Republic of the Philippines
Supreme Court
Manila

EN BANC

ALDRIN MADREO,
Petitioner,

G.R. No. 237330

Present:

PERALTA, *C.J.*,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GESMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,*
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
ROSARIO, *JJ.*

- versus -

LUCILO R. BAYRON,
Respondent.

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OFFICE OF THE OMBUDSMAN,
Petitioner,

G.R. No. 237579

- versus -

LUCILO R. BAYRON,
Respondent.

Promulgated:

November 3, 2020

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D E C I S I O N

* No part.

DELOS SANTOS, *J.*:

Before the Court are two consolidated Petitions for Review on *Certiorari* under Rule 45 of the Rules of Court, assailing the Decision[1] dated 8 August 2017 and the Resolution[2] dated 25 January 2018 of the Court of Appeals (CA) in CA-G.R. SP No. 149375, which reversed and set aside the Decision[3] dated 18 November 2016 of the Office of the Ombudsman (OMB) in OMB-L-A-13-0564 and dismissed the administrative complaint against Lucilo Bayron (Lucilo), City Mayor of Puerto Princesa, Palawan, by reason of the application of the doctrine of condonation.

Antecedents

During the 2013 elections, Lucilo won as the Mayor of Puerto Princesa City, Palawan. He assumed office on 30 June 2013.

On 1 July 2013, the City Government of Puerto Princesa, represented by Lucilo as city mayor, entered into a Contract of Services[4] with Lucilo's son, Karl Bayron (Karl), engaging the latter as Project Manager for Bantay Puerto-VIP Security Task Force, with a monthly compensation of ₱16,000.00, from 1 July 2013 to 31 December 2013.

The Complaint

On 22 November 2013, Aldrin Madreo (Madreo) filed a Complaint-Affidavit[5] against Lucilo and Karl before the OMB, charging them with the following:

(1) Administrative offenses of Grave Misconduct, Serious Dishonesty; Conduct Unbecoming of a Public Officer and Conduct Prejudicial to the Best Interest of the Service, docketed as OMB-L-A-13-0564; and

(2) Criminal offenses of Nepotism, Perjury, Falsification of Public Documents, and Violation of Section 3(e) of Republic Act (RA) No. 3019, docketed as OMB-L-C-13-0500.[6]

In his Complaint-Affidavit, Madreo alleged that the Contract of Services between the Puerto Princesa City Government and Karl contained a

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1 Penned by Associate Justice Japar B. Dimaampao, with Associate Justices Amy C. Lazaro-Javier (now a Member of the Court) and Pedro B. Corales, concurring; *rollo* (G.R. No. 237579), pp. 60-77.
2 Id. at 80-89.
3 Id. at 92-102.
4 Id. at 141-142.
5 Id. at 126-139.
6 Id. at 61.

declaration that Karl "is not related within the fourth degree of consanguinity/affinity with the Hiring Authority." Contrary to this declaration, however, Karl is the biological son of Lucilo as evidenced by an official copy of his Birth Certificate.[7] Madreo argued that such act of concealment was indicative of a clear intention to violate the law,[8] lack of integrity, and disposition to betray and defraud the public.[9] He added that they also violated Civil Service Commission Memorandum Circular No. 17-02[10] which prohibits a person covered by the rule against nepotism to be hired under a contract of service. Finally, Madreo claimed that Karl acted without authority when he issued Office Order No. 001, Series of 2013,[11] detailing a certain Rigor Cobarrubias, a regular employee, to the City Traffic Management Office.[12]

In his Consolidated Counter-Affidavit,[13] Lucilo alleged that the position for which Karl was engaged in a non-career position. He pointed out that the position is confidential in nature, and, as such, his engagement is allowed under the Civil Service Rules.[14] He added that the complaint should be dismissed outright on the basis of the following grounds: (1) failure to comply with Administrative Order No. 07,[15] as amended, which requires that a criminal and/or administrative complaint should be under oath; (2) lack of jurisdiction of the OMB since administrative complaints against local elective officials should be filed before the Office of the President; and (3) Madreo's lack of personal interest in the subject matter of the complaint as he was not a resident nor a taxpayer of Puerto Princesa City.[16]

Additionally, both Lucilo and Karl explained that the latter was not considered a public officer, therefore there was no legal obligation to disclose their relationship. As the position is confidential in nature, it is exempt from the rule against nepotism, and relationship between the parties is immaterial. Further, they claimed that there was no deliberate or willful intent to commit a falsehood as it was the city government, and not Lucilo, which entered into a contract with Karl.[17]

The 2015 Recall Election

On 8 May 2015 and during the pendency of the proceedings in OMB-L-A-13-0564 and OMB-L-C-13-0500, a recall election was held for the position of city mayor of Puerto Princesa. After the casting and counting of

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7 Id. at 130, 145.
8 Id. at 133.
9 Id. at 134.
10 Policy Guidelines for Contract of Services.
11 *Rollo* (G.R. No. 237579), p. 144.
12 Id. at 93.
13 Id. at 148-169.
14 Id. at 152-153.
15 Rules of Procedure of the Office of the Ombudsman (April 10, 1990).
16 Id. at 149-151.
17 Id. at 94.

the votes, Lucilo was proclaimed as the winner and duly elected mayor of Puerto Princesa City.[18]

On 22 June 2015, Lucilo, through his counsel, filed an Entry of Appearance with Motion to Dismiss,[19] praying for the dismissal of the administrative complaint in light of his proclamation as the winner of the recall election. He asserted that re-election to office operates as a condonation of the officer's misconduct to the extent of cutting off the right to remove him therefrom.[20]

May 2016 Elections

During the May 2016 local elections, and while the proceedings in OMB-L-A-13-0564 and OMB-L-C-13-0500 were ongoing, Lucilo was re-elected as mayor of Puerto Princesa City.

