Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

ROMEO H. VALERIANO, substituted by his daughter, MARIA KARINA V. CLIMACO,
Petitioner,

- versus -

HELEN C. DE CASTRO,
Respondent.

G.R. Nos. 247689-90

Present:
GESMUNDO, *C.J.*,
Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, *JJ.*

Promulgated:
APR 26 2021

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D E C I S I O N

CARANDANG, *J.*:

Before this Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court (Rules), assailing the Decision[2] dated December 11, 2018 and the Resolution[3] dated May 27, 2019 of the Court of Appeals (CA) in the consolidated petitions for review docketed as CA-G.R. SP Nos. 151586 and 151771.

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1 *Rollo* (G.R. Nos. 247689-90), pp. 34-52.
2 Penned by Associate Justice Ronaldo Roberto B. Martin, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Ramon A. Cruz; id. at 56-70.
3 Id. at 72-74.

Antecedents

In a letter dated January 17, 2008 to the Regional Cluster Director, Local Government Sector of the Commission on Audit (COA), Region V, petitioner Romeo H. Valeriano (Valeriano), a member of the Sorsogon Crusade for Good Government, Inc., requested for an audit on two projects of the Municipality of Bulan, Sorsogon: (1) the Bulan Integrated Bus Terminal with project cost worth ₱32,984,700.00; and (2) the Municipal Slaughterhouse with project cost worth ₱4,991,900.00.[4]

On December 17, 2012, Valeriano filed a Complaint-Affidavit before the Office of the Ombudsman (OMB) charging Municipal Mayor Helen C. De Castro (De Castro) and other officials and employees of the Municipality of Bulan, Sorsogon of Grave Misconduct, Grave Abuse of Authority, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.[5]

Valeriano averred that based on the audit conducted, the two projects were tainted with the following irregularities: (a) the Bulan Integrated Bus Terminal in Barangay Fabrica, Bulan was only 99.42% complete and despite this defect, De Castro issued a Certificate of Acceptance and Turn Over that the project was already 100% complete when in fact it was not, resulting in an overpayment to the contractor in the amount of Php 191,536.13; (b) the construction of the bus terminal with a contract cost of ₱32,984,700.00 was in excess of ₱6,968,937.18 or 26.79% above the COA estimated cost of ₱26,015,762.82; (c) final payment was made to the contractors of the bus terminal and slaughterhouse without deducting the liquidated damages of ₱2,638,776.00 and ₱169,721.20, respectively, due to the delay in the completion of the twin projects; and (d) failure to post procurement opportunity with the Philippine Government Electronic Procurement System in violation of Section 8 of the Implementing Rules and Regulations of the Government Procurement Reform Act. As a consequence of the said alleged irregularities, Notices of Disallowance were issued by COA.[6]

Valeriano further claimed that De Castro committed the following irregularities: (a) erroneous computation of total liquidated damages for the bus terminal project which should have been ₱4,815,766.20 instead of ₱2,638,776.00, a difference of ₱2,176,990.20; (b) entering into a Contract Agreement with S.R. Baldon Construction for the bus terminal amounting to ₱32,984,700.00 which is higher than the approved budget for the contract or agency cost estimates of ₱32,730,452.37 allegedly resulting in loss and injury to the Municipality of Bulan in the amount of ₱254,247.63; (c) pre-termination of the Bond Flotation resulting in the payment to Land Bank of the Philippines of ₱3,436,000.00 representing interests/ penalties which could have been avoided had the municipality resorted to direct loan or exerted efforts in promoting the bonds and that the pre-termination of the bonds was without the consent and prior approval of the Sangguniang Bayan of Bulan;

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4 Id. at 57.
5 Id.
6 Id. at 57-58.

(d) construction of only 1,529 square meters of floor area of the bus terminal instead of 2,400 square meters as stated in the feasibility study, thereby resulting in a loss amounting to ₱7,382,156.02; and (e) entering into a contract with the Development Planning and Environment Management, Inc. worth ₱2,000,000.00 without the benefit of a public bidding.[7]

Ruling of the Ombudsman
(in OMB-L-A-13-0006)

On February 12, 2015, the Ombudsman rendered its Decision, the dispositive portion of which reads:

