

FIRST DIVISION

[G.R. NO. 170815, February 02, 2007]

OFFICE OF THE OMBUDSMAN, PETITIONER, VS. PRISCILLA LAZARO-BALDAZO, RESPONDENT.

D E C I S I O N

GARCIA, J.:

Under consideration is this petition for review on *certiorari* under Rule 45 of the Rules of Court to nullify and set aside the following issuances of the Court of Appeals (CA) in CA-G.R. SP No. 61502, to wit:

1. **Decision dated April 27, 2005,**^[1] granting the appeal thereto taken by the herein respondent Priscilla Lazaro-Baldazo (Baldazo, for brevity) from the decision dated June 21, 2000 of the Ombudsman finding her guilty of dishonesty and recommending her dismissal from the service; and
2. **Resolution dated December 7, 2005,**^[2] denying the petitioner's motion for reconsideration.

The case stemmed from an administrative complaint with prayer for preventive suspension filed with the Office of the Ombudsman on October 15, 1999 by one Ricardo Gonzaga (Ricardo, for brevity) against respondent Baldazo, for alleged falsification of a *Deed of Donation* dated September 18, 1995 in favor of Baldazo, as donee. The complaint alleged that Baldazo, taking advantage of her position as Municipal Civil Registrar of Bustos, Bulacan falsified the said deed by making it appear therein that Teofista Lazaro-Gonzaga (Teofista, for brevity), Ricardo's wife and Baldazo's aunt, executed the subject deed when in truth and in fact Teofista was already incapable of doing so. Ricardo further accused Baldazo of falsifying the *Death Certificate* of Teofista by making it appear that the latter died in Bustos, Bulacan when in truth, she died at the Philippine General Hospital (PGH) in Manila.

In her counter-affidavit dated December 28, 1999, Baldazo vehemently denied all accusations against her. She claimed that after her aunt signed the subject *Deed of Donation*, then undated, the same was immediately taken away by Ricardo and the latter's sister and was kept in their possession since August of 1995; that she did not cause it to appear that said deed was executed only on September 18, 1995; and that she did not use her position as Municipal Civil Registrar to falsify her aunt's *Death Certificate*, which was duly accomplished by Ricardo and his sister, with the assistance of her (Baldazo's) staff, Ma. Cecilia Ortega-Santos, such that if there was anybody who falsified the same, it would be no less than Ricardo himself, who, with the aid of some relatives, prepared the Death Certificate and even used it in claiming for burial assistance from the Philippine Veterans Affairs, as well as for other benefits from the Government Service Insurance System. Finally, Baldazo

alleged that it was not true that Teofista died at the PGH, and because Ricardo was then too preoccupied grieving for the impending death of his wife (Teofista), he did not even notice that the latter was brought to Bustos, Bulacan where she expired.

During the scheduled preliminary conference before the Office of the Ombudsman, Ricardo and Baldazo agreed to submit the case for resolution upon the submission of their respective position papers.

After evaluation of the parties' respective claims and defenses, the Ombudsman came out with his decision of June 21, 2000 finding respondent Baldazo administratively liable for Dishonesty and accordingly recommending her DISMISSAL from the service. With the denial of her motion for reconsideration, respondent Baldazo elevated the case to the CA on petition for review, thereat docketed as CA-G.R. SP No. 61502.

In the herein assailed decision^[3] dated April 27, 2005, the CA, finding the evidence insufficient to establish a case of falsification of public documents against Baldazo, REVERSED and SET ASIDE that of the Ombudsman, to wit:

WHEREFORE, the petition is **GRANTED**. Accordingly, the decision dated June 21, 2000 of the Office of the Ombudsman is hereby **REVERSED** and **SET ASIDE**.

SO ORDERED.

With the denial of Ricardo's motion for reconsideration before the CA, petitioner Office of the Ombudsman filed the instant petition for review on the lone assigned error that 6

WITH DUE RESPECT, THE HONORABLE COURT OF APPEALS ERRONEOUSLY NULLIFIED THE DECISION DATED 21 JUNE 2000 OF THE OMBUDSMAN. THE SAID DECISION OF THE OMBUDSMAN IS SUPPORTED NOT JUST BY SUBSTANTIAL, BUT BY OVERWHELMING EVIDENCE.

We find no merit in the petition.

It is readily noticeable from the lone error assigned by the petitioner that the present recourse raises factual issues which necessarily require this Court to revisit the evidence presented during the investigation process. There is nothing more settled in this jurisdiction than the rule that this Court is not a trier of facts, and that only questions of law may be entertained by the Court in petitions for review on *certiorari* under Rule 45. Questions of fact are not reviewable (*Microsoft Corporation v. Maxicorp., Inc.*^[4]). The question of whether there is sufficient evidence to support a conclusion that there was falsification of public documents in the instant case is definitely a factual issue which requires a review of the pieces of evidence presented by the parties. There is nothing on record before the Court to show that the CA committed grave reversible error in its factual review of the Ombudsman's decision. On this score alone, the petition should be dismissed outright.

We have, time and again, held that in administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in the complaint