



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **March 21, 2022**, which reads as follows:

“G.R. No. 195036 (*Jose Kwe v. Ma. Merceditas N. Gutierrez, in her capacity as Ombudsman, Tobias Reynald M. Tiangco (Mayor), Lutgardo V. Cruz (Former Vice-Mayor), Patrick Joseph A. Javier (Vice-Mayor), Jose Ronnie I. Salvador, Arnel S. Lupisan, Cesar P. Santos (Councilors) (all of: Navotas Municipal Hall, Municipality of Navotas), Heherson T. Alvarez (Former DENR Secretary/Chairman), Albert T. Magalang, Michael T. Defensor, Manuel H. Dayrit, Francisco Duque III, Leandro Q. Montemayor, Domingo F. Panganiban, Benjamin Abalos, Bayani Fernando, Estrella Alabastro, Jose D. Lina, Angelo T. Reyes, Simeon Datumanong, Hermogenes Ebdane, Manuel Roxas III, Peter Favila, Alcestis M. Guiang, Edicio Dela Torre, Renato Velasco, Gil Fernando C. Cruz, Ramon N. Guico, Jr., Enrico B. Aumentado, James Marty Lao Lim, Sityee Tong Chiong, Alfredo G. Chan (Board Members, all of the National Solid Waste Management Commission), Gerardo T. Santiago, Erlinda S. Ramirez, Gerardo A. Plamenco, Alfredo R. Peña, Romeo C. Ginogino, Alfredo N. Lizan, Eduardo M. Chu, Edgardo S. Santiago, Perfecto C. Cruz, Jr., Reynaldo T. Tan, Jennifer G. Vergara-Serrano, Alfredo R. Vicencio, Clint Nicolas B. Geronimo, Domingo L. Elape, (Councilors all of: Sangguniang Bayan, Municipality of Navotas).*). – This resolves a Petition for *Certiorari*¹ under Rule 65 of the Rules of Court filed by petitioner Jose Kwe (*Kwe*), seeking to reverse and/or set aside the Resolution² dated April 30, 2008, which dismissed the criminal complaint for violation of Sections 3 (g) and (j) of Republic Act (*R.A.*) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act against Municipal Mayor Tobias M. Tiangco (*Tiangco*), *et al.* and the Order³ dated September 29, 2008, which denied Kwe’s Motion for Reconsideration of the Office of the Ombudsman (*Ombudsman*) in OMB-C-C-07-0129-C.

¹ Rollo, pp. 3-36.

² Penned by Graft Investigation & Prosecution Officer I Richard E. Buban; *id.* at 40-54.

³ *Id.* at 65-71.

The present case stemmed from the Complaint-Affidavit⁴ filed by Kwe against several public officials from various sectors of the government for their alleged participation in the grant of franchise and operation of the “Tanza Dumpsite” without an Environmental Compliance Certificate (ECC) as required in Section 38⁵ of R.A. No. 9003 or the Ecological Waste Management Act of 2000.

Kwe is a member of the church-based organization, *Samahan Lingkod ng Kalikasan sa Diocese ng Kalookan, Malabon at Navotas*. He alleged that on January 14, 2002, the *Sangguniang Bayan* of Navotas passed Municipal Resolution No. 2002-04 granting the Philippine Ecology Corporation (PHILECO) a franchise to operate and manage a controlled garbage facility known as the “Tanza Dumpsite.” The same was approved by Tiangco, who was then the Municipal Mayor of Navotas.⁶

By virtue of the said Municipal Resolution, PHILECO was able to operate the Tanza Dumpsite and its franchise was renewed annually from 2002 to 2006 through several Municipal Resolutions of the *Sangguniang Bayan* of Navotas.⁷

Kwe, however, claimed that the operation and construction of the Tanza Dumpsite is illegal because PHILECO failed to first secure an ECC from the Department of Environment and Natural Resources (DENR) in violation of Section 38 of R.A. No. 9003. To raise his concerns on the matter, Kwe wrote several correspondences to the National Solid Waste Management Commission (NSWMC).⁸

In a letter dated May 11, 2004, Albert A. Magalang (*Magalang*), Executive Director of the NSWMC, informed Kwe that pursuant to NSWMC Resolution No. 1 dated April 24, 2002, ECC is no longer required for the operation of a controlled dumpsite facility (CDF) such as the Tanza Dumpsite in view of its interim nature and its significance in the conversion of open dumpsites, which are now prohibited under the law. The proponent for CDF is only required to secure a Notice to Proceed (NTP) from the NSWMC or from the regional office of the DENR where the facility is to be located.⁹ Magalang likewise apprised Kwe that prior to the development of the CDF, PHILECO has already secured an NTP in lieu of an ECC.¹⁰

⁴ *Id.* at 86-92.