Ruling of the OMB, Removal and Reinstatement of Lucilo as City Mayor

On 18 November 2016, the OMB, through Assistant Ombudsman Jennifer Jardin-Manalili, rendered a Decision[21] in OMB-L-A-13-0564, finding both Lucilo and Karl administratively liable, the dispositive portion of which reads:

> **WHEREFORE**, this Office finds substantial evidence to hold respondents **LUCILO R. BAYRON**, and **KARL M. BAYRON** administratively liable for **SERIOUS DISHONESTY** and **GRAVE MISCONDUCT**. Pursuant to Section 46 (A)(1) and Section 46 (A)(3) respondents are meted the penalty of **DISMISSAL FROM THE SERVICE**, together with the corresponding accessory penalties of forfeiture of retirement benefits, cancellation of eligibility, bar from taking the civil service examinations and perpetual disqualification from holding any public office.
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> In the event the principal penalty of dismissal can no longer be enforced on respondents, it shall be converted into a **Fine** in the amount equivalent to their basic salary for one year, payable to the Office of the Ombudsman, which amount maybe deducted from any receivable from the government. In the alternative, respondent[s] may opt to pay the fine directly to the Office of the Ombudsman.
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> **SO ORDERED.**[22]

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[18] Id. at 274.
[19] Id. at 271-273.
[20] Id. at 272.
[21] Id. at 92-102.
[22] Id. at 101.

On the same date, a Resolution[23] was issued finding probable cause to indict both Lucilo and Karl for Falsification of Public Document.

Lucilo and Karl then filed their respective motions for reconsideration of the above Decision and Resolution.[24] Pending the resolution of his motion for reconsideration, Lucilo filed before the CA a Petition for Review[25] on 2 February 2017, alleging, among others, that with his re-elections during the 8 May 2015 recall election and May 2016 local elections, he can no longer be removed from office by reason of the condonation doctrine,[26] also known as Aguinaldo doctrine, which provides that a public official cannot be removed for administrative misconduct committed during a prior term since his re-election to office operates as a condonation of his past misconduct. Lucilo's petition, however, was simply noted without action by the CA for being premature in view of Lucilo's pending motion for reconsideration with the OMB.[27]

Meanwhile, the OMB Decision dated 18 November 2016 was implemented by way of several issuances and letters from various government agencies, including the Indorsement Letter[28] dated 10 January 2017 of the OMB to the Department of Interior and Local Government (DILG) and the Memorandum[29] dated 15 February 2017 of the DILG-MIMAROPA Region advising Vice-Mayor Luis Marcaida III (Marcaida) to assume office. Marcaida later took his oath as the Mayor of Puerto Princesa City.[30]

On 20 February 2017, Lucilo filed an Urgent Verified Manifestation[31] with the OMB, stating that he is abandoning his motion for reconsideration so that he may already avail judicial relief on the justification that the OMB has already effectively denied his motion for reconsideration by causing the immediate implementation of the judgment of dismissal. Further, with the objective to prevent the immediate implementation of the judgment of dismissal, Lucilo filed a motion for the issuance of a temporary restraining order (TRO) or a *status quo ante* Order before the CA, which was denied, however. Nonetheless, the CA declared the petition for review submitted for decision.[32]

Subsequently, in a Joint Order[33] dated 20 March 2017, the OMB modified its earlier ruling, setting aside the Resolution finding probable

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[23] Not attached to the *rollo*.
[24] Id. at 103.
[25] *Rollo* (G.R. No. 237579), pp. 237-306.
[26] *Aguinaldo v. Santos*, 287 Phil. 851 (1992).
[27] *Rollo* (G.R. No. 237579), p. 67.
[28] Id. at 327.
[29] Id. at 336.
[30] Id. at 656.
[31] Id. at 313-314.
[32] Id. at 68.
[33] Id. at 103-114.

cause for Falsification of Public Document against Lucilo and Karl, and holding them administratively liable for Simple Dishonesty only. The dispositive portion of the Order reads:

> **WHEREFORE**, considering the foregoing, this Office **PARTIALLY GRANTS** the Consolidated Motion for Reconsideration of respondent Karl M. Bayron. The Motion for Reconsideration of respondent Lucilo R. Bayron in the criminal case, on the other hand, is **GRANTED**.
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> The assailed Resolution is hereby **SET ASIDE** and all criminal charges against the respondents are **DISMISSED**. On the other hand, the assailed Decision is accordingly **MODIFIED**. Respondents Lucilo R. Bayron and Karl M. Bayron are administratively found guilty only of **SIMPLE DISHONESTY** and meted the penalty of **Three Months Suspension** from service.
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> In the event the principal penalty of suspension can no longer be enforced on respondents, it shall be converted into a **Fine** in the amount equivalent to their basic salary for three months, payable to the Office of the Ombudsman, which amount may be deducted from any receivable from the government. In the alternative, respondent may opt to pay the fine directly to the Office of the Ombudsman.
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> **SO ORDERED**.[34]

