

THIRD DIVISION

[G.R. No. 219062, January 29, 2020]

**OFFICE OF THE DEPUTY OMBUDSMAN FOR MINDANAO,
PETITIONER, VS. ANTONIETA A. LLAUDER, RESPONDENT.**

DECISION

LEONEN, J.:

Government employees must perform their duties with utmost care and responsibility, and must be held accountable for their actions at all times. There is gross neglect of duty when one's actions, even if not willfully or intentionally done to cause harm, are characterized by want of even slight care and a blatant indifference to the consequences of one's actions to other persons.^[1]

This Court resolves a Petition for Review on Certiorari^[2] filed by the Office of the Deputy Ombudsman for Mindanao (Office of the Deputy Ombudsman). It assails the Decision^[3] and Resolution^[4] of the Court of Appeals, which modified its findings by lowering the administrative offenses committed by Antonieta Llauder (Llauder) from gross neglect of duty and conduct prejudicial to the best interest of the service, with a suspension of six (6) months, to just simple neglect of duty, with three (3) months' suspension.

Llauder worked at the Office of the Civil Registrar in Iligan City as an assistant registration officer, alongside Georgette Dacup (Dacup), the City Civil Registrar, and Norma Aranton (Aranton), the officer-in-charge of the Marriage License Registration Division.^[5]

On February 6, 2006, Benjamin K. Edmilao II (Edmilao) filed a Complaint^[6] against all three of them before the Office of the Deputy Ombudsman. They were accused of dishonesty and conduct prejudicial to the best interest of the service for willfully and maliciously assisting and conspiring to register a spurious marriage certificate between Edmilao and one Mylain S. Chu (Chu).^[7]

Edmilao alleged that sometime in 2002, his aunt, Mary Ann Busico (Busico), requested him to sign an application for marriage license for "game play" so that Chu, her travel agency's client, could go abroad. Edmilao acceded to Busico's request since she allegedly promised that the application would not be registered with the City Registrar's Office.^[8]

Only later would he discover that a marriage certificate had indeed been registered with the Civil Registry of Iligan City.^[9]

Edmilao pointed out how under the marriage certificate, he and Chu got married on July 30, 1997 before Reverend Father Gervacio Flores at the Holy Child Parish Philippine Independent Church in Iligan City. It was stated at the back of the

certificate that the solemnizing officer's oath appeared to have been notarized by one Atty. Alfredo R. Busico (Atty. Alfredo) on June 11, 1997, 49 days before the supposed ceremony took place.^[10]

On August 8, 2002, Edmilao further alleged that Aranton transmitted the application for delayed registration of marriage certificate to the City Prosecutor of Iligan City. Later, on August 15, 2002, Llauder, on behalf of Mylain C. Edmilao, signed the application requesting the City Civil Registrar to indorse the newly registered documents to the Office of the Civil Registrar General of Manila for the issuance of its security papers and authentication. The marriage contract was subsequently registered with the Civil Registry of Iligan City.^[11]

Later, in Civil Case No. 6541, the Iligan City Regional Trial Court, Branch 1, declared the spurious marriage between Edmilao and Chu to be nonexistent and void.^[12]

In his Complaint now, Edmilao alleged that Llauder, Dacup, and Aranton acted in bad faith for conspiring with Busico and her husband, Atty. Alfredo—whom Edmilao claimed was related to Llauder—in falsifying the marriage certificate. As the City Civil Registrar, Dacup was impleaded under the principle of command responsibility,^[13] while Llauder and Aranton were impleaded for receiving and processing the registration of the marriage certificate.^[14]

All three (3) accused denied the charges against them.

