



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **January 25, 2023** which reads as follows:*

“G.R. No. 222995 (*Federico A. Espiritu v. Chito A. Cifra and Leodegario B. Valera, Jr.*). — This Petition for Review on *Certiorari* (Petition)¹ seeks to reverse and set aside the Decision² dated 07 August 2015 and Resolution³ dated 17 February 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 131171. The CA affirmed the Joint Decision⁴ dated 26 September 2011 and the Joint Order⁵ dated 27 May 2013 of the Office of the Ombudsman (Ombudsman) in OMB-C-A-11-0065-B, OMB-C-A-11-0072-B, and OMB-C-A-11-0087-C, finding petitioner Federico A. Espiritu guilty of simple misconduct and meting the penalty of suspension for six months.

Antecedents

Petitioner is the former President and Chief Executive Officer (CEO) of the Quedan and Rural Credit Guarantee Corporation (Quedancor), a government-owned and controlled corporation.⁶ He assumed office in 2010, during which Quedancor was financially distressed.⁷

Part of the efforts to rehabilitate Quedancor was the rationalization of its organizational structure.⁸ Thus, Quedancor’s Rationalization Plan (RatPlan) was approved by the Department of Budget and Management on 05 February 2010.⁹ The RatPlan would effectively reduce Quedancor’s

¹ *Rollo*, pp. 8-41.

² Id. at 43-56; penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Pedro B. Corales and Ma. Luisa C. Quijano-Padilla.

³ Id. at 81-82.

⁴ Id. at 102-138; rendered by Graft Investigation and Prosecution Officer II Leilani P. Tagulao-Marquez, reviewed by Director Nellie P. Boguen-Golez, recommended for approval by Assistant Ombudsman Marilou B. Ancheta-Mejica, and approved by Ombudsman Conchita Carpio Morales.

⁵ Id. at 139-147.

⁶ Id. at 44.

⁷ Id.

⁸ Id.

⁹ Id. at 14-15.

A handwritten signature in black ink, appearing to read "P. M." or a similar initials.

complement to 191 employees.¹⁰ In March 2010, Quedancor employees, led by respondents Chito A. Cifra (Cifra) and Leodegario B. Valera, Jr. (Valera),¹¹ among others, filed before the Regional Trial Court of Quezon City a petition (RTC Petition) to declare the RatPlan null and void.¹²

*Factual Antecedents of OMB-
C-A-11-0065-B*

In July 2010, petitioner authored an article entitled “Cry for Quedancor.”¹³ The article referenced and responded to criticisms leveled against petitioner’s leadership, as contained in a petition addressed to then President Benigno Aquino III to recall petitioner’s appointment as President (OP Petition). At the same time, it contained repeated claims of corruption and plunder in Quedancor. Some pertinent portions of the article read:

x x x Only, I cannot wallow in Quedancor’s glory and ignore that my institution which I have faithfully served for twenty (20) years is being ruined by schemers and scammers who want to perpetrate themselves at a time when Quedancor is already down and bleeding from sucking grafters.¹⁴

x x x

x x x x

x x x To the authors of the petition, I pose these questions. Why did you omit the fact that the losses were also incurred due to amassed bad loan portfolio x x x caused by dismal origination of loan accounts everywhere nationwide and utter mismanagement of funds by schemers and grafters within our ranks who now present themselves as redeemers of our beloved Quedancor?¹⁵ x x x

x x x x

x x x But what is your real agenda in concealing this to President Aquino? Where is your logic and reason? Or you want to portray that the financial situation is simply easy to turn around, so you can again lord it over Quedancor with your scheming and scamming if they mistakenly provide new trust funds that you can incessantly plunder once more?¹⁶ x x x

x x x x

x x x The ulterior motive: induce the management to fail, have the officers discredited if Quedancor in the process gets closed down and ultimately in order that schemers and scammers will go scot-free from being sent to jail for their plunder of Quedancor’s treasury.¹⁷ x x x

¹⁰ Id. at 15.

