



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

SHERWIN T. GATCHALIAN,
Petitioner,

G.R. No. 229288

Present:

- versus -

CARPIO, J., *Chairperson,*
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JR., *JJ.*

**OFFICE OF THE OMBUDSMAN
and FIELD INVESTIGATION
OFFICE OF THE OFFICE OF
THE OMBUDSMAN,**
Respondents.

Promulgated:

01 AUG 2018

X-----*[Signature]*-----X

DECISION

CAGUIOA, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 assailing the Resolutions dated September 13, 2016² and January 13, 2017³ issued by the Special Thirteenth Division of the Court of Appeals (CA) in CA-G.R. SP No. 145852.

The Facts

Six different criminal complaints were filed by the Field Investigation Office (FIO) of the Office of the Ombudsman (Ombudsman),⁴ Cesar V. Purisima,⁵ and Rustico Tutol⁶ against several individuals, including petitioner Sherwin T. Gatchalian (Gatchalian). Specifically, Gatchalian was one of the respondents in OMB-C-C-13-0212, a complaint accusing the respondents

¹ *Rollo*, pp. 10-28.
² Id. at 30-35. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Japar B. Dimaampao and Samuel H. Gaerlan concurring.
³ Id. at 37-38. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Japar B. Dimaampao and Samuel H. Gaerlan concurring.
⁴ Docketed as OMB-C-C-13-0212, OMB-C-C-13-0213, OMB-C-C-13-0214, and OMB-C-C-13-0211.
⁵ Docketed as OMB-C-C-12-0031-A.
⁶ Docketed as OMB-C-C-10-0402-I.

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therein of (a) violation of Section 3(e) and (g) of Republic Act No. 3019 (R.A. 3019); (b) Malversation under Article 217 of the Revised Penal Code (RPC); and (c) violation of Section X126.2 (c) (1), (2) and (3) of the Manual of Regulations for Banks (MORB) in relation to Sections 36 and 37 of Republic Act No. 7653 (R.A. 7653). The said complaint arose from the sale of shares in Express Savings Bank, Inc. (ESBI), in which Gatchalian was a stockholder, in 2009, to Local Water Utilities Administration (LWUA), a government-owned and controlled corporation (GOCC).⁷

In a Joint Resolution dated March 16, 2015 (Joint Resolution),⁸ the Ombudsman found probable cause to indict Gatchalian of the following: (a) one count of violation of Section 3(e) of R.A. 3019, (b) one count of malversation of public funds, and (c) one count of violation of Section X126.2(C) (1) and (2) of MORB in relation to Sections 36 and 37 of R.A. 7653. While it was the other respondents – members of the Board of Trustees of LWUA (LWUA Board) – who were directly responsible for the damage caused to the government by the acquisition by LWUA of ESBI's shares, the Ombudsman found that the latter's stockholders who sold their shares, including Gatchalian, profited from the transaction. The Ombudsman held that in view of ESBI's precarious financial standing at the time of the transaction, the windfall received by Gatchalian and the other stockholders must be deemed an unwarranted benefit, advantage, or preference within the ambit of R.A. 3019.

The Ombudsman also found that there was conspiracy among the officers of LWUA and ESBI, and the stockholders of ESBI, for the latter authorized the former to push through with the transaction. The Ombudsman found that the officers and the stockholders acted in concert towards attaining a common goal, and that is to ensure that LWUA acquires 60% stake in ESBI in clear contravention of requirements and procedures prescribed by then existing banking laws and regulations.⁹ With regard to the violation of Section X126.2(C) (1) and (2) of MORB in relation to Sections 36 and 37 of R.A. 7653, the Ombudsman held that the stockholders of ESBI were likewise liable because the MORB specifically requires both the transferors and the transferees to secure the prior approval of the Monetary Board before consummating the sale.

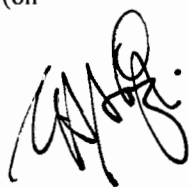
The respondents in the Ombudsman cases, including Gatchalian, filed separate motions for reconsideration of the Joint Resolution. However, on April 4, 2016, the Ombudsman issued a Joint Order¹⁰ denying the motions for reconsideration.