> **WHEREFORE,** the complaint for Conduct Prejudicial to the Best Interest of the Service, Grave Abuse of Authority, Serious (sic) Dishonesty, and Grave Misconduct against respondents **Dennis H. Dino, Rodosendo A. Razo, Jr., Sonia G. Revilla, Liza L. Hollon, Carmencita S. Morata, Orencio C. Luzuriaga** is **dismissed for lack of merit.**
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> Judgment is likewise rendered finding respondents **Helen C. de Castro and Toby C. Gonzales, Jr. guilty of Grave Misconduct.** They are hereby meted the penalty of **dismissal from the service with cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualifications** (sic) **from holding public office and bar from taking civil service examination** pursuant to Section 10, Rule III, Administrative Order No. 07, as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.
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> In the event however, that the penalty of Dismissal can no longer be enforced due to respondents' separation from service, the penalty shall be converted into a Fine in an amount equivalent to respondents' respective salary for one (1) year, payable to the Office of the Ombudsman, and may be deductible from respondents' retirement benefits, accrued leave credits or any receivable from their office.
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> The Honorable Secretary of Interior and Local Government is hereby directed to implement this Decision immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 07, as Amended (sic) by Administrative Order No. 17 (Ombudsman Rules Procedure) in relation to Memorandum Circular No. 1, Series of 2006 dated 11 April 2006 and to promptly inform this Office of the action taken hereon.
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> SO ORDERED.[8] (Emphasis supplied)

De Castro sought reconsideration, arguing *inter* alia that the administrative complaint should have been dismissed because of the

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7 Id. at 58.
8 Id. at 60-61.

condonation doctrine.

Alarmed over the impending implementation of the decision of the OMB in the administrative case, pending resolution of her Motion for Reconsideration, De Castro filed a Petition for *Certiorari* and Injunction docketed as CA-G.R. SP No. 148348 in the CA.

Ruling of the Court of Appeals
(in CA-G.R. SP No. 148348)

In a Resolution dated December 13, 2016, the CA dismissed the Petition for *Certiorari* and Injunction filed by De Castro and held that she availed the wrong mode of appeal. The proper remedy is a petition for review under Rule 43 of the Rules, not a petition for *certiorari* under Rule 65. *Certiorari* under Rule 65 will not lie as appeal under Rule 43 is an adequate remedy in the ordinary course of law. Also, the CA noted that the petition was filed beyond the 15-day reglementary period provided under the rules. De Castro stated that on October 24, 2016, she received a copy of the Decision dated February 12, 2015. She had 15 days, or until November 8, 2016 within which to file a petition for review. However, the petition was filed only on November 16, 2016 or eight days late.

In a Resolution dated May 18, 2017, the CA denied the Motion for Reconsideration of De Castro. The CA reiterated that De Castro's Petition for *Certiorari* and Injunction was premature because at the time it was filed, the OMB had not yet made a final ruling on De Castro's Motion for Reconsideration. The CA added that even if the Petition for *Certiorari* and Injunction is treated as a petition for review, it was still filed out of time or eight days late.[9]

On October 18, 2017, the CA issued an Entry of Judgment in CA-G.R. SP No. 148348.

Ruling of the Ombudsman
(in OMB-L-A-13-0006)

In the Consolidated Order dated February 28, 2017, the Motion for Reconsideration was denied.[10] The OMB refused to apply the condonation doctrine explaining that, in line with the decision of this Court in *Carpio-Morales v. Court of Appeals*,[11] Ombudsman Circular No. 17, Series of 2016 was issued to the effect that from the date of the finality of the decision on April 12, 2016, it will no longer apply the condonation doctrine regardless of when the administrative infraction was committed, when the complaint was filed, or when the concerned public official was re-elected as long as the administrative case remains open and pending as of April 12, 2016 and

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9 *Rollo* (G.R. Nos. 247689-90), pp. 37-38.
10 Id. at 38.
11 772 Phil. 672 (2015).

onwards.[12]

De Castro received the denial of the Motion for Reconsideration on June 28, 2017.[13]

On July 12, 2017, De Castro filed a Petition for Review in the CA docketed as CA-GR CR No. 151586. Toby Gonzales, Jr. (Gonzales) also filed a separate Petition for Review docketed as CA-GR No. 151771. In a Resolution dated November 17, 2017, the CA ordered the consolidation of the petitions docketed as CA-GR SP No. 151771 and CA-GR SP No. 151586 as both stemmed from the same administrative case decision of the Ombudsman.[14]

On September 8, 2017, while the Petition for Review of De Castro was pending in the CA, she filed another Petition for *Certiorari* with Prayer for Issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction docketed as G.R No. 233378 to this Court to prevent the immediate implementation of the order of her dismissal in the OMB's decision in the administrative case. However, in a Resolution dated September 18, 2017, the Court dismissed the petition for failure to sufficiently show that the questioned judgment is tainted with grave abuse of discretion.[15]

On January 31, 2018, the Court issued a Resolution in G.R. No. 233378 denying with finality the Motion for Reconsideration of De Castro.[16] Thereafter, an Entry of Judgment was issued certifying that the dismissal has become final and executory.