¹¹ CA *rollo*, p. 148.

¹² *Rollo*, pp. 15, 91, 130.

¹³ Id. at 84-101.

¹⁴ Id. at 85.

¹⁵ Id.

¹⁶ Id. at 86.

¹⁷ Id. at 88.



x x x x

x x x Come to think of it, the schemers and scammers now present themselves as redeemers of Quedancor and RATPLAN affected employees (and many in their desperation are hoodwinked by them) when blood spilled from their hands as they caused what Quedancor and its employees are suffering now. As Christians, maybe you want to believe this is the way of atoning their sins of the past. Wait until, as they petition, that trust funds are provided again, if any fund source will ever trust again. The crocodiles, if ever they will still be around, will plunder Quedancor's treasury again¹⁸ x x x

x x x x

x x x Fill your heart with sadness and disappointment in me as I do not befit the flawed standards of schemers and scammers x x x. Through those years, Quedancor's operation and its corruption by schemers and scammers was easy to learn and I ensured I was even on their circle of trust and players. Their bastardization years molded my resolve, having witnessed graft all over¹⁹ x x x

x x x x

x x x Consider: since I took over as your servant leader, the schemers and scammers have missed their heydays of extracting fat fixing fees, commission, grease money and processing ghost accounts that I stopped promptly. And to put it in frank perspective I denied them their much needed income when they have to sustain their fancy lifestyle and paramours. Let us not ignore the fact that *gutom na gutom nang mangurakot muli ang mga* schemers and scammers.²⁰ x x x

Copies of the article were furnished by petitioner to the President, Secretaries of Agriculture and Finance, Office of the Executive Secretary, Presidential Spokesperson, and the Quedancor Library "for the information, perusal and comprehension of interested employees."²¹ Other Quedancor employees also executed a joint affidavit attesting that they read the article, as petitioner allegedly encouraged Quedancor officials and employees to get copies of the same.²²

As a result of the distribution of the article, Cifra filed an administrative case for Grave Misconduct against petitioner.²³ The case was docketed as OMB-C-A-11-0065-B. Cifra alleged that the article maligned his reputation because the quoted paragraphs pertained to him; he and Valera led the filing of the RTC Petition and the move to recall petitioner's appointment before the Office of the President.²⁴ Cifra also claimed that, in at least two occasions,

¹⁸ Id. at 89.

¹⁹ Id. at 93.

²⁰ Id. at 98.

²¹ Id. at 16; Ombudsman Records, Vol. II, pp. 85-87.

²² Ombudsman Records, Vol. II, pp. 102-103.

²³ CA *rollo*, pp. 107-112.

²⁴ *Rollo*, pp. 103-105; Ombudsman Records, Vol. I, p. 5.



petitioner confirmed to Mr. Alexander Butic (Butic), Quedancor Senior Vice President, that petitioner was referring to Cifra and Valera as the corrupt employees in the essay.²⁵ Butic executed an affidavit to this effect.²⁶

Factual antecedents of OMB-C-A-11-0072-B and OMB-C-A-11-0087-C

On 13 October 2010, petitioner attended a necrological mass at the Arlington Chapel in Quezon City.²⁷ He allegedly met Roel Suarez (Suarez) and Carino Julius P. Canezal (Canezal), both Quedancor employees, near the door of the Chapel's comfort room.²⁸ While pointing his fingers at the two employees, petitioner supposedly uttered the following statements:

*O kayong dalawa, natanggap nyo na ba ang dismissal order niyo? Pare-pareho lang kayo ng amo niyong sina Gary at Chito na napakacorrupt! Eh sana kung di kayo nagpapagamit sa dalawang iyon sa pangungurakot wala sana kayong kasó. Alam niyo bang inihahanda ko na ang iba't-ibang kasó ng graft and corruption laban sa dalawang iyon? Sabihin niyo sa kanila kung noon ay malalaki ang kickback nila sa quedan, di na nila magagawa ilit iyon hangga't ako ang presidente.*²⁹

Accordingly, Cifra and Valera (the Chito and Gary referred to in the remark) filed two separate administrative cases of Grave Misconduct against petitioner before the Ombudsman. They attached the joint affidavit of Suarez and Canezal narrating the incident.³⁰ The cases were docketed as OMB-C-A-11-0072-B and OMB-C-A-11-0087-C.