In her Counter-Affidavit, Dacup stated that applications for delayed registration of marriages do not require her office's approval and are instead processed in the Marriage Division.^[15] For her part, Aranton averred that it is her ministerial function as a registration officer of the Civil Registry of Iligan City to accept the marriage certificate and its supporting documents presented for registration without determining their intrinsic validity.^[16]

Meanwhile, in her Counter-Affidavit/Answer,^[17] Llauder denied having anything to do with the falsification or forgery since she did not participate in any act related to the alleged marriage, save for receiving and placing a registry number on the marriage certificate. As to the discrepancy in the dates, she also claimed that she had nothing to do with it.^[18]

Llauder added that there was nothing irregular with her signing on behalf of Chu for the issuance of the security paper on delayed registration, as this was common practice at their office.^[19]

In his Comment, Edmilao claimed that Dacup, Llauder, and Aranton were at fault for receiving and processing a marriage certificate without requiring affidavits showing that: (a) the parties have lived for at least five (5) years; and (b) at least one (1) of them belongs to the religious sect of the solemnizing officer. Their acts, he alleged, violated Administrative Order No. 1, series of 1993, of the Office of the Civil Registrar General. Moreover, Edmilao insisted that Llauder failed to notice the discrepancies between the date of solemnization and notarization of the document.^[20]

On March 19, 2007, the Office of the Deputy Ombudsman issued a Decision^[21] finding Llauder and Aranton guilty of gross neglect of duty and conduct prejudicial to

the best interest of the service for their failure to observe compliance with Administrative Order No. 1 of the Office of the Civil Registrar General.

However, the Office of the Deputy Ombudsman stated that Edmilao was not completely blameless as he consented to the "game play" designed by his aunt. Accordingly, it stated that Llauder and Aranton should not be made to suffer the full force of law.^[22]

Meanwhile, the Office of the Deputy Ombudsman absolved Dacup of liability, finding that "she had nothing to do"^[23] with the registration of the marriage certificate.^[24] The dispositive portion of the Decision read:

WHEREFORE, this Office finds herein respondents Aranton and Llauder guilty of the administrative charges of Gross Neglect of Duty and Conduct Prejudicial To The Best Interest of Public Service, and are hereby meted the penalty of Six (6) months Suspension.

The charge against respondent Dacup is hereby dismissed for lack of evidence.

Moreover, to prevent a similar case in the future the Office of the Civil Registrar General, Manila is hereby ordered to also look into this matter being a part of their regulatory power.

The Honorable Mayor of Iligan City is hereby directed to implement the aforementioned sanction against respondents Norma Aranton and Antonieta Llauder. A report on the implementation of the said sanction against herein respondents should be submitted to this Office within ten (10) days after the implementation thereof.

SO DECIDED.^[25]

Both Llauder and Aranton moved for reconsideration.^[26]

In her Motion for Reconsideration, Llauder reiterated that since the City Prosecutor had recommended the application's approval, she had no choice but to indorse the application for the issuance and authentication of its security papers.^[27]

On July 28, 2008, a Notice of Suspension was issued by Iligan City Mayor Lawrence Cruz, suspending Llauder and Aranton from office from July 29, 2008 until January 31, 2009.^[28]

On August 18, 2008, Edmilao filed an Affidavit of Desistance, asking that his Complaint against Llauder, Aranton, and Dacup be withdrawn. He stated that he was remorseful for filing the case when there was no proof of any malice on their part. In light of this, Llauder filed a Motion to Dismiss the administrative case on August 20, 2008.^[29]

Nevertheless, Llauder's Motion to dismiss the case, along with her and Aranton's Motions for Reconsideration, was denied by the Office of the Deputy Ombudsman in its October 16, 2008 Order.^[30]

Only Llauder filed a Petition for Review^[31] before the Court of Appeals. She reiterated that she did not go beyond her duties and functions. When the marriage

certificate was presented by an unidentified woman for delayed registration, she indorsed it to Aranton. Aranton then indorsed it to the City Prosecutor, who then returned it with a favorable review.^[32]

Llauder emphasized that she only entered the marriage certificate in the books and assigned it its registry number after the City Prosecutor's favorable review and evaluation. She further contended that her duty as an assistant registration officer is ministerial and that she had no authority to overturn a prosecutor's favorable recommendation.^[33]

Besides, Llauder claimed, Edmilao's Affidavit of Desistance should have had the effect of withdrawing, superseding, and reversing the factual averments in the Complaint, and should have caused the dismissal of the administrative case against her.^[34]

On December 8, 2014, the Court of Appeals issued a Decision^[35] affirming with modification the Office of the Deputy Ombudsman's Decision.

