



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 6, 2022, which reads as follows:

“G.R. No. 255184 (*Donald R. Yumul v. Metro Manila Development Authority*). – The Court resolves to **GRANT** petitioner’s motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to annul and set aside the Decision¹ dated July 15, 2020, of the Court of Appeals (CA) in CA-G.R. SP No. 163491, and the Resolution² dated December 28, 2020, denying the motion for reconsideration thereof. The assailed CA issuances affirmed the Decision³ dated April 25, 2019, and the Resolution⁴ dated October 22, 2019, of the Civil Service Commission (CSC) which, in turn, adopted the decision of respondent Metro Manila Development Authority (MMDA) finding petitioner Donald R. Yumul (petitioner) guilty of Grave Misconduct and imposing upon him the penalty of dismissal.

The petitioner is a traffic enforcer assigned at the MMDA Anti-Jaywalking Unit.⁵

On December 27, 2012, private complainant Nonilon Padiernos (Padiernos) filed a complaint charging petitioner of extortion.⁶ Padiernos averred that on December 18, 2012, at around 5:00 p.m., he was driving his taxi cab along C-5 Road in the vicinity of Julia Vargas Avenue and Bagong Ilog, Pasig City; and on his way to bring his passenger to the airport when he noticed that the petitioner, on board his motorcycle, was trailing him and signalling him to stop. Padiernos obliged and pulled over his taxi. The petitioner confiscated his driver’s license. When prodded, the petitioner

¹ *Rollo*, pp. 30-38; penned by Associate Justice Franchito N. Diamante, with Associate Justices Germano Francisco D. Legaspi and Bonifacio S. Pascua, concurring.

² *Id.* at 42-43.

³ *Id.* at 60-65.

⁴ *Id.* at 67-70.

⁵ *Id.* at 32.

⁶ *Id.* at 75.

opined that he was confiscating Padiernos' license as the license plate was fake. With this, Padiernos asked for a Traffic Violation Receipt (TVR), but the petitioner replied that he would issue it later. Padiernos pleaded for reconsideration by offering ₱400.00 but the petitioner refused to receive the money and insisted on his demand for ₱2,000.00. Padiernos claimed that as the petitioner refused to issue him a TVR so as to prevent his taxi from being towed, he was forced to drive off without a license. Later, Padiernos lodged the instant complaint narrating the incident, before the MMDA.⁷

After due proceedings, then MMDA Chairperson Atty. Francis N. Tolentino found *prima facie* evidence to formally charge the petitioner for Grave Misconduct, *viz.*:

The undersigned, after finding *prima facie* evidence during the conduct of Preliminary Investigation, administratively charges T/C1 Donald R. Yumul, a Traffic Enforcer assigned at MMDA Anti-Jaywalking Unit, for Grave Misconduct, defined and punished under Section 46(b) (4), Chapter 7, Book 5 of EO 292, in relation to Section 52 (A) (3) of the Uniform Rules on Administrative Cases in the Civil Service, committed as follows:

That on or about 5:00 o'clock PM on December 18, 2012, along C-5 Road, in the vicinity of Julia Vargas Avenue and Bagong Ilog, Pasig City, and within the jurisdiction of this Honorable Office, [petitioner] Donald Yumul flagged down and apprehended complainant Nonilon Padiernos, and in willful violation/flagrant disregard of existing traffic rules and regulations, and with willful intent to corrupt, confiscated complainant's driver's license for an undetermined violation, refused to issue a TVR, and demanded the amount of P2,000.00 from the latter, to the damage and prejudice of said complainant, and in violation of the above-cited Civil Service Laws, Rules and Regulation.⁸

A formal investigation and hearing then ensued.⁹

On December 6, 2016, the MMDA issued its Decision,¹⁰ the dispositive portion of which reads:

WHEREFORE, [petitioner] TC1 DONALD YUMUL is found GUILTY of Grave Misconduct and is recommended to be DISMISSED FROM THE SERVICE.¹¹

The petitioner sought reconsideration, but the same was denied by the MMDA in its Order¹² dated May 5, 2017, thus prompting the petitioner to elevate the matter before the CSC.

⁷ Id. at 31, 75, 79-80.

⁸ Id. at 76-77.

⁹ Id. at 32.

¹⁰ Id. at 78-81. Signed by Hearing Officer Atty. Vincent S. Tagoc.

¹¹ Id. at 81.

¹² Id. at 88.

On April 25, 2019, the CSC rendered its Decision¹³ affirming the MMDA's decision in this wise:

WHEREFORE, the Appeal of Donald R. Yumul, Traffic Constable 1 (TC1), Metropolitan Manila Development Authority (MMDA) is hereby **DISMISSED**. Accordingly, the Decision dated December 6, 2016 and Order dated May 5, 2017 finding him guilty of Grave Misconduct and imposing upon him a penalty of dismissal from service, are hereby **AFFIRMED**. It is understood that the penalty of dismissal shall carry with it the cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, forfeiture of retirement benefits except accrued leave credits and personal contribution for the Government Service Insurance System (GSIS), if any.