Since the complaints in OMB-C-A-11-0072-B and OMB-C-A-11-0087-C also contained allegations regarding the article "Cry for Quedancor,"³¹ the Ombudsman consolidated the three complaints.³²

Citing the article and the allegedly defamatory remarks, respondents also filed criminal complaints for libel and oral defamation against petitioner.³³

In defense, petitioner admitted that he distributed and published the article,³⁴ but claimed that his article did not name any officer or employee of Quedancor.³⁵ He wrote the article as he had a moral duty to tell the truth, and

²⁵ *Rollo*, p. 105.

²⁶ Ombudsman Records, Vol. I, pp. 28-30.

²⁷ *Rollo*, p. 106.

²⁸ Id. at 45.

²⁹ Id. at 46.

³⁰ Ombudsman Records, Vol. II, pp. 8-9.

³¹ Id. at 3.

³² *Rollo*, pp. 126-127.

³³ Ombudsman Records, Vol. I, pp. 31-39.

³⁴ Id. at 121.

³⁵ *Rollo*, pp. 107-108.

had to protect his personal dignity.³⁶ Petitioner also denied disclosing to Butic the “schemers and scammers” referred to in the article.³⁷ He further denied meeting Suarez and Canezal at Arlington Chapel.³⁸

Ruling of the Office of the Ombudsman

In a Joint Decision³⁹ dated 26 September 2011, the Ombudsman found petitioner guilty of simple misconduct and imposed a six -month suspension. The *fallo* of the Decision reads:

FOREGOING CONSIDERED, pursuant to Section 52-B(2), Rule IV, CSC Resolution No. 991936, dated August 31, 1999, respondent **FEDERICO A. ESPIRITU**, Officer-in-Charge/President of QUEDANCOR, with office address at 34 Panay Avenue, Quezon City, is hereby found **GUILTY** of **SIMPLE MISCONDUCT** and is hereby meted the corresponding penalty of **SUSPENSION FROM THE SERVICE WITHOUT PAY FOR SIX (6) MONTHS.**

The respondent is **STRICTLY WARNED** that a repetition of similar act in the future shall be dealt with more severely.

SO ORDERED.⁴⁰

The Ombudsman held that petitioner committed simple misconduct when he published the article and uttered disparaging remarks against respondents.⁴¹ Both were made with the intention of attacking the character and integrity of respondents who were against the implementation of the RatPlan.⁴²

The Ombudsman also found that while respondents were not named in the article, it was evident that the article alluded to them. Respondents were the ones who led the Quendancor employees in filing the RTC Petition.⁴³ The Ombudsman further ruled that petitioner’s statements in his article were harsh and uncalled for.⁴⁴ While petitioner has the right to freedom of expression, this is not absolute; he had no right to attack the character of respondents.⁴⁵

The Ombudsman gave credence to the statements of Suarez and Canezal that petitioner uttered defamatory remarks at the Arlington Chapel.⁴⁶

³⁶ Id. at 110-111.

³⁷ Id. at 111.

³⁸ Id.

³⁹ Id. at 102-138; rendered by Graft Investigation and Prosecution Officer II Leilani P. Tagulao-Marquez, reviewed by Director Nellie P. Boguen-Golez, recommended for approval by Assistant Ombudsman Marilou B. Ancheta-Mejica, and approved by Ombudsman Conchita Carpio Morales.

⁴⁰ Id. at 136-137.

