

## THIRD DIVISION

[ G.R. No. 220535, July 08, 2020 ]

**DENNIS M. VILLA-IGNACIO, PETITIONER, VS. ELVIRA C. CHUA,  
RESPONDENT.**

### DECISION

**CARANDANG, J.:**

Before this Court is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court, assailing the Amended Decision<sup>[2]</sup> dated November 28, 2014 and the Resolution<sup>[3]</sup> dated September 15, 2015 of the Court of Appeals (CA) in CA-G.R. SP No. 114702 filed by petitioner Former Special Prosecutor Dennis M. Villa-Ignacio (Villa-Ignacio).

#### The Antecedents

On March 27, 2008, respondent Assistant Special Prosecutor Elvira Chua (Chua) filed a Complaint<sup>[4]</sup> before the Internal Affairs Board of the Office of the Ombudsman (IAB) against Villa-Ignacio and Erlina C. Bernabe (Bernabe) for Dishonesty, Abuse of Authority, Grave Misconduct, and Conduct Prejudicial to the Best Interest of the Service docketed as IAB-08- 0004.

In January 2005, during a flag ceremony, Villa-Ignacio asked the employees of the Office of the Special Prosecutor (OSP) what to do with the monetary contributions solicited in their Christmas party charity drive in December 2004. The employees agreed that the monetary proceeds of their charity drive will be used for the construction of manual deep wells for the typhoon victims in Quezon province.<sup>[5]</sup> Chua donated P26,660.00 to the charity drive. Bernabe, who was assigned to gather the donations, issued a receipt<sup>[6]</sup> in the name of Chua, stating that the donation was for the purchase of water pumps.<sup>[7]</sup>

On September 1, 2006, Villa-Ignacio instructed Bernabe to apply for a manager's check<sup>[8]</sup> in the amount of P52,000.00 payable to Gawad Kalinga Community Development Foundation, Inc. (Gawad Kalinga).<sup>[9]</sup> The beneficiary issued an Official Receipt<sup>1</sup>,<sup>[10]</sup> which was posted on the bulletin board of the OSP for the information of all its employees.<sup>[11]</sup>

Villa-Ignacio vehemently denied personally receiving nor ever having physical or juridical possession of Chua's donation. He also denied misappropriating or converting the same for any purpose.<sup>[12]</sup> He averred that he told the OSP employees in the succeeding flag assemblies that the contractor of the deep wells had declined the project as the cost of the project is not sufficient to compensate

the distance to be traveled. After soliciting suggestions on the use of the funds they had raised, he allegedly proposed that these be donated to the Gawad Kalinga. He claimed that the employees participated in the discussion and eventually agreed to donate the funds to Gawad Kalinga. Villa-Ignacio distinctly recalls that Chua was present during the discussions.<sup>[13]</sup>

Bernabe admitted issuing the receipt and applying for the Manager's Check for the donation collected in compliance with the lawful order of her superior.<sup>[14]</sup> She argued that she never exercised any kind of authority, discretion in disposing Chua's donation as her acts were merely ministerial.<sup>[15]</sup> She insisted that it was Villa-Ignacio who facilitated the transmittal of the Manager's Check to Gawad Kalinga.<sup>[16]</sup> Thus, she maintained that she cannot be held liable for both criminal and administrative charges against her.<sup>[17]</sup>

On March 18, 2008, or approximately three years after the charity drive, Chua contested the donation made in favor of Gawad Kalinga through a letter addressed to Bernabe.<sup>[18]</sup> Bernabe replied that, as instructed by Villa-Ignacio, the funds Chua donated had already been included in the OSP employees' donation to Gawad Kalinga.<sup>[19]</sup>

### **Ruling of the Internal Affairs Board**

On September 3, 2009, the IAB rendered its Decision,<sup>[20]</sup> the dispositive portion of which reads:

**WHEREFORE, premises considered**, judgment is hereby rendered finding respondent Special Prosecutor DENNIS M. VILLA-IGNACIO guilty of **Simple Misconduct** and is hereby meted the penalty of **three (3) months suspension from Office without pay** pursuant to Section 10, Rule III of Administrative Order No. 17 in relation to Section 25 of Republic Act 6770.

The administrative complaint against respondent ERLINA C. BERNABE be [*sic*] **dismissed** for lack of merit.

