

THIRD DIVISION

[G.R. No. 215545, January 07, 2019]

QUIRINO T. DELA CRUZ, PETITIONER, VS. NATIONAL POLICE COMMISSION, RESPONDENT.

DECISION

LEONEN, J.:

This is a Petition for Review on Certiorari^[1] assailing the June 27, 2014 Decision^[2] and November 18, 2014 Resolution^[3] of the Court of Appeals in CA-G.R. SP No. 131189. The Court of Appeals affirmed the Civil Service Commission September 11, 2012 Decision^[4] holding that petitioner's appeal was filed out of time, and thus affirmed the January 12, 2010 National Police Commission Decision^[5] dismissing petitioner for grave misconduct.^[6]

In an October 15, 2001 Information,^[7] a certain Sonny H. Villarias was charged with violation of Presidential Decree No. 1866 after he was arrested on October 13, 2001 for allegedly possessing two (2) firearms without permits.^[8]

On August 15, 2002, Villarias filed before the National Police Commission a Complaint-Affidavit,^[9] where he narrated what happened when he was arrested. By filing the Complaint against the four (4) officers who arrested him, Villarias said that he would be doing his share in helping the police force rid itself of bad elements.^[10]

He narrated that at about 8:00 p.m. that night, he was awakened by four (4) uniformed officers, namely: Special Police Officer 4 Quirino Dela Cruz (SPO4 Dela Cruz), Police Officer 1 Ariel Cantorna (PO1 Cantorna), whom he said he had known, and two others. He said that SPO4 Dela Cruz poked an armalite rifle at him, pulled him up, and frisked him without any explanation despite him repeatedly asking what he had done wrong. They still did not say anything even after they had handcuffed him. He only stopped asking after SPO4 Dela Cruz poked him with his armalite rifle again and, along with the others, took him to their patrol vehicle and handcuffed him to its steering wheel. The officers then returned to his house.^[11]

Villarias stated that while he was handcuffed to the vehicle, he saw his common-law wife, Claudia Nicar (Nicar), approaching their house. He then told her that the police officers were in their house and that they might do something to their belongings. When the officers returned to the vehicle, they had with them eight (8) of Villarias's most valuable fighting cocks, a large plastic bag containing items from his house, two (2) air guns, and two (2) bolos.

After the officers left with Villarias, Nicar took photos of their personal belongings in the house, which had been left in disarray when the officers ransacked their home.

While Villarias was in jail, she informed him that the police officers had stolen a pair of wedding rings, a necklace, a coin bank filled with P5.00 coins, cash worth P12,000.00, and a bottle of men's cologne. At the precinct, the officers told Villarias to admit to owning two (2) old and defective-looking handguns, which SPO4 Dela Cruz had earlier shown him.^[12]

Later, Villarias learned that his arrest had been instigated by the complaint of his neighbor, Ruby Carambas, whom he said was angry at him because he refused to let her build a house on a lot of which he was a caretaker. He also learned that Carambas had previously filed a complaint against him for Illegal Discharge of Firearm and Grave Threats against him. He alleged that Carambas was the friend of POI Cantorna, a cockfighting fanatic who frequently visited Carambas' father, a gaffer at cockfights. Villarias believed that the officers concocted this plan to simultaneously benefit Carambas and steal Villarias's fighting cocks and valuables. He pointed out that, as of his sworn statement, Carambas and her family had gone into hiding.^[13]

Based on Villarias's Complaint, the National Police Commission, represented by Inspector IV Pedro T. Magcinnon, Acting Chief, Technical Service Division, National Capital Region, filed a Complaint^[14] against SPO4 Dela Cruz and PO2 Cantorna. It charged them as follows:

That on October 13, 2001 at about 8:00 o'clock in the evening at No. 20 Williams Street, Subdivision, Tandang Sora, Quezon City, and within the administrative jurisdiction of this Honorable Commission, respondents, conspiring and confederating and mutually helping one another, with intent to gain and with grave abuse of authority being police officers, did then and there willfully, unlawfully, and feloniously without any legal grounds enter and search the house of complainant against his will. Thereafter, respondent SPO4 Quirino dela Cruz poked his armalite rifle on the side of complainant, pull[ed] him out of the house and handcuff[ed] the latter on the steering wheel of respondent's patrol vehicle. After that[,] respondents went back inside the house of complainant and carted away some personal belongings of herein complainant, to wit: one (1) piece wedding ring; one (1) piece 18 karats necklace; one (1) coin bank filled with 5 cents coins; cash amount of P12,000.00; one (1) bottle men's cologne; eight (8) live fighting cocks; two (2) airguns[,] and two (2) bolos, to the damage and prejudice of complainant Sonny Villarias in the amount of more or less SEVENTY THOUSAND PESOS (Php70,000.00).