⁴¹ Id. at 128.

⁴² Id.

⁴³ Id. at 130.

⁴⁴ Id. at 131.

⁴⁵ Id.

⁴⁶ Id. at 132.



Similar to the article, the imputation of graft and corruption was unjustifiable.⁴⁷ Both actions went beyond the bounds of decency.⁴⁸

Nonetheless, petitioner's acts merely constituted simple, not grave, misconduct.⁴⁹ Since petitioner maliciously portrayed respondents as corrupt, not only once, but twice, and considering petitioner's abuse of his official position, the Ombudsman meted the maximum penalty for simple misconduct under the Uniform Rules on Administrative Cases in the Civil Service,⁵⁰ i.e., suspension of six months.⁵¹

On motion for reconsideration, the Ombudsman affirmed its Joint Decision and emphasized that it did not adjudicate petitioner's supposed commission of libel.⁵² Rather, the Joint Decision is premised on the offensive language used by petitioner, which prejudiced not only respondents, but also the government.⁵³

However, the Ombudsman backtracked on its earlier ruling that petitioner uttered defamatory remarks at Arlington Chapel.⁵⁴ The Ombudsman noted that petitioner filed numerous cases against witnesses Suarez and Canezal.⁵⁵ This rendered their allegations against petitioner clouded by doubt and ill-motive.⁵⁶ Thus, the only basis for a finding of misconduct was petitioner's publication of the article.⁵⁷

Ruling of the CA

In its Decision⁵⁸ dated 07 August 2015, the CA denied petitioner's appeal and affirmed the Ombudsman. The CA found that there was substantial evidence of petitioner's simple misconduct.⁵⁹ Such misconduct consisted of petitioner's publication of "Cry for Quendancor," which evinced emotional outbursts and tarnished the image and integrity of his public office.⁶⁰ The CA joined the Ombudsman's observation that petitioner should have filed the appropriate cases against the allegedly corrupt officials.⁶¹

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id. at 133.

⁵⁰ CSC Resolution No. 991936, 14 September 1999.

⁵¹ *Rollo*, pp. 134-135.

⁵² Id. at 142.

⁵³ Id. at 143-145.

⁵⁴ Id. at 145.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id. at 146.

⁵⁸ Id. at 43-56; penned by Associate Justice Sесinando E. Villon and concurred in by Associate Justices Pedro B. Corales and Ma. Luisa C. Quijano-Padilla.

⁵⁹ Id. at 54.

⁶⁰ Id. at 50-51.

⁶¹ Id. at 52.



The CA further emphasized that respondents were clearly the persons being referred to in the article, even if they were not expressly named as the “schemers and scammers.”⁶² Respondents led the Quedancor employees in opposing the implementation of the RatPlan.⁶³ Also, Butic executed an affidavit affirming that petitioner personally told him that respondents were the “schemers” and “scammers” alluded to.⁶⁴

The CA also held that petitioner committed simple misconduct when he uttered defamatory remarks at Arlington Chapel.⁶⁵ The CA gave credence to the statements of Suarez and Canezal who witnessed the incident and heard petitioner utter statements imputing graft and corruption against respondents.⁶⁶ Thus, the CA affirmed the penalty of six-month suspension, taking into account petitioner’s abuse of his office as Quedancor’s president when he destroyed the name and reputation of respondents.⁶⁷

Petitioner moved for reconsideration, but this was denied in the assailed Resolution⁶⁸ dated 17 February 2016.

Petitioner retired from service on 14 April 2013, or before the Ombudsman could resolve his motion for reconsideration.⁶⁹ Since petitioner could no longer be suspended, he paid instead ₱438,594.00, equivalent to his salary for six months.⁷⁰

Issue

The main issue for resolution is whether the CA erred in finding petitioner guilty of simple misconduct and meting the penalty of six months’ suspension.