⁷ Id. at 73-74.

⁸ Id. at 39-176. Signed by a Special Panel composed of Graft Investigation and Prosecution Officers M.A. Christian O. Uy, Bayani H. Jacinto, Julita Mañalac-Calderon, Jasmine Ann B. Gapatan, and Assistant Special Prosecutor Karen E. Funelas. Approved by Ombudsman Conchita Carpio Morales.

⁹ Id. at 151-152.

¹⁰ Id. at 177-208. Signed by a Special Panel composed of Graft Investigation and Prosecution Officers M.A. Christian O. Uy, Bayani H. Jacinto, Julita Mañalac-Calderon, Jasmine Ann B. Gapatan (on



Aggrieved, Gatchalian filed with the CA a Petition for *Certiorari*¹¹ under Rule 65 of the Rules of Court, and sought to annul the Joint Resolution and the Joint Order of the Ombudsman for having been issued with grave abuse of discretion. He argued that the Ombudsman made a general conclusion without specifying a “series of acts” done by him that would “clearly manifest a concurrence of wills, a common intent or design to commit a crime.”¹² Furthermore, he argued that he was neither a director nor an officer of ESBI, such that he never negotiated nor was he personally involved with the transaction in question. Ultimately, Gatchalian claimed that there was no probable cause to indict him of the crimes charged. Procedurally, he explained that he filed the Petition for *Certiorari* with the CA,¹³ and not with this Court, because of the ruling in *Morales v. Court of Appeals*.¹⁴

On September 19, 2016, the Ombudsman, through the Office of the Solicitor General (OSG), filed a Comment¹⁵ on the Petition for *Certiorari*. The OSG argued that the CA had no jurisdiction to take cognizance of the case, as the decisions of the Ombudsman in criminal cases were unappealable and may thus be assailed only through a petition for *certiorari* under Rule 65 filed with the Supreme Court. On the merits, it maintained that the Joint Resolution and the Joint Order were based on evidence, and were thus issued without grave abuse of discretion.

Before the filing of the OSG’s Comment, however, the CA had already issued a Resolution¹⁶ dated September 13, 2016 wherein it held that it had no jurisdiction over the case. The CA opined that the *Morales* ruling should be understood in its proper context, *i.e.*, that what was assailed therein was the preventive suspension order arising from an **administrative case** filed against a public official.¹⁷

On October 7, 2016, Gatchalian sought reconsideration of the CA’s Resolution dismissing the Petition for *Certiorari*.¹⁸ He reiterated his arguments in the petition, and maintained that the CA has jurisdiction over the case by virtue of the ruling in *Morales*. The OSG filed its Comment on Gatchalian’s motion for reconsideration and argued that there was no cogent reason for the CA to reconsider its decision. On December 7, 2016, Gatchalian filed a Reply.¹⁹

leave), and Assistant Special Prosecutor Karen E. Funelas. Approved by Ombudsman Conchita Carpio Morales.

¹¹ Id. at 209-249.

¹² Id. at 243.

¹³ Id. at 210-211.

¹⁴ 772 Phil. 672 (2015).

¹⁵ *Rollo*, pp. 250-268.

¹⁶ Id. at 30-35. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Japar B. Dimaampao and Samuel H. Gaerlan concurring.

¹⁷ Id. at 33.

¹⁸ Id. at 269-280.

¹⁹ Id. at 287-292.



On January 13, 2017, the CA issued another Resolution²⁰ where it upheld its earlier Resolution. It held that the points raised in Gatchalian's motion for reconsideration were a mere rehash of the arguments which had already been passed upon by the CA in the earlier decision.

Gatchalian thus appealed to this Court.²¹ He maintains that the import of the decision in *Morales* is that the remedy for parties aggrieved by decisions of the Ombudsman is to file with the CA a petition for review under Rule 43 for administrative cases, and a petition for *certiorari* under Rule 65 for criminal cases.

