

## **EIGHTH DIVISION**

**[ CA-G.R. SP. NO. 125963, January 21, 2015 ]**

**HEROLD G. UBALDE, PETITIONER, VS. HON. CONCHITA CARPIO-MORALES, AS THE OMBUDSMAN AND PDG NICANOR A. BARTOLOME, AS CHIEF OF THE PNP, RESPONDENTS.**

### **D E C I S I O N**

**ANTONIO-VALENZUELA, J.:**

This is the Petition for Certiorari<sup>[1]</sup> filed by Herold Ubalde ("petitioner Ubalde"), assailing the Office of the Ombudsman 1st Indorsement dated 1 June 2012 ("Indorsement Letter")<sup>[2]</sup> issued by Ombudsman Conchita Carpio-Morales ("respondent Carpio-Morales") referring to the Philippine National Police Chief PDG Nicanor Bartolome ("PNP Chief Bartolome") the implementation of the Ombudsman Joint Resolution dated 30 May 2012 ("Joint Resolution")<sup>[3]</sup> in OMB-C-A-11-0758-L (which found petitioner Ubalde guilty of serious dishonesty and conduct prejudicial to the best interest of the service, and ordering his dismissal from the public service).

Petitioner Ubalde was the respondent in a case before the Ombudsman.

After the parties filed appropriate pleadings and counter-pleadings, on 1 June 2012, the Ombudsman issued the Joint Resolution<sup>[4]</sup> in OMB-C-C-11-0758-L and OMB-C-A-11-0758-L, dismissing petitioner Ubalde from public service.

Even before petitioner Ubalde could file a motion for reconsideration, respondent Carpio-Morales issued the Office of the Ombudsman 1st Indorsement ordering the immediate implementation of the Joint Resolution, and the immediate dismissal of the guilty officials (including petitioner Ubalde) from the public service.

Petitioner Ubalde was dismissed from the service effective 15 June 2012, per General Order No. 1016.<sup>[5]</sup>

Petitioner Ubalde files this Petition for Certiorari<sup>[6]</sup> questioning the propriety of his immediate dismissal from the public service.

The Petition for Certiorari<sup>[7]</sup> avers that respondent Carpio-Morales committed grave abuse of discretion in issuing the 1<sup>st</sup> Indorsement which ordered the implementation of the Joint Resolution and ordered petitioner Ubalde's immediate dismissal from the public service.

The issue is whether the Ombudsman committed grave abuse of discretion in issuing the 1st Indorsement which ordered the implementation of the Joint Resolution dismissing petitioner Ubalde from public service.