Ruling of the Court

Preliminarily, the pleadings and Decisions unduly emphasized the elements of, and standards for, libel and oral defamation. This misplaced focus appears to have resulted from the parties adopting and incorporating their pleadings in the criminal complaints filed against petitioner.⁷¹ However, this case is administrative in nature. It is improper to adjudicate the presence

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id. at 53.

⁶⁶ Id.

⁶⁷ Id. at 55.

⁶⁸ Id. at 81-82.

⁶⁹ Id. at 14; Ombudsman Records, Vol. I, p. 291.

⁷⁰ Ombudsman Records, Vol. I, p. 291.

⁷¹ Ombudsman Records, Vol. II, pp. 44-45.



or absence of the elements of libel and oral defamation,⁷² especially since such issue already pertains to separate criminal complaints. Thus, the technical concepts of identifiability of the person defamed and malice, which petitioner claims to be absent,⁷³ are not decisive of this case.

The correct standard to be applied is the jurisprudential definition of misconduct. Misconduct is “a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.”⁷⁴ It is “intentional wrongdoing or deliberate violation of a rule of law or standard of behavior,” which relates to or is connected with the performance of a public officer’s duties and functions.⁷⁵ Misconduct becomes grave if it involves any of the additional elements of corruption, clear intent to violate the law, or flagrant disregard of established rules.⁷⁶ Absent these elements, the misconduct is only simple.⁷⁷

Gauged by these parameters, We find that petitioner committed simple misconduct when he distributed the article “Cry for Quedancor.” However, as to the alleged utterance of defamatory remarks at Arlington Chapel, the CA failed to acquire jurisdiction to review the Ombudsman’s factual findings on this issue. In any event, the imputation is not sufficiently supported by the evidence, as aptly found by the Ombudsman. These notwithstanding, the penalty of six-month suspension is affirmed for being appropriate under the facts and the applicable rules.

Petitioner committed an administrative infraction when he authored and distributed the article “Cry for Quedancor”; the article is couched in intemperate language and full of careless accusations

Both the Ombudsman and the CA found that petitioner’s distribution of the article “Cry for Quendancor” constitutes simple misconduct, considering the harsh language used and the portrayal of Quedancor employees as corrupt. We find no reason to disturb this conclusion. The Ombudsman’s factual findings, when supported by substantial evidence, are conclusive.⁷⁸ This rule

⁷² See *Yambot v. Tuquero*, 661 Phil. 599, 608 (2011): The elements of libel are: (1) imputation of a discreditable act or condition to another; (2) publication of the imputation; (3) identity of the person defamed; and (4) existence of malice. See *Ramos v. People*, 820 Phil. 1182, 1190-1191 [Per J. Perlas-Bernabe, Second Division]: The elements of oral defamation are: (1) there must be an imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, status or circumstances; (2) made orally; (3) publicly; (4) and maliciously; (5) directed to a natural or juridical person, or one who is dead; (6) which tends to cause dishonour, discredit or contempt of the person defamed.

⁷³ See *rollo*, pp. 22-29.

⁷⁴ *Office of the Ombudsman v. Apolonio*, 683 Phil. 553 (2012).

⁷⁵ *Office of the Ombudsman v. Espina*, 807 Phil. 529, 541 (2018).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ Republic Act No. 6770, Sec. 27.



holds more weight when the findings have been affirmed by the CA,⁷⁹ as in this case.

Indeed, the records clearly evince petitioner's departure from the appropriate standards of behavior when he authored and circulated the article. A reading of the 19-page article shows that the language used is highly emotional and intemperate. While petitioner has the right to address criticisms leveled against his leadership, he must do so in a calm and sensible manner. This, petitioner did not do.

Instead of level-headedly addressing the comments regarding Quedancor's financial situation, RatPlan, and petitioner's management,⁸⁰ petitioner simply dismissed the employees' concerns as part of a "demolition job."⁸¹ He then proceeded to impute ulterior motive and a supposed hidden agenda to those criticizing him, *i.e.*, so that the "schemers and scammers" in Quendacor can continue plundering its treasury. This imputation is evinced by the portions quoted above, and is a recurring theme all throughout the article.

