Monica, Surigao Del Norte, respondents). – This is a Petition for Review on *Certiorari*¹ dated September 23, 2016, filed by petitioner Office of the Ombudsman (Ombudsman) seeking to reverse and set aside the Court of Appeals (CA) Decision² dated June 24, 2016, and Resolution³ dated August 16, 2016 in CA-G.R. SP No. 06551-MIN. The CA reversed and set aside the Joint Decision⁴ dated June 25, 2014 of the Ombudsman in OMB-M-A-11-371-H and OMB-M-A-11-372-H with respect to respondent Rosalinda Arland Peñera (Peñera) and dismissed the complaint against her for lack of evidentiary basis. However, with respect to respondent Dalia Langamin Camanga (Camanga), the CA affirmed the Ombudsman’s finding of liability with the modification that she was instead found guilty of Less Serious Dishonesty instead of Serious Dishonesty, and imposed on her the penalty of suspension for one (1) year.

FACTS

The instant case arose from two separate complaints filed by Ma. Cecilia F. Degorio (OMB-M-A-11-371-H) and Nora L. Salvaloja (OMB-M-A-11-372-H) (collectively, complainants) on August 10,

- over – nineteen (19) pages ...

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¹ *Rollo*, pp. 23-47.

² *Id.* at 53-76; penned by Associate Justice Rafael Antonio M. Santos with Associate Justices Edgardo A. Camello and Ruben Reynaldo G. Roxas, concurring.

³ *Id.* at 78-85.

⁴ *Id.* at 87-96; penned by Graft Investigation and Prosecution Officer I Marius Fitzgerald E. Veloso and approved by Ombudsman Conchita Carpio Morales.

2011 against respondents then-Mayor Peñera (collectively, respondents) and Municipal Social Welfare and Development Officer Dalia L. Camanga from the Municipality of Sta. Monica, Surigao Del Norte, for Dishonesty, Grave Abuse of Authority, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Document.⁵

Complainants were mothers who wanted their daughters to avail of Senator Pia Cayetano's One-Time Scholarship/Educational Assistance Program for students of low-income families. However, complainants were not granted educational assistance. They pointed out that there were students that were granted the education assistance despite not belonging to low-income families.⁶

The Municipal Social Welfare and Development Office's Project Proposal on One-Time Scholarship/Educational Assistance dated July 8, 2010 was prepared by Camanga and noted by Peñera.⁷ In particular, complainants alleged that Camanga, prepared the evaluation and recommendation of supposed beneficiaries, which supposedly contained false information.⁸

Complainants highlighted the following recipients of the educational assistance and argued that they did not belong to low-income households:

Nestor Dolar (Nestor), whose mother was then a Midwife III, (Salary Grade 11) of the Municipal Health Office with an annual salary of ₱168,576.00 and whose father has served as Sangguniang Bayan Member for three (3) consecutive terms from 2001 to 2010.⁹

Christopher J. Sendiong (Christopher), whose mother was then the *Punong Barangay* of Mabuhay, Sta. Monica, Surigao Del Norte with ₱4,000.00 compensation.¹⁰

Enecino Degorio, Jr. (Enecino), whose mother was appointed as Administrative Aide V (Revenue Collector Clerk I) of the Municipal Treasurer's Office with an annual salary of ₱54,936.00 and subsequently designated her as Acting Assistant Municipal Treasurer,

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⁵ Id. at 87-88.

⁶ Id. at 88.

⁷ Id. at 91.

⁸ Id. at 88.

⁹ Id. at 92.

¹⁰ Id.

which entitled her to receive Representation and Transportation Allowances. However, in Camanga's July 8, 2010 evaluation of Enecino Degorio, Jr., his father was described as a high school graduate and a farmer while his mother is a college graduate and a housekeeper. Respondent also stated in the evaluation that the income of Enecino's parents are only enough for their daily subsistence and that they were able to send their son to school.¹¹

On the other hand, respondents allege that the educational assistance is only for ₱100,000.00 and it was expected that not all qualified beneficiaries will be accommodated. In addition, respondents argue that although complainants' daughters were qualified, they did not avail of the grant considering that the beneficiaries were selected from those who submitted their applications or from the list submitted by the Municipal Health Office (MHO), which initially made contact with the Office of Senator Pia Cayetano for purposes of the grant. Moreover, respondents argue that the beneficiaries including, Nestor, Christopher, and Enecino, belonged to low-income families and were qualified to receive the grant, and the determination of whether a family is within the low-income level depends on various situations and prevailing financial conditions.¹²

