680 Phil. 467

EN BANC

[A.M. OCA IPI No. 11-184-CA-J, January 31, 2012]

RE: VERIFIED COMPLAINT OF ENGR. OSCAR L. ONGJOCO, CHAIRMAN OF THE BOARD/CEO OF FH-GYMN MULTI-PURPOSE AND TRANSPORT SERVICE COOPERATIVE, AGAINST HON. JUAN Q. ENRIQUEZ, JR., HON. RAMON M. BATO, JR. AND HON. FLORITO S. MACALINO, ASSOCIATE JUSTICES, COURT OF APPEALS

R E S O L U T I O N

BERSAMIN, J.:

Judicial officers do not have to suffer the brunt of unsuccessful or dissatisfied litigants' baseless and false imputations of their violating the Constitution in resolving their cases and of harboring bias and partiality towards the adverse parties. The litigant who baselessly accuses them of such violations is not immune from appropriate sanctions if he thereby affronts the administration of justice and manifests a disrespect towards the judicial office.

Antecedents

On June 7, 2011, the Court received a letter from Engr. Oscar L. Ongjoco, claiming himself to be the Chairman of the Board and Chief Executive Officer (CEO) of the FH-GYMN Multi-Purpose and Transport Service Cooperative (FH-GYMN).[1] The letter included a complaint-affidavit,[2] whereby Ongjoco charged the CA's Sixth Division composed of Associate Justice Juan Q. Enriquez, Jr. (as Chairman), Associate Justice Ramon M. Bato, Jr., and Associate Justice Florito S. Macalino as Members for rendering an arbitrary and baseless decision in CA-G.R. SP No. 102289 entitled *FH-GYMN Multi-Purpose and Transport Service Cooperative v. Allan Ray A. Baluyut, et al.*[3]

The genesis of CA-G.R. SP No. 102289 started on July 26, 2004 when FH-GYMN requested the amendment of *Kautusang Bayan Blg.* 37-02-97 of the City of San Jose del Monte, Bulacan through the Committee on Transportation and Communications (Committee) of the *Sangguniang Panlungsod (Sanggunian)* in order to include the authorization of FH-GYMN's Chairman to issue motorized tricycle operators permit (MTOP) to its members.[4] During the ensuing scheduled public hearings, City Councilors Allan Ray A. Baluyut and Nolly Concepcion, together with ABC President Bartolome B. Aguirre and one Noel Mendoza (an employee of the *Sanggunian*), were alleged to have uttered statements exhibiting their bias against FH-GYMN, giving FH-GYMN reason to believe that the Committee members were favoring the existing franchisees Francisco Homes Tricycle Operators and Drivers Association (FRAHTODA) and Barangay Mulawin Tricycle Operators and Drivers

Association (BMTODA).[5] Indeed, later on, the *Sanggunian*, acting upon the recommendation of the Committee, denied the request of FH-GYMN.[6]

On July 15, 2005, FH-GYMN brought a complaint in the Office of the Deputy Ombudsman for Luzon charging Baluyut, Concepcion, Aguirre, Mendoza with violations of Article 124(2)(d) of the Cooperative Code, Section 3(e) and (f) of the Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*), and Section 5(a) of Republic Act No. 6713 (*Code of Conduct for Public Officials and Employees*). The complaint also charged Eduardo de Guzman (FRAHTODA President) and Wilson de Guzman (BMTODA President). Eventually, the complaint of FH-GYMN was dismissed for insufficiency of evidence as to the public officials, and for lack of merit and lack of jurisdiction as to the private respondents. FH-GYMN sought reconsideration, but its motion to that effect was denied.[7]

FH-GYMN timely filed a petition for review in the CA.

In the meanwhile, FH-GYMN filed in the Office of the President a complaint accusing Overall Deputy Ombudsman Orlando C. Casimiro, Deputy Ombudsman Emilio A. Gonzales III, and Graft Investigator and Prosecution Officer Robert C. Renido with a violation of Section 3(i) of Republic Act No. 3019 arising from the dismissal of its complaint.[8]

On January 31, 2011, the CA's Sixth Division denied the petition for review.[9]

FH-GYMN, through Ongjoco, moved for the reconsideration of the denial of the petition for review, with prayer for inhibition,[10] but the CA's Sixth Division denied the motion.

Thereafter, Ongjoco initiated this administrative case against the aforenamed member of the CA's Sixth Division.

In the complaint, Ongjoco maintained that respondent members of the CA's Sixth Division violated Section 14, Article VIII of the 1987 Constitution by not specifically stating the facts and the law on which the denial of the petition for review was based; that they summarily denied the petition for review without setting forth the basis for denying the five issues FH-GYMN's petition for review raised; that the denial was "unjust, unfair and partial," and heavily favored the other party; that the denial of the petition warranted the presumption of "directly or indirectly becoming interested for personal gain" under Section 3(i) of Republic Act No. 3019; and that the Ombudsman officials who were probably respondent Justices' schoolmates or associates persuaded, induced or influenced said Justices to dismiss the petition for review and to manipulate the delivery of the copy of the decision to FH-GYMN to prevent it from timely filing a motion for reconsideration.[11]

Ruling

We find the administrative complaint against respondent Justices of the Court of Appeals baseless and utterly devoid of legal and factual merit, and outrightly dismiss it.

Firstly, Ongjoco insists that the decision promulgated on January 31, 2011 by the CA's Sixth Division had no legal foundation and did not even address the five issues presented in the petition for review; and that the respondents as members of the CA's Sixth Division thereby violated Section 14, Article VIII of the Constitution, which provides as follows:

> Section 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.
>
> No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without starting the legal basis therefor.

