



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

**DEPARTMENT OF THE INTERIOR AND
LOCAL GOVERNMENT (DILG),**

Petitioner,

G.R. No. 191176

Present:

BRION, J., *Acting Chairperson*,*
PERALTA,**
DEL CASTILLO,
MENDOZA, and
LEONEN, JJ.

- versus -

RAUL V. GATUZ,

Respondent.

Promulgated:

OCT 14 2015

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DECISION

BRION, J.:

We resolve the petition for review on certiorari challenging the 18 January 2010 decision of the Regional Trial Court of Malolos, Bulacan, Branch 19 (*RTC*) in **Civil Case No. 808-M-2009**.¹ The RTC permanently prohibited the Department of the Interior and Local Government (*DILG/the Department*) from implementing the Ombudsman's decision in *Domingo v. Gatuz*, **OMB-L-A-08-0126-C**² and declared void the October 22, 2009 DILG memorandum implementing this decision.

In 2008, the respondent, Raul Gatuz, was the Barangay Captain of Barangay Tabang, Plaridel, Bulacan.

* Designated as Acting Chairperson, per Special Order No. 2222 dated September 29, 2015.

** Designated as Acting Member in lieu of Associate Justice Antonio T. Carpio, per Special Order No. 2223 dated September 29, 2015.

¹ Penned by the Presiding Judge Renato C. Francisco, rollo, pp. 47-52.

² Approved by the Hon. Deputy Ombudsman Victor C. Fernandez on December 8, 2008, id. at 53-63.

On February 21, 2008, Felicitas L. Domingo filed an administrative complaint before the Office of the Ombudsman against the respondent for Abuse of Authority and Dishonesty. The complaint was docketed as **Administrative Case No. OMB-L-A-08-0126-C**.

In a decision dated November 17, 2008, the Office of the Deputy Ombudsman for Luzon found the respondent guilty of Dishonesty and imposed the penalty of three months suspension without pay.³

On May 20, 2009, the Deputy Ombudsman for Luzon indorsed its decision to the Secretary of the Interior and Local Government for immediate implementation.

The Department received the indorsement on May 29, 2009.

On June 30, 2009, the respondent received a copy of the Deputy Ombudsman's decision. The respondent moved for reconsideration on July 7, 2009.

The Department deferred the implementation of the decision in view of the respondent's pending motion for reconsideration. The Department also inquired with the Ombudsman about the effect of this Court's ruling in the then recent case of *Office of the Ombudsman v. Samaniego*.⁴ *Samaniego* held that in administrative cases where the Ombudsman imposes a penalty other than public censure or reprimand, suspension of not more than one month, or a fine not equivalent to one month salary, the filing of an appeal stays the execution of the decision.

On July 10, 2009, the Ombudsman denied the reconsideration prayed for.

On September 22, 2009, the Office of the Ombudsman answered the Department's inquiry and pointed out its Memorandum Circular (MC) No. 1, Series of 2006. The MC states that the filing of a motion for reconsideration or a petition for review of the decisions, orders, or resolutions of the Ombudsman does not stay its implementation unless a temporary restraining order (TRO) or a writ of injunction is in force.

On October 22, 2009, the Department issued a memorandum⁵ addressed to the DILG Regional Director for Region III, directing him to implement the respondent's suspension.

On November 17, 2009, the respondent filed a Petition for Declaratory Relief and Injunction with a Prayer for a Temporary Restraining

³ Pursuant to Section 10, Rule III, Administrative Order No. 07 as amended by Administrative Order No. 17 in relation to Section 25 of Republic Act No. 6770.

⁴ 586 Phil. 497 (2008).

⁵ RE: Implementation of the Decision of the Office of the Deputy Ombudsman for Luzon in OMB-L-A-08-0126-C, Entitled: "*Felicitas L. Domingo v. Raul V. Gatuz, et al.* (Barangay Officials of Barangay Tabang, Plaridel, Bulacan)."