RULING OF THE OMBUDSMAN

In its Joint Decision¹³ dated June 25, 2014, the Ombudsman found respondents guilty of Serious Dishonesty and imposed upon them the penalty of dismissal from service including the accessory penalties attached:

WHEREFORE, this Office finds then Municipal Mayor **ROSALINDA ARLAND PENERA** and Municipal Social Work and Development Officer **DALIA LANGAMIN CAMANGA** **GUILTY** of **SERIOUS DISHONESTY** and are hereby **DISMISSED** from government service with corresponding accessory penalties, *i.e.*, forfeiture of retirement benefits, perpetual disqualification from holding public office, cancellation of civil service eligibility, and bar from taking civil service examinations.

In the event that the penalty of Dismissal can no longer be enforced due to respondents' separation from the service, the same shall be converted into a FINE in the amount equivalent to

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¹¹ Id. at 92-93.

¹² Id. at 89.

¹³ Id. at 87-96.

respondents' respective salaries for one (1) year, payable to the Office of the Ombudsman, and may be deductible from their retirement benefits, accrued leave credits or any receivable from their office.

SO DECIDED.¹⁴

In finding respondents guilty of the charges against them, the Ombudsman made the following conclusions:

There is Dishonesty through Grave Abuse of Authority (Oppression) because to qualify Enecino Degorio, Jr., as one of the beneficiaries of the educational assistance, respondents distorted the truth relative to his parents' circumstances; and by selecting and recommending student-beneficiaries whose parents are either prominent or gainfully employed in their municipality, *i.e.*, Nestor Dolar's mother was Panera's appointee as Midwife III and his father was a three (3)-term *Sangguniang Bayan* Member, while Enecino Degorio Jr.'s mother is Panera's Assistant Municipal Treasurer and appointee, respondents abused their discretion as the implementing arm of the program that is intended to alleviate the problems and improve the condition of their constituents.

There is also falsification of official document because respondents misrepresented in their project proposal sheet that Degorio's father is only a farmer while his mother is a housekeeper when his father is a three (3)-term *Sangguniang Bayan* Member while his mother is Panera's Assistant Municipal Treasurer – material information that can be detrimental for Enecino Degorio Jr., to qualify as a student-beneficiary.

For the same reason, respondents' manifest display of bias and partiality in favor of their co-employees' children is considered Conduct Prejudicial to the Best Interest of the Service because their acts, in one way or another, prejudiced the service and affected the efficient distribution of service to the public.

x x x x

Since respondents' dishonest act involves grave abuse of authority under the Rules on Administrative Offense of Dishonesty (CSC Resolution No. 06-0538 dated April 4, 2006), which is classified as Serious Dishonesty and, like Falsification of Official Document, is considered a grave offense punishable by dismissal from the service under Section 46 A (1) and (6) of the RRACCS. The RRACCS also classifies Grave Abuse of Authority (Oppression) and Conduct Prejudicial to the Best Interest of the Service as grave offenses and are punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense.¹⁵

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¹⁴ Id. at 95-96.

¹⁵ Id. at 93-95.

Thereafter, respondents filed their respective Motion for Reconsideration and Reinvestigation which was eventually denied by the Ombudsman in its Joint Order¹⁶ dated September 30, 2014. Aggrieved, respondents filed a Petition for Review dated December 14, 2014 questioning the foregoing Joint Decision and Order of the Ombudsman.¹⁷

RULING OF THE CA

At the outset, during the proceedings before the CA complainants were impleaded as party respondent while Ombudsman was not expressly impleaded and thus did not initially participate therein.

