

THIRD DIVISION

[G.R. No. 212641, July 05, 2017]

**ANGELICA A. FAJARDO, PETITIONER, VS. MARIO J. CORRAL,
RESPONDENT.**

DECISION

TIJAM, J.:

Before Us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court, which seeks to annul and set aside the Decision^[1] dated September 16, 2013 and Resolution^[2] dated May 9, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 121180.

Respondent Mario J. Corral (Corral), Officer-in-Charge (OIC) Manager of the Treasury Department of the Philippine Charity Sweepstakes Office (PCSO), filed a Complaint-Affidavit docketed as OMB-C-A-09-0355-G against petitioner Angelica Fajardo (Fajardo) for Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of Service before the Office of the Ombudsman (Ombudsman).^[3]

Fajardo was designated as OIC, Division Chief III, Prize Payment (Teller) Division of the Treasury Department of the PCSO. Her duties included instituting procedures in actual payment of prizes, conducting periodic check-up, actual counting of paid winning tickets, and requisitioning of cash for distribution to paying tellers. She was also authorized to draw cash advance of PhP 3,000,000.00 (PhP 2,000,000.00 for payment of sweepstakes and lotto low-tier prizes, and PhP 1,000,000.00 for the PCSO-POSC Scratch IT Project.^[4] For such accountability, Fajardo was bonded with the Bureau of Treasury for PhP 1,500,000.00. In line with her duties, she was issued a vault, which she alone has access to as she held its key and knew the combination to open the same, to keep the money and documents in her custody.^[5]

On November 13, 2008, a team from the PCSO Internal Audit Department (IAD) conducted a spot audit on Fajardo's cash and cash items. The team discovered that Fajardo had a shortage of PhP 218,461.00.^[6] After such audit, Fajardo did not report for work, so said team of auditors sealed her vault on November 17, 2008 and her steel cabinet on November 28, 2008.^[7]

Corral required Fajardo to report for work, to explain her shortage during the audit, and to be physically present in the opening of her vault. Fajardo requested an additional five working days within which to report back to work, but she failed to do the same despite the lapse of such extended period.^[8]

On January 8, 2009, another cash count was conducted, upon recommendation of the Commission on Audit (COA). Said audit was held in the presence of Fajardo and

representatives from IAD and COA. During the said cash count, it was discovered that cash worth PhP 1,621,476.00 and checks worth PhP 37,513.00 were missing. As such, Fajardo had a total shortage of PhP 1,877,450.00. It was also discovered that there were undetermined number of paid winning sweepstakes tickets amounting to PhP 1,024,870.00 dating back from 2004, which were not processed for liquidation/replenishment.^[9]

Five days thereafter or on January 13, 2009, a letter was issued to Fajardo, which ordered her to immediately produce the missing funds and to explain such shortage. However, Fajardo failed to account and to produce the missing funds, and to give a reasonable excuse for such shortage.^[10]

In a Letter dated January 27, 2009, Fajardo admitted her mistake. She offered to settle her accountability by waiving all her rights to bonuses and monetary benefits for 2008 and paying PhP 300,000.00. In her letter, Fajardo did not question the regularity of the conduct of spot audits.^[11]

In her Counter-Affidavit, Fajardo denied that spot audits were conducted; and if so, such were done contrary to established rules. Hence, the results could not be the basis of any action against her. She maintained that the team of auditors excluded the vale sheets and other cash items, and that she was not given the opportunity to rule, balance, and close her books before the conduct of the cash count. Fajardo also claimed that she was forced to sign Certifications and Demands (Cash Examination Count Sheet), containing her alleged shortage, on two different occasions.^[12]

THE OMBUDSMAN RULING

In a Decision^[13] dated September 1, 2010, the Ombudsman found Fajardo guilty of Serious Dishonesty, Grave Misconduct, and Conduct Prejudicial to the Best Interest of Service. The *fallo* thereof reads:

WHEREFORE, finding substantial evidence of guilt for Serious Dishonesty, Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, respondent ANGELICA A. FAJARDO is hereby meted the penalty of DISMISSAL from the service, with all its accessory penalties.

Pursuant to Section 7, Administrative Order No. 17 of the Office of the Ombudsman and the Ombudsman Memorandum Circular No. 01, Series of 2006, the Chairman of the Philippine. Charity Sweepstakes Office is hereby directed to implement this Decision and to submit promptly a Compliance Report within five (5) days from receipt indicating the OMB case number: OMB-C-A-09-0355-G, entitled "Mario J. Corral vs. Angelica A. Fajardo" to this Office, thru the Central Records Division, 2nd Floor, Ombudsman Building, Agham Road, Government Center, North Triangle, Diliman, 1128, Quezon City.

Compliance is respectfully enjoined consistent with Sec. 3(e) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act) and Section 15(3) of R.A. No. 6770 (Ombudsman Act of 1989).

SO ORDERED.^[14]

Fajardo filed a motion for reconsideration, which was denied in an Order^[15] dated March 16, 2011.

Aggrieved, Fajardo filed a Petition for Review before the CA.

THE CA RULING

In a Decision^[16] dated September 16, 2013, the CA dismissed said petition and affirmed the ruling of the Ombudsman. The dispositive portion reads:

ACCORDINGLY, the Petition for Review is **DISMISSED**. The Decision dated 1 September 2010, and the Order dated 16 March 2011, of the Office of the Ombudsman, are **AFFIRMED**.

SO ORDERED.^[17]

Fajardo filed a Motion for Reconsideration, which was denied by the CA in a Resolution^[18] dated May 9, 2014.

Hence, this petition.

ISSUE

WHETHER OR NOT FAJARDO IS GUILTY OF SERIOUS DISHONESTY, GRAVE MISCONDUCT AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF SERVICE.

OUR RULING

Fajardo avers that there was no substantial evidence to support the pronouncement of her administrative liability.

We do not agree.

At the outset, it must be emphasized that questions of fact may not be raised by *certiorari* under Rule 45 because We are not a trier of facts. As a rule, factual findings of the Ombudsman and the CA are conclusive and binding in the absence of grave abuse of discretion.^[19]

We find no reason to deviate from the factual findings of both the Ombudsman and the CA.

A finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the [petitioner] has committed acts stated in the complaint or formal charge.^[20] Substantial evidence is such relevant evidence which a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine differently.^[21]