The insistence of Ongjoco is unfounded. The essential purpose of the constitutional provision is to require that a judicial decision be clear on why a party has prevailed under the law as applied to the facts as proved; the provision nowhere demands that a point-by-point consideration and resolution of the issues raised by the parties are necessary.[12] Cogently, the Court has said in Tichangco v. Enriquez,[13] to wit:

> This constitutional provision deals with the disposition of petitions for review and of motions for reconsideration. **In appellate courts, the rule does not require any comprehensive statement of facts or mention of the applicable law, but merely a statement of the "legal basis" for denying due course.**
>
> **Thus, there is sufficient compliance with the constitutional requirement when a collegiate appellate court, after deliberation, decides to deny a motion; states that the questions raised are factual or have already been passed upon; or cites some other legal basis. There is no need to explain fully the court's denial, since the facts and the law have already been laid out in the assailed Decision**. (Emphasis supplied)

Its decision shows that the CA's Sixth Division complied with the requirements of the constitutional provision,[14] *viz*:

> *The petition is without merit.*
>
> Petitioner alleged that the Ombudsman erred in not finding respondents liable for violation of the Cooperative Code of the Philippines considering that their actuations constituted acts of direct or indirect interference or intervention with the internal affairs of FH-GYMN and that recommendation to deny FH-GYMN's application was tantamount to "any other act inimical or adverse to its autonomy and independence."
>
> *We disagree.*

It is well settled that in administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in his complaint. Section 27 of the Ombudsman Act is unequivocal. Findings of fact by the Office of the Ombudsman, when supported by substantial evidence, are conclusive. Conversely, when the findings of fact by the Ombudsman are not adequately supported by substantial evidence, they shall not be binding upon the courts (*Marcelo vs. Bungubung,* 552 SCRA 589).

In the present case, the Deputy Ombudsman found no substantial evidence to prove that there was interference in the internal affairs of FH-GYMN nor was there a violation of the law by the respondents. As aptly ruled by the Ombudsman:

> "While the utterances made by respondents Baluyot, Aguirre and Mendoza in the course of public hearings earlier mentioned indeed demonstrate exaltation of FRAHTODA and BMTODA, to the apparent disadvantage of FH-GYMN, the same does not imply or suggest interference in the internal affairs of the latter considering that said remarks or comments were made precisely in the lawful exercise of the mandate of the Sangguniang Panlungsod of the locality concerned through the Committee on Transportation and Communication. It is worthy to emphasize that were it not for the complainant's letter-request dated July 23, 2004, the committee concerned would not have conducted the aforementioned public hearings, thus, there would have been no occasion for the subject unfavorable remarks to unleash. Thus, it would be irrational to conclude that simply because the questioned utterances were unfavorable to FH-GYMN, the same constitutes interference or intervention in the internal affairs of the said cooperative.
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> In the same vein, while respondents Baluyot, Concepcion and Aguirre rendered an adverse recommendation as against complaint's letter-request earlier mentioned, the same does not signify giving of undue favors to FRAHTODA or BMTODA, or causing of undue injury to FH-GYMN, inasmuch as said recommendation or decision, as the records vividly show, was arrived at by the said respondents in honest exercise of their sound judgment based on their interpretation of the applicable ordinance governing the operation of tricycles within their area of jurisdiction. Evidence on record no doubt failed to sufficiently establish that, in so making the questioned recommendation, respondents Baluyot, Concepcion and Aguirre acted with manifest partiality, evident bad faith or gross inexcusable negligence. It is likewise worthy to note that, contrary to complainant's insinuation, the letter-request adverted to was acted upon by respondents Baluyot, Concepcion and Aguirre within a reasonable time and, as a matter of fact, complainant had been notified of the

> action taken by the former relative to his letter-request or proposals.
>
> Time and again, it has been held, no less than by the Supreme Court, that mere suspicions and speculations can never be the basis of conviction in a criminal case. Guided by the same doctrinal rule, this Office is not duty-bound to proceed with the indictment of the public respondents as charged. Indeed well entrenched is the rule that "(t)he purpose of a preliminary investigation is to secure the innocent against hasty, malicious and oppressive prosecution and to protect him from an open and public accusation of crime, from the trouble, expense and anxiety of a public trial, and also to protect the state from useless and expensive trials (*Joint Resolution, October 17, 2005, Rollo* pp. 142-143).

> Moreover, petitioners failed to rebut the presumption of regularity in the performance of the official duties of respondents by affirmative evidence of irregularity or failure to perform a duty. The presumption prevails and becomes conclusive until it is overcome by no less than clear and convincing evidence to the contrary. Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be in favor of its lawfulness (*Bustillo vs. People of the Philippines*, G.R. No. 160718, May 12, 2010).
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> There being no substantial evidence to reverse the findings of the Ombudsman, the instant petition is denied.
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> WHEREFORE, premises considered the Petition for Review is DENIED for lack of merit. The Joint Resolution dated October 17, 2005 and Joint Order dated April 25, 2006 of the Deputy Ombudsman of Luzon are AFFIRMED.
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> SO ORDERED.

Indeed, the definitive pronouncement of the CA's Sixth Division that "the Deputy Ombudsman found no substantial evidence to prove that there was interference in the internal affairs of FH-GYMN nor was there a violation of the law by the respondents"[15] met the constitutional demand for a clear and distinct statement of the facts and the law on which the decision was based. The CA's Sixth Division did not have to point out and discuss the flaws of FH-GYMN's petition considering that the decision of the Deputy Ombudsman sufficiently detailed the factual and legal bases for the denial of the petition.

Moreover, the CA's Sixth Division expressly found that FH-GYMN had not discharged its burden as the petitioner of proving its allegations with substantial evidence.[16] In administrative cases involving judicial officers, the complainants always carried on their shoulders the burden of proof to substantiate their allegations through substantial evidence. That standard of substantial evidence is satisfied only when