⁵ Section 38. *Permit for Solid Waste Management Facility Construction and Expansion*. – No person shall commence operation, including site preparation and construction of a new solid waste management facility or the expansion of an existing facility until said person obtains an ECC from the Department pursuant to P.D. 1586 and other permits and clearances from concerned agencies.

⁶ *Rollo*, p. 88.

⁷ *Id.*

⁸ *Id.* at 88-89.

⁹ *Id.* at 81, 89-90.

¹⁰ *Id.* at 90.

Unsatisfied by the response, Kwe wrote several other letters to the members of the *Sangguniang Bayan* of Navotas, NSWMC and PHILECO, questioning the propriety of NSWMC Resolution No. 1 and urging them to take the appropriate action to rectify the situation. However, his pleas were left unheeded prompting him to file a Complaint-Affidavit to formally charge them with violation of Sections 3 (g) and (j) of R.A. No. 3019.¹¹

According to Kwe, the issuance of NSWMC Resolution No. 1, the grant of franchise, and its renewal in favor of PHILECO to operate the Tanza Dumpsite without an ECC constitute corrupt practices because the concerned public officials entered into a transaction which is grossly disadvantageous to the government, and they have granted PHILECO a franchise although the latter is not entitled to it.¹²

For their part, the local government officials of Navotas led by then Mayor Tiangco claimed that they cannot be held liable for violation of Sections 3 (g) and (j) of R.A. No. 3019 in relation to Section 38 of R.A. No. 9003 because the operation of a CDF no longer requires an ECC pursuant to Section 4 of NSWMC Resolution No. 1. In lieu of an ECC, the proponents only need to secure an NTP, which has already been complied with. Further, under R.A. No. 9003, an ECC is only required for the operation of solid waste management facilities, which are permanent in nature, and does not apply to a CDF, which is only temporary.¹³

On the other hand, Magalang substantially reiterated that an ECC is no longer required for the operation of a CDF such as the Tanza Dumpsite pursuant to NSWMC Resolution No. 1. Meanwhile, Angelo Reyes, in his capacity as then Secretary of the DENR, denied any charge on the ground that he was not a signatory to the assailed NSWMC Resolution. Tiangco also supplemented his defense by claiming that his re-election in public office has already extinguished any liability for acts done during his previous term.¹⁴

On April 30, 2008, the Ombudsman rendered the assailed Resolution,¹⁵ finding no probable cause against the concerned public officials and accordingly, dismissed the criminal complaint against them. More specifically, the Ombudsman ratiocinated that the local government officials of Navotas were automatically absolved from liability because the operation of the Tanza Dumpsite has already passed the scrutiny and criteria set by the DENR and NSWMC and has secured a go signal for the facility. Further, the Ombudsman opined that NSWMC Resolution No. 1 is

¹¹ *Rollo*, p. 90.

¹² *Id.* at 44.

¹³ *Id.* at 132-142.

¹⁴ *Id.* at 46.

¹⁵ *Id.* at 40-64.

consistent with R.A. No. 9003, taking into account the primacy of the NSWMC in the formulation of policies. There was also a presumption of regularity in the discharge of official duties which negates the existence of probable cause for the crimes charged.¹⁶

Undeterred, Kwe moved for reconsideration, but the same was denied by the Ombudsman in its impugned Order¹⁷ dated September 29, 2008.

Hence, this present Petition.

The issue in this case is whether the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing the criminal complaint against Tiangco, *et al.*, for lack of probable cause.

