



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

ATTY. AROLF M. ANCHETA,
Petitioner,

G.R. No. 229634

Present:

- versus -

CAGUIOA, J.,
GESMUNDO,*
J. REYES, JR.,
LAZARO-JAVIER, and
LOPEZ, JJ.

FELOMINO C. VILLA,
Respondent.

Promulgated:

JAN 15 2020

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DECISION

CAGUIOA, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court assailing the Resolutions dated September 20, 2016² and December 28, 2016³ of the Court of Appeals (CA) in CA-G.R. SP No. 147457. The CA dismissed outright the petition for *certiorari* filed by petitioner Arolf M. Ancheta (Ancheta).

The Facts

This case stemmed from an administrative complaint filed by respondent Felomino C. Villa (Villa) against Ancheta, former Provincial Agrarian Reform Adjudicator (PARAD) of the Department of Agrarian Reform Adjudication Board (DARAB) Regional Office No. III, Talavera, Nueva Ecija for Grave Misconduct and Dishonesty and for violation of

* Per Raffle dated December 11, 2019.

¹ *Rollo*, pp. 3-26.

² Id. at 32-33. Penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Jane Aurora C. Lantion and Nina G. Antonio-Valenzuela concurring.

³ Id. at 35.

Republic Act No. (R.A.) 3019 in connection with Ancheta's alleged irregular issuance of an Order granting the quashal of a writ of execution in favor of Villa.⁴

According to Villa's complaint, he was the winning party in a case before the CA, the Decision of which was promulgated on June 30, 2004. On May 12, 2010, he filed a Motion for Immediate Issuance of a Writ of Execution and Urgent Manifestation before the DARAB-Talavera to implement said Decision. On June 23, 2010, Villa filed an Urgent Manifestation with Motion for Early Resolution because the five-year execution period for the CA Decision would expire in October 2010. On September 8, 2010, Ancheta issued an Order granting Villa's motion for issuance of a writ of execution, which was implemented on October 4, 2010.⁵

On November 23, 2010, the opposing party filed a Motion to Quash the Writ of Execution. On December 6, 2010, the opposing party also filed a Complaint for Enforcement of Judgment by Action/Revival of Judgment. On January 12, 2011, Villa filed a Verified Answer with Motion to Admit the Answer as Opposition to the Motion to Quash Writ of Execution.⁶

Subsequently, Villa learned from close friends and relatives that the opposing party was allegedly boasting that the latter would soon recover the subject property after giving a huge amount of money to Ancheta. He also learned that a resolution or order was already issued and that the opposing party already went to DARAB-Talavera to get a copy of the same.⁷ Villa further claimed that some employees of the DARAB-Talavera secretly told him that there was indeed a resolution or order reversing the writ of execution earlier issued in his favor. Thus, Villa was constrained to file an Urgent Motion for Inhibition against Ancheta.⁸

On June 10, 2011, Ancheta issued an Order granting the motion for inhibition and inhibited himself from handling the case. The case was then indorsed to the DARAB Regional Office at San Fernando City, Pampanga.⁹

Meanwhile, Villa sent a copy of the Motion for Inhibition to Director Marlyn Torres-Galvez (Dir. Torres-Galvez) of the Public Assistance Bureau, Office of the Ombudsman. Because of this, Dir. Torres-Galvez wrote Ancheta on July 18, 2011 asking about the status of said motion. In the last week of August 2011, Dir. Torres-Galvez sent a letter to Villa informing him that the case records were already turned over to the DARAB Regional Office.¹⁰

Villa alleged that after his initial follow-up on the case, he observed that there was still no "Order" added to the case records. However, after his

⁴ Id. at 54-55.

⁵ Id. at 55-56.

⁶ Id. at 56.

⁷ Id. at 57.

⁸ Id.

⁹ Id.

¹⁰ Id. at 58.



next follow-up on October 27, 2011,¹¹ he was surprised that a supposed Order dated May 18, 2011 by Ancheta granting the quashal of the writ (subject Order) was added to the records of the case. According to Villa, the subject Order might have been secretly put into the case records to influence the Regional Adjudicator in resolving the case in favor of the other party.¹² Thus, Villa claimed that Ancheta's acts made him liable for Dishonesty and Grave Misconduct and for violation of R.A. 3019.¹³

In his counter-affidavit, Ancheta denied the charges against him, mainly arguing that Villa's claims were all hearsay and unsupported by evidence. Ancheta claimed that if there was indeed a resolution on the opposing party's motion, then the parties would have received it officially. Ancheta pointed out that Villa himself admitted that he only got a copy of the subject Order from the DARAB Regional Office which is already beyond his jurisdiction as PARAD.¹⁴

Moreover, Ancheta contended that even if the subject Order existed, it was unenforceable and invalid as it was not released officially. Also, he averred that Villa was not prejudiced as he was still in possession of the subject landholding. Additionally, Ancheta claimed that he could not influence the Regional Adjudicator who inherited the case since the latter was higher in rank than him and has a mind of his own.¹⁵

The Ruling of the Ombudsman

In a Decision¹⁶ dated May 7, 2013, the Ombudsman found Ancheta guilty of simple neglect of duty and imposed on him a fine in lieu of suspension, to wit:

Considering that this is respondent's first offense and that he is already separated from public service, we deem it proper to impose a fine, in lieu of suspension, equivalent to **one (1) month of his salary** which shall be reckoned at the time of his resignation on December 1, 2011.

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered finding respondent AROLF M. ANCHETA **guilty** of Simple Neglect of Duty and is hereby meted the penalty of **fine, in lieu of suspension, equivalent to one (1) month of his salary**, pursuant to Section 46 (D), Rule 10 of the Revised Rules in Administrative Cases in the Civil Service (RRACCS), in relation to Section 10, Rule III of Administrative Order No. 07, as amended by Administrative Order No. 17, and Section 25 of R.A. No. 6770.¹⁷

¹¹ Id. at 40.

¹² Id. at 58.

¹³ Id. at 59.

¹⁴ Id. at 60.

¹⁵ Id.

¹⁶ Id. at 54-80. Prepared by Graft Investigation and Prosecution Officer Quijano S. Laure and approved by Ombudsman Conchita Carpio Morales.

¹⁷ Id. at 78.

The Ombudsman found no relevant and competent evidence linking Ancheta to the alleged inclusion of the subject Order in the case records because the statements of Villa and his witnesses were all hearsay.¹⁸ The Ombudsman also pointed out that if Ancheta was indeed biased and partial against Villa, the former would not have inhibited from the case but would have resolved it in the other party's favor.¹⁹

However, the Ombudsman found it perplexing that despite Ancheta's inhibition from the case, the subject Order still found its way in the case records which was already reassigned to the Regional Adjudicator. Thus, the Ombudsman ruled that Ancheta either neglected to tear or pierce the printed unofficial order, or delete the same in his computer files after he inhibited from the case. According to the Ombudsman, this has unreasonably led to the filing of the instant case which could have been avoided had Ancheta not been remiss with his duty. Thus, the Ombudsman found Ancheta guilty of neglect of duty classified as simple considering that the subject Order did not cause undue injury or prejudice to Villa.²⁰

Ancheta moved for reconsideration, which was denied in an Order²¹ dated March 7, 2016. On May 26, 2016, Ancheta filed an Appeal to the Head Office, which was likewise denied in an Order²² dated June 14, 2016. The Ombudsman treated said appeal as a second Motion for Reconsideration (MR), which is a prohibited pleading.²³

Aggrieved, Ancheta filed a petition for *certiorari* before the CA.

The Ruling of the CA

In a Resolution²⁴ dated September 20, 2016, the CA dismissed the petition outright for the following procedural defects: 1) there was no allegation as to when Ancheta received a copy of the assailed Decision and when he filed the MR; 2) the assailed Decision and Resolution stemmed from an administrative disciplinary complaint before the Ombudsman; hence, a petition for review under Rule 43 was the proper remedy, not a petition for *certiorari* under Rule 65; 3) the "Appeal to the Head of Office," being in the nature of a second MR, did not toll the running of the period to file a petition for review; and 4) payment of docket and other legal fees is short by ₱1,180.00.

Ancheta filed an MR, which was denied in a Resolution²⁵ dated December 28, 2016. Hence, the instant petition.

¹⁸ Id. at 75-76.

¹⁹ Id. at 72.

²⁰ Id. at 76-77.

²¹ Id. at 87-90.

²² Id. at 98-100.

²³ Id. at 99.

²⁴ Id. at 32-33. Penned by Associate Justice Fernanda Lampas Peralta, with Associate Justices Jane Aurora C. Lantion and Nina G. Antonio-Valenzuela concurring.

²⁵ Id. at 35.



Petition before the Court

In his Petition for Review on Certiorari,²⁶ Ancheta argues that the CA erred in dismissing his petition outright based on technicalities. On the lack of allegation as to when he received a copy of the assailed Ombudsman Decision, Ancheta claims that the same was indicated in his petition and in any case, the lack of allegation of such is not sufficient to dismiss his appeal.²⁷ Further, Ancheta argues that the CA erred in ruling that a Rule 43 petition, instead of a Rule 65 petition, was the proper remedy in questioning the Ombudsman's Decision.²⁸ Also, Ancheta avers that he filed, in good faith, the Appeal to the Head of Office in order to exhaust administrative remedies.²⁹ Finally, Ancheta claims that he already paid the correct docket fees.³⁰

Even assuming that the petition had procedural lapses, Ancheta insists that the CA should not have dismissed the petition outright considering the merits of the petition.³¹

In its Comment,³² the Ombudsman, through the Office of the Solicitor General, maintains that the CA correctly dismissed Ancheta's petition. According to the Ombudsman, the CA was within its right to choose not to apply liberality of the rules considering the numerous errors in the petition and its lack of merit.³³

In the meantime, Villa's wife sent a letter informing the Court of the death of Villa and reiterating the arguments of her late husband.³⁴

In his Reply,³⁵ Ancheta reiterates his position, asserting anew that there is no evidence pointing to his liability.³⁶

Issue

Whether the CA erred in dismissing the petition outright, and in the affirmative, whether Ancheta is administratively liable.

The Court's Ruling

The petition is meritorious.

*On the outright dismissal
of the petition before the
CA*

²⁶ Id. at 3-26.

²⁷ Id. at 7-8.

²⁸ Id. at 9-10.

²⁹ Id. at 11-12.

³⁰ Id. at 24.

³¹ Id. at 24-25.

³² Id. at 138-153.

³³ Id. at 140.

³⁴ Id. at 179-184.

³⁵ Id. at 189-192.

³⁶ Id. at 190.

To begin with, it should be emphasized that compliance with procedural rules is necessary for an orderly administration of justice. Nevertheless, these rules are not to be rigidly applied so as to frustrate the greater interest of substantial justice. As stated in the Rules of Court, these rules “shall be liberally construed in order to promote their object and to assist the parties in obtaining just, speedy, and inexpensive determination of every action and proceeding.”³⁷

To recall, the CA outrightly dismissed Ancheta’s petition on the following grounds: 1) failure to pay the correct docket fees; 2) failure to state the date of receipt of a copy of the assailed decision; 3) filing before the Ombudsman of an Appeal to the Head of Office which was treated as a second MR, a prohibited pleading; hence, the reglementary period was not tolled; and 4) availing of the wrong remedy. The Court shall discuss these grounds *ad seriatim*.

As regards the payment of the correct docket fees, the Court gives credence to Ancheta’s claim that there was no intention on his part to defraud the CA when he failed to pay the full amount of docket fees. According to him, he immediately paid the correct amount upon learning of the shortage,³⁸ as evidenced by the postal money order in the amount of ₱1,180.00.³⁹

On Ancheta’s failure to state the date of receipt of the assailed decision and for his filing of a prohibited second MR, while these are indeed procedural irregularities, the same do not warrant a dismissal of the petition. Litigations should, as much as possible, be decided on the merits and not on technicalities.⁴⁰ Here, a relaxation of the technical rules of procedure is warranted considering the substantial merits of the case, as will be explained later.

Finally, as regards the propriety of the petition for *certiorari* filed by Ancheta, the CA erred in dismissing his petition for being the wrong remedy. Contrary to the ruling of the CA, Ancheta correctly filed a petition for *certiorari* under Rule 65 instead of a petition for review on *certiorari* under Rule 43. Even the Ombudsman conceded in its Comment that Ancheta availed of the correct remedy.⁴¹

Indeed, the Court had ruled in *Fabian v. Desierto*⁴² that appeals from the decisions of the Ombudsman rendered in administrative disciplinary cases should be filed before the CA through a Rule 43 petition. However, the CA’s reliance⁴³ on *Fabian* in dismissing Ancheta’s petition is misplaced. The CA failed to consider that Ancheta was meted the penalty of a fine equivalent to one-month salary by the Ombudsman. Such penalty was final, executory, and

³⁷ RULES OF COURT, Rule 1, Sec. 6.

³⁸ *Rollo*, p. 24.

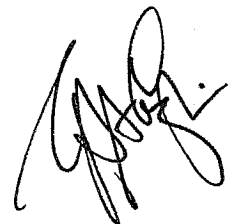
³⁹ *Id.* at. 132.

⁴⁰ *Mitra v. Sablan-Guevarra*, G.R. No. 213994, April 18, 2018, 862 SCRA 32, 37-38.

⁴¹ *Rollo*, p. 143.

⁴² 356 Phil. 787, 808 (1998).

⁴³ *Rollo*, p. 33 (see footnote no. 4 of the CA Decision).



unappealable under Section 7, Rule III, of Administrative Order No. 07, issued by the Ombudsman to implement Section 27 of R.A. 6770,⁴⁴ which reads in part:

SEC. 7. *Finality and execution of decision.* — Where the respondent is absolved of the charge, and **in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable.** In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the motion for Reconsideration. (Emphasis and underscoring supplied)

Given the final, executory and unappealable nature of the Ombudsman's decision, Ancheta's remedy is a Rule 65 Petition, as held in *Dagan v. Office of the Ombudsman*:⁴⁵

x x x In *Republic v. Francisco*, we ruled that decisions of administrative or quasi-administrative agencies which are declared by law final and unappealable are subject to judicial review if they fail the test of arbitrariness, or upon proof of gross abuse of discretion, fraud or error of law. **When such administrative or quasi-judicial bodies grossly misappreciate evidence of such nature as to compel a contrary conclusion, the Court will not hesitate to reverse the factual findings. Thus, the decision of the Ombudsman may be reviewed, modified or reversed via petition for certiorari under Rule 65 of the Rules of Court,** on a finding that it had no jurisdiction over the complaint, or of grave abuse of discretion amounting to excess or lack of jurisdiction.

That said, there still is the question which court has jurisdiction over a *certiorari* petition under Rule 65.

x x x x

Considering that a special civil action for *certiorari* is within the concurrent original jurisdiction of the Supreme Court and the Court of Appeals, such petition **should be initially filed with the Court of Appeals** in observance of the doctrine of hierarchy of courts.⁴⁶ (Emphasis supplied)

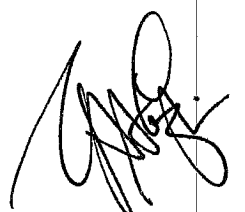
Ancheta was therefore correct in filing a petition for *certiorari* before the CA to assail the Ombudsman decision considering that the same was final, executory and unappealable and he was able to show that the Ombudsman grossly misappreciated the evidence so as to compel a contrary conclusion. Thus, the CA erred in dismissing his petition outright.

To avert further delay, the Court opts to resolve the instant petition on its merits rather than remand the case to the appellate court, a remand not being necessary where, as in the instant case, the ends of justice would not be

⁴⁴ See *Crebello v. Office of the Ombudsman*, G.R. No. 232325, April 10, 2019, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65037>>.

⁴⁵ 721 Phil. 400 (2013).

⁴⁶ Id. at 411-413.



served thereby and the Court is in a position to resolve the dispute based on the records before it.⁴⁷

On Ancheta's administrative liability

While factual findings of administrative and *quasi-judicial* agencies, such as the Ombudsman, are generally accorded not only respect but at times finality, this holds true only when they are supported by substantial evidence.⁴⁸ Here, a judicious review of the records of the case reveals that there is no substantial evidence to hold Ancheta liable for simple neglect of duty.

Below are the findings of the Ombudsman as stated in the assailed Decision:

[Villa] claimed that [Ancheta] should be administratively sanctioned for trying to induce or persuade the Regional Adjudicator by sending a copy of the alleged irregular order for the latter's reference, and personally following up the DARAB case through text messages.

However, the following undisputed facts militate against [Villa's] position, thus:

1. In an Order dated June 10, 2011, [Ancheta] **inhibited** from handling the subject DARAB case;
2. As of date, the subject **landholding is still in the possession of [Villa]**, thus, the latter was not clearly prejudiced;
3. The **questioned order was unofficial as it was not released and received by the parties themselves;** and
4. The assailed order **was traced at the DARAB Regional Office at San Fernando City, Pampanga where [Ancheta] had no jurisdiction.**

Tested against the foregoing undisputed facts, we are of the impression that if [Ancheta] was indeed bias[ed] and partial against [Villa], the former would not have inhibited from the case but would have resolved it in the other party's favor. It is certainly against common human experience that a person would inhibit from a case and then follow it up again from a person who is superior than him, as what [Villa] claimed.

Furthermore, this Office struggles to trace [Ancheta's] link in the surfacing of the alleged irregular order at the DARAB Regional Office.

x x x

x x x x

In the instant case, [Villa] and his witnesses gave statements that they talked and heard Ms. Fernanda Paraan saying that the alleged order was brought by two men in [Ancheta's] employ and that the latter was following up the DARAB case from the Regional Adjudicator by sending

⁴⁷ *Fulgencio v. National Labor Relations Commission*, 457 Phil. 868, 882 (2003).

⁴⁸ *Baylon v. Fact-Finding Intelligence Bureau*, 442 Phil. 217, 235 (2002).

text messages advising the latter to use the alleged order in resolving the case.

Verily, [Villa] and his witnesses' statements are considered hearsay since they had no personal knowledge of [the facts alleged] x x x.

x x x What [Villa] and his witnesses stated, therefore, were matters which were not derived from their own perception but from Paraa's and the Regional Adjudicator's, who both did not give sworn statements to that effect.⁴⁹ (Emphasis and underscoring supplied)

From the foregoing, the Ombudsman concluded that there is **no relevant and competent evidence linking Ancheta to the alleged inclusion of the unofficial Order in the case records**. In fact, according to the Ombudsman, the subject Order was incorporated in the case records by the staff at the DARAB Regional Office in San Fernando, Pampanga.⁵⁰

Despite the foregoing, the Ombudsman still ruled as follows:

However, we are perplexed by the fact that despite [Ancheta's] Order dated June 10, 2011 inhibiting from the DARAB case, the alleged irregular Order dated May 18, 2011 still found its way in the case records which was already reassigned to the Regional Adjudicator. This means that [Ancheta], **either neglected to tear or pierce the printed unofficial order, or delete the same in his computer files after he issued the Order dated June 10, 2011 inhibiting himself from handling the DARAB case. As a result, the said unofficial order may have found its way in the hands of unscrupulous individuals** who may have used the same for evil purposes. This has unreasonably led to the filing of the instant case which could have been avoided had [Ancheta] not been remiss with his duty.⁵¹ (Emphasis supplied)

The Court disagrees with the Ombudsman.

To reiterate, the Ombudsman has already made a categorical finding that "there is no relevant and competent evidence linking [Ancheta] into the alleged inclusion of the unofficial order in the case records."⁵² Moreover, Villa himself alleged that during his initial follow-up of the case before the DARAB Regional Office, the subject Order was not yet attached to the case records, and it was only during his next follow-up that he saw the subject Order in the case records.⁵³ Logically, it would mean that when Ancheta transferred the case records to the Regional Office, he did not include the subject Order. This is confirmed by the Ombudsman's own finding that "the said order was incorporated in the case records by the staff at the DARAB Regional Office in San Fernando Pampanga,"⁵⁴ where Ancheta had no jurisdiction.⁵⁵

⁴⁹ *Rollo*, pp. 71-76.

⁵⁰ *Id.* at 76.

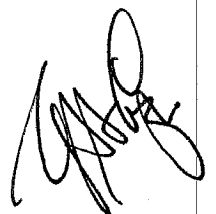
⁵¹ *Id.* at 76-77.

⁵² *Id.* at 76.

⁵³ *Id.* at 58.

⁵⁴ *Id.* at 76.

⁵⁵ *Id.* at 72.



As the Ombudsman “struggle[d] to trace [Ancheta’s] link in the surfacing of the alleged irregular order at the DARAB Regional Office,”⁵⁶ so too does the Court struggle in subscribing to the Ombudsman’s finding of administrative liability against Ancheta.

Simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference.⁵⁷ In this case, the Ombudsman ruled that Ancheta “fell short of the reasonable diligence required of him, for failing to exercise due care and prudence in ascertaining that the printed unofficial order or its soft copy in his computer files [is] already torn or deleted after issuing the order inhibiting himself from the DARAB case.”⁵⁸

However, there appears to be insufficient basis for the Ombudsman’s findings. Its ruling that Ancheta “either neglected to tear or pierce the printed unofficial order, or delete the same in his computer files after he issued the Order x x x inhibiting himself” is mere conjecture, which is not enough to hold Ancheta administratively liable especially when coupled with the established fact, admitted by the Ombudsman herself, that there is no evidence linking Ancheta to the inclusion of the subject Order in the case records before the DARAB Regional Office.

While substantial evidence — which is more than a mere scintilla but is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion — suffices to hold one administratively liable, this does not authorize any finding to be made just as long as there is any evidence to support it. It does not excuse administrative agencies from taking into account countervailing evidence which fairly detracts from the evidence supporting a finding.⁵⁹ Here, as demonstrated by the Court, the evidence (or lack thereof) in support of the Ombudsman’s findings failed to satisfy the quantum of evidence required. There is simply not enough evidence to hold Ancheta liable for simple neglect of duty.

WHEREFORE, the Petition is **GRANTED**. The Court of Appeals Resolutions dated September 20, 2016 and December 28, 2016 in CA-G.R. S.P. No. 147457, as well as the Office of the Ombudsman Decision dated May 7, 2013 and Orders dated March 7, 2016 and June 14, 2016 in OMB-L-A-11-0801-L are **REVERSED** and **SET ASIDE**. Petitioner Arolf M. Ancheta is hereby **ABSOLVED** from any administrative liability in connection with the instant case.

⁵⁶ Id.

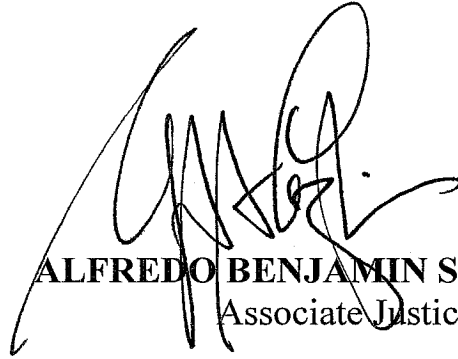
⁵⁷ *Republic v. Canastillo*, 551 Phil. 987, 996 (2007), citing *Dajao v. Lluch*, 429 Phil. 620, 626 (2002).

⁵⁸ *Rollo*, p. 77.

⁵⁹ *Baylon v. Fact-Finding Intelligence Bureau*, supra note 48.



SO ORDERED.

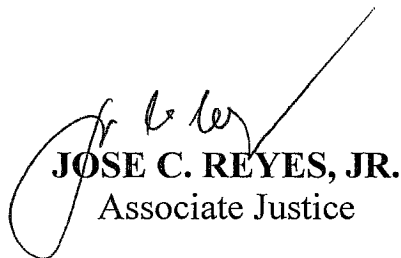


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

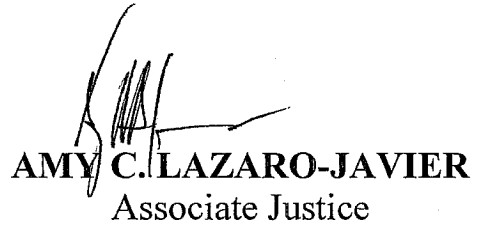
WE CONCUR:



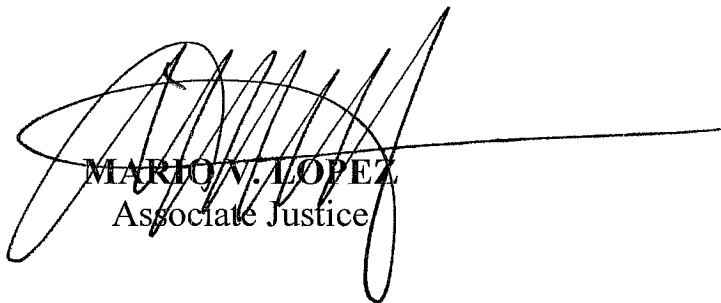
ALEXANDER G. GESMUNDO
Associate Justice



JOSE C. REYES, JR.
Associate Justice



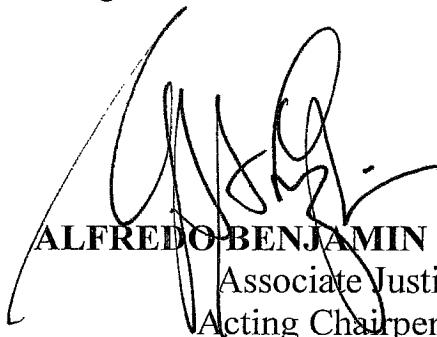
AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice

ATTESTATION

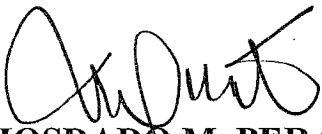
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Acting Chairperson

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.


DIOSDADO M. PERALTA
Chief Justice

