



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 20, 2022, which reads as follows:

“G.R. No. 237679 (JESUS ORLANDO M. QUIÑONES, petitioner, versus OFFICE OF THE OMBUDSMAN FOR MINDANAO, RUVI JEAN VILLAGOMEZ CARIÑO, ROMEO S. TAYO, and CYRIL CONTRERAS-MANZANO, respondents). - After a careful review of the records of the case and the issues submitted by the parties, the Court finds no grave abuse of discretion committed in the Resolution¹ dated March 27, 2017 (Resolution) and Order² dated October 30, 2017 (Order) of the Office of the Ombudsman (Ombudsman) in OMB-L-C-16-0114. In particular, no grave abuse of discretion could be ascribed to the Ombudsman in dismissing the complaint filed by the petitioner, Jesus Orlando M. Quiñones (Quiñones), against respondents Ruvi Jean Villagomez Cariño (Cariño), Romeo S. Tayo (Tayo), and Cyril Contreras-Manzano (Contreras-Manzano) (collectively, respondents) for their alleged violation of Sections 3(e) and 3(f) of Republic Act No. (RA) 3019.

It must be emphasized that:

“[t]he Ombudsman is endowed with a wide latitude of investigatory and prosecutory prerogatives in the exercise of its power to pass upon criminal complaints. As a general rule, this Court does not interfere with the Office of the Ombudsman’s exercise of its constitutional mandate. It is an executive function, which must be respected consistent with the principle of separation of powers.”³

This is the reason why the Court does not *review* determinations of probable cause done by the Ombudsman, but instead looks at it through the lens of grave abuse of discretion.

¹ *Rollo*, pp. 18-27, by Graft Investigation and Prosecution Officer Banuar Reuben A. Falcon, as approved by Ombudsman Conchita Carpio Mörales.

² *Id.* at 60-61.

³ *Arroyo v. Sandiganbayan Fifth Division*, G.R. No. 210488, January 27, 2020, 930 SCRA 104, 120-121.

In this connection, the Court finds no grave abuse of discretion in the Ombudsman's dismissal of the complaint against respondents Cariño, Tayo, and Contreras-Manzano.

For the allegation that respondents committed a violation of Section 3(e) of RA 3019, the Ombudsman did not commit grave abuse of discretion when it held that the elements of the crime were found wanting. Section 3(e) of RA 3019 could be committed either through (a) manifest partiality, (b) evident bad faith, or (c) gross inexcusable negligence. In the case of respondents, the Ombudsman did not commit grave abuse of discretion when it found that there was no evident bad faith as there is no rule directing investigating prosecutors to resolve complaints with counter-charges through separate resolutions. Indeed, there could be no *evident* bad faith in acting in a manner that is well within a public officer's discretion to do. There was also no proof of manifest partiality as there was no record that Contreras-Manzano and Atty. Santiago D. Ortega were relatives, contrary to the allegations of Quiñones. Even assuming that they were relatives, this does not automatically establish manifest partiality in the absence of an overt act where manifest partiality was exhibited.

Lastly, the Ombudsman also did not commit grave abuse of discretion when it ruled that there was no gross inexcusable negligence, as the allegations of Quiñones were not sufficiently supported by evidence. To recall, Quiñones claims that respondents failed to (1) resolve the complaint he filed within the 90-day period provided under the Revised Manual for Prosecutors (Manual), and (2) to provide him a copy of the resolution of the said complaint, as likewise required by the Manual. Quiñones counts the supposed delay from March 27, 2009 until December 28, 2009, the date of the Joint Resolution that respondents submitted to the Ombudsman. As pointed out by the Ombudsman, however, the 90-day period cannot be reckoned from March 27, 2009, as the parties even had at least two submissions subsequent to this date. In fact, one of these two submissions is a sur-rejoinder filed by Quiñones himself. Thus, Quiñones was unable to clearly establish that respondents failed to comply with the period provided in the Manual.

With regard to Section 3(f) of RA 3019, there was also no probable cause to charge respondents of this crime. The said provision punishes a public officer's act of:

[n]eglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him [or her] for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his [or her] own interest or giving undue advantage in favor of or discriminating against any other interested party.

According to *Galario v. Office of the Ombudsman*,⁴ the elements of the crime are: (a) the offender is a public officer; (b) the said officer has neglected or has refused to act without sufficient justification after due demand or request has been made on him or her; (c) reasonable time has elapsed from such demand or request without the public officer having acted on the matter pending before him or her; and (d) such failure to so act is for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party, or discriminating against another.

Here, there was no refusal to act as respondents resolved the complaint that Quiñones filed. At most, there was only “neglect” if it were true that the resolution of the complaint was attended by instances of delay. As previously discussed, however, the instances of delay pointed out by Quiñones were equivocal or unsupported by evidence. More importantly, Quiñones furnished no proof of the last element, namely, that the act of neglect was for the purpose of obtaining some pecuniary or material benefit or advantage, or for the purpose of favoring the public officer’s own interest, or for the purpose of giving undue advantage in favor of or discriminating against any other interested party.

Even Quiñones’ claim that respondents’ alleged failure to furnish him with a copy of the Joint Resolution dated December 28, 2009 constitutes a violation of Section 3(f) is untenable. In the first place, respondents had no duty to furnish him a copy of a *draft* resolution. As respondents correctly explained in their Comment⁵ to this petition:

Respondent [Manzano] is not duty bound to furnish petitioner nor any of the party to the cases of the copy of the joint resolution she prepared. She is obliged to observe confidentiality of the draft Joint Resolution. Being the investigating prosecutor, she has no longer a hand on the above-cases once she had submitted the draft Joint Resolution together with the entire records to the Records Officer for review and appropriate action by respondent Tayo as the [then City Prosecutor].

Respondent Tayo, being the City Prosecutor then, had the ministerial duty to review said draft Joint Resolution and if proper, recommend for its approval, then transmit the entire case records to the Ombudsman. He is likewise duty bound to [observe] strict confidentiality of the Joint Resolution as his action on said draft Joint Resolution is only recommendatory because the ultimate authority to approve with finality said draft Joint Resolution lies with the Office of the Ombudsman.⁶

All told, there was no grave abuse of discretion in the dismissal of the complaints filed by Quiñones against respondents. The Ombudsman did not commit grave abuse of discretion in finding no probable cause to indict respondents for violations of Section 3(e) or 3(f) of RA 3019.

⁴ 554 Phil. 86, 106-107 (2007).

⁵ *Rollo*, pp. 168-180.

⁶ *Id.* at 174.

WHEREFORE, premises considered, the present petition for certiorari is hereby **DISMISSED**. The Resolution dated March 27, 2017 and Order dated October 30, 2017 of the Office of the Ombudsman in OMB-L-C-16-0114 are hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

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Division Clerk of Court *09 11/4/22*

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