In support of the petition, Kwe maintains that a CDF such as the Tanza Dumpsite requires an ECC prior to its operation pursuant to Section 38 of R.A. No. 9003. The ECC is a mandatory requirement which the local government officials of Navotas and NSWMC may not circumvent or do away with through the issuance of NSWMC Resolution No. 1 and Municipal Resolutions granting PHILECO a franchise to operate.¹⁸

Petitioner then bewails that the Ombudsman committed grave abuse of discretion when it dismissed the criminal complaint against the local government officials of Navotas on the ground that the operation of the Tanza Dumpsite was submitted to the DENR and NSWMC and has passed the criteria set by the latter. According to petitioner, the local government units are primarily responsible in implementing the provisions of R.A. No. 9003 within their respective jurisdictions and this responsibility cannot be abdicated to another government agency.¹⁹ Petitioner then posits that the local government officials of Navotas transgressed Section 38 of R.A. No. 9003 when they allowed PHILECO to operate the Tanza Dumpsite on the basis of an NTP instead of requiring the latter to first secure an ECC.²⁰ Further, in granting PHILECO a franchise to operate and renewing the same without an ECC, the local government officials of Navotas have entered into a transaction which is grossly disadvantageous to the government and for which they should be held liable for Section 3 (g) of R.A. No. 3019.²¹

Moreover, petitioner propounds that the Board Members of the NSWMC acted beyond their authority when they issued NSWMC Resolution No. 1 which no longer required an ECC for the operation of a

¹⁶ *Id.*
¹⁷ *Id.* at 65-71.
¹⁸ *Id.* at 14.
¹⁹ *Id.* at 16-17.
²⁰ *Id.* at 16-18.
²¹ *Id.* at 28.

CDF and in replacing it with an NTP. In doing so, the NSWMC violated Section 3 (g) of R.A. No. 3019 because it gave legitimacy to the illegal franchise granted to PHILECO, which failed to secure an ECC.²²

In addition, petitioner contends that the issuance of NSWMC Resolution No. 1 and Municipal Resolutions granting PHILECO the franchise to operate constitutes a violation of Section 3 (j) of R.A. No. 3019 because an NTP cannot be a valid basis to allow PHILECO to operate the Tanza Dumpsite. In effect, the concerned public officials granted PHILECO a license, permit, or a privilege although the latter is not legally entitled to it.²³

Finally, petitioner ascribes grave abuse of discretion on the part of the Ombudsman for applying the presumption of regularity in the performance of official duties in favor of the concerned public officials. He broaches the view that since NSWMC Resolution No. 1 violated the ECC requirement under R.A. No. 9003, the issuance thereof by the NSWMC cannot enjoy the presumption of regularity.²⁴

The petition is bereft of merit.

At the outset, it is settled that this Court has adopted a general policy of non-interference with the exercise of the prosecutorial and investigatory powers of the Ombudsman.²⁵ The exercise of these powers is executive in nature, which the Ombudsman is empowered and wholly equipped to do having been granted by the Constitution and R.A. No. 6770²⁶ with wide latitude to pass upon criminal complaints involving public officials and employees.²⁷ Specifically, the determination of whether probable cause exists is a function that belongs to the Office of the Ombudsman.²⁸ Whether a criminal case, given its attendant facts and circumstances, should be filed or not is basically its call.²⁹

In *Esquivel v. Hon. Ombudsman*,³⁰ this Court explained the rationale underlying this Court's judicial restraint in interfering with the Ombudsman's determination of probable cause:

The Ombudsman is empowered to determine whether there exists reasonable ground to believe that a crime has been committed and that the

²² *Id.* at 29.

²³ *Id.* at 30.

²⁴ *Id.* at 29.

²⁵ *Lee v. Sales*, 835 Phil. 594, 610 (2018).

²⁶ The Ombudsman Act of 1989.

²⁷ *Dichaves v. Office of the Ombudsman*, 802 Phil. 564, 589 (2016).

²⁸ *Joson v. The Office of the Ombudsman*, 784 Phil. 172, 184 (2016).

²⁹ *Casing v. Hon. Ombudsman*, 687 Phil. 468, 475 (2012).