As aptly found by the Ombudsman and the CA, the language used is highly emotional. Unlike the article in *Bulletin Publishing Corp. v. Noel*⁸² cited by petitioner, his article is not "declaratory or expository in character, matter-of-fact and unemotional in tone and tenor."⁸³ On the contrary, as shown in the quoted text, petitioner's article has a hostile tone and is full of derogatory accusations. Petitioner's insistence that he was merely "airing his own side" only reveals his indifference to the decorum expected of him.⁸⁴

As a public servant at the helm of Quedancor, petitioner should be circumspect in his words even in the face of persistent provocation. He should not lash back at his critics, especially since they are subordinates expressing grievances regarding Quedancor's management. High-strung and belligerent behavior has no place in government service.⁸⁵ Making defamatory imputations violates the norm of decency and diminishes the people's respect for public servants.⁸⁶

As mentioned, there is no need to ascertain whether respondents were identifiable before petitioner could be held administratively liable. This is not a libel case. Nonetheless, petitioner's misconduct is highlighted by his clear intent to attack the character and reputation of respondents who, as admitted

⁷⁹ *Bedruz v. Office of the Ombudsman*, 519 Phil. 426, 432 (2006).

⁸⁰ *Rollo*, pp. 85-90.

⁸¹ *Id.* at 84.

⁸² 249 Phil. 254, 262 (1988).

⁸³ *Id.*

⁸⁴ See *rollo*, p. 23.

⁸⁵ *Policarpio v. Fortus*, 318 Phil. 293, 297-298 (1995).

⁸⁶ *Santos v. Rasalan*, 544 Phil. 35, 44 (2007).



by petitioner,⁸⁷ led the filing of the RTC Petition and OP Petition. While respondents were not named in the article, the quoted text clearly shows that the alleged “schemers and scammers” were those who filed the RTC Petition and OP Petition. These “schemers and scammers” were supposedly portraying themselves as “redeemers” of Quedancor through the petitions.⁸⁸ Respondents, being the leaders of these petitioning employees, were clearly the ones primarily alluded to. In fact, at least 20 Quedancor employees executed a joint affidavit attesting that they easily identified respondents as the main subjects of the article due to their participation in the RTC Petition and OP Petition.⁸⁹

Allegations of corruption and plunder should not be casually made, especially since Quedancor is a credit and guarantee institution that deals with public funds.⁹⁰ Hence, perception of its credibility is critical.⁹¹ Openly accusing Quedancor employees of corruption and plunder, without substantiation, is simply reckless. It unduly erodes the public’s trust and confidence in our financial institutions. The article was readily available to Quedancor employees,⁹² and could have easily been circulated to others. To the unsuspecting public, petitioner’s status as President and CEO would readily lend credence to his claims.

Petitioner cannot excuse his behavior by claiming that he was “plainly stating the obvious.”⁹³ Short of a final judgment, petitioner could not simply label his subordinates as corrupt. Notably, Quedancor’s board of directors authorized the National Bureau of Investigation (NBI) to conduct the necessary investigation on irregular transactions “to ensure [the] credibility and confidentiality of the process.”⁹⁴ The board of directors also authorized petitioner to transact with the NBI. Thus, petitioner had at his disposal all the means necessary to pursue and prosecute erring employees. These employees, in turn, deserve their day in court. Until then, petitioner should have exercised self-restraint. His attacks against his critics could taint the integrity of Quedancor’s investigation process.

For these reasons, We find that petitioner committed an administrative infraction when he authored and distributed the article “Cry for Quedancor.”