On December 19, 2017, the OSG filed its Comment.²² According to the OSG, jurisprudence is well-settled that the CA has no jurisdiction to review the decisions of the Ombudsman in criminal cases. It reiterated that the *Morales* decision should be understood to apply only in administrative cases. Gatchalian thereafter filed a Reply on April 4, 2018.²³

Issue

The sole issue to be resolved in this case is whether the CA erred in dismissing Gatchalian's Petition for *Certiorari* under Rule 65 for its alleged lack of jurisdiction over the said case.

The Court's Ruling

The petition is unmeritorious.

The first case on the matter was the 1998 case of *Fabian vs. Desierto*,²⁴ where the Court held that Section 27 of Republic Act No. 6770 (R.A. 6770), which provides that all "orders, directives, or decisions [in administrative cases] of the Office of the Ombudsman may be appealed to the Supreme Court by filing a petition for *certiorari* within ten (10) days from receipt of the written notice of the order, directive or decision or denial of the motion for reconsideration in accordance with Rule 45 of the Rules of Court," was unconstitutional for it increased the appellate jurisdiction of the Supreme Court without its advice and concurrence. The Court thus held that "appeals from decisions of the Office of the Ombudsman in **administrative disciplinary cases** should be taken to the Court of Appeals under the provisions of Rule 43."²⁵

²⁰ Id. at 37-38. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Japar B. Dimaampao and Samuel H. Gaerlan concurring.

²¹ Id. at 10-28.

²² Id. at 307-318.

²³ Id. at 341-348.

²⁴ 356 Phil. 787 (1998).

²⁵ Id. at 808

Subsequently, in *Kuizon v. Desierto*,²⁶ the Court stressed that the ruling in *Fabian* was limited only to administrative cases, and added that it is the Supreme Court which has jurisdiction when the assailed decision, resolution, or order was an incident of a criminal action. Thus:

In dismissing petitioners' petition for lack of jurisdiction, the Court of Appeals cited the case of *Fabian vs. Desierto*. **The appellate court correctly ruled that its jurisdiction extends only to decisions of the Office of the Ombudsman in administrative cases.** In the *Fabian* case, we ruled that appeals from decisions of the Office of the Ombudsman in *administrative disciplinary cases* should be taken to the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. It bears stressing that when we declared Section 27 of Republic Act No. 6770 as unconstitutional, we categorically stated that said provision is involved only whenever an appeal by *certiorari* under Rule 45 is taken from a decision in an administrative disciplinary action. **It cannot be taken into account where an original action for *certiorari* under Rule 65 is resorted to as a remedy for judicial review, such as from an incident in a criminal action. In fine, we hold that the present petition should have been filed with this Court.**²⁷
(Emphasis supplied)

In *Golangco vs. Fung*,²⁸ the Court voided a decision of the CA which directed the Ombudsman to withdraw an Information already filed by it with a Regional Trial Court (RTC). The Court in *Golangco* reasoned that “[t]he Court of Appeals has jurisdiction over orders, directives and decisions of the Office of the Ombudsman in administrative disciplinary cases only. **It cannot, therefore, review the orders, directives or decisions of the Office of the Ombudsman in criminal or non-administrative cases.**”²⁹

With regard to orders, directives, or decisions of the Ombudsman in criminal or non-administrative cases, the Court, in *Tirol, Jr. v. Del Rosario*,³⁰ held that the remedy for the same is to file a petition for *certiorari* under Rule 65 of the Rules of Court. The Court explained:

True, the law is silent on the remedy of an aggrieved party in case the Ombudsman found sufficient cause to indict him in criminal or non-administrative cases. We cannot supply such deficiency if none has been provided in the law. We have held that the right to appeal is a mere statutory privilege and may be exercised only in the manner prescribed by, and in accordance with, the provisions of law. Hence, there must be a law expressly granting such privilege. The Ombudsman Act specifically deals with the remedy of an aggrieved party from orders, directives and decisions of the Ombudsman in administrative disciplinary cases. As we ruled in *Fabian*, the aggrieved party is given the right to appeal to the Court of Appeals. Such right of appeal is not granted to parties aggrieved by orders and decisions of the Ombudsman in criminal cases, like finding probable cause to indict accused persons.