Ruling of the Court of Appeals (in CA GR CR No. 151586 & CA-GR No. 151771)

In a Decision[17] dated December 11, 2018, the CA affirmed with modification the ruling of the OMB, the dispositive portion of which states:

> **WHEREFORE,** premises considered, the 12 February 2015 Decision and 28 February 2017 Consolidated Order issued by the Office of the Ombudsman in OMB-L-A-13-0006 are **AFFIRMED with MODIFICATION**. The administrative complaint against Helen C. De Castro is **DISMISSED.** Toby C. Gonzales, Jr. is found **ADMINISTRATIVELY LIABLE** for Simple Misconduct and is meted the penalty of suspension of six (6) months without pay.
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> **SO ORDERED**.[18] (Emphasis in the original)

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12 *Rollo* (G.R. Nos. 247689-90), p. 61.
13 *Rollo* (G.R. No. 233378), p. 6.
14 *Rollo* (G.R. Nos. 247689-90), p. 57.
15 Id. at 38; *Rollo* (G.R. No. 233378), p. 311.
16 Id. at 330.
17 Penned by Associate Justice Ronaldo Roberto B. Martin, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Ramon A. Cruz; id. at 56-70.
18 Id. at 70.

The CA held that even if the case was instituted prior to the ruling of the Court in *Carpio-Morales*, the doctrine of condonation may still be applied. Records show that Valeriano filed the administrative complaint against De Castro on December 17, 2012 for acts she supposedly committed in 2007-2008 during her second term ending in 2010. She was re-elected for a third term from 2010-2013 by the same electorate who voted for her when the alleged violations were committed. Thus, the CA concluded that the OMB should have dismissed the administrative case against her, her re-election having operated as a condonation of the alleged misconduct committed during her second term.

With regard to Gonzales, he was found administratively liable only for Simple Misconduct. The CA did not find substantial evidence to justify that corruption, willful intent to violate the law or disregard of established procedures may be ascribed to Gonzales.[19]

In a Resolution[20] dated May 27, 2019, the CA denied the Motion for Reconsideration and the Motion to Cite Petitioner in Contempt for lack of merit.[21]

In the present petition, Valeriano maintains that the assailed Decision of the OMB in the administrative case may no longer be modified as they have long attained finality. He points out that without waiting for the resolution of her Motion for Reconsideration with the OMB, De Castro filed a Petition for Certiorari under Rule 65 before the CA which was dismissed by the CA in CA-G.R. SP No. 148348 for being the wrong mode of appeal on December 13, 2016. The Decision of the CA became final and executory on June 8, 2017.[22] Valeriano posits that since the CA dismissed outright and with finality the petition for certiorari, she is now barred from questioning the decision of the OMB in the administrative case.[23] Valeriano also argues that De Castro is guilty of forum shopping.[24]

In her Comment,[25] De Castro insists that the Decision of the OMB did not attain finality because it is void for failing to apply the condonation doctrine.[26] De Castro also clarifies that she is not guilty of forum shopping because the Petition for Review (docketed as CA-G.R. SP Nos. 151586 and 151771) she filed before the CA refers to the administrative aspect of the case from the OMB while the Petition for Certiorari (docketed as G.R No. 233378) she previously filed before this Court pertains to the issuance of a TRO to stop the implementation of the decision of the OMB. For De Castro, the two

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19 Id. at 69.

20 Penned by Associate Justice Ronaldo Roberto B. Martin, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Ramon A. Cruz; id. at 72-73A.

21 Id. at 73A.

22 Id. at 40-41.

23 Id. at 41.

24 Id. at 42.

25 Id. at 102-113.

26 Id. at 103.

petitions she filed refer to different subject matters and causes of action.[27] De Castro also avers that the condonation doctrine should be applied to dismiss the complaint against her. The second term of De Castro was from 2007 to 2010 and her third term was from 2010 to 2013. De Castro suggests that she should not be held administratively liable considering that her re-election for her third term from 2010 to 2013 operates as condonation of any kind of alleged misconduct committed during her second term.[28]

Issues

The issues to be resolved are:

1. whether the Decision and the Consolidated Order of the OMB already attained finality and may no longer be questioned through a petition for review filed pursuant to Rule 43 of the Rules;
2. whether De Castro is guilty of forum shopping; and
3. whether the condonation doctrine should be applied in the case.

Ruling of the Court

De Castro timely filed a Petition for Review pursuant to Rule 43 of the Rules.