Thereafter, Lucilo filed before the CA an Urgent Manifestation with Reiterative Plea (For Immediate Issuance of Status Quo Ante Order/Preliminary Injunction Pending Final Disposition of the Main Petition),[35] alleging that while the OMB had already reduced his penalty, the finding of guilt for Simple Dishonesty against him was bereft of any factual or legal basis, hence, he should be totally exonerated.[36] On the other hand, Marcaida filed a Petition for Leave to Intervene,[37] praying that he be allowed to intervene in the CA case and that a *status quo ante* order be issued to preserve the status of the parties prior to the issuance of the Joint Order dated 20 March 2017.[38]

On 22 June 2017, the DILG re-installed Lucilo as mayor of Puerto Princesa City per OMB's directive to implement its Joint Order[39] dated 20 March 2017.

On 6 July 2017, the OMB modified its disposition once again by setting aside the Joint Order dated 20 March 2017 in so far as Lucilo is concerned. The dispositive portion of its latest Order reads:

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34 Id. at 112-113.
35 Not attached to the *rollo*.
36 *Rollo* (G.R. No. 237579), pp. 68-69.
37 Not attached to the *rollo*.
38 *Rollo* (G.R. No. 237579), p. 69.
39 Id. at 69, 614.

> **WHEREFORE**, in view of the foregoing, this Office **GRANTS** complainant-movant Aldrin Madreo's Motion for Reconsideration and hereby **RECONSIDERS** and **SETS ASIDE** the assailed Joint Order dated 20 March 2017 modifying the Decision dated 18 November 2016 insofar as it affects respondent Lucilo Bayron.
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> **SO ORDERED.**[40]

Lucilo notified the CA of the supervening order which, in effect, reinstated OMB's judgment of his dismissal from service, and accordingly filed an Urgent Motion to Expedite Decision of the Pending Petition for Review.[41]

Ruling of the Court of Appeals

On 8 August 2017, the CA rendered the now assailed Decision.[42] The CA discussed that Lucilo could not be held liable for the charges of Serious Dishonesty and Grave Misconduct based on the circumstances surrounding the execution of the Contract of Services and in view of Lucilo's acquittal in the criminal complaint for Falsification of Public Document. In the main, however, the CA reversed the Decision dated 18 November 2016 of the OMB and dismissed the administrative complaint against Lucilo on the ground that the Aguinaldo doctrine is applicable to his case. The CA ratiocinated:

> The cold hard fact is that after the purported misrepresentation, [Lucilo] was re-elected in a recall election held on 8 May 2015 when the *Aguinaldo Doctrine* was still in force. **It must be emphasized that it is the election which operates to condone any misconduct supposedly committed by the public official during a prior term**. In sooth, [Lucilo's] reelection on 8 May 2015 operates as a condonation of his alleged previous misconduct to the extent of cutting off the right to remove him therefrom.
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> x x x x
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> **THE FOREGOING DISQUISITIONS CONSIDERED**, We hereby **GRANT** the *Petition for Review*. The *Decision* dated 18 November 2016 of the Office of the Ombudsman in OMB-L-A-13-0564 is **REVERSED and SET ASIDE**. Accordingly, the Complaint for Serious Dishonesty and Grave Misconduct against petitioner Lucilo Bayron is **DISMISSED**.
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> The *Petition for Leave to Intervene* filed by Vice-Mayor Luis Marcaida is **DENIED.**
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> **SO ORDERED.**[43]

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[40] Id. at 124.
[41] Id. at 70.
[42] Id. at 60-77.
[43] Id. at 76.

Madreo, Marcaida, and the OMB filed their separate motions for reconsideration of the Decision of the CA. The OMB, in particular, questioned the applicability of the doctrine of condonation in Lucilo's case as the same had already been abandoned in *Ombudsman Carpio-Morales v. Court of Appeals*[44] promulgated on 10 November 2015. While the abandonment of the said doctrine was declared to be applied prospectively, the OMB explained that there was no categorical statement from the Court as to what constitutes "prospective application." As such, the OMB is of the opinion that all administrative cases that remain open and pending as of 12 April 2016, the date of finality of *Carpio-Morales*, can no longer avail of the defense of condonation. In any case, the OMB pointed out that Lucilo cannot avail the benefit of the condonation doctrine since he was not re-elected to a fresh term in the 2015 recall elections. Corollarily, there is no "prior term" to speak of for the doctrine to apply.[45]

In a Resolution[46] dated 25 January 2018, the CA denied the motions for reconsideration, disposing as follows:

> **WHEREFORE**, the *Motion for Reconsideration* and *Supplement* thereto of respondent Aldrin Madreo, and the respective *Motions for Reconsideration* of Luis Marcaida III and public respondent Office of the Ombudsman are hereby **DENIED**.
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> **SO ORDERED**.[47]

