Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

N O T I C E

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **February 24, 2020** *which reads as follows:*

"A.C. No. 12643 - GERARD VICTOR H. MILAN V. ATTY. MIGUEL NOEL T. OCAMPO

Antecedents

Gerard Victor H. Milan initiated before the Court a complaint for disbarment *via* a *Sinumpaang Salaysay ng Paghahabla*[1] dated September 25, 2019 against Atty. Miguel Noel T. Ocampo, Acting Provincial Prosecutor and City Prosecutor for the Province of Laguna and City of Calamba, respectively. Specifically, Milan charged Atty. Ocampo with violation of Rule 1.01 and Canon 1-A of the Code of Professional Responsibility (CPR).

Milan essentially stated:

He initiated before the Office of the Provincial Prosecutor in Lipa City six (6) criminal complaints, *viz.*: a) NPSD No. IV-02-INV-18I-00936[2] (Conspiracy to Commit Fraud in Rendering an Unjust Decision to Falsify a Public Document); b) NPSD No. IV-02-INV-18J-00992[3] (Harassment & Accomplice to the Crime of Trespassing, Land Grabbing, Alarm & Scandal, etc.); c) NPSD No. IV-02-INV-18H-00825[4] (Conspiracy to Commit Fraud in Falsifying a Public Document); d) NPSD No. IV-02-INV-18K-01172[5] (Trespassing/Occupation of Real Property or Usurpation of Real

[1] *Rollo*, pp. 1-2.
[2] *Id.* at 3.
[3] *Id.* at 4.
[4] *Id.* at 5.
[5] *Id.* at 17.

Rights in Property/Alarm and Scandal/Harassment); and e) NPSD No. IV-12-INV-19B-00178 and NPSD No. IV-12-INV-19B-00179-00181 (both for Perjury).

As the assigned investigating prosecutor, Atty. Ocampo issued subpoenas and indicated therein that the preliminary hearing would be scheduled on January 9, 2019 at 10 o'clock in the morning for NPSD Nos. IV-02-INV-18I-00936, IV-02-INV-18J-00992, and IV-02-INV-18H-00825, and January 23, 2019 at 10 o'clock in the morning for NPSD No. IV-02-INV18K-01172. Respondents in these cases were directed to file their respective counter-affidavits on specific dates.

In NPSD No. IV-02-INV-18I-00936, Atty. Ocampo stated in the Minutes[6] that "*at today's hearing, the complainant was furnished a copy of the counter-affidavit submitted by Judge Manalang-Austria and Sheriff Macaraig*" but he (Milan) did not receive any copy of the counter-affidavit. Also, Atty. Ocampo did not state therein that Ex-Judge Pablo R. Chavez and Atty. Glenn P. Mendoza failed to attend the preliminary hearing and submit their counter-affidavits.

In NPSD No. IV-02-INV-18J-00992, Atty. Ocampo stated in the Minutes[7] that *"complainant is given until 23 January 2019 to submit his reply to the counter-affidavit submitted by respondent*." He (Milan) never received any counter-affidavit that day but received it on a different day *via* courier.

In NSPD No. IV-02-INV-18H-00825, Atty. Ocampo stated in the Minutes[8] that *"complainant was furnished a copy of the counter-affidavit submitted by Judge Manalang-Austria at today's hearing. The complainant is given until 23 January 2019 to submit his reply to the counter-affidavits submitted by the respondent Judge Manalang-Austria and SAPP Capuno-Beloso."* He (Milan), however, never received any counter-affidavit that day but received it on a different day *via* courier.

In NPSD No. IV-02-INV-18K-01172, Atty. Ocampo did not provide him (Milan) with a copy of the Minutes *"...upang pagtakluban sa kaso ang mga respondents."*

In NPSD No. IV-12-INV-19B-00178 and NPSD No. IV-12-INV-19B00179-00181, contrary to the statements in the Minutes,[9] he

[6] *Id.* at 14.
[7] *Id.* at 15.
[8] *Id.* at 16.
[9] *Id.* at 23-24.

(Milan) received no counter-affidavit from respondents to the complaints. More, the respondents' signatures did not appear on record as to otherwise indicate the supposed presence during the preliminary hearing.

Ruling

The case falls within the jurisdiction of the Office of the Ombudsman, not this Court.

Republic Act No. 6770 or "The Ombudsman Act of 1989," outlines the jurisdiction of the Office of the Ombudsman. Section 15, paragraph 1 of RA 6770 provides:

> Section 15. *Powers, Functions and Duties.* — The Office of the Ombudsman shall have the following powers, functions and duties:
>
> > (1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases.

Further, the 1987 Constitution confers on the Office of the Ombudsman the administrative disciplinary authority to investigate and prosecute any act or omission of any government official when such act or omission appears to be illegal, unjust, improper, or inefficient. It is the government agency responsible for enforcing administrative, civil, and criminal liability of government officials "in every case where the evidence warrants in order to promote efficient service by the Government to the people."[10] The jurisdiction of the Ombudsman encompasses all kinds of malfeasance, misfeasance, and non-feasance committed by any public officer or employee during his or her tenure. Consequently, acts or omissions of public officials relating to the performance of their functions as government officials are within the administrative disciplinary jurisdiction of the Office of the Ombudsman.[11]

[10] *Alicias v. Atty. Macatangay, et al.*, 803 Phil. 85, 91 (2017).
[11] *Samson v. Restrivera*, 662 Phil. 45, 52-53 (2011).

In ***Spouses Buffe v. Secretary Gonzales, et al.***,[12] the Court held that administrative charges against government lawyers involving the exercise of their official duties and functions fall within the administrative disciplinary jurisdiction of their superior or the Office of the Ombudsman.

Here, considering that Atty. Ocampo is a public officer charged with alleged dishonest, deceitful, and immoral conduct involving his official functions as Acting Provincial Prosecutor, the complaint should be taken cognizance of and resolved by the Office of the Ombudsman as the appropriate government agency.

WHEREFORE, the administrative complaint against Atty. Miguel Noel T. Ocampo is **DISMISSED** for lack of jurisdiction.

Complainant Gerard Victor H. Milan's *Sinumpaang Salaysay ng Paghahabla* dated September 25, 2019 (with enclosures), in the vernacular, charging respondent Atty. Miguel Noel T. Ocampo in his capacity as Acting Provincial Prosecutor, Office of the Provincial Prosecutor, Lipa City, of violating Rule 1.01 of Canon I of the Code of Professional Responsibility, and praying that he be disbarred from the practice of law is **NOTED**.

SO ORDERED." ***Reyes, J. Jr, J.,*** *on official leave.*

Very truly yours,

LIBRADA C. BUENA
Division Clerk of Court
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Mr. Gerard Victor H. Milan
Complainant
Poblacion, Padre Garcia, 4224 Batangas

Atty. Miguel Noel T. Ocampo
Respondent
Acting Provincial Prosecutor & City Prosecutor
City Prosecutor's Office
Calamba City, 4027 Laguna

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Supreme Court

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[12] 797 Phil. 143, 150-151 (2016).