

THIRD DIVISION

[G.R. No. 175451, September 28, 2007]

ROSARIO L. DADULO, PETITIONER, VS. THE HON. COURT OF APPEALS, OFFICE OF THE OMBUDSMAN, HON. FELICIANO BELMONTE, JR., IN HIS CAPACITY AS CITY MAYOR OF QUEZON CITY AND GLORIA PATANGUI, RESPONDENTS.

RESOLUTION

YNARES-SATIAGO, J.:

For resolution is the motion for reconsideration filed by petitioner Rosario Dadulo of the Decision dated April 13, 2007 which disposed of the case as follows:

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 89909 affirming the March 4, 2003 Decision of the Office of the Ombudsman in OMB-C-A-0470-J which found petitioner Rosario Dadulo guilty of conduct prejudicial to the best interest of the service and imposed upon her the penalty of suspension for six months is AFFIRMED.

SO ORDERED.^[1]

Petitioner insists that the decision of the Office of the Ombudsman which found her guilty of conduct prejudicial to the best interest of the service and imposed upon her the penalty of suspension for six months, which was affirmed by the Court of Appeals in the assailed April 13, 2007 Decision, was not supported by substantial evidence and that the implementation of the suspension Order is premature.

We deny the motion for reconsideration.

The factual findings of the Office of the Ombudsman upon which its decision on petitioner's administrative liability was based are supported by the evidence on record. These include the affidavits of the parties to the instant case including those of respondent Gloria Patangui and Jessica Patangui, and the counter-affidavits of petitioner and of the other Barangay Security Development Officers (BSDO).

Respondent Gloria Patangui testified that on September 22, 2002, the construction materials were taken from her house and were brought to the barangay outpost. Patangui was informed by a BSDO that petitioner ordered the seizure.

Jessica, respondent's 9 year-old daughter, testified that she witnessed the actual taking of the construction materials; that she saw two men enter their premises and take the construction materials while a woman was supervising the activity. She later identified these men as the co-accused of petitioner.

Efren Pagabao, one of the BSDO administratively charged with petitioner, admitted

that they went to the residence of respondent upon orders of petitioner on September 22, 2002 to verify whether respondent has a barangay permit for the house construction they were undertaking. This established the presence of the barangay officials at the respondent's residence and that they were there upon orders of petitioner.

On the other hand, other than a sweeping general denial of the charges against her, petitioner merely alleged that respondent was a professional squatter. She did not specifically deny any of the acts imputed against her nor did she explain why the construction materials were later found at the barangay outpost.

Thus, contrary to petitioner's claim, there is substantial evidence on record sufficient to hold her administratively liable.

As to the alleged premature implementation of the suspension order, the same is likewise bereft of merit.

Petitioner argues that her appeal has the effect of staying the execution of the decision of the Ombudsman hence, the immediate implementation of the suspension order before it has become final and executory, was premature. She cited the cases of *Lapid v. Court of Appeals*^[2] and *Laxina v. Court of Appeals*^[3] where this Court ruled against the immediate implementation of the Ombudsman's dismissal orders in view of Section 27^[4] of Republic Act No. 6770.^[5]

As correctly observed by the Solicitor General, at the time the *Lapid* and *Laxina* cases were decided, Section 7, Rule III of the Rules of Procedure of the Office of the Ombudsman was silent as to the execution of its decisions pending appeal. This was later amended by Administrative Order No. 17 and Administrative Order No. 14-A as implemented by Memorandum Circular No. 1 s. 2006. Hence, as amended, Section 7 of Rule III now reads:

Section 7. Finality and execution of decision. – Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, the decision shall be final, executory and unappealable. In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration.

An appeal shall not stop the decision from being executory. In case the penalty is suspension or removal and the respondent wins such appeal, he shall be considered as having been under preventive suspension and shall be paid the salary and such other emoluments that he did not receive by reason of the suspension or removal.

A decision of the Office of the Ombudsman in administrative cases shall be executed as a matter of course. The Office of the Ombudsman shall ensure that the decision shall be strictly enforced and properly implemented. The refusal or failure by any officer without just