

SECOND DIVISION

[G.R. NO. 133077, September 08, 2006]

ADORACION G. ANGELES, PETITIONER, VS. HON. ANIANO A. DESIERTO, AS OMBUDSMAN OF THE PHILIPPINES, ROLINE M. GINEZ-JABALDE, ANGEL C. MAYORALGO, JR., ABELARDO L. MONTEMAYOR, ROBERT E. KALLOS AND LEONARDO P. TAMAYO, ALL OF THE OFFICE OF THE OMBUDSMAN, SECRETARY LINA B. LAIGO OF THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), AND ASST. CHIEF STATE PROSECUTOR PASCUALITA DURAN-CERENO, SENIOR STATE PROSECUTOR HERNANI T. BARRIOS, STATE PROSECUTOR RICHARD ANTHONY D. FADULLON AND STATE PROSECUTOR ALFREDO P. AGCAOILI, ALL OF THE DEPARTMENT OF JUSTICE, MANILA, RESPONDENTS.

D E C I S I O N

GARCIA, J.:

By this special civil action for *certiorari* and mandamus under Rule 65 of the Rules of Court, petitioner Adoracion G. Angeles seeks the annulment and setting aside of the following issuances in connection with **OMB-0-97-0047**, a proceeding instituted by the petitioner with the Office of the Ombudsman against the respondents (DSWD) Secretary Lina B. Laigo; Assistant Chief State Prosecutor Pascualita Duran-Cereno; Senior State Prosecutor (SSP) Hernani T. Barrios; and State Prosecutors (SPs) Richard Anthony D. Fadullon and Alfredo P. Agcaoili, for alleged violation of Article 171(5)^[1] of the Revised Penal Code, violation of Republic Act (R.A.) No. 3019,^[2] particularly Section 3(f)^[3] thereof, in relation to Article I, Section 3(b) (4)^[4] and Section 3 (c) (6)^[5] of R.A. No. 7610:^[6]

1. **Resolution dated September 18, 1997**, issued by Graft Investigation Officer II Roline M. Ginez-Jabalde of the Office of the Ombudsman, recommending the dismissal of the charges filed by the petitioner against Secretary Lina B. Laigo of the DSWD; Assistant Chief State Prosecutor Pascualita Duran-Cereno; Senior State Prosecutor Hernani T. Barrios; and State Prosecutors Richard Anthony D. Fadullon and Alfredo P. Agcaoili;
2. **Memorandum dated November 20, 1997**, issued by Special Prosecution Officer III Carlos D. Montemayor of the Department of Justice (DOJ), recommending the approval of the aforesaid September 18, 1997 Resolution; and
3. **Order dated January 23, 1998**, duly approved by then Ombudsman Aniano A. Desierto, denying the herein petitioner's motion for reconsideration of the same September 18, 1997 Resolution.

The main case, **OMB-0-97-0047**, traces its roots from a criminal complaint for physical abuse and maltreatment under R.A. No. 7610, filed against the herein petitioner by her housemaids, Proclyn Pacay and Nancy Gaspar, before the Department of Justice (DOJ).

The complaint, docketed as I.S. No. 95-224, was initially assigned for investigation to SSP Hernani T. Barrios.

On April 21, 1995, the petitioner filed a manifestation and motion submitting **I.S. No. 95-224** for resolution and praying for its dismissal.

On June 21, 1995, SSP Barrios issued a subpoena directing the petitioner as respondent in I.S. No. 95-224 to appear and present her evidence in the hearing of July 18, 1995. During the hearing, the petitioner reiterated her earlier plea to submit the case for resolution, which was duly granted by SSP Barrios.

On January 12, 1996, the petitioner, irritated with the delay in the resolution of I.S. No. 95-224, filed an administrative complaint against SSP Barrios charging the latter with dishonesty, gross negligence and incompetence. Three days later, or on January 15, 1996, the petitioner filed an urgent motion, this time to disqualify SSP Barrios from proceeding with or resolving I.S. No. 95-224.

In the meantime, another criminal complaint, also for violation of R.A. No. 7610, was filed against the petitioner and her sister Oliva Angeles, by Rebecca Pacay, a former helper of the petitioner. This other complaint was filed before the Quezon City Prosecutor's Office and thereat docketed as I.S. No. 96-258. On February 2, 1996, I.S. No. 96-258 was indorsed by the Quezon City Prosecutor to the Office of the Chief State Prosecutor, DOJ, because of its similarity with I.S. No. 95-224. In the DOJ, I.S. No. 96-258 was re-docketed as **I.S. No. 96-097**.

Later, pursuant to a Memorandum dated March 6, 1996 of Chief State Prosecutor (CSP) Jovencito Zuño, I.S. No. 95-224 and I.S. No. 96-097 were consolidated and assigned to SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili.

On July 25, 1996, SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili issued a Joint Resolution^[7] in the consolidated cases. Therein, they recommended the dismissal of Rebecca Pacay's complaint in I.S. No. 96-097 and the filing of two (2) informations against the petitioner for violation of Section 10(a) of R.A. No. 7610. More specifically, the joint resolution dispositively reads:

WHEREFORE and in view of the foregoing, it is respectfully recommended that I.S. No. 96-097 filed by Rebecca Pacay against respondent Judge Adoracion Angeles and Oliva Angeles be dismissed. Likewise, we recommend for approval the filing of two (2) informations for violation of Section 10 (a) of Republic Act No. 7610 against respondent Judge Adoracion Angeles relative to I.S. No. 95-224.

The aforementioned Joint Resolution was approved by CSP Jovencito Zuño.