⁸⁷ Ombudsman Records, Vol. I, p. 122; See also Ombudsman Records, Vol. II, p. 74: “Finally, sometime in June 2010, a group of employees led by Mr. Cifra and Mr. Valera sent a petition to His Excellency President Aquino. The petition, among other things, sought to recall the appointment of the Respondent as President and CEO of the Corporation xxx;” Ombudsman Records, Vol. II, p. 85: “When the Petition to Declare the Rationalization Plan (filed in 03 March 2010) took a slow pace in the courts, the prime movers in the person of the Complainants resorted to sending a Petition to President Aquino sometime in June 2010 with the same objective of ousting Respondent from office through portrayals of ineptitude, lack of qualifications for the position, and an eager implementer of the Rationalization Plan.”

⁸⁸ *Rollo*, pp. 85-89.

⁸⁹ Ombudsman Records, Vol. II, pp. 102-103.

⁹⁰ *Duque, III v. Veloso*, 688 Phil. 318, 325 (2012).

⁹¹ *Id.*

⁹² Ombudsman Records, Vol. II, pp. 102-103.

⁹³ *Rollo*, p. 28.

⁹⁴ Ombudsman Records, Vol. II, p. 52.

The CA had no jurisdiction to review the Ombudsman's factual findings regarding the Arlington Chapel incident. In any event, there is insufficient proof of the alleged utterance of defamatory remarks on 13 October 2010

The CA adopted the Ombudsman's initial finding that petitioner uttered defamatory remarks against respondents on 13 October 2010, thus giving credence to the statement of Suarez and Canezal.⁹⁵ However, the CA appeared to have overlooked the Ombudsman's reversal of its initial conclusion. The pertinent part of the Ombudsman's Joint Order⁹⁶ dated 27 May 2013 reads:

Insofar as the allegation that the respondent uttered slanderous remarks reiterating the imputation of corruption against the complainants, this Office, after re-evaluation of the records, finds the absence of additional witnesses to bolster the statements of Suarez, Canezal and Butic. It is worth of note that numerous cases have been filed by the respondent against these witnesses, among other persons. This fact alone rendered their allegations against the respondent clouded by doubt and ill-motives. They do not pass the test of impartiality and neutrality of a witness. Unless otherwise corroborated by neutral and competent witnesses, their statements should not be considered hook, line and sinker.⁹⁷

Section 27 of Republic Act No. 6770⁹⁸ provides that “[a]ny order, directive or decision [of the Ombudsman] imposing the penalty of public censure or reprimand, [or] suspension of not more than one (1) month’s salary shall be final and unappealable.” By implication, Ombudsman rulings exonerating the respondent from administrative liability are also final and unappealable.⁹⁹ This is made explicit in Section 7, Rule III of the Ombudsman Rules¹⁰⁰ stating that a decision absolving respondent of the charge “shall be final, executory, and unappealable.” Such kinds of rulings may only be assailed when there is grave abuse of discretion, and the correct procedure is to file a petition for *certiorari* under Rule 65 of the Rules of Court before the CA.¹⁰¹

In the Ombudsman's Joint Order¹⁰² dated 27 May 2013, the Ombudsman exonerated petitioner and effectively dismissed the complaints docketed as OMB-C-A-11-0072-B and OMB-C-A-11-0087-C insofar as they

⁹⁵ *Rollo*, pp. 53-54.

⁹⁶ Id. at 139-147.

⁹⁷ Id. at 145-146.

⁹⁸ Entitled “An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman, and for Other Purposes.” Approved on 17 November 1989.

⁹⁹ *Yatco v. Office of the Deputy Ombudsman for Luzon*, G.R. No. 244775, 06 July 2020.

¹⁰⁰ Ombudsman Administrative Order No. 17-03, Rule III, Sec. 7.

¹⁰¹ Id.