³⁰ 437 Phil. 702 (2002).

accused is probably guilty thereof and, thereafter, to file the corresponding information with the appropriate courts. Settled is the rule that the Supreme Court will not ordinarily interfere with the Ombudsman's exercise of his investigatory and prosecutory powers without good and compelling reasons to indicate otherwise. Said exercise of powers is based upon his constitutional mandate and the courts will not interfere in its exercise. **The rule is based not only upon respect for the investigatory and prosecutory powers granted by the Constitution to the Office of the Ombudsman, but upon practicality as well. Otherwise, innumerable petitions seeking dismissal of investigatory proceedings conducted by the Ombudsman will grievously hamper the functions of the office and the courts, in much the same way that courts will be swamped if they had to review the exercise of discretion on the part of public prosecutors each time they decided to file an information or dismiss a complaint by a private complainant.**³¹ (Emphasis supplied)

As an exception to the rule on non-interference, this Court is not precluded from reviewing the action of the Ombudsman when there is a clear showing of grave abuse of discretion.³² Grave abuse of discretion means such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction.³³ The Ombudsman's exercise of power must have been done in an arbitrary or despotic manner — which must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.³⁴ Instructive on this point is the Court's pronouncement in *Casing v. Hon. Ombudsman*.³⁵

As a general rule, the Court does not interfere with the Office of the Ombudsman's exercise of its investigative and prosecutorial powers, and respects the initiative and independence inherent in the Office of the Ombudsman which, "beholden to no one, acts as the champion of the people and the preserver of the integrity of the public service." - While the Ombudsman's findings as to whether probable cause exists are generally not reviewable by this Court, where there is an allegation of grave abuse of discretion, the Ombudsman's act cannot escape judicial scrutiny under the Court's own constitutional power and duty "to determine whether or not there has been grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government."³⁶

In this case, this Court does not perceive any showing of manifest error or grave abuse of discretion on the part of the Ombudsman when it found no probable cause to indict the private respondents for violation of Sections 3 (g) and (j) of R.A. No. 3019.

³¹ *Id.* at 711-712.

³² *Presidential Commission on Good Government v. Navarro-Gutierrez*, 772 Phil. 91, 99 (2015).

³³ *Galario v. Office of the Ombudsman*, 554 Phil. 86, 101 (2007).

³⁴ *Padaca v. Hon. Ombudsman*, 838 Phil. 427, 437 (2018).

³⁵ *Casing v. Hon. Ombudsman*, *supra* note 30.

³⁶ *Id.* at 475-476.

Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof.³⁷ The term does not mean “actual or positive cause” nor does it import absolute certainty. It is merely based on opinion and reasonable belief.³⁸ Probable cause does not require an inquiry whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged.³⁹

In *PCGG v. Ombudsman*,⁴⁰ this Court explained that for liability to attach under Section 3 (g) of R.A. No. 3019, it must be shown that the accused entered into a grossly disadvantageous contract on behalf of the government. The elements of Section 3 (g) are as follows:

- 1) that the accused is a public officer;
- 2) that the accused entered a contract or transaction on behalf of the government; and
- 3) that such contract or transaction is grossly and manifestly disadvantageous to the government.⁴¹

On the other hand, for a charge to be valid under Section 3 (j), it must be shown that the accused has knowingly approved or granted a license, permit, privilege or benefit to a person who is not qualified or legally entitled to it. Thus, Section 3 (j) requires the concurrence of the following elements:

- 1) The accused is a public officer;
- 2) He is charged with the duty or has the authority or competence to approve or grant license, permit, privilege or benefit to qualified persons; and
- 3) He knowingly approves or grants a license, permit, privilege or benefit in favor (i) of a person not qualified or not legally entitled to such license, permit, privilege or advantage, or (ii) of a mere representative or dummy of one who is not so qualified or entitled.

In this case, petitioner failed to present any evidence of such weight and substance as to engender a reasonable belief that private respondents, in allowing PHILECO to operate the Tanza Dumpsite without an ECC, committed the aforesaid criminal acts.

³⁷ *PCGG v. Office of the Ombudsman*, G.R. No. 194619, March 20, 2019, 897 SCRA 475, 489.

³⁸ *Fenequito v. Vergara, Jr.*, 691 Phil. 335, 345 (2012).

³⁹ *Hasegawa v. Giron*, 716 Phil. 364, 374 (2013).

⁴⁰ G.R. No. 187794, November 28, 2018, 887 SCRA 187.

⁴¹ *Go v. The Fifth Division, Sandiganbayan*, 549 Phil. 783, 795 (2007).