**SO DECIDED.**<sup>[21]</sup> (Emphasis and italics in the original)

In finding Villa-Ignacio administratively liable, the IAB emphasized that the donation was received and held in trust by Villa-Ignacio and Bernabe with an obligation to apply the same for the construction of deep wells.<sup>[22]</sup> The IAB found that Villa-Ignacio failed to satisfactorily refute the claim of Chua and other officers of OSP who denied being informed of the change in the beneficiary of their donation. The IAB added that mere juridical possession is enough for Villa-Ignacio to acquire control in the disposition of the money or personal property received.<sup>[23]</sup>

With regard to Bernabe's culpability, the IAB ruled that even if she was the custodian of the donations, she could not have disposed them without an order or instruction from her superior. As such, the IAB concluded that there was no conspiracy between her and Villa-Ignacio and that her conduct enjoys the presumption of regularity in the performance of official functions.<sup>[24]</sup>

Villa-Ignacio filed a Consolidated Motion for Reconsideration *Ex Abundanti Ad Cautelam* before the IAB.<sup>[25]</sup> In its Joint Order<sup>[26]</sup> dated June 4, 2010, the IAB denied Villa-Ignacio's Motion for Reconsideration for lack of merit.

### **Ruling of the Court of Appeals**

On October 8, 2012, the CA rendered its Decision,<sup>[27]</sup> the dispositive portion of which states:

**WHEREFORE**, the petition is **GRANTED**. The Decision dated September 3, 2009, and the Joint Order, dated June 4, 2010, of the Internal Affairs Board of the Office of the Ombudsman are hereby annulled and set aside. In their stead, a new judgment is hereby entered dismissing the charges for Misconduct, Dishonesty, Abuse of Authority & Conduct Prejudicial to the Best Interest of Service against Petitioner for utter lack of merit.

**SO ORDERED.**<sup>[28]</sup> (Emphasis in the original)

After a perusal of the records, the CA found that Villa-Ignacio presented substantial evidence to show that he acted with regularity and transparency in making the donation to the Gawad Kalinga.<sup>[29]</sup> The affidavits of the OSP employees corroborated Villa-Ignacio's claim that he made all his announcements during the flag ceremony and that he sought the consensus of the employees as to what to do with the proceeds of the charity drive. The CA held that Chua was never deprived of any information regarding her donation since the information was made public and available to all the employees. The CA noted that it took Chua more than three years to inquire about her donation. Her silence for more than three years was deemed an implied consent for which she cannot now deny knowing what happened to the donation.<sup>[30]</sup>

Aggrieved, Chua filed a Motion for Reconsideration.<sup>[31]</sup>

On November 28, 2014, the CA rendered its Amended Decision,<sup>[32]</sup> the dispositive portion of which reads:

**WHEREFORE**, the *Motion for Reconsideration* is **GRANTED**. The Petition for Certiorari is hereby **DISMISSED**.

**SO ORDERED.**<sup>[33]</sup> (Emphasis in the original)

The CA held that Chua did not only give the donation specifically for the purpose of purchasing water pumps, she neither consented to, nor was she informed of the diversion of the donation to Gawad Kalinga Foundation.<sup>[34]</sup> The *Manifestation*<sup>[35]</sup> dated September 4, 2008 executed by 28 officials and employees of OSP stated that "it was only recently or about the time when Special Prosecutor Dennis M. Villa-Ignacio revealed to the press that Director Elvira Chua filed a complaint of [*sic*] estafa against him that we came to know that part of the amount we (Prosecutors) gave to the 2004 Christmas Party for the purchase of water pumps was diverted to Gawad Kalinga project of building shelter (houses)."<sup>[36]</sup> Contrary to Villa-Ignacio's assertion that Prosecutors John I.C. Turalba and Rabendrath Y. Uy volunteered to

help in looking for contractors to build the deep wells, the CA noted that both Turalba and Uy categorically denied under oath having been asked by Villa-Ignacio to look for a contractor or having volunteered to look for one.<sup>[37]</sup>

In a Resolution<sup>[38]</sup> dated September 15, 2015, the CA denied Villa-Ignacio's Motion for Reconsideration. In denying outright Villa-Ignacio's Motion for Reconsideration, the CA noted that:

x x x [P]etitioner's counsel's receipt of the Amended Decision was on December 5, 2014. He filed the instant motion only on January 5, 2015 or beyond the reglementary period set forth under the Rules of Court.

x x x x

In this case, the 15-day period of Petitioner run upon his counsel's receipt of the Amended Decision on December 5, 2014, as evidenced by the Registry Return Card, and not from December 15, 2014 as barely claimed by counsel to be the date of receipt of the said Amended Decision. From December 5, 2014, Petitioner's counsel supposedly had until December 22, 2014 within which to file a motion for reconsideration but they delayed the filing until it was already January 5, 2015 or beyond permissible time frame.<sup>[39]</sup> (Emphasis and citations omitted)