The CA ruled that the *ratio decidendi* of the condonation doctrine, that an elective official's re-election serves as a condonation of previous misconduct which cuts the right to remove him therefor, applies to both regular and recall elections and that there is no plausible reason to make a distinction.[48]

The Petitions

Dissatisfied with ruling of the CA, Madreo and the OMB filed their respective petitions for review on *certiorari*, docketed as G.R. Nos. 237330[49] and 237579,[50] respectively. Madreo and the OMB's arguments in their respective petitions may be summarized into three points. First, they contend that the doctrine of condonation should not be applied to obliterate Lucilo's administrative liability since the doctrine had already been abandoned in *Carpio-Morales*. Second, assuming that the doctrine still prevails, the same cannot be applied in Lucilo's case since what was involved was a recall election and not a re-election for a fresh term of office.

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44 772 Phil. 672 (2015).
45 *Rollo* (G.R. No. 237579), pp. 433-434.
46 Id. at 80-89.
47 Id. at 88.
48 Id.
49 *Rollo* (G.R. No. 237330), pp. 14-31.
50 *Rollo* (G.R. No. 237579), pp. 19-53.

Third, they postulate that the CA gravely erred in absolving Lucilo from any administrative liability considering that he falsely attested to his non-relationship with his son, Karl, in the subject notarized Contract of Services.

Ruling

The petitions lack merit.

I

The doctrine of condonation first enunciated in the 1959 *En Banc* ruling in *Pascual v. Provincial Board of Nueva Ecija*[51] and reiterated in *Aguinaldo v. Santos*,[52] hence also known as Aguinaldo doctrine, states that an elected public official cannot be removed for administrative misconduct committed during a prior term, since his re-election to office operates as a condonation of the officer's previous misconduct to the extent of cutting off the right to remove him therefor.[53]

In another *En Banc* ruling in *Salalima v. Guingona, Jr.*,[54] the Court stated that the condonation doctrine is not only founded on the theory that an official's re-election expresses the sovereign will of the electorate to forgive or condone any act or omission constituting a ground for administrative discipline which was committed during his previous term. The same is also justified by "sound public policy." The Court held that to rule otherwise would open the floodgates to exacerbating endless partisan contests between the re-elected official and his political enemies, who may not stop to hound the former during his new term with administrative cases for acts alleged to have been committed during his previous term. His second term may thus be devoted to defending himself in the said cases to the detriment of public service.[55]

This doctrine of forgiveness or condonation cannot, however, apply to criminal acts which the re-elected official may have committed during his previous term.[56] The Court also clarified that the condonation doctrine would not apply to appointive officials since, as to them, there is no sovereign will to disenfranchise.[57]

II

It bears noting that the condonation doctrine was abandoned in *Carpio-Morales* primarily on the grounds that there was no legal authority to

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[51] 106 Phil. 466 (1959).
[52] Supra note 26.
[53] Id. at 857-858.
[54] 326 Phil. 847 (1996).
[55] Id. at 921.
[56] See *Ingco v. Sanchez*, 129 Phil. 553 and *Aguinaldo*, supra note 26.
[57] See *Salumbides, Jr. v. Office of the Ombudsman*, 633 Phil. 325 (2010), citing *Civil Service Commission v. Sojor*, 577 Phil. 52 (2008).

sustain the condonation doctrine in this jurisdiction, and for being contrary to the present Constitution's mandate of holding all public officials and employees accountable to the people at all times. However, *Carpio-Morales* was also clear that the abandonment of the condonation doctrine shall be "prospective in application for the reason that judicial decisions applying or interpreting the laws or the Constitution, until reversed, shall form part of the legal system of the Philippines."[58]

The Court further clarified in *Crebello v. Office of the Ombudsman*,[59] that the ruling promulgated in *Carpio-Morales* on the abandonment of the doctrine of condonation had become final only on 12 April 2016, thus, the abandonment should be reckoned from the said date. The Court explained that the prospective application of *Carpio-Morales* should be reckoned from 12 April 2016 because that was the date on which the Court had "acted upon and denied with finality" the motion for clarification/motion for partial reconsideration filed in the said case.

Notwithstanding that the Court had already declared that the abandonment of the condonation doctrine is to be applied prospectively from 12 April 2016, the OMB asserts that the doctrine still does not apply to Lucilo because the administrative case against him was already pending before its office prior to the finality of *Carpio-Morales*. Pursuant to its Office Circular No. 17 dated 11 May 2016, the OMB maintains that it could still resolve the case and has in fact decided the same on 18 November 2016.

OMB Office Circular No. 17 reads:

> From the date of finality of the *Decision* on **12 April 2016** and onwards, the Office of the Ombudsman will no longer give credence to the condonation doctrine, regardless of when an administrative infraction was committed, when the disciplinary complaint was filed, or when the concerned public official was re-elected. In other words, **for [as] long as the administrative case remains *open and pending* as of 12 April 2016 and onwards, the Office of the Ombudsman shall no longer honor the defense of condonation.**[60]

The Court does not agree with the stance of the OMB.