Order or a writ of Preliminary Injunction before the RTC. The respondent asked the RTC to explain his rights pending the resolution of his motion for reconsideration and to restrain the Department from implementing his suspension. The respondent argued that the filing of a motion for reconsideration or an appeal automatically stays the execution of the Ombudsman's decisions in administrative cases pursuant to *Samaniego* and *Lapid v. Court of Appeals*.⁶ The petition was docketed as **Civil Case No. 808-M-2009**.

On November 20, 2009, the RTC issued a TRO.

On December 15, 2009, the Department filed its answer arguing that: (1) the *Samaniego* ruling only applies to appeals, not motions for reconsideration; (2) *Samaniego* had not yet attained finality because there was a pending motion for reconsideration; (3) MC No. 1, Series of 2006 is applicable in the case; and (4) the RTC had no jurisdiction because the action was effectively against the decision of the Ombudsman.

On January 18, 2010, the RTC issued the assailed decision declaring the October 22, 2009 DILG memorandum void; the court prohibited the respondent from implementing the memorandum. The RTC relied on *Samaniego*, and held that a motion for reconsideration is a precursor to an appeal. It also brushed aside the objections to the finality of *Samaniego*, but did not touch on the objections to its jurisdiction.

On March 26, 2010, the Department filed the present petition for review on certiorari of the RTC decision in **Civil Case No. 808-M-2009**.

Meanwhile on June 15, 2010, the respondent filed a Petition for Review of **OMB-L-A-08-0126-C** before the Court of Appeals (CA).

The Petition

The Department argues: (1) that the RTC cannot issue injunctive reliefs in an action for declaratory relief; (2) that the RTC had no jurisdiction to issue what was effectively an injunction against a decision of the Ombudsman; (3) that *Samaniego* had not yet attained finality because of the pending motion for reconsideration before this Court; and (4) that under MC No. 1, s. 2006, a motion for reconsideration does not stay the execution of the Ombudsman's decision.

In its comment, the respondent counters: (1) that the RTC had jurisdiction over the case for declaratory relief and injunction; (2) that the filing of an appeal or a motion for reconsideration stays the execution of the Ombudsman's suspension Order pursuant to *Lapid* and *Samaniego*; and (3) that the case has been rendered moot because he has already appealed the Ombudsman case to the Court of Appeals.

⁶ 390 Phil. 236 (2000).

Our Ruling

We find the petition meritorious.

The respondent cites the cases of *Office of the Ombudsman v. Hon. Ibay*⁷ and *Marquez v. Ombudsman Desierto*⁸ to support his argument that the RTC has jurisdiction over actions for declaratory relief with injunction against the Office of the Ombudsman.⁹ The respondent maintains that the controversy concerns the extent of the Department's power to implement the decision of the Ombudsman pending resolution of his motion for reconsideration in the light of this Court's rulings in *Lapid* and *Samaniego*. He posits that the controversy was a proper subject of declaratory relief.

We disagree with the respondent as the facts of *Marquez* and *Ibay* are considerably different from the present case.

Marquez and *Ibay* both involved Lourdes Marquez, a bank manager, who was ordered by the Ombudsman to produce bank documents in relation with certain bank accounts under investigation. Faced with the dilemma of violating the Bank Secrecy Law, on one hand, and the threat of being cited in direct contempt by the Ombudsman on the other, Marquez filed a petition for declaratory relief before the RTC. In both cases, we upheld the jurisdiction of the RTC over the action for declaratory relief and injunction. ***However, our rulings in Marquez and Ibay only related to the investigatory power of the Ombudsman.***

As the respondent himself admits, the DILG Memorandum subject of his petition for declaratory relief was an *implementation* of the Ombudsman's decision in OMB-L-A-08-0126-C: the memorandum was in the nature of a writ of execution. Therefore, the declaratory relief action was essentially against a *quasi-judicial* action of the Ombudsman – a subject matter beyond the RTC's declaratory relief jurisdiction.

Court orders or decisions cannot be the subject matter of declaratory relief.¹⁰ They are not included within the purview of the words "other written instrument."¹¹ The same principle applies to orders, resolutions, or decisions of quasi-judicial bodies. The fundamental rationale for this is the principle of *res judicata*.¹² Parties are not permitted to litigate the same issue more than once. Judgment rendered by a court or a quasi-judicial body is conclusive on the parties subject only to appellate authority. The losing party cannot modify or escape the effects of judgment under the guise of an action for declaratory relief.