A copy of this Decision shall be furnished the Commission on Audit (COA)-MMDA for its reference and appropriate action.¹⁴

The CSC opined that the factual finding of the MMDA that the petitioner attempted to extort ₱2,000.00 from Padiernos stands. The CSC noted that the petitioner's defense and alibi do not stand as he failed to present evidence to support the same and to contradict the testimony of Padiernos.¹⁵

His motion for reconsideration having been denied by the CSC in its Resolution¹⁶ dated October 22, 2019, the petitioner filed a petition for review under Rule 43 of the Rules of Court, before the CA.

On July 15, 2020, the CA rendered the herein assailed decision¹⁷ denying the petition for review and affirming *in toto* the decision of the CSC.

The CA ruled that the act of extortion having been proven in this case, the CSC did not err in adopting the December 6, 2016 decision of the MMDA. It explained that contrary to the petitioner's allegation, the testimony of Traffic Enforcer Efren Rivera was presented not as witness to the extortion but to disprove the petitioner's alibi that he was somewhere else when the incident happened.¹⁸

In its Resolution¹⁹ dated December 28, 2020, the CA denied the petitioner's motion for reconsideration, thus the instant petition for review on *certiorari*.²⁰

Herein, petitioner invites the Court to review the facts arguing that the CA erroneously evaluated and overlooked relevant details which, if properly

¹³ Id. at 60-65.

¹⁴ Id. at 65; rendered by CSC Chairperson Alicia dela Rosa-Bala and Commissioners Leopoldo Roberto W. Valderosa, Jr. and Aileen Lourdes A. Lizada.

¹⁵ Id. at 64.

¹⁶ Id. at 67-70.

¹⁷ Id. at 30-38.

¹⁸ Id. at 34-37.

¹⁹ Id. at 42-43.

²⁰ Id. at 11-25.

considered, would justify a different conclusion.²¹ Petitioner argues that the charge for Grave Misconduct is not supported by substantial evidence; that the testimony of Padiernos failed to establish the element of corruption, as he only has his testimony to support the same without any corroborating evidence.²²

The Court's Ruling

In an administrative proceeding, the quantum of proof required is substantial evidence, that is, such relevant evidence as a reasonable mind will accept as adequate to support a conclusion. Thus, a finding of guilt in administrative proceedings ensues when there is evidence adequate to support the conclusion that acts constitutive of the administrative offense were committed by the public official.²³

In this case, the petitioner was charged with Grave Misconduct. Misconduct is defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. It is considered as grave when it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules. Pertinent to this controversy, corruption as an element of grave misconduct, consists in the act of an official who unlawfully and wrongfully uses his position or office to procure some benefit for himself or for another person, contrary to duty and the rights of others.²⁴

In this case, the Court sees no error in the decision of the CSC and the CA finding that the petitioner is guilty of Grave Misconduct having used his position as traffic enforcer to demand from Padiernos the amount of ₱2,000.00.

Finding that the petitioner's argument is a mere reiteration of his arguments below, the Court quotes with approval the CA's disquisition on the petitioner's acts constitutive of Grave Misconduct:

The act of demanding money from a traffic violator by a traffic enforcer already constitutes extortion, a misconduct that is tainted with corruption and with willful intent to violate the law and to disregard established rules.

In the case at bench, [petitioner] flagged down the cab that Padiernos was driving and when Padiernos complied, confiscated the latter's driver's license. Padiernos asked for a Traffic Violation Receipt but [petitioner] kept on saying "later." As Padiernos had in his cab a passenger that he needed to take to the airport, he pleaded for reconsideration .. but Yumul refused and demanded P2,000.00 but at the same time, still did not issue a TVR. To

²¹ Id. at 16.

²² Id. at 17-20.

²³ *Hon. Miro v. Dosono*, 634 Phil. 54, 61-62 (2010).

²⁴ *Dela Cruz v. Malunao*, 684 Phil. 493, 504 (2012).

spare his taxi cab from being towed, Padiernos decided to leave his license and continued driving without his driver’s license.²⁵ (Emphasis supplied)

Moreover, as opined by the CA, it doesn’t matter that the testimony of Padiernos is not corroborated, inasmuch as it is not the number but the weight of testimony that matters. As well, no ill motive has been attributed upon Padiernos for him to falsely testify against the petitioner. The Court also takes note that the transaction involved, by its nature, is usually done in secret, concealed from the prying eyes of the public and, as such, it is highly probable that there was no one else to witness the incident except the parties themselves. The testimony of Rivera also placed the petitioner at the scene where the extortion occurred, thus disproving the petitioner’s alibi.²⁶

Rule 10, Section 46A(3), paragraph 10 of Civil Service Resolution No. 1101502 or the Uniform Rules on Administrative Cases in the Civil Service provides that soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of an employee’s official duties may affect the functions of his office is Grave Misconduct that merits the penalty of dismissal for the first offense. Hence, there is no reason to disturb the penalty imposed.

WHEREFORE, the Decision dated July 15, 2020 and the Resolution dated December 28, 2020 of the Court of Appeals in CA-G.R. SP No. 163491, are hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
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Division Clerk of Court
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²⁵ *Rollo*, p. 36.
²⁶ *Id.* at 34-35, 79.

July 6, 2022

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