To begin with, the criminal charges hurled against private respondents are primarily hinged on petitioner's contention that NSWMC Resolution No. 1 is contrary to law for having violated the ECC requirement under Section 38 of R.A. No. 9003. It must be pointed out, however, that at the time the acts complained of were committed, no law or judgment was rendered declaring NSWMC Resolution No. 1 as void or unconstitutional. As such, it was clearly premature, if not highly speculative, on the part of petitioner to conclude that NSWMC Resolution No. 1 is void and thereafter used the same as basis for his criminal complaint against private respondents. Surely, charges based purely on speculations or conjectures would not suffice to support a finding of probable cause to justify the filing of a criminal case against private respondents. It is the burden of petitioner to produce evidence to support his charges, for it is upon these pieces of evidence that the investigating prosecutor determines the existence, or in this case, the absence of probable cause. Indeed, probable cause need not be based on clear and convincing evidence of guilt, neither on evidence establishing guilt beyond reasonable doubt and definitely, not on evidence establishing absolute certainty of guilt,⁴² but it certainly demands more than bare suspicion and can never be left to presupposition, conjecture, or even convincing logic,⁴³ as in this case. On this ground alone, the dismissal of the criminal complaint against private respondents was proper.

Aside from the foregoing, the Ombudsman accurately opined that the NSWMC, being the lead agency in the enforcement of R.A. No. 9003 was given extensive latitude to prescribe rules and regulations to make the law practically responsive. This can be gleaned from Section 5 of R.A. No. 9003, which enumerates the powers and functions of the NSWMC, to wit:

SECTION 5. *Powers and Functions of the Commission.* – The Commission shall oversee the implementation of solid waste management plans and prescribe policies to achieve the objectives of this Act. The Commission shall undertake the following activities:

- (a) Prepare the national solid waste management framework;
- (b) Approve local solid waste management plans in accordance with its rules and regulations;
- (c) Review and monitor the implementation of local solid waste management plans;

x x x.

- (k) Develop and prescribe procedures for the issuance of appropriate permits and clearances;

x x x.

⁴² *Gonzalez v. Hong Kong and Shanghai Banking Corporation*, 562 Phil. 841, 859 (2007).
⁴³ *Vergara v. The Hon. Ombudsman*, 600 Phil. 26, 44 (2009).

(t) Study and review the following:

(i) Standards, criteria and guidelines for the promulgation and implementation of an integrated national solid waste management framework; and

(ii) Criteria and guidelines for siting, design, operation and maintenance of solid waste management facilities.

Indubitably, R.A. No. 9003 has conferred upon the NSWMC the power to adopt rules and regulations, as well as to prescribe criteria and guidelines on how to carry out and implement the purpose and objectives of R.A. No. 9003. Pursuant to its rule-making powers, the NSWMC issued Resolution No. 1⁴⁴ dated April 24, 2002, which no longer required an ECC for the operation of a CDF but only an NTP. Section 2 in relation to Section 4 thereof, reads:

SECTION 2. Role of the DENR Regional Offices. To ensure the effective implementation of this Resolution, the DENR Regional Offices through and in coordination with Regional Offices of the Environmental Management Bureau and Mines and Geo-Sciences Bureau shall:

x x x x.

2.8. Issue Notice to Proceed (NTP) to local government units and other private entities for the operationalization of MRFs and controlled dump facility with due consideration to the provision of existing relevant laws and regulations.

x x x.

SECTION 4. Technical Guidelines for MRFs and Controlled Dump Facilities.

The operation of such facilities should comply with the minimum standards/requirements prescribed by the IRRs of RA 9003.

Considering the minimal impact of an MRF, the establishment of such would not require the issuance of an Environmental Compliance Certificate (ECC). This exemption does not apply, however, to a facility with composting component having a daily capacity of more than 15 tons.

Likewise, due to its interim nature and considering that the conversion and upgrading of open dumpsites is considered part of an environmental enhancement activity, the operation of a controlled dump facility will not require an ECC as well. Conversion can be interpreted as allowing LGUs to implement closure plan on ill-sited open dumpsites and utilize a new site that is technically feasible.

In issuing the aforesaid Resolution, it cannot be held that private respondents who are Board Members of the NSWMC acted beyond their

⁴⁴ *Rollo*, pp. 117-119.

authority to make them liable for Sections 3 (g) and (j) of R.A. No. 3019. On the contrary, the determination on what is necessary for the operation of a solid waste management facility is within the authority and competence of the NSWMC to decide. The Ombudsman also sufficiently explained that Section 38 of R.A. No. 9003, which prescribes an ECC should not be taken as exclusive to the power of the NSWMC to prescribe rules and regulations on how to operate a solid waste management facility according to its classification and characteristics, an exercise which requires not only legal knowledge but also their technical appraisal and expertise. Considering further, that the validity of NSWMC Resolution No. 1 has not been challenged in a proper forum, the Ombudsman properly considered the issuance thereof as valid and regular for the purpose of the preliminary investigation, and eventual finding on the non-existence of probable cause.