In its Decision¹⁸ dated June 24, 2016, the CA resolved to partially grant the Petition for Review and resolved to dismiss the case against Peñera, while affirming with modification the finding of guilt with respect to Camanga, finding her instead guilty of Less Serious Dishonesty, and imposed on her the penalty of Suspension for one (1) year.¹⁹ The dispositive portion of the above Decision reads:

WHEREFORE, the Petition for Review is hereby PARTIALLY GRANTED. The assailed Joint Decision dated 25 June 2014 is hereby AFFIRMED with respect to the finding of liability against petitioner Dalia Langamin Camanga, with the MODIFICATION that she is found guilty of Less Serious Dishonesty and imposed a penalty of Suspension for one (1) year. The assailed Joint Decision, insofar as it found petitioner Rosalinda Arland Peñera liable for Serious Dishonesty is hereby REVERSED. The complaint filed against petitioner Rosalinda Arland Peñera for Dishonesty, Grave Abuse of Authority, Conduct Prejudicial to the Best Interest of the Service, and Falsification of Official Documents is hereby DISMISSED for lack of evidentiary basis.

SO ORDERED.²⁰

With respect to Peñera, the CA found that the Ombudsman erred in holding her liable for Serious Dishonesty considering that the extent of her participation in the preparation of the evaluation and recommendation of qualified beneficiary was merely to sign the documents indicating that they were “noted by” her.²¹ The relevant portion of the Decision reads:

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¹⁶ Id. at 87-102.

¹⁷ Id. at 53-54.

¹⁸ Id. at 53-76.

¹⁹ Id. at 75.

²⁰ Id.

²¹ Id. at 69.

“This Court likewise finds that petitioner Peñera was erroneously held liable for Serious Dishonesty. In the seminal case of *Arias v. Sandiganbayan*, the Supreme Court laid down the doctrine that the mere signature of a head of a government office is insufficient to establish his liability for acts committed by officials under his administration, to wit:

x x x x

This is precisely the situation herein. Except for Peñera’s signature on the subject documents indicating that the same were “noted by” her, there is nothing on the record that establishes any participation by Peñera in the selection of the beneficiaries or the misrepresentation of their financial circumstances.

The only exception to the applicability of the *Arias* doctrine was established by the Supreme Court in the case of *Escara v. People of the Philippines*, where it was held that *Arias* is inapplicable where the head of an office had prior knowledge of the existence of an anomaly or irregularity. A review of the records before this Court, however, reveals no indication that this was the case herein. Consequently, this Court finds that, pursuant to the *Arias* doctrine, Peñera may not be held administratively liable in the absence of evidence establishing her participation in the acts complained of.²² (Citations omitted)

On the other hand, with respect to Camanga, the CA affirmed her guilt but modified it to Less Serious Dishonesty given that her dishonest act did not cause such serious damage and prejudice to the government as to qualify under Serious Dishonesty:

x x x In this case, petitioners do not contest the fact that the parents of Degorio and Dolar were gainfully employed or even “prominent” as found by the Office of the Ombudsman. This is contrary to the statements made by petitioner Camanga in the subject documents, which she does not deny having prepared and signed. Thus, it is indisputable that there exists substantial evidence to establish Camanga’s liability for Dishonesty.

The Office of the Ombudsman erred, however, in ruling that petitioner Camanga was guilty of Serious Dishonesty. x x x

x x x x

A thorough examination of the record of this case fails to reveal any proof that any of the elements of Serious Dishonesty attended the acts complained of x x x.

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²² Id. at 68-70.

However, this Court also finds that the acts of petitioner Camanga do not fall under Simple Dishonesty for the reason that, as observed by the Office of the Ombudsman, the acts of petitioner Camanga did, in fact, cause damage or prejudice to the government, as well as the fact that the preparation of the subject documents was directly related to and involved the duties and responsibilities of the respondent as the Municipal Social Welfare and Development Officer of the Municipality of Sta. Monica.

Instead, this Court finds that petitioner Camanga committed a dishonest act which, while causing damage and prejudice to the government, did not cause such serious damage and prejudice as to qualify under Serious Dishonesty. Likewise, this Court finds that, while the preparation of the subject documents was directly related to and involved petitioner Camanga's duties and responsibilities, there is no showing that she took advantage of her position in doing so. Thus, applying the foregoing principles, this Court finds that petitioner Camanga is guilty of Less Serious Dishonesty, punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense.²³ (Emphasis omitted)

Thereafter, the Ombudsman filed its Compliance and manifested receipt of the CA Decision on July 1, 2016.²⁴ Thereafter, the Ombudsman filed an Omnibus Motion to Intervene and to Admit its Attached Motion for Reconsideration.²⁵ The Ombudsman argues that they have a legal interest to intervene considering that the CA Decision ruled against the Ombudsman's finding of administrative liability.