²⁶ 406 Phil. 611 (2001).

²⁷ Id. at 625-626.

²⁸ 535 Phil. 331 (2006).

²⁹ Id. at 343-344.

³⁰ 376 Phil. 115 (1999).

However, an aggrieved party is not without recourse where the finding of the Ombudsman as to the existence of probable cause is tainted with grave abuse of discretion, amounting to lack or excess of jurisdiction. An aggrieved party may file a petition for certiorari under Rule 65 of the 1997 Rules of Civil Procedure.³¹ (Emphasis supplied)

The Court in *Tirol, Jr.*, however, was unable to specify the court — whether it be the RTC, the CA, or the Supreme Court — to which the petition for certiorari under Rule 65 should be filed given the concurrent jurisdictions of the aforementioned courts over petitions for certiorari.

Five years after, the Court clarified in *Estrada v. Desierto*³² that a petition for certiorari under Rule 65 of the Rules of Court questioning the finding of the existence of probable cause — or the lack thereof — by the Ombudsman should be filed with the Supreme Court. The Court elucidated:

But in which court should this special civil action be filed?

Petitioner contends that certiorari under Rule 65 should first be filed with the Court of Appeals as the doctrine of hierarchy of courts precludes the immediate invocation of this Court's jurisdiction. Unfortunately for petitioner, he is flogging a dead horse as this argument has already been shot down in *Kuizon v. Ombudsman* where we decreed —

In dismissing petitioners' petition for lack of jurisdiction, the Court of Appeals cited the case of *Fabian vs. Desierto*. The appellate court correctly ruled that its jurisdiction extends only to decisions of the Office of the Ombudsman in administrative cases. In the *Fabian* case, we ruled that appeals from decisions of the Office of the Ombudsman in *administrative disciplinary* cases should be taken to the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. It bears stressing that when we declared Section 27 of Republic Act No. 6770 as unconstitutional, we categorically stated that said provision is involved only whenever an appeal by certiorari under Rule 45 is taken from a decision in an administrative disciplinary action. It cannot be taken into account where an original action for certiorari under Rule 65 is resorted to as a remedy for judicial review, such as from an incident in a criminal action. In fine, we hold that the present petition should have been filed with this Court.

Kuizon and the subsequent case of *Mendoza-Arce v. Office of the Ombudsman (Visayas)* drove home the point that the remedy of aggrieved parties from resolutions of the Office of the Ombudsman finding probable cause in criminal cases or non-administrative cases, when tainted with grave abuse of discretion, is to file an original action for certiorari with this Court and not with the Court of Appeals. In cases when the aggrieved party is questioning the Office of the Ombudsman's finding of lack of probable cause, as in this case, there is likewise the remedy

³¹ Id. at 122.

³² 487 Phil. 169 (2004).

of *certiorari* under Rule 65 to be filed with this Court and not with the Court of Appeals following our ruling in *Perez v. Office of the Ombudsman*.³³ (Emphasis supplied)

In the 2009 case of *Ombudsman v. Heirs of Margarita Vda. De Ventura*,³⁴ the Court reiterated *Kuizon*, *Golangco*, and *Estrada*, and ruled that the CA did not have jurisdiction over orders and decisions of the Ombudsman in non-administrative cases, and that the remedy of aggrieved parties was to file a petition for *certiorari* under Rule 65 with this Court. The foregoing principles were repeatedly upheld in other cases, such as in *Soriano v. Cabais*³⁵ and *Duyon v. Court of Appeals*.³⁶

In this petition, Gatchalian argues that the decision of the Court *En Banc* in *Morales v. Court of Appeals*³⁷ abandoned the principles enunciated in the aforementioned line of cases.