In the same manner, private respondents who are local government officials of Navotas cannot be said to have committed a violation of Sections 3 (g) and (j) of R.A. No. 3019 when they granted a franchise and renewed the same in favor of PHILECO to operate the Tanza Dumpsite without requiring the latter to secure an ECC.

First, the Ombudsman aptly pointed out that the operation of the Tanza Dumpsite had already passed the criteria and scrutiny of the DENR and NSWMC. Thus, there is already a presumption of regularity.

Second, NSWMC Resolution No. 1 only requires an NTP and not an ECC for the operation of a CDF. Thus, the private respondents cannot be faulted in granting the franchise in favor of PHILECO on the basis of an NTP.

Third and lastly, NSWMC Resolution No. 1 has not been declared void or illegal, thus, their reliance on the same was proper under the circumstances. For petitioner to demand that they should have first required PHILECO to obtain an ECC prior to the operation of the Tanza Dumpsite would have made them liable for violation of NSWMC Resolution No. 1. Suffice it to state, private respondents merely complied with the requirements set forth in NSWMC Resolution No. 1, which absent any evidence to the contrary, is presumed to be valid.

In fine, the Ombudsman dismissed petitioner's criminal complaint against private respondents for lack of probable cause based on its overall appreciation of the evidence presented, or the lack of it, and applicable laws. While petitioner does not agree with the findings of the Ombudsman, the same is not enough to constitute grave abuse of discretion.⁴⁵ In the same way, not every error in the proceedings, or every erroneous conclusion of

⁴⁵ *Quiogue v. Estacio, Jr.*, G.R. No. 218530, January 13, 2021.

law or fact, constitutes grave abuse of discretion.⁴⁶ The requirement for judicial intrusion is still for the petitioner to show clearly that the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction.⁴⁷ As petitioner failed in this respect, there is no reason for this Court to depart from the rule on judicial restraint or non-interference with the Ombudsman's exercise of its constitutional investigative power and its consequent finding on the non-existence of probable cause. Accordingly, the dismissal of the criminal complaint against the private respondents must be upheld.

WHEREFORE, premises considered, the petition is **DISMISSED**. The Resolution dated April 30, 2008 and the Order dated September 29, 2008 of the Office of the Ombudsman in OMB-C-C-07-0129-C dismissing the criminal complaint for violation of Sections 3 (g) and (j) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act against Tobias Reynald M. Tiangco, Lutgardo V. Cruz, Patrick Joseph A. Javier, Jose Ronnie I. Salvador, Arnel S. Lupisan, Cesar P. Santos, Heherson T. Alvarez, Albert T. Magalang, Michael T. Defensor, Manuel H. Dayrit, Francisco Duque III, Leandro Q. Montemayor, Domingo F. Panganiban, Benjamin Abalos, Bayani Fernando, Estrella Alabastro, Jose D. Lina, Angelo T. Reyes, Simeon Datumanong, Hermogenes Ebdane, Manuel Roxas III, Peter Favila, Alcestis M. Guiang, Edicio Dela Torre, Renato Velasco, Gil Fernando C. Cruz, Ramon N. Guico, Jr., Enrico B. Aumentado, James Marty Lao Lim, Sityee Tong Chiong, Alfredo G. Chan, Gerardo T. Santiago, Erlinda S. Ramirez, Gerardo A. Plamenco, Alfredo R. Peña, Romeo C. Ginogino, Alfredo N. Lizan, Eduardo M. Chu, Edgardo S. Santiago, Perfecto C. Cruz, Jr., Reynaldo T. Tan, Jennifer G. Vergara-Serrano, Alfredo R. Vicencio, Clint Nicolas B. Geronimo and Domingo L. Elape, are **AFFIRMED**.

SO ORDERED."

By authority of the Court:

Mis-DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *JB 11/21/22*

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⁴⁶ *Imingan v. The Hon. Office of the Ombudsman*, G.R. No. 226420, March 4, 2020.

⁴⁷ *Casing v. Hon. Ombudsman*, *supra* note 30.

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