On the other hand, respondents *a quo* (complainants in the Ombudsman proceedings) filed a Motion for Extension of Time to File Motion for Reconsideration.²⁶

In its Resolution²⁷ dated August 16, 2016, the CA denied both Motions for lack of merit and directed the Division Clerk of Court to make an Entry of Judgment.²⁸ The CA ratiocinated that the Ombudsman may not be allowed to participate in a petition for review under Rule 43 involving the latter's decision and thus cannot be allowed to intervene.²⁹ Moreover, the CA ruled that a Motion for

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²³ Id. at 63-68.

²⁴ Id. at 79.

²⁵ Id. at 103-108.

²⁶ Id. at 80.

²⁷ Id. at 78-85.

²⁸ Id. at 84.

²⁹ Id. at 81.

Intervention can no longer be entertained after the rendition of judgment.³⁰ With respect to respondent *a quo*'s Motion for Extension of Time to File Motion for Reconsideration, the same was not granted for being prohibited under the rules.³¹

Finally, the CA held that since the Office of the Ombudsman had already received notice of the CA Decision on July 1, 2016, while respondents *a quo* were notified on July 12, 2016, the CA Decision has already attained finality.³²

The dispositive portion of the Resolution of the CA reads:

WHEREFORE, the foregoing premises considered, the Omnibus Motion to Intervene and to Admit Attached Motion for Reconsideration of the Decision dated 24 June 2016 (Filed with Plea for Leave of Court) dated 14 July 2016 and the Motion for Extension of Time to File Motion for Reconsideration dated 15 July 2016 are hereby DENIED for lack of merit. The Division Clerk of Court is hereby DIRECTED to MAKE an ENTRY of Judgment in consonance with Section 3 (b), Rule IV and Section 1, Rule VII of the Internal Rules of the Court of Appeals, as amended.

SO ORDERED.³³

On August 16, 2016, the Division Clerk of Court issued an Entry of Judgment³⁴ stating that the CA Decision has become final and executory on July 28, 2016.

Hence, the present Petition for Review on *Certiorari*.

On October 18, 2017 respondent filed his Comment³⁵ dated October 2, 2017 maintaining that the CA properly disposed of the case and that the instant Petition for Review on *Certiorari* be dismissed considering the Ombudsman's lack of standing to question the CA Decision and the lack of merit to reverse the same.³⁶

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³⁰ Id. at 83.

³¹ Id. at 83-84.

³² Id. at 84.

³³ Id.

³⁴ Id. at 20.

³⁵ Id. at 173-186.

³⁶ Id. at 184.

THE ISSUES

The Ombudsman essentially raises the following issues for this Court's resolution: (1) Whether or not the CA correctly denied the Ombudsman's Motion for Intervention; (2) Whether or not the CA correctly dismissed the Complaints against Peñera; and (3) Whether or not the CA correctly ruled that Camanga should be held guilty of Less Serious Dishonesty instead of Serious Dishonesty.

OUR RULING

After a careful review of the records, We find the present petition without merit.

The CA Correctly Denied the Ombudsman's Motion for Intervention

Intervention is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein to enable him to protect or preserve a right or interest which may be affected by such proceedings.³⁷ Rule 19 of the Rules of Court³⁸ allows a movant to intervene in the proceedings when the person has a legal interest in the matter in controversy. Legal interest is defined as such interest that is actual and material, direct and immediate such that the party seeking intervention will either gain or lose by the direct legal operation and effect of the judgment.³⁹

The Court *En Banc* has already settled in the 2008 case of *Office of the Ombudsman v. Samaniego (Samaniego)*,⁴⁰ that the Ombudsman has legal standing to intervene on appeal in administrative cases resolved by it. Thus, the Court explained:

The Office of the Ombudsman sufficiently alleged its legal interest in the subject matter of litigation. Paragraph 2 of its motion for intervention and to admit the attached motion to recall writ of preliminary injunction averred:

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³⁷ *Ombudsman v. Vitriolo*, G.R. No. 237582, June 3, 2019.