The Court disagrees.

In the *Morales* case, what was involved was the preventive suspension order issued by the Ombudsman against Jejomar Binay, Jr. (Binay) in an **administrative case** filed against the latter. The preventive suspension order was questioned by Binay in the CA via a petition for *certiorari* under Rule 65 with a prayer for the issuance of a temporary restraining order (TRO). The CA then granted Binay's prayer for a TRO, which the Ombudsman thereafter questioned in this Court for being in violation of Section 14 of R.A. 6770, which provides:

SECTION 14. *Restrictions*. — No writ of injunction shall be issued by any court to delay an investigation being conducted by the Ombudsman under this Act, unless there is a *prima facie* evidence that the subject matter of the investigation is outside the jurisdiction of the Office of the Ombudsman.

No court shall hear any appeal or application for remedy against the decision or findings of the Ombudsman, except the Supreme Court, on pure question of law.

Relying on the second paragraph of the abovequoted provision, the Ombudsman also questioned the CA's subject matter jurisdiction over the petition for *certiorari* filed by Binay.

The Court in *Morales* applied the same rationale used in *Fabian*, and held that the second paragraph of Section 14 is unconstitutional:

Since the second paragraph of Section 14, RA 6770 limits the remedy against "decision or findings" of the Ombudsman to a Rule 45

³³ Id. at 178-180.

³⁴ 620 Phil. 1, 8-9 (2009).

³⁵ 552 Phil. 339 (2007).

³⁶ 748 Phil. 375 (2014).

³⁷ *Supra* note 14.

appeal and thus — similar to the fourth paragraph of Section 27, RA 6770 — attempts to effectively increase the Supreme Court's appellate jurisdiction without its advice and concurrence, it is therefore concluded that the former provision is also unconstitutional and perforce, invalid. Contrary to the Ombudsman's posturing, *Fabian* should squarely apply since the above-stated Ombudsman Act provisions are *in pari materia* in that they "cover the same specific or particular subject matter," that is, the manner of judicial review over issuances of the Ombudsman.

x x x x

Thus, with the unconstitutionality of the second paragraph of Section 14, RA 6770, the Court, consistent with existing jurisprudence, concludes that the CA has subject matter jurisdiction over the main CA-G.R. SP No. 139453 petition.³⁸

Gatchalian argues that the consequence of the foregoing is that *all* orders, directives, and decisions of the Ombudsman — whether it be an incident of an administrative or criminal case — are now reviewable by the CA.

The contention is untenable.

The Court agrees with the CA that the *Morales* decision should be read and viewed in its proper context. The Court in *Morales* held that the CA had subject matter jurisdiction over the petition for *certiorari* under Rule 65 filed therein because what was assailed in the said petition was a preventive suspension order, which was an interlocutory order and thus unappealable, issued by the Ombudsman. Consistent with the rationale of *Estrada*, the Court held that a petition for *certiorari* under Rule 65 was proper as R.A. 6770 did not provide for an appeal procedure for interlocutory orders issued by the Ombudsman. The Court also held that it was correctly filed with the CA because the preventive suspension order was an incident of an **administrative case**. The Court in *Morales* was thus applying only what was already well-established in jurisprudence.

It must likewise be pointed out that the Court, in arriving at the decision in *Morales*, cited and was guided by the case of *Office of the Ombudsman v. Capulong*.³⁹ In *Capulong*, a preventive suspension order issued by the Ombudsman was questioned through a petition for *certiorari* under Rule 65 filed with the CA. The Court in *Capulong* held that:

[t]he preventive suspension order is interlocutory in character and not a final order on the merits of the case. The aggrieved party may then seek redress from the courts through a petition for *certiorari* under Section 1, Rule 65 of the 1997 Rules of Court. x x x There being a finding of grave abuse of discretion on the part of the Ombudsman, it was certainly

³⁸ *Morales v. Court of Appeals*, supra note 14 at 716-719.

