



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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JUN 14 2022

SECOND DIVISION

BY: _____
TIME: _____

REPUBLIC OF THE G.R. No. 246356
PHILIPPINES, represented by
the DEPARTMENT OF PUBLIC Present:
WORKS AND HIGHWAYS-
NATIONAL CAPITAL REGION PERLAS-BERNABE,* S.A.J.,
(DPWH-NCR),

Chairperson,
Petitioner, HERNANDO,** Acting Chairperson,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

- versus -

HEIRS OF ISABEL D.
LACSINA, represented by
HIGINO HONORATO D.
LACSINA and REYNALDO D.
LACSINA, deceased and
survived by: MA. EVELYN R.
LACSINA, MARINA M. RIMAS,
REI MARI LACSINA, MARIE
CLAIRE LACSINA, and REI
FRANCIS LACSINA,
CABEVER REALTY
CORPORATION, and ST.
IGNATIUS OF LOYOLA
SCHOOL,

Promulgated:

Respondents. OCT 11 2021

X-----X

DECISION

INTING, J.:

This is a Petition for Review¹ on *Certiorari* under Rule 45 of the

* On official leave.

** Per Special Order No. 2846 dated October 6, 2021.

¹ *Rollo*, pp. 28-50.

Rules of Court assailing the Decision² dated October 18, 2018 and the Resolution³ dated March 21, 2019 of the Court of Appeals (CA) in CA-G.R. CV No. 106325. The CA affirmed the Decision⁴ dated February 18, 2015 of Branch 266, Regional Trial Court (RTC), Pasig City in SCA No. 3325-TG with modification in that the amount of just compensation of the expropriated properties respectively belonging to the Heirs of Isabel D. Lacsina, Cabever Realty Corporation (Cabever), and St. Ignatius of Loyola School (SILS) (collectively, respondents) was reduced and that consequential damages were awarded to both Cabever and SILS for the unaffected portions of their respective properties.⁵

The Antecedents

On May 12, 2009, the Republic of the Philippines (Republic), as represented by the Department of Public Works and Highways (DPWH) – National Capital Region, filed a Complaint for the expropriation of the following properties:⁶

Lot No.	Owner	Area (sq. m.)	Land Classification	Zonal Valuation (Php)
5301-A	Heirs of Isabel D. Lacsina	788	Agricultural	2,000.00
5897-E	Cabever Realty Corporation	1,355 ⁷	Commercial	6,000.00
5897-B	St. Ignatius of Loyola School	1,654	Residential	5,000.00 ⁸

² *Id.* at 9-32; penned by Associate Justice Geraldine C. Fiel-Macaraig with Associate Justices Ramon R. Garcia and Eduardo B. Peralta, Jr., concurring.

³ *Id.* at 33-35.

⁴ *Id.* at 83-95; penned by Presiding Judge Toribio E. Ilao, Jr.

⁵ *Id.* at 31.

⁶ *Id.* at 11.

⁷ In the Decision dated October 18, 2018, the Court of Appeals (CA) identified the expropriated lot of Cabever as 1,335 square meters (sq. m.), *id.* at 11. However, the Decision dated February 18, 2015 of the Regional Trial Court, which the CA affirmed, identified the expropriated lot of Cabever both in its narration of facts and in the dispositive portion as 1,355 sq. m., *id.* at 83, 93. Likewise, both the Republic and Cabever in their respective briefs before the CA indicated the area of Cabever's expropriated lot as provided in the complaint for expropriation as 1,355 sq. m., *id.* at 110, 129. Thus, for the avoidance of doubt, the lot of Cabever Realty Corporation which is subject of expropriation in this case as alleged in the complaint is 1,355 sq. m.

⁸ *Id.* at 11.

The Republic claimed that the subject parcels of land were located in Ususan, Taguig City. It sought their expropriation for the completion of the Taguig Diversion Road to decongest traffic movement from General Luna to Bagong Calzada. Such completion would allow direct access to C-5 and augment the existing road network of Taguig City.⁹

Because respondents did not contest the Republic's right to expropriate the subject properties, the RTC issued an Order of Expropriation dated June 1, 2011. However, respondents objected to the provisional valuation of the subject properties.¹⁰

In their answer, the Heirs of Isabel D. Lacsina averred that the market value of their property was not less than ₱6,000.00 per square meter (sq. m.). They also manifested that the plaintiff was able to possess their property even without paying just compensation, and that they failed to specify the date of actual taking.¹¹

In a separate answer, Ma. Evelyn R. Lacsina (Ma. Evelyn), widow of Reynaldo Bonifacio D. Lacsina (Reynaldo), asserted that the Bureau of Internal Revenue's (BIR) zonal valuation of their property was ₱6,000.00 per sq. m. and not ₱2,000.00 per sq. m.

Meanwhile, an answer-in-intervention was filed by Marina M. Rimas, the alleged common-law wife of the late Reynaldo, together with their children, namely: Rei Mari, Rei Francis, and Marie Claire, all surnamed Lacsina. They averred that they intervened to protect their claim on the share intended for the late Reynaldo; and that they would be adopting the answer filed by the Heirs of Isabel D. Lacsina. Thus, they prayed that the share of Reynaldo be divided between them and the family of Ma. Evelyn.¹²

For its part, Cabever averred in its answer that while the zonal value of the subject properties was ₱6,000.00 per sq. m., its property commanded a higher price as just compensation considering that the zonal valuation had not been updated or revised since its issuance in 1997. Considering the property's location in a commercial area, Cabever

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 12.

¹² *Id.*

opined that its fair market value ranged from ₱19,000.00 to ₱20,000.00 per sq. m. Cabever also prayed for consequential damages as the expropriation would split its 2,056-sq. m. property into three unequally and unevenly divided lots; the largest portion (1,355 sq. m.) would be expropriated, leaving two right triangle lots measuring 131 sq. m. and 463 sq. m., respectively. For Cabever, the resulting irregular shapes of the remaining portions of its property would no longer be ideal for the construction of a residential or commercial structure, and, as such, would be difficult to dispose.¹³

Meanwhile, SILS contended in its answer that its property is located along Gen. Luna St. in Brgy. Tuktukan, not Brgy. Ususan, Taguig City, with a zonal valuation of ₱10,000.00 per sq. m. It also alleged that its property was specifically intended for the expansion of its campus; since this would no longer be feasible, the just compensation must be sufficient to purchase another property within the immediate vicinity of the property sought to be expropriated, or near the residential area so that it could pursue its mission of providing education for the youth therein. It then prayed that just compensation be awarded within the range of ₱25,000.00 to ₱30,000.00 per sq. m. SILS, likewise, prayed for consequential damages because the purpose for which the subject property was specifically intended would no longer be fulfilled.¹⁴

The parties agreed to create a board of commissioners pursuant to Rule 67 of the Rules of Court for the determination of just compensation.¹⁵

Thereafter, the chairperson of the board of commissioners submitted a Report¹⁶ dated July 10, 2012 summarizing the meetings and proceedings before it. The recommendation in the Report is as follows:

IN VIEW OF THE FOREGOING, the undersigned recommends the following:

1. payment of the fair market value of the subject properties sought to be taken at ₱10,000.00 per square meter;

¹³ *Id.* at 12-13.

¹⁴ *Id.* at 13.

¹⁵ *Id.*

¹⁶ *Id.* at 80-82; signed by Chairperson Donna Lee S. Dunuan-Gobway.

2. payment of compensation for consequential damages to the two (2) unaffected lots of Cabever Realty Corporation in the amount of P5,000.00 per square meter; and

3. payment of compensation for consequential damages to the unaffected property of St. Ignatius of Loyola School in the amount of P5,000.000 per square meter.

RESPECTFULLY SUBMITTED for the consideration of the Honorable Court.¹⁷

The parties then made their subsequent submissions.

Specifically, Cabever filed its comment with request for clarification on the Report, alleging that the result of the resurvey of its property was not mentioned in the Report. Consequently, the RTC ordered the surveyor, Engineer Deo Gatdula (Engr. Gatdula), to submit his report. Engr. Gatdula complied by submitting the approved subdivision plans.¹⁸

In an Order dated August 7, 2013, the RTC directed the parties to file their respective comments. Cabever alleged that 112 sq. m. of its property remained unaccounted for. SILS, on the other hand, asserted that its property was a commercial lot located along Levi Mariano Avenue, Brgy. Ususan, Taguig City valued at P60,000.00 per sq. m. based on the BIR's revised zonal valuation which took effect on November 9, 2012. It added that its neighboring lot owners were willing to sell their properties from P40,000.00 to P60,000.00 per sq. m. Thus, it prayed for a higher amount of just compensation at P40,000.00 per sq. m. and consequential damages at P25,000.00 per sq. m.¹⁹

The Republic adopted as its comment the Report submitted by Engr. Eduardo B. Del Rosario of the DPWH who maintained that: (1) just compensation for the subject properties should be computed at the same rate from which the initial proffered value was based, *i.e.*, P2,000.00 per sq. m. for the property belonging to the Heirs of Isabel D. Lacsina, P6,000.00 per sq. m. for Cabever, and P5,000.00 per sq. m. for SILS; (2) it was clarified during the ocular inspection and resurvey conducted on November 23, 2011 that 112 sq. m. of Cabever's property

¹⁷ *Id.* at 82.

¹⁸ *Id.* at 17.

¹⁹ *Id.* at 17-18.

was already part of General Luna St. when it was widened by the DPWH several years ago; and thus, (3) the 112 sq. m. portion should be included in the expropriation case and just payment therefor be pegged at ₱6,000.00 per sq. m. as well.²⁰

Ruling of the RTC

In its Decision²¹ dated February 18, 2015, the RTC found the price range of ₱10,000.00 to ₱15,000.00 purportedly recommended by the commissioners commensurate to the nature, character, and market value of the lots at the time of their taking.²² It ruled that considering that all three properties sought to be expropriated were used for commercial purposes, then the just compensation must be fixed at the higher rate of ₱15,000.00 per sq. m.²³

The RTC, however, found no basis to award consequential damages for the unaffected or remaining portions of Cabever and SILS's respective properties. It opined that the consequential benefits exceeded the consequential damages of expropriation. It relied on the latest zonal valuation of the lands situated in Levi Mariano Avenue as provided in the guidelines issued by the BIR in 2012.²⁴

The dispositive portion of the Decision provides:

WHEREFORE, in the light of the foregoing, the Court decides as follows:

- a) Plaintiff Republic of the Philippines is legally entitled to its inherent right of eminent domain to the following properties:
 1. A parcel of land (Lot 5301-A, Psd- as described on plan, being a portion of Lot 5301, Mcadm 590-D, Taguig Cadastral Mapping, L.R.C. Record No.) situated in Brgy. of Ususan, Municipality of Taguig, Province of Metro Manila, Island of Luzon.

²⁰ *Id.* at 18.

²¹ *Id.* at 83-95.

²² *Id.* at 88-91.

²³ See footnotes 17 to 19 of RTC Decision dated February 18, 2015, *id.* at 94.

²⁴ *Id.* at 89-91.

x x x x

beginning containing an area of SEVEN HUNDRED EIGHTY EIGHT SQUARE METERS (788 sq. m.) more or less. x x x

2. A parcel of land (Lot 5897-E Psd- as described on plan, being a portion of Lot 5897, Mcadm 590-D, Taguig Cadastral Mapping, L.R.C Record No.) situated in Brgy. of Ususan, Municipality of Taguig, Province of Metro Manila, Island of Luzon

x x x x

beginning, containing an area of ONE THOUSAND THREE HUNDRED FIFTY FIVE (1,355) SQ. M. more or less. x x x

3. A parcel of land (Lot 5897-B Psd- as described on plan, being a portion of Lot 5897 (Port.), Mcadm 590-D, Taguig Cadastral Mapping, L.R.C Record No.) situated in Brgy. of Ususan, Municipality of Taguig, province of Metro Manila, Island of Luzon.

x x x x

beginning, containing an area of ONE THOUSAND SIX HUNDRED FIFTY FOUR SQUARE METERS (1,664 sq.m.) more or less. x x x

4. Lot 4 (measuring 44 square meters) and Lot 5 (measuring 68 square meters), as appearing on Subdivision Plan PSU-04-000571 as surveyed for Cabever Realty Corporation situated in Ususan, Taguig City.

b) Plaintiff is obligated to pay:

1. defendants Heirs of Isabel D. Lacsina the sum of Eleven Million Eight Hundred Twenty Thousand Pesos (P11,820,000.00)²⁵ as fair and reasonable compensation for Lot 5301-A of Lot 5301, Mcadm

²⁵ See footnote 17 of the RTC Decision dated February 18, 2015: 788 sq. m. x P15,000.00 (just compensation per sq. m), *id.* at 94

590-D, Taguig Cadastral Mapping;

2. defendant Cabever Realty Corporation the sum of Twenty-Two Million Five Thousand Pesos (P22,005,000.00)²⁶ as fair and reasonable compensation for Lot 5897-E of Lot 5897, Mcadm 590-D, Taguig Cadastral Mapping, and Lot 4 and Lot 5 appearing on Subdivision Plan PSU-04-0005710 as surveyed for Cabever Realty Corporation;
3. defendant St. Ignatius of Loyola School the amount of Twenty-Four Million Eight Hundred Ten Thousand Pesos (P24,810,000.00)²⁷ as fair and reasonable compensation for Lot 5897-B of Lot 5897 (Port). Mcadm 590-D, Taguig Cadastral Mapping.

X X X X

SO ORDERED.²⁸ (Underscoring omitted.)

The Republic filed a Motion for Reconsideration,²⁹ but the RTC denied it in an Order³⁰ dated September 4, 2015.

Only the Republic appealed before the CA.³¹ The Republic's lone assignment of error in its Brief for the Plaintiff-Appellant³² was that the RTC failed to determine the proper amount of just compensation as payment for the subject properties pursuant to existing laws and jurisprudence. The Republic argued that the fair and reasonable compensation to be awarded to respondents must be computed at ₱10,000 per sq. m.³³

Ruling of the CA

The CA partly granted the appeal in its Decision³⁴ dated October

²⁶ See footnote 18 of the RTC Decision dated February 18, 2015: 1,355 sq. m. + 44 sq. m. (Lot 4) + 68 sq. m. (Lot 5) or a total of 1,467 sq. m. x ₱15,000.00 (just compensation per sq.m.), *id.*

²⁷ See footnote 19 of RTC Decision dated February 18, 2015: 1,654 sq. m. x ₱15,000.00 (just compensation per sq. m.), *id.*

²⁸ *Id.* at 91-95.

²⁹ *Id.* at 96-101.

³⁰ *Id.* at 102-103.

³¹ See Notice of Appeal dated November 6, 2015, *id.* at 104-106.

³² *Id.* at 107-120.

³³ *Id.* at 116-118.

³⁴ *Id.* at 9-32.

18, 2018. It held that the amount of just compensation of the expropriated properties respectively belonging to respondents shall be computed at ₱10,000.00 per sq. m. It also awarded consequential damages in favor of Cabever and SILS computed at ₱5,000.00 per sq. m. for their respective unaffected portions.³⁵

The CA further ruled that the imposition of legal interest was warranted. It noted that in an Order dated September 8, 2011, the RTC held in abeyance the issuance of a writ of possession pending the Republic's submission of proof of payment of the initial just compensation to the respective owners of the subject properties to conform with Section 4(a) of Republic Act No. 8974.³⁶ However, the CA found that no compliance was made by the Republic. No writ of possession was also issued by the RTC.

Further, the CA could not determine with certainty from the records when the actual taking of the subject properties was made. It explained that while SILS alleged that the Republic entered its premises as early as February 26, 2009, it failed to sufficiently substantiate its claim. Thus, the CA ruled that in the absence of evidence to prove the time of actual taking, just compensation as well as legal interest shall accrue from the filing of the Complaint on May 12, 2009. Applying the guidelines laid down in *Nacar v. Gallery Frames, et al.*,³⁷ the CA ruled that the just compensation shall earn legal interest at the rate of 12% *per annum* from May 12, 2009 until June 30, 2013, and thereafter, or on July 1, 2013, the legal interest shall be 6% *per annum* until fully paid.³⁸

The dispositive portion of the Decision provides:

WHEREFORE, the assailed 18 February 2015 Decision of the Regional Trial Court of Pasig City, Branch 266, is hereby AFFIRMED with MODIFICATIONS in that the just compensation of the expropriated properties respectively belonging to the Heirs of Isabel D. Lacsina, Cabever Realty Corporation, and St. Ignatius of

³⁵ *Id.* at 29.

³⁶ Entitled, "An Act to Facilitate the Acquisition of Right-of-Way, Site or Location for National Government Infrastructure Projects and For Other Purposes," approved on November 7, 2000 and took effect on November 26, 2000; see *Felisa Agricultural Corp. v. National Transmission Corp.*, 834 Phil. 861, 877 (2018), citing *Sps. Curata, et al. v. Philippine Ports Authority*, 608 Phil. 9, 90 (2009).

³⁷ 716 Phil. 267 (2013).

³⁸ *Rollo*, pp. 29-30.

Loyola School shall be computed at Php 10,000.00 per square meter. The Republic of the Philippines shall likewise pay both Cabever Realty Corporation and St. Ignatius of Loyola School Php 5,000.00 per square meter for the unaffected portions of their respective properties as consequential damages. The total amount adjudged shall further earn legal interest at the rate of 12% per annum from 12 May 2009 until 30 June 2013. Thereafter, or on 1 July 2013, the legal interest shall be 6% per annum until fully paid.

SO ORDERED.³⁹

The Republic filed a Motion for Partial Reconsideration⁴⁰ praying for the deletion of the award of consequential damages to Cabever and SILS. However, the CA denied it in its Resolution⁴¹ dated March 21, 2019.

Hence, the petition.⁴²

The Petition

The Republic is now before the Court arguing that:

I

THE COURT OF APPEALS EXCEEDED ITS JURISDICTION WHEN IT PASSED UPON THE ISSUE ON CONSEQUENTIAL DAMAGES, AN ISSUE NOT RAISED ON APPEAL BY RESPONDENTS CABEVER REALTY CORPORATION AND ST. IGNATIUS OF LOYOLA SCHOOL.

II

RESPONDENTS CABEVER REALTY CORPORATION AND ST. IGNATIUS OF LOYOLA SCHOOL ARE NOT ENTITLED TO THE PAYMENT OF CONSEQUENTIAL DAMAGES FOR THE UNAFFECTED PORTIONS OF THEIR RESPECTIVE PROPERTIES.⁴³

³⁹ *Id.* at 31.

⁴⁰ *Id.* at 148-153.

⁴¹ *Id.* at 77-79.

⁴² *Id.* at 28-52.

⁴³ *Id.* at 38-39.

Respondents Heirs of Isabel D. Lacsina, Cabever, and SILS filed their respective Comments.⁴⁴

Issues

1. Whether the CA erred in awarding consequential damages in favor of Cabever and SILS despite the fact that they did not appeal from the RTC Decision denying such award; and

2. Assuming that the CA can pass upon the issue on consequential damages, whether Cabever and SILS are entitled to the payment of consequential damages for the unaffected portions of their respective properties.

The Court's Ruling

Preliminarily, the Court resolves to dispense with the Comment of Ma. Evelyn who, to date, has failed to file one.

Now, as to the merits, the Court grants the petition.

The well settled rule is that a decision becomes final as against a party who does not appeal it and an appellee who has not himself or herself appealed cannot obtain from the appellate court any affirmative relief other than those granted in the decision of the court below.⁴⁵

The Republic aptly invoked the Court's ruling in *Hiponia-Mayuga v. Metropolitan Bank and Trust Co., et al.*;⁴⁶ thus:

The failure of a party to perfect the appeal within the time prescribed by the Rules of Court unavoidably renders the judgment final as to preclude the appellate court from acquiring the jurisdiction to review and alter the judgment. The judgment becomes immutable and unalterable and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law. Corollary thereto, *an appellee who has not himself appealed*

⁴⁴ *Id.* at 175-181, 183-185 and 187-190.

⁴⁵ *Javines v. Xlibris, et al.*, 810 Phil. 872, 878-879 (2017). Citations omitted.

⁴⁶ 761 Phil. 521 (2015).

cannot obtain from the appellate court any affirmative relief other than those granted in the decision of the court below.

In this case, Belle did not appeal the September 25, 2009 Decision of the RTC. Insofar as she is concerned, the RTC decision is final and executory. Hence, the award of damages against her, in favor of Catherine, as stated in the RTC decision must be upheld. The CA indeed erred in deleting the award of damages by relying on Section 8, Rule 51 of the Rules of Court.⁴⁷ (Italics supplied; citations omitted.)

Moreover, Section 8, Rule 51 of the Rules of Court provides:

SEC. 8. *Questions that may be decided.* — No error which does not affect the jurisdiction over the subject matter or the validity of the judgment appealed from or the proceedings therein will be considered, unless stated in the assignment of errors, or closely related to or dependent on an assigned error and properly argued in the brief, save as the court may pass upon plain errors and clerical errors.

The rule is that “the CA cannot consider errors on appeal unless stated in the assignment of errors in the appellant’s brief. As an exception, however, even if a question is not raised in the assignment of errors, the same may still be adjudicated by the appellate court if the unraised issue or question is closely related or dependent to an assigned error.”⁴⁸

Nevertheless, the Court ruled in *PNB v. Spouses Rabat*,⁴⁹ that “the exceptions [under Section 8, Rule 51] are for the benefit of the appellant and not for the appellee.”⁵⁰

Here, as correctly argued by the Republic, Cabever and SILS did not appeal the RTC Decision particularly the denial of consequential damages. A perusal of their respective Briefs for the Defendant-Appellee⁵¹ would show that respondents agreed with the Decision of the RTC and prayed for the CA to affirm the same save for the payment of

⁴⁷ *Id.* at 529.

⁴⁸ *Id.* at 530, citing *Aklan College, Inc. v. Enero*, 597 Phil. 60, 74 (2009).

⁴⁹ 398 Phil. 654 (2000); see also *Hiponia-Mayuga v. Metropolitan Bank and Trust Co.*, *supra* note 46.

⁵⁰ *Id.* at 667.

⁵¹ *Rollo*, pp. 121-127, 128-138, 139-147.

interest. Thus, the Republic aptly pointed out that as far as Cabever and SILS are concerned, the issue on consequential damages has become final and executory.

Equally important, the Republic raised in its Brief for the Plaintiff-Appellant⁵² before the CA only the issue of determination of just compensation for the expropriated properties and argued that the fair and reasonable compensation to be awarded to respondents must be computed at ₱10,000 per sq. m. Suffice it to state that the award of consequential damages on the remaining portions of Cabever and SILS' respective properties which were not subject of expropriation is a separate matter from the determination of just compensation for respondents' properties subject of the expropriation proceedings.

Even assuming that the issue of consequential damages to the remaining lots of Cabever and SILS is closely related to the issue of just compensation for the expropriated lots, as already discussed above, the exceptions under Section 8, Rule 51 of the Rules of Court can only be applied for the benefit of the appellant and not for the appellee. Here, the effect of the CA's disposition is to erroneously apply the exception under Section 8, Rule 51 in favor of Cabever and SILS who were among the appellees before the CA.

Thus, the Court finds the CA's award of consequential damages erroneous.

Considering the foregoing, there is no longer any need for the Court to discuss whether the CA's award of consequential damages to Cabever and SILS is supported by evidence.

WHEREFORE, the Petition is **GRANTED**. The Decision dated October 18, 2018 and the Resolution dated March 21, 2019 of the Court of Appeals in CA G.R. CV No. 106325 are **AFFIRMED** with **MODIFICATION** in that the award of consequential damages in favor of both respondents Cabever Realty Corporation and St. Ignatius of Loyola School in the amount of ₱5,000.00 per square meter for the unaffected portions of their respective properties is **DELETED**.

⁵² *Id.* at 109-120.


SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:

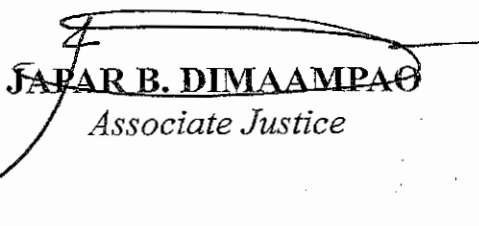
(On official leave)
ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

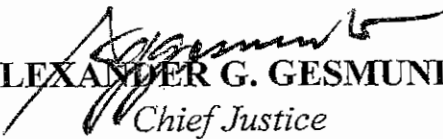
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



RAMON PAUL L. HERNANDO
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.


ALEXANDER G. GESMUNDO
Chief Justice

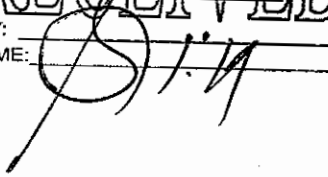




Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE

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BY: 
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SECOND DIVISION

BELINA A. CONCEPCION, G.R. No. 247677
Petitioner,

Present:

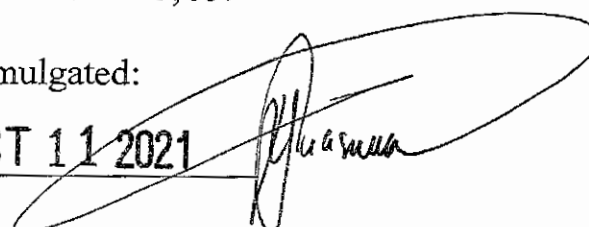
- versus -

PERLAS-BERNABE,* S.A.J.,
Chairperson,
 HERNANDO,** *Acting Chairperson,*
 INTING,
 GAERLAN, and
 DIMAAMPAO, JJ.

THE FIELD
INVESTIGATION OFFICE,
OFFICE OF THE
OMBUDSMAN,
Respondent.

Promulgated:

OCT 11 2021



X ----- X

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision² dated December 18, 2018 and the Resolution³ dated May 28, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 150180. The CA affirmed the Decision⁴ dated October 21, 2015 and the Order⁵ dated December 1, 2016 of the Office of the Ombudsman (Ombudsman) in OMB-C-A-14-0012 finding Belina A. Concepcion (petitioner), along with her co-respondents therein, guilty of Grave Misconduct and

* On official leave.

** Per Special Order No. 2846 dated October 6, 2021.

¹ *Rollo*, pp. 12-30.

² *Id.* at 35-46; penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Marlene Gonzales-Sison and Rafael Antonio M. Santos, concurring.

³ *Id.* at 48-49.

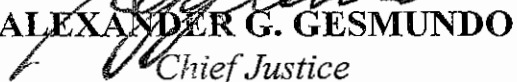
⁴ *Id.* at 73-130; signed by Graft Investigation and Prosecution Officer I (GIPO I) and Team Leader Jasmine Ann B. Gapatan with recommending approval of GIPO IV and Executive Officer M.A. Christian O. Uy and approved by Ombudsman Conchita Carpio Morales.

⁵ *Id.* at 131-148; signed by GIPO II Amethyst L. Dulig, reviewed by GIPO IV and Executive Officer M.A. Christian O. Uy, and approved by Ombudsman Conchita Carpio Morales.



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.


ALEXANDER G. GESMUNDO
Chief Justice

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