Acts contrary to law and existing rules and regulations.^[15]

Pending resolution of the administrative complaint against SPO4 Dela Cruz and PO2 Cantorna, Villarias was exonerated by the Regional Trial Court in its July 23, 2009 Decision.^[16] The Decision read:

The accused, at the time of his arrest, had not committed, nor was he actually committing or attempting to commit an offense in the presence of the arresting officers. Neither was there probable cause for them to believe based on personal knowledge of facts or circumstances that the accused committed the crime.

Verily, the warrantless arrest of the accused was unlawful being outside the scope of Sec. 5, Rule 113. He was arrested solely on the basis of a call from a woman claiming he illegally fired a gun, and upon being pointed to, while he was inside his house doing nothing. Consequently, the guns seized from the accused, if ever the same came from him, are inadmissible in evidence being the 'fruit of the poisonous tree.

. . . .

The Court entertains very serious doubt as to the culpability of the accused and cannot in conscience pronounce verdict of guilt for the crime with which he was charged.

WHEREFORE, for failure of the prosecution to prove the guilt of the accused, the Court finds Sonny H. Villarias **NOT GUILTY**. His **ACQUITTAL** is hereby pronounced.^[17]

In its January 12, 2010 Decision,^[18] the National Police Commission declared SPO4 Dela Cruz and PO2 Cantorna culpable of grave misconduct.^[19] It found that Villarias had substantiated his case, and was convinced that the officers did what they were accused of doing.^[20] It also noted that the Regional Trial Court July 23, 2009 Decision cited the testimony of a witness, Eneceto Gargallano (Gargallano), who saw four (4) police officers enter Villarias's home and take out cartons containing fighting cocks, with one (1) carrying two (2) air guns.^[21]

The National Police Commission considered SPO4 Dela Cruz and PO2 Cantorna's acts of unlawfully arresting Villarias and taking his belongings as "unforgivable atrocit[ies] by one who has sworn to uphold the law."^[22] It found that they made a mockery of administrative proceedings when they made untruthful statements during its summary dismissal proceedings, as well as before the Regional Trial Court.^[23] Thus, SPO4 Dela Cruz and PO2 Cantorna were dismissed from service:

WHEREFORE, premises considered, the COMMISSION finds **SPO4 QUIRINO DE LA CRUZ** and **PO2 ARIEL CANTORNA** culpable of Grave Misconduct and are hereby meted the penalty of **DISMISSAL** from the service.

SO ORDERED.^[24]

SPO4 Dela Cruz filed a Motion for Reconsideration, but it was denied in the National Police Commission December 15, 2010 Resolution.^[25] In its Resolution, the National Police Commission found that SP04 Dela Cruz neither presented newly discovered evidence nor cited errors of law or irregularities that would affect the assailed Decision. Further, it found that he filed the Motion on September 21, 2010, well beyond the ten (10)-day non-extendible period after he received the Decision on September 8, 2010.^[26]

Undaunted, SPO4 Dela Cruz filed before the Civil Service Commission an Appeal,^[27] which was dismissed. In its September 11, 2012 Decision,^[28] the Civil Service Commission found that the Appeal had been filed out of time, as SPO4 Dela Cruz did

so on January 14, 2011, beyond the fifteen (15)-day period after the Decision for review was promulgated on December 15, 2010. Thus, the questioned Resolution had attained finality.^[29]

The dispositive portion of the Civil Service Commission September 11, 2012 Decision read:

WHEREFORE, the appeal of Quirino Dela Cruz is hereby **DISMISSED**. Accordingly, the Resolution dated December 15, 2010 of the National Police Commission (NAPOLCOM), finding him guilty of the offense Grave Misconduct, and imposing upon him the penalty of dismissal from the service, **STANDS**. It shall be clarified that the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from reemployment in the government service, and bar from taking any Civil Service examination are likewise imposed.^[30]

SPO4 Dela Cruz moved for reconsideration,^[31] insisting that he filed his Appeal within the allowable period, but it was denied for lack of merit. In its July 9, 2013 Resolution,^[32] the Civil Service Commission said the Motion failed to provide substantial evidence under the Revised Rules on Administrative Cases in the Civil Service to establish that he had timely perfected his appeal.^[33]

