Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **September 5, 2022**, *which reads as follows:*

"**G.R. No. 259856** ***(John Rivadeniera Pelaez v. Ronel M. Ganibo, Jeffrey P. Masculino, and Berwin J. Rivera.)***. – The Court resolves to:

(1) **GRANT** petitioner's motion for an extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*; and

(2) **NOTE** petitioner's Manifestation dated May 17, 2022, stating that on May 13, 2022, he filed the petition via registered mail due to lack of personnel to effect personal filing, time constraints and distance, hence, submitting an advance copy of the petition.

Petitioner John Rivadeniera Pelaez remonstrates against the *Decision*[1] dated 8 June 2021 and the *Resolution*[2] dated 11 March 2022 of the Court of Appeals (CA) in CA G.R. SP No. 160032, which sustained the finding of the Office of the Ombudsman (OMB) and held him administratively liable for Abuse of Authority or Oppression and Conduct Prejudicial to the Best Interest of the Service, and denied the motion for reconsideration thereof, respectively.

The Petition lacks legal mooring.

Incipiently, the jurisdiction of the Court in a petition for review under Rule 45 of the Revised Rules of Court is limited only to reviewing errors of law, not of fact. A question of law arises when there is doubt as to what the

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1 *Rollo*, pp. 33-42. Penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Marlene Gonzales-Sison and Bonifacio S. Pascua.

2 Id. at 44-45.

law is on a certain set of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must solely rely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact.[3]

The Court, as a rule, does not entertain questions of facts in a Rule 45 petition. As a trier of laws, the Court is not duty bound to analyze and weigh again the evidence already considered in the proceedings below. Furthermore, the "errors" which the Court may review in a petition for review on certiorari are those of the CA, and not directly those of the trial court or the quasi-judicial agency, tribunal, or officer which rendered the decision in the first instance.[4]

While there are recognized exceptions to this rule, the Court observes that none of them are present in the case at bench. Withal, the Petition tellingly raises questions of fact pertaining to the appreciation by the courts *a quo* of the evidence on record, which the Court cannot take cognizance of, as it would entail a review of the facts of the case and a recalibration of the evidence — a function beyond the mandate of this Court. The OMB and the CA invariably found petitioner guilty of Abuse of Authority or Oppression and Conduct Prejudicial to the Best Interest of the Service. The Court sustains these findings following the salutary rule that factual findings of administrative bodies, and as affirmed by the CA, are accorded great respect by this Court.[5]

Jurisprudence defines Oppression or Grave Abuse of Authority as a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury constituting an act of cruelty, severity, or excessive use of authority.[6]

Conduct Prejudicial to the Best Interest of the Service, on the other hand, deals with a demeanor of a public officer which "tarnish[ed] the image and integrity of his/her public office."[7] In *Office of the Ombudsman-Visayas v. Castro*,[8] the nature of this administrative offense was explained as follows:

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3 See *Loreño v. Office of the Ombudsman*, G.R. No. 242901, 14 September 2020.
4 *Rejas v. Office of the Ombudsman*, G.R. Nos. 241576 & 241623, 3 November 2020.
5 See *Miñao v. Office of the Ombudsman (Mindanao)*, G.R. No. 231042, 23 February 2022.
6 See *Ochoa, Jr. v. Dy Buco*, G.R. Nos. 216634 & 216636, 14 October 2020.
7 See *Loreño v. Office of the Ombudsman*, G.R. No. 242901, 14 September 2020.
8 759 Phil. 68 (2015).

> The respondent's actions . . . constitute conduct prejudicial to the best interest of the service, an administrative offense which need not be related to the respondent's official functions. . . [A]cts may constitute conduct prejudicial to the best interest of the service as long as they tarnish the image and integrity of his/her public office.[9]

A punctilious review of the records of the case reveals that the offenses charged against petitioner have been substantially proven. Respondents Ronel M. Ganibo, Jeffrey P. Masculino, and Berwin J. Rivera were able to corroborate their version of the story whilst petitioner merely proffered denial of the imputations against him. It bears stressing, too, that the assertions herein are a mere rehash of factual issues and arguments which petitioner raised in his appeal, and which the CA had fully and adequately passed upon. Administrative proceedings are governed by the "substantial evidence rule." This means that a finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed the acts in the complaint. Findings of fact of the OMB are conclusive when supported by substantial evidence and are accorded due respect and weight, especially when they are affirmed by the CA, as in this case. Generally, the findings of the OMB are accorded great weight and respect, if not finality by the courts, by reason of their special knowledge and expertise over matters falling under their jurisdiction.[10]

Finally, finding that the penalty imposed by the OMB as echoed with approbation by the CA, are in accord with Section 50, in relation to Section 49(c),[11] of the Revised Rules on Administrative Cases in the Civil Service (RRACCS),[12] this Court gives its imprimatur thereto.

WHEREFORE, the instant Petition for Review on *Certiorari* is hereby **DENIED**. The *Decision* dated 8 June 2021 and the *Resolution* dated 11 March 2022 of the Court of Appeals in CA G.R. SP No. 160032, are **AFFIRMED**.

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9 Id. at 79.

10 See *Gabornes v. Office of the Ombudsman*, G.R. No. 237245, 15 September 2021.

11 SECTION 49. *Manner of Imposition.* — When applicable, the imposition of the penalty may be made in accordance with the manner provided herein below:

x x x x

c. The *maximum* of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

SECTION 50. *Penalty for the Most Serious Offense.* — If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

12 CSC Resolution No. 1101502 dated 8 November 2011.

SO ORDERED."

By authority of the Court:

Misael DC Batt
MISAEL DOMINGO C. BATTUNG III
Division Clerk of Court
11/21/22

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