



Republic of the Philippines
Supreme Court
Manila

EN BANC

LOIDA S. VILLANUEVA,
Petitioner,

G.R. No. 221647

- versus -

F/SINSP. ROLANDO T. REODIQUE,
Respondent.

X-----X

OFFICE OF THE OMBUDSMAN,
Petitioner,

G.R. No. 222003

Present:

CARPIO, J.,
PERALTA,*
BERSAMIN,
DEL CASTILLO,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
TIJAM,*
REYES, A., JR.,
GISMUNDO,
REYES, J., JR., and
HERNANDO, JJ.

- versus -

F/SINSP. ROLANDO T. REODIQUE,
Respondent.

Promulgated:
November 27, 2018

X-----X

* On official business.

DECISION

PER CURIAM:

These are consolidated petitions under Rule 45 of the Rules of Court assailing the Decision¹ dated 29 April 2015 and the Resolution² dated 24 November 2015 of the Court of Appeals in CA-G.R. SP No. 136506 which affirmed with modification the Decision³ dated 23 August 2012 and the Joint Order⁴ dated 5 December 2013 of the Office of the Ombudsman (Ombudsman) finding respondent F/SInsp. Rolando T. Reodique (respondent) guilty of conduct prejudicial to the best interest of the service. Both Loida S. Villanueva (Villanueva) and the Ombudsman question the Court of Appeals' Decision modifying the penalty against respondent.

On 17 January 2011 at around 7:00 p.m., Villanueva alleged that while she was walking along a street in Cembo, Makati City, she noticed respondent drinking with his friends, Jeorge Abad and Elmer Umali. Noticing Villanueva, respondent suddenly shouted the following at her: "*Hoy Loida, pakantutin ka! 'Yang asawa mo, Vic Morro[w], Bantay-Bantayan! Putang ina n'yo! Fuck you!*"⁵ While respondent was shouting these statements, he was also waving his dirty finger. Villanueva asked respondent what his problem was, but he continued shouting defamatory words at her. Lorna T. Sagaydoro, a witness to the incident, corroborated Villanueva's narration.

That same night, Villanueva reported the incident to the barangay, but this did not stop respondent from further maligning Villanueva every time she passed by his house. Villanueva recalled that respondent started calling her names sometime in November 2010 when her husband, Larry Villanueva, quit Guardians Brotherhood, Inc., a group led by respondent. From then on, respondent would call Villanueva's husband "Vic Morrow" and would refer to her as "Vic Morrow's wife." When Villanueva's husband worked as the Bantay-Bayan, respondent started calling him "Bantay-Bantayan" and her "Bantay-Bantayan's wife."

On 19 January 2011, Villanueva formalized her complaint before the barangay. On 1 March 2011, when no settlement was reached between Villanueva and respondent, Villanueva obtained a Certificate to File Action from the Office of the Barangay Council.

¹ *Rollo* (G.R. No. 222003), pp. 57-68. Penned by Associate Justice Normandie B. Pizarro, with Associate Justices Samuel H. Gaerlan and Pedro B. Corales concurring.

² *Id.* at 69-70.

³ *Id.* at 49-52.

⁴ *Id.* at 53-56.

⁵ *Id.* at 31.

In Villanueva's *Salaysay ng Pagrereklamo*⁶ dated 17 March 2011, Villanueva submitted as supplemental evidence the Ombudsman's Decision⁷ in a previous case entitled *Judith O. Mon v. F/Insp. Rolando T. Reodique*, dated 15 June 2009, suspending respondent for six months without pay for the offense of conduct prejudicial to the best interest of the service. In the Decision, respondent was found administratively liable for uttering defamatory words against Judith O. Mon.

Villanueva also submitted in evidence the Resolution⁸ of the Office of the City Prosecutor dismissing the case for oral defamation and grave threats filed by respondent against her for failing to prove the allegations.

In his Counter-Affidavit,⁹ respondent denied uttering the alleged defamatory words. Instead, he averred that it was Villanueva who initiated the verbal attack against him.

