

[G.R. No. 161629, November 08, 2005]

ATTY. RONALDO P. LEDESMA, PETITIONER, VS. HON. COURT OF APPEALS, HON. ANIANO A. DESIERTO, IN HIS CAPACITY AS OMBUDSMAN, HON. ABELARDO L. APORTADERA, IN HIS CAPACITY AS ASSISTANT OMBUDSMAN, AND OMBUDSMAN'S FACT FINDING AND INTELLIGENCE BUREAU, REPRESENTED BY DIRECTOR AGAPITO ROSALES, RESPONDENTS.

R E S O L U T I O N

YNARES-SANTIAGO, J.:

For resolution is petitioner's motion for reconsideration of the July 29, 2005 Decision which affirmed the August 28, 2003 Decision of the Court of Appeals and its January 15, 2004 Resolution finding him guilty of conduct prejudicial to the service and suspending him from the service for six months and one day without pay.

Petitioner, as Chairman of the First Division of the Board of Special Inquiry (BSI) of the Bureau of Immigration (BID), was found remiss in the performance of his duty of evaluating applications for extension of Temporary Resident Visas (TRVs) of certain foreign nationals whose papers were questionable and in transmitting the same to the Board of Commissioners (BOC) of the BID. We noted that BSI not only transmits the applications for TRV extensions and its supporting documents, but more importantly, it interviews the applicants and evaluates their papers before making a recommendation to the BOC. The BSI reviews the applications and when it finds them in order, it executes a Memorandum of Transmittal to the BOC certifying to the regularity and propriety of the applications. Petitioner is principally accountable for certifying the regularity and propriety of the applications which he knew were defective.

In this motion for reconsideration, petitioner submits that it is the BSI that interviews applicants and evaluates their papers before making a recommendation to the BOC, but argues that such recommendation is not binding on the BOC. He asserts that the final decision on whether to approve or disapprove the applications rests with the BOC acting as a collegial body. He insists that by approving the applications notwithstanding alleged defects thereof, the BOC had implicitly determined them as inconsequential and had effectively sanctioned petitioner's actions.

A review of petitioner's arguments persuade us that indeed, while it is BSI which screens the applicants and evaluates their papers, it is the BOC which ultimately reviews and approves the applications for extension of TRVs. The BOC makes its own independent evaluation and determination although the BSI's recommendation has persuasive effect. Review is a reconsideration or re-examination for purposes of correction. The power of review is exercised to determine whether it is necessary to correct the acts of the subordinate and to see to it that he performs his duties in accordance with law.^[1] By approving the applications for TRV extensions