As the Amended Decision became final and executory, the CA directed the Division Clerk of Court to issue an Entry of Judgment.<sup>[40]</sup>

In the present petition, Villa-Ignacio raised the following procedural arguments: (1) the evidence on record clearly shows that he timely filed his Motion for Reconsideration on January 5, 2015, contrary to the ruling of the CA in its Resolution dated September 15, 2015;<sup>[41]</sup> and (2) the Decision dated October 8, 2012 of the CA absolving him of all the charges was already final, executory, and not appealable.<sup>[42]</sup>

Villa-Ignacio also maintained that: (1) the amount of P26,660.00 was not solely intended for the purchase of water pumps;<sup>[43]</sup> (2) the change in the purpose of the use of the monetary donations was made with the knowledge and consent of the employees, including Chua, and that the latter was never deprived of any information regarding her donation since the information was made public and available to all employees;<sup>[44]</sup> (3) Chua's silence for more than three years which amounted to implied consent to the use of the funds, is indicative of the contrived and fabricated nature of the complaint;<sup>[45]</sup> and (4) his actions cannot be considered as grounds for any disciplinary administrative action as these have been characterized with good faith, regularity and transparency.<sup>[46]</sup> Villa-Ignacio also questioned the IAB's alleged irregular and anomalous handling of the case which he claims violates his right to due process.<sup>[47]</sup> He argued that Orlando C. Casimiro should be disqualified from the proceedings in the IAB because he and Chua belong to the same unit - Office of the Ombudsman's Central Office. He insisted that the complaint of Chua was motivated by a vendetta against him.<sup>[48]</sup>

In Chua's Comment,<sup>[49]</sup> she alleged that: (1) the composition of the internal affairs

board is legal;<sup>[50]</sup> (2) Villa-Ignacio was afforded his right to due process during the proceedings before the IAB;<sup>[51]</sup> (3) Villa-Ignacio personally received the amount of P26,660.00 from her;<sup>[52]</sup> (4) Villa-Ignacio is guilty of misconduct; and (5) there was injury caused to Chua when Villa-Ignacio, without the knowledge and consent of Chua, unilaterally gave the money intended for the purchase of water pumps for the typhoon victims to Gawad Kalinga Foundation.<sup>[53]</sup>

### **Issues**

The issues to be resolved in this case are:

1. Whether the Amended Decision of the CA attained finality due to the alleged failure of Villa-Ignacio to timely file his Motion for Reconsideration;
2. Whether the 2012 Decision absolving Villa-Ignacio of the administrative charges against him was already final, executory and not appealable;
3. Whether Orlando Casimiro should have been disqualified from acting on the complaint of Chua pursuant to Section III(N) of Administrative Order No. 16 (A.O. 16); and
4. Whether Villa-Ignacio is guilty of simple misconduct.

### **Ruling of the Court**

The Court grants the petition.

#### **Villa-Ignacio timely filed his Motion for Reconsideration.**

A careful scrutiny of the documents submitted by Villa-Ignacio and the averments in his petition reveal that he timely filed his Motion for Reconsideration. As correctly pointed out by Villa-Ignacio, he received the copy of the Amended Decision on December 15, 2014. This fact is substantiated by the Affidavit<sup>[54]</sup> of Avigale T. Aragon (Aragon), the receptionist of Villa Ignacio's counsel, Atty. Arno Sanidad (Atty. Sanidad). This is also supported by the envelope<sup>[55]</sup> Villa-Ignacio received showing that the Manila Central Post Office received the mail containing the copy of the Amended Decision on December 2, 2014 and the Quezon City Central Post Office received the same only on December 10, 2014 for delivery to Atty. Sanidad. Thus, on December 18, 2014, he filed his Compliance<sup>[56]</sup> manifesting his receipt of the Amended Decision on December 15, 2014.<sup>[57]</sup> Villa-Ignacio exerted effort in obtaining a Certification from the Quezon City Central Post Office as to the date when the Amended Decision was actually delivered to Atty. Sanidad.<sup>[58]</sup> However, the records of mail matters delivered from January 31, 2015 and earlier were reportedly consumed by fire.<sup>[59]</sup>

Contrary to the erroneous conclusion of the CA, it was physically impossible for the office of Atty. Sanidad to receive the Amended Decision on December 5, 2014. The envelope accompanying the Amended Decision contains the stamp marks of the Manila and Quezon City Post Offices showing that the Manila Central Post Office