³⁹ 729 Phil. 553 (2014).



imperative for the CA to grant incidental reliefs, as sanctioned by Section 1 of Rule 65.⁴⁰

Also, as aptly pointed out by the CA in its assailed Resolution, “the Supreme Court never mentioned the proper remedy to be taken from the Ombudsman’s orders in non-administrative cases or criminal cases, such as the finding of probable cause. In fact, this matter was not even alluded to in the *Morales* decision.”⁴¹

A thorough reading of the *Morales* decision, therefore, would reveal that it was limited in its application — that it was meant to cover only decisions or orders of the Ombudsman in administrative cases. The Court never intimated, much less categorically stated, that it was abandoning its rulings in *Kuizon* and *Estrada* and the distinction made therein between the appellate recourse for decisions or orders of the Ombudsman in administrative and non-administrative cases. Bearing in mind that *Morales* dealt with an interlocutory order in an administrative case, it cannot thus be read to apply to decisions or orders of the Ombudsman in non-administrative or criminal cases.

As a final point, it must be pointed out that subsequent to the *Morales* decision, the Court — likewise sitting *En Banc* — decided the case of *Information Technology Foundation of the Philippines, et al. v. Commission on Elections*,⁴² where it again upheld the difference of appellate procedure between orders or decisions of the Ombudsman in administrative and non-administrative cases. Thus:

As a preliminary procedural matter, we observe that while the petition asks this Court to set aside the Supplemental Resolution, which dismissed both administrative and criminal complaints, it is clear from the allegations therein that what petitioners are questioning is the criminal aspect of the assailed resolution, *i.e.*, the Ombudsman's finding that there is no probable cause to indict the respondents in the Ombudsman cases. Movants in G.R. No. 159139 similarly question this conclusion by the Ombudsman and accordingly pray that the Ombudsman be directed to file an information with the Sandiganbayan against the responsible COMELEC officials and conspiring private individuals.

In *Kuizon v. Desierto* and *Mendoza-Arce v. Office of the Ombudsman*, we held that this Court has jurisdiction over petitions for certiorari questioning resolutions or orders of the Ombudsman in criminal cases. For administrative cases, however, we declared in the case of *Dagan v. Office of the Ombudsman (Visayas)* that the petition should be filed with the Court of Appeals in observance of the doctrine of hierarchy of courts. The *Dagan* ruling homogenized the procedural rule with respect to administrative cases falling within the jurisdiction of the Ombudsman — first enunciated in *Fabian v. Desierto* — that is, all

⁴⁰ Id. at 563.

⁴¹ *Rollo*, p. 33.

⁴² G.R. Nos. 159139 & 174777, June 6, 2017.

remedies involving the orders, directives, or decisions of the Ombudsman in administrative cases, whether by an appeal under Rule 43 or a petition for certiorari under Rule 65, must be filed with the Court of Appeals.

X X X X

The Ombudsman's determination of probable cause may only be assailed through certiorari proceedings before this Court on the ground that such determination is tainted with grave abuse of discretion. Not every error in the proceedings or every erroneous conclusion of law or fact, however, constitutes grave abuse of discretion. It has been stated that the Ombudsman may err or even abuse the discretion lodged in her by law, but such error or abuse alone does not render her act amenable to correction and annulment by the extraordinary remedy of *certiorari*. To justify judicial intrusion into what is fundamentally the domain of another constitutional body, the petitioner must clearly show that the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in making her determination and in arriving at the conclusion she reached. For there to be a finding of grave abuse of discretion, it must be shown that the discretionary power was exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and the abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act in contemplation of law.⁴³ (Emphasis supplied)

It is thus clear that the *Morales* decision never intended to disturb the well-established distinction between the appellate remedies for orders, directives, and decisions arising from administrative cases and those arising from non-administrative or criminal cases.