The problem with the OMB's position is that it completely obliterated the doctrine as a defense for all cases, even those already pending resolution or appeal at the time of the finality of *Carpio-Morales*. This is patently violative of the binding rule that "laws shall only have a prospective effect and must not be applied retroactively in such a way as to apply to pending

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[58] *Carpio-Morales*, supra note 44, at 775.
[59] G.R. No. 232325, April 10, 2019.
[60] *Rollo* (G.R. No. 237579), p. 37.

disputes and cases."[61] In this regard, the Court finds it imperative to clarify as to what *Carpio-Morales* meant when it ruled that the abandonment of the condonation doctrine is applied prospectively. To be precise, the Court shall resolve the issue as to what event should have transpired before 12 April 2016, the date *Carpio-Morales* attained finality, for the doctrine of condonation to apply.

The preliminaries first. The re-election of the public official is the most important element for the application of the doctrine of condonation. Logically so as it is the event that triggers the application of the doctrine being the act that manifests the body politic's expressed or implied forgiveness of the public official's offense or misconduct. As emphasized in *Salumbides v. Office of the Ombudsman*,[62] it is the will of the populace that could extinguish an administrative liability. Needless to say, the *rationale* behind the condonation doctrine clearly instructs us that an elective official's *re-election* serves as a *condonation* of previous misconduct, thereby cutting the right to remove him; to do otherwise would be to deprive the people of their right to elect their officers, and it is not for the court, by reason of such faults or misconduct, to practically overrule the will of the people. It can be said then that it is the re-election which would ultimately give rise to the application of the condonation doctrine and the final act or event which vests upon the public official the right not to be removed from office.

Taking into account the above preliminary considerations, when the Court ruled in *Carpio-Morales* that the abandonment of the doctrine of condonation is applied prospectively, it meant that the said doctrine *does not* anymore apply to public officials *re-elected after its abandonment*. Stated differently, the doctrine still *applies* to those officials who have been *re-elected prior to its abandonment*. That is because when a public official had already been re-elected prior to the promulgation and finality of *Carpio-Morales*, he or she has every right to rely on the old doctrine that his or her re-election had already served as a condonation of his previous misconduct, thereby cutting the right to remove him from office, and a new doctrine decreeing otherwise would not be applicable against him or her. More telling, once re-elected, the public official already had the *vested right* not to be removed from office by reason of the condonation doctrine, which cannot be divested or impaired by a new law or doctrine without violating the Constitution. These are the decisive reasons behind the prospective applicability of the abandonment of the doctrine of condonation, as can be gleaned from the case law pointed out in *Carpio-Morales* to explain its ruling, to wit:

> Hence, while the future may ultimately uncover a doctrine's error, it should be, as a general rule, recognized as "good law" prior to its abandonment. Consequently, **the people's reliance thereupon should be**

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[61] *Philippine National Bank v. Tejano*, 619 Phil. 139, 151 (2009).
[62] Supra note 57.

respected. The landmark case on this matter is *People v. Jabinal*, wherein it was ruled:

> [W]hen a doctrine of this Court is overruled and a different view is adopted, the new doctrine should be applied prospectively, and **should not apply to parties who had relied on the old doctrine and acted on the faith thereof.**
>
> Later, in *Spouses Benzonan v. CA*, it was further elaborated:
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> [P]ursuant to Article 8 of the Civil Code "judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines." But while our decisions form part of the law of the land, they are also subject to Article 4 of the Civil Code which provides that "laws shall have no retroactive effect unless the contrary is provided." This is expressed in the familiar legal maxim *lex prospicit, non respicit,* the law looks forward not backward. **The rationale against retroactivity is easy to perceive. The retroactive application of a law usually divests rights that have already become vested or impairs the obligations of contract and hence, is unconstitutional.**[63] (Emphasis in the original and citations omitted; new emphases supplied)

Thus, the Court now clarifies in simple and direct terms. The defense of condonation doctrine is no longer available if the public official's re-election happens on or after 12 April 2016. With the abandonment of the condonation doctrine in *Carpio-Morales*, which became final on 12 April 2016, any re-elections of public officials on said date and onwards no longer have the effect of condoning their previous misconduct.

III

The condonation doctrine covers re-election through regular and recall elections.

It is noteworthy that the rationale behind the doctrine of condonation speaks of "re-election to public office" without specifying the type of elections conducted, thereby, signifying that the pivotal consideration in the application of the doctrine is the electorate's act of electing again an erring public official. Thus, the Court applies by analogy the well-established legal maxim "*ubi lex non distinguit, nec nos distinguere debemus*." When the law, a case law in this instance, does not distinguish, neither should we distinguish. Accordingly, that the manner of re-election was through a regular or recall elections is beside the point for the doctrine of condonation to apply. There should be no distinction as to the manner of re-election in the application of the said doctrine where none is indicated.

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[63] *Carpio-Morales*, supra note 44, at 775-776.

The OMB insists that the doctrine of condonation does not apply to a recall election because the same is a "mode of removal" of a public officer by the people before the end of his term of office. It submits that when an incumbent public official wins in a recall election, he will merely continue his term of office, hence, such election is not considered a "re-election" because it is not a regular election where a person is elected for a new term of office. The OMB adds that for the condonation doctrine to apply, the misconduct must be committed during the immediately preceding term for the re-election.

The Court disagrees.