His version of the incident is as follows:

On 17 January 2011 at around 7:00 p.m., respondent was preparing dinner in his kitchen when he heard Villanueva shouting from outside: "*Putang ina mo! Magnanakaw! Corrupt! Notorious! Criminal! Taong maraming kaso!*"¹⁰ When Villanueva saw respondent, Villanueva further hurled: "*Magnanakaw ka! Notorious! Kriminal ka! Marami kang kaso kaya kakasuhan na din kita sa Ombudsman!*"¹¹ Villanueva continued hurling invectives at respondent until Jorge Abad, a witness to the incident, told Villanueva that he would call a Bantay-Bayan if she did not stop.

At around 8:45 p.m., respondent reported the incident to the barangay. The following day, respondent filed a complaint before the barangay against Villanueva.

Witnesses Jorge Abad, Elmer Umali, Jefferson Malto, and Arnulfo Cruz also had a different version. The witnesses narrated that on that date and time, they were in front of respondent's house, talking about the movie "Combat" starring Vic Morrow, when Villanueva passed by and started shouting defamatory words. Respondent went out of his house to ask Villanueva what her problem was. The witnesses testified that Villanueva continued hurling the invectives at respondent until Jorge Abad intervened.¹²

In its Decision dated 23 August 2012, the Ombudsman found respondent administratively liable for conduct prejudicial to the best interest

⁶ Id. at 31-34.

⁷ Id. at 39-41.

⁸ *Rollo* (G.R. No. 221647), pp. 160-163.

⁹ Id. at 76-82.

¹⁰ Id. at 77.

¹¹ Id.

¹² Id. at 83-85.

of the service. A portion of the ruling and the dispositive portion read:

Considering that this is the second time that [respondent] was found liable for the offense – the first was in *OMB-P-A-07-1096-J* – the penalty of dismissal from the service shall be imposed upon him.

WHEREFORE, premises considered, the undersigned finds respondent F/Insp. Rolando Reodique (a.k.a. F/SInsp. Rolando T. Reodique) GUILTY of CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE (2nd Offense) and is thus DISMISSED FROM THE SERVICE, with forfeiture of retirement benefits and perpetual disqualification to hold public office; Provided, that if the penalty of dismissal from the service can no longer be served by reason of retirement or resignation, the alternative penalty of FINE equivalent to respondent's salary for ONE (1) YEAR shall be imposed.

Let the Chief of the Bureau of Fire Protection and the Secretary of the Department of the Interior and Local Government be furnished with a copy of this Decision for implementation.

SO DECIDED.¹³

The Court of Appeals affirmed with modification the Decision of the Ombudsman. The dispositive portion reads:

WHEREFORE, the assailed disposition of the Ombudsman finding F/SInsp. Rolando T. Reodique guilty of Conduct Prejudicial to the Best Interest of the Service is AFFIRMED with the MODIFICATION that he is SUSPENDED from the service for one (1) year without pay, with the STERN WARNING that one more transgression will merit his dismissal from the service. Costs against F/SInsp. Rolando T. Reodique.

SO ORDERED.¹⁴

Both the Ombudsman and Villanueva do not question the Court of Appeals' determination of respondent's administrative liability. However, both the Ombudsman and Villanueva filed petitions for review to seek the modification of the penalty imposed by the Court of Appeals.

The issue in this case is whether or not the Court of Appeals gravely erred when it modified the penalty of dismissal from the service into suspension for one (1) year without pay.

Firstly, we agree with the Ombudsman and the Court of Appeals in holding respondent administratively liable for the offense of conduct prejudicial to the best interest of the service, in accordance with Section 46 (27), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 (Executive Order No. 292)¹⁵ and Section 22(t), Rule XIV of the

¹³ *Rollo* (G.R. No. 222003), pp. 51-52.

¹⁴ *Id.* at 67.