³⁸ Section 1, Rule 19 of the Rules of Court provides:

Who may intervene. — A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.

³⁹ *Ombudsman v. Vitriolo*, supra.

⁴⁰ 586 Phil. 497 (2008).

2. As a competent disciplining body, the Ombudsman has the right to seek redress on the apparently erroneous issuance by this Honorable Court of the Writ of Preliminary Injunction enjoining the implementation of the Ombudsman's Joint Decision imposing upon petitioner the penalty of suspension for one (1) year, consistent with the doctrine laid down by the Supreme Court in *PNB [vs]. Garcia x x x and CSC [vs]. Dacoycoy[.]*

In asserting that it was a "competent disciplining body", the Office of the Ombudsman correctly summed up its legal interest in the matter in controversy. In support of its claim, it invoked its role as a constitutionally mandated "protector of the people", a disciplinary authority vested with quasi-judicial function to resolve administrative disciplinary cases against public officials. To hold otherwise would have been tantamount to abdicating its salutary functions as the guardian of public trust and accountability.

Moreover, the Office of the Ombudsman had a clear legal interest in the inquiry into whether respondent committed acts constituting grave misconduct, an offense punishable under the Uniform Rules in Administrative Cases in the Civil Service. It was in keeping with its duty to act as a champion of the people and preserve the integrity of public service that petitioner had to be given the opportunity to act fully within the parameters of its authority.⁴¹ (Citations omitted)

The foregoing ruling in *Samaniego*, was again upheld and reiterated by the Court in the following cases: (1) *Office of the Ombudsman v. De Chavez*⁴² (2013); (2) *Office of the Ombudsman v. Quimbo*⁴³ (2015); *Office of the Ombudsman v. Gutierrez*⁴⁴ (2017); (3) *Office of the Ombudsman v. Bongais*⁴⁵ (2018); (4) *Office of the Ombudsman v. Vitriolo*⁴⁶ (2019); and (5) *Office of the Ombudsman v. Chipoco*⁴⁷ (2019).

Accordingly, *Samaniego* remains to be the prevailing doctrine. Thus, even if not impleaded as a party in the proceedings, the Office of the Ombudsman has legal interest to intervene and defend its ruling in administrative cases before the CA, its interest proceeding, as it is, from its duty to act as a champion of the people and to preserve the integrity of the public service.⁴⁸

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⁴¹ Id. at 501-511.

⁴² 713 Phil. 211 (2013).

⁴³ 755 Phil. 41 (2015).

⁴⁴ 811 Phil. 389 (2017).

⁴⁵ 836 Phil. 978 (2018).

⁴⁶ Supra note 37.

⁴⁷ G.R. No. 231345, August 19, 2019.

⁴⁸ Id.; see also *Office of the Ombudsman v. Bongais*, supra at 988; *Ombudsman v. Vitriolo*, supra note 37.

Therefore, the legal interest of the Ombudsman to file a Motion for Intervention before the CA is beyond cavil. However, although the Ombudsman has the legal interest to intervene in appeals from its rulings in administrative cases, the Ombudsman as movant-intervenor must nevertheless comply with the procedural rules before intervention can be allowed.

It is settled that intervention is not a matter of right, but one that is instead addressed to the sound discretion of the courts⁴⁹ and can be secured only in accordance with the terms of the applicable statute or rule.⁵⁰ Thus, in accordance with Rule 19, Section 2, the movant must file the motion to intervene **before** rendition of the judgment, intervention not being an independent action but merely ancillary and supplemental to an existing litigation.⁵¹

In the instant case, the Ombudsman filed its Omnibus Motion to Intervene and to Admit Attached Motion for Reconsideration on July 18, 2016 after the CA had already promulgated its Decision on June 24, 2016.

Although this Court is not unaware of instances where intervention was allowed even beyond the period prescribed in the Rules of Court We find none of the excepting circumstances present in the instant case.

The Court has allowed a relaxation of the rules and granted intervention in the following instances; when demanded by the higher interest of justice; to afford indispensable parties, who have not been impleaded, the right to be heard; to avoid grave injustice and injury and to settle once and for all the substantive issues raised by the parties; or, because of the grave legal issues raised.⁵²

A judicious review of the records shows that the Ombudsman has not proffered any compelling reason for this Court to relax the rules on intervention.