SPO4 Dela Cruz filed before the Court of Appeals a Petition for Review, but it was dismissed for lack of merit. In its June 27, 2014 Decision,^[34] the Court of Appeals explained that, while technical rules of procedure may be relaxed on occasion, he must first exert effort to establish the basis for it. In this case, he merely alleged that he had timely filed his Appeal to merit relaxation of the rules, without documentary proof. Further, the Court of Appeals found that he was not denied due process, as he had been given the chance to present evidence that he had timely perfected his appeal when he moved for reconsideration before the Civil Service Commission, but he failed to do this.^[35]

In its November 18, 2014 Resolution,^[36] the Court of Appeals denied Dela Cruz's Motion for Reconsideration.

Thus, SPO4 Dela Cruz filed before this Court a Petition for Review on Certiorari.^[37] Respondent then filed its Comment,^[38] to which petitioner was directed to file a reply,^[39] and was then granted two (2) extensions of time to file it. Eventually, petitioner manifested^[40] that he would no longer file one.

Petitioner insists that the Court of Appeals erred when it held that his Appeal was filed beyond the allowable period. He points out that the Civil Service Commission reckoned his period for appeal from the Resolution's promulgation date, December 15, 2010, as opposed to the date he said he actually received it, which was on January 4, 2011.^[41] Moreover, petitioner points out that when the National Police Commission held him liable for grave misconduct, it committed reversible error^[42] as it did not expound on his alleged grave misconduct and summarily disregarded the evidence he presented in his defense.^[43] He also argues that the evidence Villarias submitted was insufficient to justify petitioner's dismissal.^[44] Petitioner

invokes presumption of regularity in the performance of official functions, and says it has not been overcome by clear and convincing evidence to the contrary.^[45]

Respondent points out that save for his bare allegation, petitioner has no proof that he received the National Police Commission Resolution on January 4, 2011, and that he even admitted to this failure. Thus, it was proper for the Court of Appeals to affirm the Civil Service Commission's dismissal of his appeal for having been filed out of time.^[46] Further, respondent points out that in an administrative proceeding, the quantum of proof required to establish guilt is substantial evidence,^[47] as in this case. The evidence sufficiently established that petitioner arrested Villarias without legal basis for a warrantless arrest, and that he stole valuables from Villarias, constituting grave misconduct and conduct unbecoming of a police officer. He also untruthfully entered the incident in a police blotter, an act of dishonesty. Respondent further points out that factual findings the National Police Commission's findings were affirmed by the Civil Service Commission, whose role was not to weigh conflicting evidence.^[48] It adds that petitioner's bare denials and the presumption of regularity in the performance of official duty are insufficient to exculpate him, saying that Villarias's, Nicar's, and Gargallano's testimonies in the Regional Trial Court July 23, 2009 Decision are substantial evidence to conclude that petitioner is guilty of grave misconduct.^[49]

The issues raised by petitioner for this Court's resolution are:

First, whether or not the Court of Appeals erred when it sustained the Civil Service Commission's dismissal of petitioner's appeal for having been filed out of time; and

Second, whether or not the evidence presented to the National Police Commission was sufficient to establish petitioner's liability for grave misconduct.

The Petition is denied.

Under Rule 45 of the Rules of Court, a petition for review on certiorari shall only pertain to questions of law.^[50] The factual findings of the Court of Appeals bind this Court. While several exceptions to these rules were provided by jurisprudence, they must be alleged, substantiated, and proved by the parties so this Court may evaluate and review the facts of the case.^[51]

Both of petitioner's arguments are questions of fact not proper for review in this case. The date he received the assailed National Police Commission Resolution is a question of fact that was resolved by the Civil Service Commission. As the Court of Appeals pointed out, the Civil Service Commission might have resolved his motion for reconsideration differently, had petitioner substantiated his claim with evidence that he received the National Police Commission Resolution on January 4, 2011. Yet, petitioner failed to do so. It is not this Court's role to review the evidence to resolve this question. Further, petitioner has not addressed the December 15, 2010 Resolution of the National Police Commission, which found that his motion for reconsideration was filed out of time.^[52] Thus, the January 12, 2010 Decision would have already attained finality when he failed to timely seek its reconsideration, regardless of whether the December 15, 2010 Resolution was received on January 4, 2011.