¹⁵ Section 46 (27), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 reads:

Omnibus Rules Implementing Book V of Executive Order No. 292, for hurling invectives at Villanueva and giving her the dirty finger sign as she passed by.

Under the Civil Service law and rules, there is no concrete description of what specific acts constitute the grave offense of conduct prejudicial to the best interest of the service. However, jurisprudence is instructive on this point that for an act to constitute such an administrative offense, the act need not be related to or connected with the public officer's official functions. As long as the questioned conduct tarnishes the image and integrity of his or her public office, the corresponding penalty may be meted on the erring public officer or employee.¹⁶ This Court has considered the following acts or omissions, among others, as conduct prejudicial to the best interest of the service: misappropriation of public funds; abandonment of office; failure to report back to work without prior notice; failure to safe keep public records and property; making false entries in public documents and falsification of court orders.¹⁷

In the present case, both the Ombudsman and the Court of Appeals arrived at the same conclusion that respondent is guilty of conduct prejudicial to the best interest of the service. The Court of Appeals found no reason to disturb the Ombudsman's finding. Citing in part the Decision of the Ombudsman, the Court of Appeals held:

After a careful perusal of the records of the case, the undersigned [Ombudsman] finds respondent administratively liable for Conduct Prejudicial to the Best Interest of the Service. As a public official or employee, respondent is mandated by the Code of Conduct and Ethical Standards as well as the Philippine Constitution to act with justice by respecting at all times the rights of others and by refraining from doing acts contrary to law, good morals and public order.

Faced with differing versions of the incident, the undersigned is inclined to believe [the] complainant's narration. Moreover, the narration by Jorge Abad, Elmer Umali, Jefferson Malto and Arnulfo Cruz (respondent's witnesses) that they were talking about the movie "Combat" and its leading actor, Vic Morrow, when complainant passed by respondent's house is consistent with complainant's narration. Their

SECTION 46. *Discipline: General Provisions.* - (a) No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.

(b) The following shall be grounds for disciplinary action:

x x x x

(27) Conduct prejudicial to the best interest of the service;

¹⁶ *Government Service Insurance System v. Mayordomo*, 665 Phil. 131, 150 (2011).

¹⁷ *Philippine Retirement Authority v. Rupa*, 415 Phil. 713 (2001), citing *In re Report of the Financial Audit Conducted on the Accounts of Zenaida Garcia*, 362 Phil. 480 (1999), *Unknown Municipal Councilor of Sto. Domingo, Nueva Ecija v. Alomia, Jr.*, 287 Phil. 360 (1992), and *Judge Pongferrada v. Relator*, 260 Phil. 578 (1990).

testimony provided the prologue, so to speak, that led to respondent's utterance of the defamatory words against complainant. On the other hand, respondent's allegations that he was preparing dinner when the incident transpired cannot be given credit. It appears that Abad, Umali, Malto and Cruz were actually respondent's guests that night, rather than mere bystanders outside his house.

The several blotter reports involving the respondent further attest to his despicable conduct. They showed his propensity to utter defamatory words against his neighbors. In the instant case, respondent's resentment with complainant's husband because of his act of quitting the Guardians Brotherhood, Inc.[,] during respondent's tenure as leader clearly showed his malicious intent to defame the complainant.¹⁸

We likewise find no reason to disturb the findings of the Ombudsman and the Court of Appeals. Findings of fact of administrative bodies, if based on substantial evidence, are controlling on the reviewing authority. Administrative decisions on matters within their jurisdiction are entitled to respect and can only be set aside on proof of grave abuse of discretion, fraud or error of law. Thus, finding no proof of grave abuse of discretion, fraud or error of law, we adopt the decisions of the Ombudsman and the Court of Appeals regarding the offense.¹⁹

The issue in the present case, however, is whether the Court of Appeals erred in modifying the penalty of dismissal from the service into suspension for one (1) year without pay.