¹⁰² *Rollo*, pp. 139-147.

alleged the utterance of defamatory remarks at Arlington Chapel. Accordingly, the Ombudsman's ruling regarding the Arlington Chapel incident is deemed final and unappealable. The CA could not have acquired jurisdiction to review the Ombudsman's findings on this issue through the Rule 43 petition for review filed before it. The Ombudsman's ruling exonerating petitioner should have been assailed through a Rule 65 petition. Thus, the CA erred in reversing the Ombudsman's factual findings on the Arlington Chapel incident and in considering the same in its Decision.

In any event, even if the Court were to pass upon the merits, We would still agree with the conclusion of the Ombudsman. It is undisputed that, before the alleged incident, petitioner had initiated the filing of several administrative and criminal cases against Suarez and Canezal.¹⁰³ This fact taints the credibility of Suarez and Canezal, as they clearly had axes to grind against petitioner.¹⁰⁴ Since there was a necrological service at Arlington Chapel at the time of the alleged incident, others would have heard or witnessed the encounter. However, no other credible witness or evidence was presented to prove the supposed utterance of defamatory remarks. In the absence of evidence from a disinterested witness, the administrative complaints anchored on the 13 October 2010 incident have no leg to stand on.

The penalty

Given the foregoing, We hold that petitioner may only be held administratively liable for the distribution of the article "Cry for Quedancor." Petitioner is guilty of simple misconduct only. There is no evidence of the additional elements that could qualify the misconduct as grave. Under the rules then applicable, the imposable penalty for the first offense of simple misconduct is suspension of one month and one day to six months.¹⁰⁵ Given the factual antecedents and petitioner's careless accusations, We find the penalty of six-month suspension proper and consistent with the rules.

As a final procedural matter, the Court previously ordered respondents' counsel, Atty. Remigio T. Danao, to pay a fine of ₱2,000.00 for his failure to file a comment on the petition.¹⁰⁶ Respondents' comment was eventually dispensed with.¹⁰⁷ However, the records do not show that Atty. Danao has paid the fine. Hence, Atty. Danao is ordered anew to comply with the Resolution dated 23 January 2019 and pay the fine of ₱2,000.00.

WHEREFORE, premises considered, the instant Petition is hereby **DENIED**. The Decision dated 07 August 2015 and Resolution dated 17

¹⁰³ Ombudsman Records, Vol. II, pp. 57-58.

¹⁰⁴ See *Anonymous Complaint Against Judge Edmundo P. Pintac*, A.M. Nos. RTJ-20-2597, P-20-4091, RTJ-20-2598, RTJ-20-2599, 22 September 2020.

¹⁰⁵ Uniform Rules on Administrative Cases in the Civil Service.

¹⁰⁶ *Rollo*, pp. 172, 184.

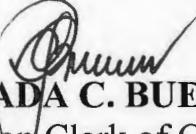
¹⁰⁷ *Id.* at 184.

February 2016 of the Court of Appeals in CA-G.R. SP No. 131171 are **AFFIRMED**.

The Resolution dated 23 January 2019 imposing upon Atty. Remegio T. Danao, counsel for respondents, a fine of ₱2,000.00 payable to the Court within 10 days from notice or a penalty of imprisonment of five days if such fine is not paid within the prescribed period, is **REITERATED**.

SO ORDERED.” Rosario, J., on official leave.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

302

MAR 16 2023

R & S LAW OFFICES
Counsel for Petitioner
Unit 1103 Manila Luxury Condominium
Pearl Drive cor. Goldloop Street
Ortigas Center, 1605 Pasig City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 131171)

Atty. Remegio T. Danao
Counsel for Respondents
60 Sampaguita Avenue, Mapayapa Village Phase 2
Brgy. Holy Spirit, 1127 Quezon City

OFFICE OF THE OMBUDSMAN
Ombudsman Building, Agham Road
Diliman, 1101 Quezon City
(OMB-C-A-11-0065-B; OMB-C-A-11-0072-B
& OMB-C-A-11-0087-C)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Philippine Judicial Academy (x)
Supreme Court

Judgment Division (x)
Supreme Court