In time, the petitioner moved for a partial reconsideration of the aforesaid joint resolution. With the inhibition of CSP Zuño, petitioner's motion for partial reconsideration was referred to the Acting CSP, Pascualita Duran-Cereno. In a

resolution^[8] dated October 7, 1996, Acting CSP Duran-Cereno denied the petitioner's motion, to wit:

Premises considered, the partial motion for reconsideration is denied. Let the two (2) informations for violations of Section 10 (a), RA 7610 be filed in the Court of proper jurisdiction.

From the aforementioned denial resolution, the petitioner filed with the DOJ a petition for review. Unfortunately for her, however, the petition was denied by DOJ Undersecretary Ricardo G. Nepomuceno in the resolution dated January 16, 1997.

It was against the foregoing backdrop of events that the petitioner, obviously displeased with what transpired, filed with the Office of the Ombudsman an *Affidavit-Complaint*^[9] against the following: Secretary Lina B. Laigo of the DSWD; Assistant Chief State Prosecutor Pascualita Duran-Cereno; SSP Hernani T. Barrios; and SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili. The complaint was docketed as **OMB-0-97-0047**.

We reproduce hereunder the petitioner's accusations against the impleaded respondents in OMB-0-97-0047, to wit:

17. That the acts of all the respondents in unduly favoring the complainants in I.S. No. 95-224 and discriminating against me [petitioner] is likewise a wanton violation of Sec. 3(f) of RA 3019;
18. That the malicious acts of herein respondents are also constitutive of child abuse as defined by Section 3(b) (4) in relation to Section 3(c) (6) RA 7610 inasmuch as the continued detention of the girls at the DSWD albeit against their free will and their constant exposure to the trauma of a court litigation seriously impair their normal development as members of society. Undoubtedly, the unfounded scandal orchestrated by my detractors and maliciously supported by all the respondents will leave an indelible stigma upon the girls; and
19. That it is evident that the case against me is rooted on vengeance with no other intention than to harass and cast a stigma to my good name and the respondents are all willing conspirators.

In the same affidavit-complaint, the petitioner charged respondents SSP Barrios and SPs Fadullon and Agcaoili of falsification under Article 171(5) of the Revised Penal Code.

In the herein first assailed **Resolution**^[10] **dated September 18, 1997**, Graft Investigator Officer II Roline M. Ginez-Jabalde, of the Office of the Ombudsman, recommended the dismissal of OMB-0-97-0047.

In the **Memorandum dated November 20, 1997**, Special Prosecution Officer III Carlos D. Montemayor, also of the same office, recommended the approval of the September 18, 1997 Resolution.

Finally, in the **Order dated January 23, 1998**, Director Angel Mayoralgo, Jr.,

likewise of the Office of the Ombudsman, and Assistant Ombudsman Abelardo Aportadera, recommended the denial, for lack of merit, of the petitioner's motion for reconsideration of the Resolution dated September 18, 1997. The recommendation was duly approved by the herein respondent, then Ombudsman Aniano A. Desierto, as borne by the latter's signature appearing at the bottom of said Order.

Petitioner is now before the Court via the present recourse imputing grave abuse of discretion on the part of the Ombudsman and his investigating officers in dismissing OMB-0-97-0047. In the same vein, the petitioner seeks to annul and set aside their above stated issuances in said case. The mandamus aspect of the petition seeks to command the respondent Ombudsman to file the information in court for violations of Article 171(5) of the Revised Penal Code and Section 3(e) and (f) of R.A. No. 3019, as amended, against DSWD Secretary Lina B. Laigo, Assistant Chief State Prosecutor Pascualita Duran-Cereno, SSP Hernani T. Barrios and SPs Richard Anthony D. Fadullon and Alfredo P. Agcaoili.

The petition is bereft of merit.

To the petitioner, *"the predisposition of the respondents to indict (her) at all cost is very apparent and an undeniable badge of bad faith on their part as it is clear that the findings (in the Joint Resolution) are not the result of an honest and objective appraisal of the evidence but the repulsive product of Barrios' avenging nature which was supported and cooperated with by his co-respondents,"*^[11] in OMB-0-97-0047.

In support of her conspiracy theory, the petitioner alleges that Secretary Lina B. Laigo of the DSWD interfered with and manifested undue interest in the maltreatment case by making repeated calls to the DOJ urging the immediate filing of criminal information therefor against the petitioner.

As their part in the perceived grand conspiracy, petitioner avers that respondents Barrios, Fadullon and Agcaoili, whom she claims to have a close link with the DSWD Secretary, allegedly orchestrated her indictment for maltreatment to protect the image of the DSWD which was allegedly holding the complainants in the maltreatment cases against their will.

Turning to respondent Pascualita Duran-Cereno, this respondent, according to the petitioner, conspired with the other respondents when *"she maliciously affirmed in toto the obviously biased findings of her co-respondents Barrios, Fadullon and Agcaoili."*^[12]

With respect to respondents Fadullon and Agcaoili, the petitioner alleged that the two conspired with respondent Barrios in falsifying an unsigned Joint Resolution^[13] in the maltreatment cases by ante-dating the same to show that it was ready for release by February 7, 1996. Petitioner insists that *"respondent Barrios could not have made the document on February 7, 1996 since the referral of I.S. No. 96-097 was made on February 2, 1996 and the investigation commenced only on March 21, 1996 by respondents Fadullon and Agcaoili."*^[14]

Time and again, the Court has ruled that the Ombudsman has the full discretion to determine whether a criminal complaint should be dismissed or the necessary