Under Section 22(t), conduct prejudicial to the best interest of the service is a grave offense punishable with suspension for six (6) months and one (1) day to one (1) year for the first offense and dismissal for the second offense. Section 22(t), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 reads:

SECTION 22. Administrative offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effects of said acts on the government service.

The following are grave offenses with corresponding penalties:

x x x x

(t) Conduct grossly prejudicial to the best interest of the service

1st Offense – Suspension for six (6) months and one (1) day to one (1) year

2nd Offense – Dismissal

¹⁸ *Rollo* (G.R. No. 222003), pp. 63-64.

¹⁹ *Dadubo v. Civil Service Commission*, 295 Phil. 825, 831 (1993).

The Court of Appeals held:

While the records show that this is not Reodique's first offense as he was previously suspended for six (6) months for the same offense, We believe that **his dismissal would be too disproportionate to the nature and effect of the transgression he committed, especially considering that he has been in service for more than twenty-six (26) years and has received several awards and commendations for his work with the Bureau of Fire Protection.** Thus, for his second offense, **We impose on Reodique the penalty of suspension of one (1) year without pay.**²⁰ (Emphasis supplied)

We do not agree with the Court of Appeals when it imposed the penalty of suspension of one (1) year without pay on respondent instead of dismissal from the service. The wording of Section 22(t) is clear: a penalty of suspension for the first offense and a penalty of dismissal for the second offense. The law did not make an exception to the law on the basis of "disproportionateness" and "harshness." The law did not qualify the penalties imposed by taking into consideration the public officer or employee's years in service, or the number of awards and commendations the public officer or employee received. As this Court held in the case of *Morfe v. Mutuc*,²¹ "[a]s long as laws do not violate any Constitutional provision, the Courts merely interpret and apply them regardless of whether or not they are wise or salutary."²² Section 22(t) does not violate the Constitution; thus, this Court is bound to apply it as a statutory mandate.

In this case, the records clearly show that respondent was previously found administratively liable for the same offense of conduct prejudicial to the best interest of the service. In the previous case, entitled *Judith O. Mon v. F/Insp. Rolando T. Reodique*, the Ombudsman, in the Decision dated 15 June 2009, suspended respondent for six months without pay for respondent's act of uttering defamatory words against Judith O. Mon. The pertinent portion of the decision in that case reads:

In the final analysis, F/Insp. Reodique's acts in question undoubtedly violate the norm of decency and diminish or tend to diminish the people's respect for those in the public service. When an officer or employee is disciplined, the object is the improvement of the public service and the preservation of the public's faith and confidence in the government.

WHEREFORE, there being substantial evidence, respondent F/INSP. ROLANDO T. REODIQUE is found GUILTY of Conduct Prejudicial to the Best Interest of the Service and is hereby METED OUT the penalty of SIX (6) MONTHS SUSPENSION FROM THE SERVICE WITHOUT PAY.

SO DECIDED.²³

²⁰ *Rollo* (G.R. No. 222003), p. 66.

²¹ 130 Phil. 415 (1968).

²² *Id.* at 441.

²³ *Rollo* (G.R. No. 222003), pp. 40-41.

The case before us charging respondent for the same offense of conduct prejudicial to the best interest of the service is already respondent's second offense. The penalty prescribed by Section 22(t) for a second offense is dismissal, not suspension of one year from the service without pay. Respondent's acts of uttering defamatory words to and hurling invectives at Villanueva, and Judith O. Mon in the previous case, while raising his dirty finger, tarnish the image and integrity of his public office. The act already constitutes conduct prejudicial to the best interest of the service.

Republic Act No. 6713, also known as the Code of Conduct and Ethical Standards for Public Officials and Employees, states clearly the norms of conduct to be observed by public officials and employees:

SECTION 4. *Norms of Conduct of Public Officials and Employees.*

- (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

x x x x

(c) *Justness and sincerity.* - Public officials and employees shall remain **true to the people at all times**. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. **They shall at all times respect the rights of others**, and shall **refrain from doing acts contrary to law, good morals**, good customs, public policy, public order, public safety and public interest. x x x.

x x x x (Emphasis supplied)

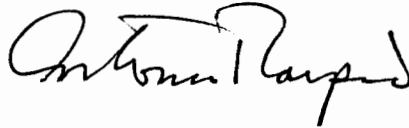
Any conduct or act contrary to these norms would qualify as conduct unbecoming of a government official or employee. Only those who can live up to the Constitutional exhortation that public office is a public trust deserve the honor of continuing in public service.²⁴

WHEREFORE, the petitions are **GRANTED**. The Decision dated 29 April 2015 and the Resolution dated 24 November 2015 of the Court of Appeals in CA-G.R. SP No. 136506 are **SET ASIDE**. The Decision dated 23 August 2012 and the Joint Order dated 5 December 2013 of the Office of the Ombudsman are **REINSTATED**. Considering that this is the second time respondent F/SInsp. Rolando T. Reodique is found liable for the offense of conduct prejudicial to the best interest of the service, the penalty of **DISMISSAL FROM THE SERVICE** shall be imposed on him, with forfeiture of retirement benefits and perpetual disqualification to hold public office; provided, that if the penalty of dismissal from the service can no longer be served by reason of retirement or resignation, the alternative penalty of FINE equivalent to respondent's salary for ONE (1) YEAR shall be imposed.

²⁴ *Dumduma v. Civil Service Commission*, 674 Phil. 257, 271 (2011).

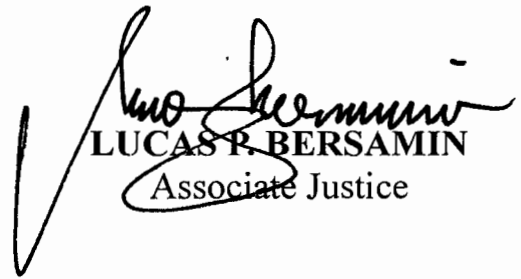
Let a copy of this Decision be furnished the Chief of the Bureau of Fire Protection and the Secretary of the Department of the Interior and Local Government for implementation.

SO ORDERED.



ANTONIO T. CARPIO
Senior Associate Justice


(on official business)
DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



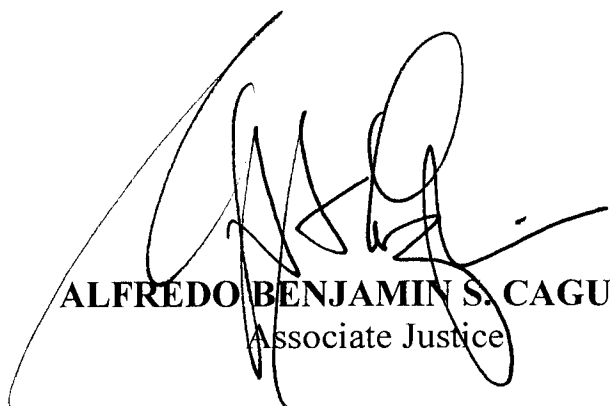
ESTELA M. BERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

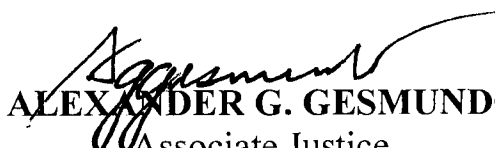


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

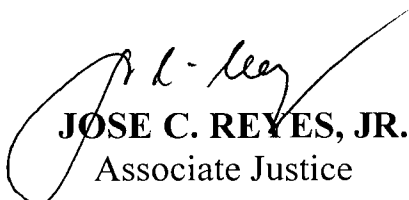
(on official business)
NOEL GIMENEZ TIJAM
Associate Justice




ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



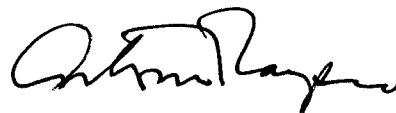
JOSE C. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
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.



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

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court