⁷ 416 Phil. 659 (2001).

⁸ 412 Phil. 387 (2001).

⁹ Rollo, p. 176.

¹⁰ *Reyes v. Hon. Ortiz*, G.R. No. 137794, August 11, 2010, 628 SCRA 1, 15; *Natalia Realty, Inc. v. Court of Appeals*, 440 Phil. 1, 19 (2002); *Tanda v. Aldaya*, 98 Phil. 244, 247 (1956).

¹¹ *Tanda*, supra, at 247.

¹² Id.

Another reason why judicial or quasi-judicial orders or decisions cannot be the subject matter of declaratory relief is the doctrine of judicial stability or noninterference. Courts and tribunals with the same or equal authority – even those exercising concurrent and coordinate jurisdiction – are not permitted to interfere with each other’s respective cases, much less their orders or judgments.¹³ This is an elementary principle of higher importance essential to the orderly administration of justice.¹⁴ Its observance is not required on the grounds of judicial comity and courtesy alone; it is enforced to prevent unseemly, expensive, and dangerous conflicts of jurisdiction and of processes.¹⁵

Where the decisions of certain administrative bodies are appealable to the Court of Appeals, these adjudicative bodies are co-equal with the Regional Trial Courts in terms of rank and stature; their actions are logically beyond the control of the RTC, a co-equal body.¹⁶ Notably, the decisions of the Ombudsman in disciplinary cases are appealable to the CA via a Petition for Review under Rule 43 of the Rules of Court.¹⁷ As a co-equal body, the RTC has no jurisdiction to interfere with or to restrain the execution of the Ombudsman’s decisions in disciplinary cases.

Finally, *we already reconsidered the 2008 Samaniego decision* in our resolution dated October 5, 2010.¹⁸ We unanimously held *en banc* that the decisions of the Ombudsman in disciplinary cases are immediately executory and cannot be stayed by the filing of an appeal or the issuance of an injunctive writ.¹⁹ ***This legal question has been settled with finality.***

All things considered, the RTC clearly erred in taking cognizance of the petition for declaratory relief and in restraining the execution of the Ombudsman’s decision.

WHEREFORE, the petition is **GRANTED**. We hereby **REVERSE** and **SET ASIDE** the decision of the Regional Trial Court of Malolos, Bulacan, Branch 19 in **Civil Case No. 808-M-2009**.

SO ORDERED.



ARTURO D. BRION
Associate Justice

¹³ *Pacific Ace Finance Ltd. v. Yanagisawa*, G.R. No. 175303, April 11, 2012, 669 SCRA 270, 281.

¹⁴ *Republic v. Hon. Reyes*, 239 Phil. 304, 316-317 (1987); *Lee v. Presiding Judge*, 229 Phil. 405, 414 (1986).

¹⁵ *Lee*, supra, at 414.

¹⁶ *Springfield Development v. Hon. Presiding Judge*, 543 Phil. 298, 311 (2007); *Board of Commissioners v. Dela Rosa*, 274 Phil. 1156, 1191 (1991); *Presidential Anti-Dollar Salting Task Force v. Court of Appeals*, 253 Phil. 344, 355 (1989).

¹⁷ Section 7, Rule III of the Rules of Procedure of the Office of the Ombudsman as amended by Administrative Order No. 17 dated September 15, 2003.

¹⁸ *Ombudsman v. Samaniego*, 646 Phil. 445 (2010).

¹⁹ *Id.* at 451.

WE CONCUR:



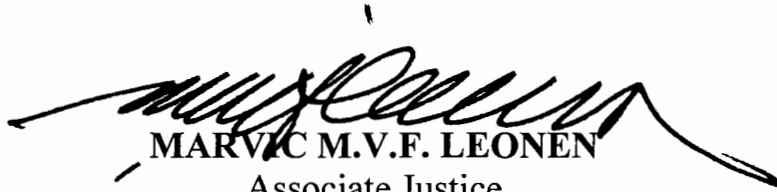
DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ARTURO D. BRION
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice