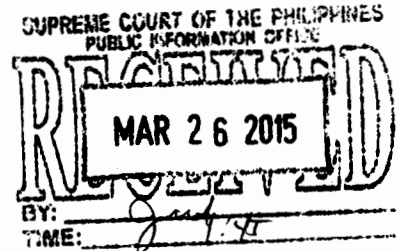




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated February 25, 2015 which reads as follows:

“G.R. No. 216095 (Resnol M. Torres v. Court of Appeals, Reinario Bihag, Mateo M. Cortes, et. al.). – The petitioner’ manifestation with motion, submitting the thereto attached certified true copy of the Court of Appeals Decision and Resolution dated December 3, 2013 and November 17, 2014, respectively, and requesting that the same be admitted is NOTED and GRANTED.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the December 3, 2013 Decision¹ and November 17, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 121321 for failure of Resnol M. Torres (petitioner) to show that the CA committed any reversible error in finding that he was not denied due process and that there was sufficient evidence to hold him administratively liable for grave misconduct and gross neglect.

As aptly observed by the CA, due process in administrative proceedings simply means a chance to be heard either through oral arguments or pleadings submitted by the parties. A formal or trial-type hearing is not at all times essential and the requirements of due process are satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy.³ In fact, it is not legally objectionable

- over - three (3) pages

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¹ Rollo, pp. 46-60. Penned by Associate Justice Victoria Isabel A. Paredes with Associate Justices Japar B. Dimaampao and Elihu A. Ybañez, concurring.

² Id. at 61-62.

³ See *Samalio v. CA*, 494 Phil. 456, 465 (2005); citations omitted.

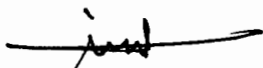
for an administrative agency to resolve a case based solely on position papers or documentary evidence, as in this case. Besides, petitioner cannot argue that he was not validly notified of the clarificatory hearing inasmuch as the sufficiency of a written notice is irrelevant where it is a matter of record that counsel and parties actually knew of the scheduled hearing.⁴

On the merits, the CA correctly found that the decision of the National Electrification Administration is founded on substantial evidence as the evidence clearly show that petitioner as General Manager, failed to protect the interest of Lanao del Norte Electric Cooperative (LANECO), exposing it unnecessarily to the payment of huge amount of legal fees without sufficient basis. It is settled that findings of administrative agencies are entitled to great respect and even finality when supported by substantial evidence and they will not be set aside unless there is a showing of grave abuse of discretion, or where it is clearly shown that they were arrived at arbitrarily or in disregard of the evidence on record, which do not obtain in this case.⁵

The petitioner is hereby required to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF files of the signed petition for certiorari and annexes as well as his signed manifestation with motion pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court *sk*
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- over -

⁴ *Cathay Pacific Airways v. Spouses Fuentebella*, 514 Phil. 291, 295 (2005); citation omitted.
⁵ See *Japson v. Civil Service Commission*, G.R. No. 189479, April 12, 2011, 648 SCRA 532, 542; citations omitted.



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