The Court of Appeals first rejected Llauder's claim that Edmilao's Affidavit of Desistance should have warranted the case's dismissal, noting that administrative complaints are imbued with public interest and "should not be made to depend on the whims and caprices of the complainants."^[36]

The Court of Appeals then pointed out that while a spurious marriage certificate was registered, Llauder was only liable for simple neglect of duty, since the Office of the Deputy Ombudsman failed to show that her breach of duty was flagrant and palpable. It also held that Llauder was not liable for conduct prejudicial to the best interest of the service, finding that her acts did not cause undue prejudice to the government or the Civil Registry of Iligan City.^[37]

The dispositive portion of the Court of Appeals Decision read:

WHEREFORE, premises considered, the assailed decision and order of the Ombudsman are hereby AFFIRMED with MODIFICATION in that Llauder is found guilty of simple neglect of duty only and meted the penalty of suspension for three months without pay since this is her first offense in her thirty-six years of service in the Government.

SO ORDERED.^[38]

The Office of the Deputy Ombudsman moved for partial reconsideration, but the Motion was denied for lack of merit in the Court of Appeals' June 8, 2015 Resolution.^[39]

On August 20, 2015, the Office of the Deputy Ombudsman filed this Petition for Review on Certiorari^[40] against Llauder.

On November 23, 2015, this Court required respondent to comment on the Petition.^[41] However, no comment was filed.

On June 22, 2016, this Court required Atty. Cancio Nicanor M. Guibone (Atty. Guibone), respondent's counsel, to comply with the November 23, 2015 Resolution

and to show cause why he should not be disciplinarily dealt with or held in contempt for his failure to comply in the first place.^[42]

On September 30, 2016, Atty. Guibone filed a Compliance,^[43] stating that he repeatedly attempted to contact respondent through text messages and calls, but failed. He stated that upon receiving the show cause order, he again attempted to contact her, to no avail. Atty. Guibone instead attached to his Compliance the pleadings previously filed by respondent, so as to apprise this Court of her previous defenses.^[44]

In a November 21, 2016 Resolution,^[45] this Court found Atty. Guibone's Compliance unsatisfactory, requiring him to exert more effort in contacting respondent and to submit her conformity within 10 days from notice.

On June 29, 2017, Atty. Guibone filed a second Compliance^[46] stating that he once again exerted earnest efforts to communicate with respondent through text messages and calls, but to no avail. As a last resort, his staff went to respondent's last known office address at the Civil Registry of Iligan City, from which he found out that respondent had already retired from government service in the middle of 2016.^[47]

On October 2, 2017, this Court noted and accepted the second Compliance filed by Atty. Guibone and dispensed with the filing of respondent's comment on this petition.^[48]

In its Petition, petitioner argues that the Court of Appeals erred in downgrading the offenses against respondent. It pointed out that she violated Administrative Order No. 1 of the Office of the Civil Registrar General when she received and accepted the application for delayed marriage registration and assigned it a registry number despite the lack of supporting documents. It maintains that respondent's disregard of the Administrative Order, coupled with her failure to notice the discrepancies on the marriage certificate submitted by Chu, cannot be regarded as simple neglect of duty.^[49]

The sole issue for this Court's resolution is whether or not the Court of Appeal s erred in lowering the offense committed by respondent Antonieta A. Llauder from gross neglect of duty and conduct prejudicial to the best interest of the service to simple neglect of duty, and downgrading her penalty of suspension from six (6) months to three (3) months.

The Petition is meritorious.

Although respondent is no longer in the public service, having retired in 2016, the propriety of the Court of Appeals Decision, which lowered the offense she committed and the penalty meted, must be discussed. It must be determined if respondent is entitled to a reimbursement of salaries and emoluments not paid to her during her six-month suspension, as provided under Rule III, Section 7 of the Rules of Procedure of the Office of the Ombudsman, as amended.^[50] Section 7 provides:

Section 7. Finality and execution of decision. — Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be