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⁴⁹ *Ongco v. Dalisay*, 691 Phil. 462, 469 (2012).

⁵⁰ *Office of the Ombudsman v. Samaniego*, supra note 40 at 509.

⁵¹ *Office of the Ombudsman v. Gutierrez*, supra note 44 at 408 citing *Manalo v. Court of Appeals*, 419 Phil. 215, 234 (2001).

⁵² *Ombudsman v. Vitriolo*, supra note 37; *Quinto v. Commission on Elections*, 627 Phil. 193, 218-219 (2010), *Hon. Lim v. Pacquing*, 310 Phil. 722, 755 (1995); *Tahanan Development Corp. v. Court of Appeals*, 203 Phil. 652, 690 (1982); *Director of Lands v. CA*, 181 Phil. 432, 438 (1979); *Mago v. Court of Appeals*, 363 Phil. 225, 234 (1999); *Heirs of Geronimo Restrivera v. De Guzman*, 478 Phil. 592, 605 (2004).

Consequently, although the Ombudsman had a legal interest to intervene in the proceedings *a quo*, the CA was nevertheless correct in disallowing their motion considering the same was filed after the CA had rendered its Decision.

Accordingly, since the CA correctly denied the Omnibus Motion to Intervene, the Ombudsman had no personality to move for the reconsideration of the CA's Decision. Thus, the CA correctly held that since the parties failed to file any proper and timely motion for reconsideration of the CA Decision, the same had already lapsed into finality, meriting the issuance of the Entry of Judgment.

In any case, We find nothing in the Ombudsman's argument to merit the reversal of the findings and ruling of the CA.

***The CA Correctly Dismissed
the Administrative Complaint
against Peñera***

At the onset, it must be stressed that based on the Complaints filed as well as the findings of the Ombudsman, Peñera's participation in the acts complained of was to sign her name above her name in the "Noted by:" portion of the project proposal. Pertinently, no other circumstance or ground was adduced to prove that Peñera should have been prodded to exercise a higher degree of circumspection and go beyond what his subordinates prepared or recommended.⁵³

This Court has consistently held that every person who signs or initials documents in the course of transit through standard operating procedures does not automatically become a conspirator in a crime which transpired at a stage where he had no participation.⁵⁴ Thus, We have laid down the protective mantle in the landmark case *Arias v. Sandiganbayan*⁵⁵ (1989), that the head of the office or agency can rely to a reasonable extent on the good faith of their subordinates, thus:

x x x All heads of offices have to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies, or enter into negotiations. If a department secretary entertains important visitors, the auditor is not ordinarily expected to call the restaurant about the amount of the bill, question each guest whether he was present at the luncheon,

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⁵³ *Rollo*, p. 69.

⁵⁴ *Albert v. Chariman. Gangan*, 406 Phil. 231, 243 (2001).

⁵⁵ 259 Phil. 794 (1989).

inquire whether the correct amount of food was served, and otherwise personally look into the reimbursement voucher's accuracy, propriety, and sufficiency. There has to be some added reason why he should examine each voucher in such detail. Any executive head of even small government agencies or commissions can attest to the volume of papers that must be signed. There are hundreds of documents, letters, memoranda, vouchers, and supporting papers that routinely pass through his hands. The number in bigger offices or departments is even more appalling.

There should be other grounds than the mere signature or approval appearing on a voucher to sustain a conspiracy charge and conviction.⁵⁶ (Emphasis supplied)

In *Joson v. Commission on Audit*,⁵⁷ this Court again affirmed the wisdom of the foregoing ruling and extended the protective mantle of the *Arias Doctrine* to a provincial governor, who by the nature of his public office and function has to go over numerous paperwork and documents for signature. To require him to meticulously examine each and every document would be counterproductive and thus, he may rely to a reasonable extent on the good faith of his subordinates.⁵⁸

We ruled in *Joson III v. Commission on Audit*, that:

In this case, We hold that petitioner can invoke the protective mantle of the doctrine laid down in *Arias*. The COA merely presumed petitioner's foreknowledge of the infirmity of the contract on the latter's signature. Unlike in *Escara* where the latter acknowledged in a letter that the materials intended for the construction of the Navotas Bridge had been confiscated by the Department of Environment and Natural Resources (DENR). Thus, *Escara* should have inquired into the transaction and to verify the ownership of the lumber materials. In the present case, other than the mere signature of the petitioner, no other evidence was presented by the COA to show that petitioner had actual prior knowledge of the ineligibility of A.V.T. Construction. Nothing appears on record that would prompt petitioner to thoroughly review and go over every document submitted by A.V.T. Construction, considering that they were already evaluated and scrutinized by the BAC.