Condonation doctrine is a jurisprudential creation that originated from the 1959 case of *Pascual*.[64] Relatedly, judicial decisions assume the same authority as a statute itself and, until authoritatively abandoned, necessarily become, to the extent that they are applicable, the criteria that must control the actuations, not only of those called upon to abide by them, but also of those duty-bound to enforce obedience to them.[65] Thus, like any other laws or statutes, judicial decisions and doctrines declared therein must be construed or interpreted with reference to its full context, *i.e.*, that every part of the decision or doctrine must be considered together with the other parts, and kept subservient to the general intent of the whole enactment.[66] It is also a rule in statutory construction that the statute's clauses and phrases must not, consequently, be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole.[67] Consistent with the fundamentals of statutory construction, all the words in the statute must be taken into consideration in order to ascertain its meaning.[68] It is also well-established rule that a statute must be so construed as to harmonize and give effect to all its provisions whenever possible;[69] and that the spirit and reason of the statute may be passed upon where a literal meaning would lead to absurdity, contradiction, injustice, or would defeat the clear purpose of the lawmakers.[70]

The Court applies the foregoing principles to the case at bench.

It is worthy to note that when the Court, in *Pascual*, subscribed to the idea that a public official may not be removed in the present term of office, the same was *not* simply and solely premised on the underlying theory that "each term is separate from other terms" in that "the penalty in proceedings

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[64] Id. at 755.
[65] Id. at 775, citing *De Castro v. Judicial Bar and Council*, 632 Phil. 657, 686 (2010).
[66] *Land Bank of the Philippines v. AMS Farming Corporation*, 590 Phil. 170, 203 (2008).
[67] *Mactan-Cebu International Airport Authority v. Urgello*, 549 Phil. 302, 322 (2007).
[68] *Smart Communications, Inc. v. The City of Davao*, 587 Phil. 20, 30 (2008).
[69] *Chavez v. Judicial and Bar Counsil*, 691 Phil. 173, 200 (2012), citing *Uy v. Sandiganbayan*, 407 Phil. 154, 180 (2001).
[70] *Ursua v. Court of Appeals*, 326 Phil. 157, 163 (1996).

for removal shall not extend beyond the removal from office, and disqualification from holding office for the term for which the officer was elected or appointed." The condonation doctrine, as it was later known, was also predicated on the reasoning that *re-election* serves as a *condonation of previous misconduct* and that the courts may *not deprive the electorate*, who are assumed to have known the life and character of candidates, of their *right to elect officers* nor to *overrule* the *will of the people to disregard or forgive* his faults or misconduct, if he had been guilty of any, when they elected a man to office.

Thus, in *Carpio-Morales*, the Court dissected *Pascual*'s *ratio decidendi* into three (3) parts, to wit:

> ***First*, the penalty of removal may not be extended beyond the term in which the public officer was elected for each term is separate and distinct**:
>
> > Offenses committed, or acts done, during previous term are generally held not to furnish cause for removal and this is especially true where the constitution provides that the **penalty in proceedings for removal shall not extend beyond the removal from office, and disqualification from holding office for the term for which the officer was elected or appointed.** (67 C.J.S. p. 248, citing *Rice vs. State*, 161 S.W. 2d. 401; *Montgomery vs. Nowell,* 40 S.W. 2d. 418; *People ex rel. Bagshaw vs. Thompson,* 130 P. 2d. 237; *Board of Com'rs of Kingfisher County vs. Shutler,* 281 P. 222; *State vs. Blake*, 280 P. 388; *In re Fudula,* 147 A. 67; *State vs. Ward,* 43 S.W. 2d. 217).
>
> > The underlying theory is that **each term is separate from other terms** . . . .
>
> ***Second*,** an elective official's **re-election serves as a condonation of previous misconduct**, thereby cutting the right to remove him therefor; and
>
> > [T]hat the **reelection to office operates as a condonation of the officer's previous misconduct to the extent of cutting off the right to remove him therefor.** (43 Am. Jur. p. 45, citing *Atty. Gen. vs. Hasty*, 184 Ala. 121, 63 So. 559, 50 L.R.A. (NS) 553.
>
> ***Third*,** courts may not deprive the electorate, who are assumed to have known the life and character of candidates, of their right to elect officers:
>
> > As held in *Conant vs. Grogan* (1887) 6 N.Y.S.R. 322, cited in 17 A.I.R. 281, 63 So. 559, 50 LRA (NS) 553 —

> The Court should never remove a public officer for acts done prior to his present term of office. To do otherwise would be to deprive the people of their right to elect their officers. **When the people have elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any. It is not for the court, by reason of such faults or misconduct to practically overrule the will of the people.**[71] (Emphases in the original and citations omitted; new emphases supplied)

To the mind of the Court, the rationale behind the doctrine of condonation gives significant consideration to the right of the electorate to elect officers, who will serve them, and of their sovereign will to forgive a public official's alleged misconduct through election, hence, the term "condonation." Otherwise, the Court, in *Pascual*, could have just simply and solely relied on the underlying theory that "each term is separate from other terms" to support its ruling on why a public official elected to a new term may not be removed for misconduct committed in his previous term. The rationale behind the doctrine, however, as elucidated in *Pascual*, stresses and gives value to the right of the electorate to elect officers and of their sovereign will to forgive. To be sure, these justifications are not without meaning and effect to the ruling of the Court in *Pascual*. The Court notes that the said case was decided under the 1935 Constitution. Section 1, Article II thereof states that "[t]he Philippines is a democratic and republican State" and "[s]overeignty resides in the people and all government authority emanates from them." Republicanism, in so far as it implies the adoption of a representative type of government, necessarily points to the enfranchised citizen as a particle of popular sovereignty and as the ultimate source of the established authority.[72] Each time the enfranchised citizen goes to the polls to assert this *sovereign will*, that abiding credo of republicanism is translated into living reality.[73] Indeed, a truly-functioning democracy owes its existence to the People's collective sovereign will.