Gatchalian's contention that the unconstitutionality of Section 14 of R.A. 6770 declared in *Morales* equally applies to both administrative and criminal cases — and thus the CA from then on had jurisdiction to entertain petitions for *certiorari* under Rule 65 to question orders and decisions arising from criminal cases — is simply misplaced. Section 14 of R.A. 6770 was declared unconstitutional because it trampled on the rule-making powers of the Court by 1) prescribing the mode of appeal, which was by Rule 45 of the Rules of Court, for all cases whether final or not; and 2) rendering nugatory the *certiorari* jurisdiction of the CA over incidents arising from administrative cases.

The unconstitutionality of Section 14 of R.A. 6770, therefore, did not necessarily have an effect over the appellate procedure for orders and decisions arising from criminal cases precisely because the said procedure was not prescribed by the aforementioned section. To recall, the rule that decisions or orders of the Ombudsman finding the existence of probable cause (or the lack thereof) should be questioned through a petition for *certiorari* under Rule 65 filed with the Supreme Court was laid down by the Court itself

⁴³ Id. at 5-11.



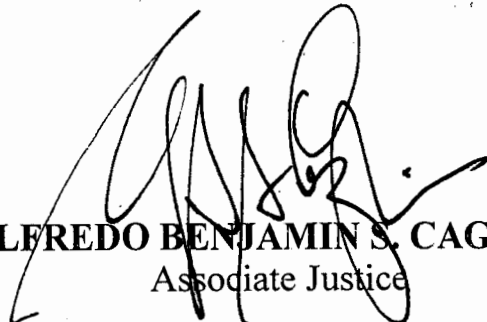
in the cases of *Kuizon*, *Tirol Jr.*, *Mendoza-Arce v. Ombudsman*,⁴⁴ *Estrada*, and subsequent cases affirming the said rule. The rule was, therefore, not anchored on Section 14 of R.A. 6770, but was instead a rule prescribed by the Court in the exercise of its rule-making powers. The declaration of unconstitutionality of Section 14 of R.A. 6770 was therefore immaterial insofar as the appellate procedure for orders and decisions by the Ombudsman in criminal cases is concerned.

The argument therefore that the promulgation of the *Morales* decision — a case which involved an interlocutory order arising from an administrative case, and which did not categorically abandon the cases of *Kuizon*, *Tirol, Jr.*, *Mendoza-Arce*, and *Estrada* — gave the CA *certiorari* jurisdiction over final orders and decisions arising from non-administrative or criminal cases is clearly untenable.

To stress, it is the better practice that when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases where the facts are substantially the same.⁴⁵ Following the principle of *stare decisis et non quieta movere* — or follow past precedents and do not disturb what has been settled — the Court therefore upholds the abovementioned established rules on appellate procedure, and so holds that the CA did not err in dismissing the case filed by petitioner Gatchalian for lack of jurisdiction.

WHEREFORE, premises considered, the Petition for Review on *Certiorari* is hereby **DENIED**. The Resolutions dated September 13, 2016 and January 13, 2017 issued by the Special Thirteenth Division of the Court of Appeals in CA-G.R. SP No. 145852 are **AFFIRMED**.

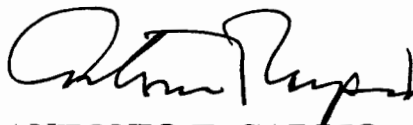
SO ORDERED.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

⁴⁴ 430 Phil. 101 (2002).

⁴⁵ *Tala Realty Services Corp. v. Banco Filipino Savings & Mortgage Bank*, 389 Phil. 455, 461-462 (2000).

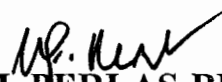
WE CONCUR:



ANTONIO T. CARPIO
Senior Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



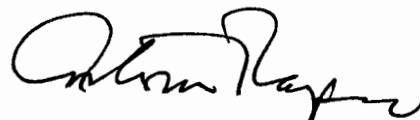
ESTELA M. PERLAS-BERNABE
Associate Justice



ANDRES B. REYES, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



ANTONIO T. CARPIO
Senior Associate Justice
(Per Section 12, R.A. 296, The Judiciary Act
of 1948, as amended)