The fact that petitioner is the head of the procuring entity and the governor of Nueva Ecija does not automatically make him the party ultimately liable for the disallowed amount. He cannot be

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⁵⁶ Id. at 801-802.

⁵⁷ 820 Phil. 485 (2017).

⁵⁸ Id. at 500.



held liable simply because he was the final approving authority of the transaction in question and that the employees/officers who processed the same were under his supervision.

As this Court held in the case of *Ramon Albert v. Celso D. Gangan, et. al.*:

We have consistently held that every person who signs or initials documents in the course of transit through standard operating procedures does not automatically become a conspirator in a crime which transpired at a stage where he had no participation. His knowledge of the conspiracy and his active and knowing participation therein must be proved by positive evidence. The fact that such officer signs or initials a voucher as it is going the rounds does not necessarily follow that the said person becomes part of a conspiracy in an illegal scheme. The guilt beyond reasonable doubt of each supposed conspirator must be established.

Petitioner, being the head of the procuring entity in addition to his duties as the governor of Nueva Ecija, is responsible for the whole province. With the amount of paperwork that normally passes through in his office and the numerous documents he has to sign, it would be counterproductive to require petitioner to specifically and meticulously examine each and every document that passes his office. Thus, petitioner has the right to rely to a reasonable extent on the good faith of his subordinates.

Mere signature of the petitioner in the award of the contract and the contract itself without anything more cannot be considered as a presumption of liability. It should be recalled that mere signature does not result to a liability of the official involved without any showing of irregularity on the document's face such that a detailed examination would be warranted. Liability depends upon the wrong committed and not solely by reason of being the head of a government agency.⁵⁹ (Citations omitted)

However, We must clarify that the *Arias* doctrine is not an absolute rule and cannot be automatically invoked to exonerate the heads of offices or agencies from criminal, civil or administrative liability.⁶⁰ Thus, if there exists an exceptional or additional circumstance which could have prodded the public official to exercise a higher degree of circumspection, then the head of office or agency should have exercised due diligence and go beyond what his subordinates had prepared or recommended.⁶¹

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⁵⁹ Id. at 501-502.

⁶⁰ *Typoco v. People*, 816 Phil. 914, 937 (2017).

⁶¹ Id.

In the instant case, it cannot be denied that Peñera, then the Municipal Mayor of Sta. Monica, Surigao del Norte, would be inundated by numerous documents and paper works for her signature, in addition to her other functions as the local chief executive. To require Peñera to thoroughly examine, verify and go beyond her subordinate's actions would be counterproductive. Thus, by virtue of her functions, Peñera may rely to a reasonable extent on the good faith of the evaluation and recommendation of Camanga as to the determination of the qualified beneficiaries for the educational assistance.

In addition, the Ombudsman has not shown and proven the existence of any exceptional or additional circumstance which would prompt Peñera to meticulously review and go beyond the evaluation and recommendations of Camanga.

It is undisputed that it was Camanga who prepared the report and recommendation, being the Municipal Welfare and Development Officer tasked with the project. No proof was adduced that Peñera had any hand or participation in the selection process of who may be considered as a qualified beneficiary. Absent any other exceptional or additional circumstance Peñera's case falls well within the ambit of the *Arias* doctrine.

Accordingly, We affirm the finding of the CA dismissing the administrative complaint against Peñera.

***The CA correctly held that
Camanga is guilty only of Less
Serious Dishonesty***

As an administrative offense, dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his duties. It is the disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.⁶²

In order to guide the disciplining authority in charging the proper offense, the Civil Service Commission (CSC) issued Resolution No. 06-0538⁶³ which set the criteria for determining the

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⁶² *Field Investigation Office v. P/Director Piano*, 820 Phil. 1031, 1042 (2017).

