



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **January 16, 2023**, which reads as follows:

“G.R. No. 257047 (Edna V. Centeno and Jesusa C. Garcia v. Office of the Ombudsman). – The Court resolves to **DENY** the instant petition for review on *certiorari*¹ dated October 20, 2021 for having been filed out of time and for failure to sufficiently show that the Court of Appeals (CA) committed any reversible error in its Decision² dated September 17, 2020 and Resolution³ dated June 25, 2021 in CA-G.R. SP No. 155648. The assailed issuances affirmed the Decision⁴ dated March 23, 2017, of the Office of the Ombudsman which adjudged Edna V. Centeno and Jesusa C. Garcia (petitioners), guilty of Grave Misconduct.

Foremost, the petition should be dismissed for having been filed out of time. To recall, the petitioners first filed a *Motion for Extension of Time to File Petition for Review*⁵ on July 23, 2021. The Court, in its Resolution⁶ granted the motion and as prayed for, gave the petitioners an additional twenty (20) days or until August 18, 2021, within which to file the petition. On August 23, 2021, the petitioners filed a *Motion for Additional Extension of Time to File Petition for Review*,⁷ requesting for another ten (10) days reckoned from the first day of the physical reopening of the offices in the CA, within which to file a petition for review.⁸ The petition for review was eventually posted on October 21, 2021.⁹ However, the Court denied the petitioners second motion for extension, prompting the petitioners to file a motion for reconsideration.¹⁰

¹ *Rollo*, pp. 38-80.

² *Id.* at 86-101. Penned by Associate Justice Louis P. Acosta, with Presiding Justice Remedios A. Salazar-Fernando and Associate Justice Eduardo B. Peralta, Jr., concurring.

³ *Id.* at 102-104.

⁴ *Id.* at 107-202.

⁵ *Id.* at 3-4.

⁶ *Id.* at 84.

⁷ *Id.* at 8-10.

⁸ *Id.*

⁹ *Id.* at 38.

¹⁰ *Id.* at 23-30.

From the foregoing, it is clear that the instant petition has been filed out of time and on this score alone, could be instantly denied. To be sure, it was the petitioners who initially requested for an additional period of 20 days, by making such a request, they should have foreseen all possible circumstances and ensured that they are ready to comply within the period so granted. While the filing of a petition for review on *certiorari* may be extended for a period of 30 days, it must be emphasized that the allowance of the same is not a matter of right but in the sound discretion of the court. As such, lawyers should never presume that their motions for extension or postponement would be granted or that they would be granted the length of time they pray for.¹¹

Significantly, the second motion for extension of time was filed five (5) days after the last day for filing of the petition based on the initial extension granted. It is a basic rule of remedial law that a motion for extension of time to file a pleading must be filed before the expiration of the period sought to be extended. The court's discretion to grant a motion for extension is conditioned upon such motion's timeliness, the passing of which renders the court powerless to entertain or grant it. Since the motion for extension was filed after the lapse of the prescribed period, there was no more period to extend.¹²

At any rate, even if the motion of extension is granted and the petition is considered filed within the reglementary period, the CA committed no error in holding the petitioners liable for Grave Misconduct.

It is a rule 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 petitioners have committed the acts stated in the complaint or formal charge. The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.¹³

In this case, the Ombudsman found the petitioners to have committed acts that amounted to Grave Misconduct, which the CA affirmed. The Court sees no reason to disturb such findings.

¹¹ See *Bernardo v. People*, 549 Phil. 132, 142 (2007).

¹² See *Philippine National Bank v. Deang Marketing Corp. et al.*, 593 Phil. 703, 710-711 (2008).

¹³ See *Saligumba v. COA*, G.R. No. 238643, September 8, 2020.

In Grave Misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule are manifest in the acts of the public officers complained of.¹⁴ As correctly found by the CA, the acts for which the petitioners are charged violated Section 22c¹⁵ in relation to Section 465(b)(1)(vi)¹⁶ of Republic Act (R.A.) No. 7160 or the Local Government Code. Considering that the appropriation ordinance in this case is couched in generic terms, there is a need for a covering contract for every specific project, which then in turn requires approval by the *Sangguniang Panlungsod*.¹⁷ The Court quotes with approval the CA's disquisition, *viz.*:

It was therefore patently wrong when the petitioners falsely vouched for the existence of a prior appropriation or authorization. It could not be rectified even with the supposed submission of the list of priority projects to the office of Councilor Punzalan and the issuance of Resolution No. 1980, s. 2012, supplementing Resolution No. 1922, s. 2010, by appending the list of specific projects to the loan agreement. The fact remains that no appropriation for the specific project was enacted when the petitioners signed the ALOBS and the disbursement voucher. It is even implicit from the petitioners' very own argument that the issuance of Resolution No. 1980, s. 2012 had the effect of ratifying the defective contract entered into with C&F.¹⁸

Finally, as the quantum of evidence in an administrative case is different from that in criminal cases, any declaration with respect to criminal cases filed against the petitioners that are predicated on the same acts do not affect the instant administrative case. It is a fundamental principle of administrative law that administrative cases are independent from criminal actions. Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or *vice versa*.¹⁹ There is therefore no merit in the petitioners' argument that akin to the criminal complaint filed against them, the instant administrative case should also be dismissed.

¹⁴ *Sabio v. FIO, Office of the Ombudsman*, 825 Phil. 848, 858 (2018).

¹⁵ Section 22. Corporate Powers. (c) Unless otherwise provided in this Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipal or barangay hall.

¹⁶ Section 465. The Chief Executive: Powers, Duties, Functions, and Compensation.-
(b) For efficient, effective and economical governance the purpose of which is the general welfare of the province and its inhabitants pursuant to Section 16 of this Code, the provincial governor shall:
(1) Exercise general supervision and control over all programs, projects, services, and activities of the provincial government, and in this connection, shall:
(vi) Represent the province in all its business transactions and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the sangguniang panlalawigan or pursuant to law or ordinance;

¹⁷ *Verceles v. COA*, 794 Phil. 629, 646 (2016).

¹⁸ *Rollo*, p. 99.

¹⁹ *Paredes v. Court of Appeals*, 555 Phil. 538, 549 (2007).

WHEREFORE, the instant petition for review on *certiorari* is hereby **DENIED**. Accordingly, the Decision dated September 17, 2020 and the Resolution dated June 25, 2021 of the Court of Appeals in CA-G.R. SP No. 155648 are hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Mic DUBatt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *JB* 3/7/23

Atty. Marijoy B. Bragado
Counsel for Petitioners
Unit 104 Mission Garden Condominium
59 Sct. Ybardolaza St. cor. Sgt.
Esguerra Avenue, Brgy. South Triangle
1103 Quezon City

COURT OF APPEALS
CA G.R. SP No. 155648
1000 Manila

OFFICE OF THE OMBUDSMAN
4/F Ombudsman Building, Agham Road
Government Center, North Triangle
Diliman, 1101 Quezon City
(OMB-C-A-16-0207)

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

G.R. No. 257047

(172)
URES