The Court's rulings subsequent to *Pascual* would indeed tell the compelling reasons behind the condonation doctrine – the right of the electorate to elect officers and their sovereign will to forgive.

In *Salalima*,[74] the Court explained that the condonation doctrine is founded on the theory that an "official's reelection expresses the sovereign will of the electorate to forgive or condone any act or omission constituting a ground for administrative discipline which was committed during his

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71 *Carpio-Morales*, supra note 44, at 761-762.
72 *Moya v. Del Fierro*, 69 Phil. 199, 204 (1939).
73 *People v. San Juan*, 130 Phil. 515, 522 (1968).
74 Supra note 54.

previous term"[75] and added that the doctrine is also reinforced by sound public policy to prevent the elective official from being hounded by administrative cases filed by his political enemies during a new term, for which he has to defend himself to the detriment of public service.[76]

In *Garcia v. Mojica*,[77] the Court held that the rationale of the condonation doctrine is that "when the electorate put [the re-elected official] back into office, it is presumed that it did so with full knowledge of his life and character, including his past misconduct. If, armed with such knowledge, it still reelects him, then such reelection is considered a condonation of his past misdeeds."[78]

In *Salumbides*,[79] the Court ruled:

> More than 60 years ago, the Court in *Pascual v. Hon. Provincial Board of Nueva Ecija* issued the landmark ruling that prohibits the disciplining of an elective official for a wrongful act committed during his immediately preceding term of office. The Court explained that "[t]he underlying theory is that each term is separate from other terms, and that the reelection to office operates as a condonation of the officer's previous misconduct to the extent of cutting off the right to remove him therefor."
>
> > The Court should never remove a public officer for acts done prior to his present term of office. To do otherwise would be to deprive the people of their right to elect their officers. When the people elect[e]d a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any. It is not for the court, by reason of such faults or misconduct[,] to practically overrule the will of the people.[80] (Underscoring in the original; citations omitted)

And in *Garcia, Jr. v. Court of Appeals*,[81] the Court remarked that it would have been prudent for the appellate court therein to have issued a TRO against the implementation of the preventive suspension order issued by the OMB in view of the condonation doctrine as "the suspension from office of an elective official, whether as a preventive measure or as a penalty, will undeservedly deprive the electorate of the services of the person they have conscientiously chosen and voted into office."[82]

In view, therefore, of the paramount importance of the electorate's right to elect and of their willpower to forgive one's misconduct in the

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[75] Id. at 921.
[76] Id.
[77] 372 Phil. 892 (1999).
[78] Id. at 911-912.
[79] Supra note 57.
[80] Id. at 33.
[81] 604 Phil. 677 (2009).
[82] Id at 692.

application of the doctrine of condonation, it is only fitting that the term "re-election," as referred to and contemplated in the aforesaid doctrine, should *not* be interpreted in its restrictive sense. Rather, the same must be given its ordinary and generic meaning of a public official having been elected again in a process where the electorate cast their votes in his or her favor during any elections. Corollarily, when the rationale of the doctrine mentioned of "commission of the act in the prior term," the same should mean to include "previous acts prior to the re-election" so as not to restrict the meaning of re-election to the extent of defeating or disenfranchising the right of the electorate to elect their officers and their sovereign will to forgive the latter's misconduct. Such approach would give life and meaning to, instead of rendering worthless and of no purpose, the declared rationale behind the doctrine of condonation on the protection of and respect for the sovereign will of the electorate to elect officers and to forgive the previous misconduct of their elected public servants. Only then could we give real sense of the term "condonation" which is defined as "a victim's express or implied forgiveness of an offense, [especially] by treating the offender as if there had been no offense."[83]

The foregoing considered, the doctrine of condonation, then, is applicable through a recall election.

In *Garcia v. Commission on Elections*,[84] recall was defined as a mode of removal of a public officer by the people before the end of his term of office. The people's prerogative to remove a public officer is an incident of their sovereign power and in the absence of constitutional restraint, the power is implied in all government operations.[85]

While recall election is defined as a mode of removal, the same could also operate as a re-election of the concerned incumbent public official since it resorts to the *democratic process of election* to achieve its end where the official sought to be recalled shall automatically be considered as duly registered candidate to the pertinent position and, like other candidates, shall be entitled to be voted upon.[86] More importantly, like in regular elections, the electorate in a recall election cast their votes to elect among the candidates who shall serve or continue to serve them.

At this point, it might not be amiss to stress that the same considerations behind the doctrine of condonation exist in recall elections.