⁶³ Rules on Administrative Offense on Dishonesty, April 4, 2006.

severity of dishonest acts. The Resolution recognized that although dishonesty is a grave offense generally punishable by dismissal from service, nevertheless there are some acts of dishonesty are not constitutive of offenses so grave that they warrant the ultimate penalty of dismissal.⁶⁴ CSC Resolution No. 06-0538 humanized the penalties for acts falling under the general category of dishonesty and categorized the conduct, depending upon its effect, the offender's position, the intent and moral depravity of the offender, and other analogous circumstances.⁶⁵

In particular, CSC Resolution No. 06-0538 classifies dishonesty into three acts: (1) serious, (2) less serious, and (3) simple. Serious dishonesty is punishable by dismissal.⁶⁶ Less serious dishonesty is punishable by suspension for six months and one day to one year for the first offense and dismissal for the second offense.⁶⁷ Simple dishonesty is punishable by suspension of one month and one day to six months for the first offense, six months and one day to one year for the second offense, and dismissal for the third offense.⁶⁸

Under Sections 3, 4, and 5 of Resolution No. 06-0538, serious, less serious and simple dishonesty comprise the following acts:

Sec. 3. The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of Serious Dishonesty:

- a. The dishonest act causes serious damage and grave prejudice to the government.
- b. The respondent gravely abused his authority in order to commit the dishonest act.
- c. Where the respondent is an accountable officer, the dishonest act directly involves property, accountable

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⁶⁴ Civil Service Commission, Resolution No. 06-0538 (2006), Fourth Whereas Clause.

⁶⁵ *Committee on Security and Safety, Court of Appeals v. Dianco*, 760 Phil. 169, 190-191 (2015).

⁶⁶ Civil Service Commission, Resolution No. 06-0538 (2006), Section 2(a).

⁶⁷ Civil Service Commission, Resolution No. 06-0538 (2006), Section 2(b).

⁶⁸ Civil Service Commission, Resolution No. 06-0538 (2006), Section 2(c).



forms or money for which he is directly accountable and the respondent shows an intent to commit material gain, graft and corruption.

- d. The dishonest act exhibits moral depravity on the part of the respondent.
- e. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.
- f. The dishonest act was committed several times or in various occasions.
- g. The dishonest act involves a Civil Service examination, irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.
- h. Other analogous circumstances.

Sec. 4. The presence of any one of the following attendant circumstances in the commission of the dishonest act would constitute the offense of **Less Serious Dishonesty**:

- a. **The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification.**
- b. The respondent did not take advantage of his/her position in committing the dishonest act.
- c. Other analogous circumstances.

Sec. 5. The presence of any of the following attendant circumstances in the commission of the dishonest act constitutes the offense of Simple Dishonesty:

- a. The dishonest act did not cause damage or prejudice to the government.
- b. The dishonest act had no direct relation to or does not involve the duties and responsibilities of the respondent.
- c. In falsification of any official document, where the information falsified is not related to his/her employment.
- d. That the dishonest act did not result in any gain or benefit to the offender.
- e. Other analogous circumstances.

In the instant case, there is no doubt that Camanga committed an act of dishonesty when she falsified her evaluation and recommendation and made it appear that the families of Enecino and Nestor belonged to low-income households despite the fact that their parents were gainfully employed or even “prominent” as found by the Office of the Ombudsman. Camanga’s dishonest act frustrated the proper selection and distribution of the educational assistance to qualified beneficiaries belonging to low-income households thereby causing damage and prejudice to the government and its programs.

Accordingly, We affirm the CA’s finding that while Camanga’s dishonest acts caused damage and prejudice to the government, the same was not serious as to qualify the offense to Serious Dishonesty. Thus, the CA’s modification of Camanga’s liability from Serious to Less Serious Dishonesty is warranted by the evidence on record and the applicable law and jurisprudence.

WHEREFORE, premises considered, the Petition for Review on *Certiorari* dated September 23, 2016 is hereby **DENIED** for lack of merit. The Decision dated June 24, 2016 and Resolution dated August 16, 2016 of the Court of Appeals in CA-G.R. SP No. 06551-MIN are hereby **AFFIRMED**.

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SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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JUL 29 2022

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