

## THIRD DIVISION

[ G.R. NO. 175451, April 13, 2007 ]

**ROSARIO L. DADULO, PETITIONER, VS. THE HON. COURT OF APPEALS, OFFICE OF THE OMBUDSMAN, HON. FELICIANO BELMONTE, JR., IN HIS CAPACITY AS CITY MAYOR OF QUEZON CITY AND GLORIA PATANGUI, RESPONDENTS.**

### **DECISION**

**YNARES-SANTIAGO, J.:**

Assailed in this petition is the July 20, 2006 Decision<sup>[1]</sup> of the Court of Appeals in CA-G.R. SP No. 89909, affirming the March 4, 2003 Decision<sup>[2]</sup> of the Office of the Ombudsman in OMB-C-A-02-0470-J, which found petitioner Rosario Dadulo guilty of conduct prejudicial to the best interest of the service and imposed upon her the penalty of six months suspension.

On September 26, 2002, private respondent Gloria Patangui (Patangui) filed before the Office of the Ombudsman an administrative complaint against petitioner Rosario Dadulo, Barangay Chairperson of Barangay Payatas A, Quezon City; and against Barangay Security Development Officers (BSDOs) Edgar Saraga and Rogelio Dumadigo; and Deputy BSDO Efren Pagabao. Patangui declared in her *Salaysay ng Pagrereklamo*<sup>[3]</sup> that at around 4:30 in the afternoon of September 22, 2002, while she was out of their house, petitioner and the said BSDOs stole several galvanized iron sheets, lumber, and rolled plain iron sheets from her backyard. The incident was purportedly witnessed by Patangui's two daughters who saw two men cart away the items upon the orders of a woman who was standing nearby. A BSDO on duty told Patangui that it was petitioner who ordered the seizure of the subject construction materials. The same information was relayed to her by a certain Elsie Castillejos. The following day, Patangui found out that some of the galvanized iron sheets taken from her backyard were utilized in building the new barangay outpost. She recognized said items because she is familiar with the campaign stickers still posted on the galvanized iron sheets.

In her *Sinumpaang Salaysay*,<sup>[4]</sup> Jessica, 9 year old daughter of Patangui, stated that while she was playing in their yard, two men seized their construction materials upon the orders of a woman. The following day, she pointed to a BSDO wearing a black jacket as one of those who took the construction materials. Upon inquiry, said man was identified as Edgar Saraga. Jessica later learned from their neighbors and from her mother that the woman who was standing near their house and giving orders to the BSDOs, was petitioner Rosario Dadulo.

Deputy BSDO Efren Pagabao stated in his counter-affidavit that they were directed by petitioner to inspect the house of Patangui to verify whether she has the necessary permit in connection with the ongoing construction in the site. He

stressed that they acted with courtesy during the said inspection.<sup>[5]</sup> BSDOs Edgar Saraga and Rogelio Dumadigo added that the complaint filed against them was fabricated and aimed to conceal that Patangui was illegally building a structure on a land owned by the government.<sup>[6]</sup>

In her counter-affidavit, petitioner denied the charge against her and declared that on September 11, 2002, a certain Elsie Castillejos applied for a permit to construct a house extension but was denied because the structure was intended to be built on the land owned by the National Waterworks and Sewerage Authority (NAWASA). Nevertheless, the construction proceeded. Petitioner inspected the site and found out that the structure is owned by Patangui and not by Elsie Castillejos.<sup>[7]</sup>

Based on the affidavit of the parties, the Office of the Ombudsman rendered the assailed Decision finding petitioner and BSDO Edgar Saraga guilty of conduct prejudicial to the best interest of the service and imposed upon them the penalty of six months suspension. The charges against BSDO Rogelio Dumadigo and Deputy BSDO Efren Pagabao were dismissed for not having been identified as among those who took the construction materials of petitioner. The dispositive portion of the decision of the Office of the Ombudsman, reads:

WHEREFORE, PREMISES CONSIDERED, judgment is hereby rendered finding respondents ROSARIO DADULO and EDGAR SARAGA Guilty of Conduct Prejudicial to the Best Interest of the Service, for which the penalty of Suspension for Six (6) Months Without Pay is hereby recommended, pursuant to the provisions of Section 10, Rule III of Administrative Order No. 07, in relation to Section 25 of Republic Act No. 6770.

The Honorable, the Mayor, Quezon City, is hereby furnished a copy of this Decision for its implementation in accordance with law, with the directive to inform this Office of the action taken thereon.

SO RESOLVED.<sup>[8]</sup>

Only petitioner elevated the case to the Court of Appeals which affirmed the assailed decision of the Office of the Ombudsman on July 20, 2006.<sup>[9]</sup> It held that there is substantial evidence to prove that petitioner ordered the seizure of the construction materials of Patangui. The dispositive portion thereof, provides:

WHEREFORE, premises considered, the appealed decision of the Office of the Ombudsman in OMB-C-A-02-0470-J is hereby AFFIRMED and the petition is DENIED.

SO ORDERED.<sup>[10]</sup>

On October 26, 2006, public respondent Feliciano Belmonte, Jr. issued an Order implementing the suspension of petitioner.<sup>[11]</sup> Hence, the instant recourse with prayer for the issuance of a temporary restraining order. On December 13, 2006, the Court issued a Resolution enjoining the implementation of petitioner's suspension.<sup>[12]</sup>