In recall elections, the electorate can simply cut short the term of an incumbent official by not voting for him and entrusting the reins of government to another candidate. If the incumbent, however, "receive[s] the

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[83] *Carpio-Morales*, supra note 44, at 754, citing Black's Law Dictionary, 8th Ed., p. 315.
[84] 297 Phil. 1034 (1993).
[85] Id. at 1048.
[86] Section 71, Republic Act No. 7160.

highest number of votes, confidence in him is thereby affirmed, and he shall continue in office."[87] It is the outcome of the election that ultimately determines the reaffirmation of the people's faith in him or, otherwise, their expression of displeasure over his administration. In any case, the electorate's participation in recall elections underscores an exercise of their right to elect officers to serve them – a right, which under the doctrine of condonation, may not be disenfranchised by the courts. Likewise, the result of this exercise is presumed to be with the electorate's full awareness of the allegations of misconduct against the local official. By re-electing a public official, however, his constituents are deemed to have pardoned his alleged previous misconduct. When an incumbent public official wins in a recall election, the only telling conclusion is that the people had foregone of their prerogative to proceed against the erring public official, and decided to look past the misconduct and reinstate their trust and confidence in him. This blurs the line of distinction between a regular and recall election in terms of the applicability of the condonation doctrine. Certainly, the will of the electorate to forgive or condone the incumbent of his act or omission constituting a ground for administrative discipline and the reaffirmation of the People's faith in him is well within the contemplation of the condonation doctrine.

Moreover, in the same way that, in construing a statute, the spirit of the law should never be divorced from its letter, a doctrine should always be interpreted according to its essence or philosophy that accompanied its adoption. In *Cometa v. Court of Appeals*,[88] the Court reiterated that:

> *[T]he spirit rather than the letter of the statute determines its construction, hence, a statute must be read according to its spirit or intent. For what is within the spirit is within the statute although it is not within the letter thereof, and that which is within the letter but not within the spirit is not within the statute.*[89] (Italics in the original)

Thus, a doctrine should be deemed to embrace instances that uphold the same philosophy. A recall elections presupposes the same collective resolution of the constituents to condone the alleged misconduct. This is no different from re-election by regular election. The idea is that "when the people elected a man to office, it must be assumed that they did this with knowledge of his life and character, and that they disregarded or forgave his faults or misconduct, if he had been guilty of any."[90] This is in deference to the superiority of the collective will of the People. Accordingly, there is no persuasive reason to distinguish between re-election by regular or recall elections when applying the condonation doctrine since the controlling elements, *i.e.*, the expression of the sovereign will of the people to elect their officer and to forgive a previous misconduct, are present in both cases. To say that condonation doctrine does not apply in recall elections when the

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87 Section 72, id.
88 404 Phil. 107 (2001).
89 Id. at 117.
90 *Pascual*, supra note 51, at 472.

compelling reasons and clear purpose of said doctrine are present therein would be a clear case of absurdity, and would tantamount to injustice to the electorate and to the public official concerned, in the context of applying the doctrine of condonation at the time when the same was not yet abandoned and still considered a good law.

IV

In view of the foregoing disquisitions, the Court rules that the doctrine of condonation is applicable to the case of Lucilo by reason of his re-election, as the term is understood in the application of the doctrine, during the recall election on 8 May 2015. It is undisputed that Lucilo's re-election took place prior to the finality of *Carpio-Morales*, which abandoned the condonation doctrine, on 12 April 2016. Considering that the doctrine of condonation is still a good law at the time of his re-election in 2015, Lucilo can certainly use and rely on the said doctrine as a defense against the charges for prior administrative misconduct on the rationale that his re-election effectively obliterates all of his prior administrative misconduct, if any at all. Further, with his re-election on 8 May 2015, Lucilo already had the vested right, by reason of the doctrine of condonation, not to be removed from his office, which may not be deprived from him or be impaired by the subsequent abandonment in *Carpio-Morales* of the aforesaid doctrine, or by any new law, doctrine or Court ruling. Accordingly, his re-election on 8 May 2015 rendered moot and academic the administrative complaint filed against him on 22 November 2013 for misconduct allegedly committed on 1 July 2013, hence, must be dismissed.

The doctrine of condonation, however, cannot be extended to Lucilo's re-election during the May 2016 elections. By then, the doctrine had already been abandoned, and his re-election no longer had the effect of condoning his previous misconduct.

Finally, with the dismissal of the administrative complaint against Lucilo, the Court deems it unnecessary to pass upon the issue on whether the OMB has correctly found him liable for Serious Dishonesty and Grave Misconduct.

WHEREFORE, premises considered, the instant consolidated petitions are hereby **DENIED**. The Decision dated 8 August 2017 and the Resolution dated 25 January 2018 of the Court of Appeals in CA-G.R. SP No. 149375 are **AFFIRMED**.

SO ORDERED.

EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice

Please see Concurring + Dissenting opinion

respectfully, I dissent. Pls see separate dissenting opinion

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

Please see concurrij opinion.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

RAMON PAUL L. HERNANDO
Associate Justice

ROSMARI D. CARANDANG
Associate Justice

(No part)
AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

CERTIFICATION

I certify that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court.

DIOSDADO M. PERALTA
Chief Justice