De Castro timely filed a Petition for Review pursuant to Rule 43 of the Rules. Section 4 of Rule 43 states:

> Section 4. *Period of appeal.* – The appeal shall be taken within fifteen (15) days from notice of the award, judgment, final order or resolution, or from the date of its last publication, if publication is required by law for its effectivity, or of the denial of petitioner's motion for new trial or reconsideration duly filed in accordance with the governing law of the court or agency *a quo*. Only one (1) motion for reconsideration shall be allowed. Upon proper motion and the payment of the full amount of the docket fee before the expiration of the reglementary period, the Court of Appeals may grant an additional period of fifteen (15) days only within which to file the petition for review. No further extension shall be granted except for the most compelling reason and in no case to exceed fifteen (15) days.

In this case, the copy of the assailed decision of the OMB was received by De Castro on June 28, 2017, giving her until July 13, 2017 to file her petition. Therefore, De Castro timely filed her Petition for Review on July 12, 2017.

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27 Id. at 104-105.
28 Id. at 105-109.

De Castro is not guilty of forum shopping.

Forum shopping is committed "when a party repetitively avails of several judicial remedies in different courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court."[29] In *Chua v. Metropolitan Bank & Trust Co.*,[30] the Court enumerated the various ways this is committed, to wit:

> x x x (1) filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is litis pendentia); (2) filing multiple cases based on the same cause of action and the same prayer, the previous case having been finally resolved (where the ground for dismissal is res judicata); and (3) filing multiple cases based on the same cause of action, but with different prayers (splitting causes of action, where the ground for dismissal is also either litis pendentia or res judicata).[31]

In the case of *International School, Inc. (Manila) v. Court of Appeals*,[32] the Court held that reliance on the principle of forum shopping was misplaced. The Court explained that:

> While there is an identity of parties in the appeal and in the petition for review on *certiorari* filed before this Court, it is clear that the causes of action and reliefs sought are unidentical, although petitioner ISM may have mentioned in its appeal the impropriety of the writ of execution pending appeal under the circumstances obtaining in the case at bar. Clearly, **there can be no forum-shopping where in one petition a party questions the order granting the motion for execution pending appeal, as in the case at bar, and, in a regular appeal before the appellate court, the party questions the decision on the merits** which finds the party guilty of negligence and holds the same liable for damages therefor. After all, **the merits of the main case are not to be determined in a petition questioning execution pending appeal and vice versa.**[33] (Emphasis supplied; citation omitted)

De Castro did not commit forum shopping. While the Petition for Review (docketed as CA-G.R. CR No. 151586 & CA-G.R. SP No. 151771) and the Petition for *Certiorari* and Injunction (docketed as CA-G.R. SP No. 148348) both questioned the OMB's decision in the same administrative case and involved the same parties, it must be pointed out that the former petition

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29 *Chua v. Metropolitan Bank & Trust Co.*, 613 Phil. 143, 153 (2009).
30 Id.
31 Id. at 153-154.
32 368 Phil. 791 (1999).
33 Id. at 798-799.

was a mode of appeal under Rule 43. In contrast, the latter petition is an initiatory pleading and the ruling of the CA is not a judgment on the merits that would bar De Castro from appealing the subsequent Consolidated Order of the OMB in the administrative case.

The CA erroneously dismissed the Petition for *Certiorari* and Injunction (docketed as CA-G.R. SP No. 148348) on the ground that the proper remedy is a Petition for Review under Rule 43 of the Rules and not a Petition for certiorari under Rule 65. Though the Motion for Reconsideration of De Castro remained pending at the time the petition was filed, the CA should not have dismissed it because it has jurisdiction to determine the propriety of granting the injunctive relief De Castro prayed for to stall the implementation of her dismissal should be granted.

In *Gov. Garcia, Jr. v. Court of Appeals*,[34] the Court had the opportunity to resolve a similar issue where what was involved was the propriety of the issuance of an injunctive relief by the Court, though the petition for *certiorari* filed in the CA remained pending. Though the penalty sought to be stalled in *Garcia, Jr.* was the preventive suspension of an elected official, the pronouncement therein may apply to an order dismissing an elected official in an administrative case since the Court did not make any distinction. The principle laid down in the case remains relevant and applicable to the present case. The Court explained that:

> It was imperative, therefore, on the part of the appellate court, as soon as it was apprised of the said considerable grounds, to issue an injunctive relief so as not to render moot, nugatory and ineffectual the resolution of the issues in the *certiorari* petition. An injunctive relief is not intended to determine a controverted right, but is calculated to prevent a further perpetration of wrong or the doing of any act whereby the right in controversy may be materially injured or endangered, until a full and deliberate investigation of the case is afforded to the party.
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> In this case, **for the CA to defer action on petitioners' application for an injunctive relief pending the filing of respondents' comment is to foreclose altogether the very remedy sought by petitioners when they questioned the alleged illegal preventive suspension.** This is so, because the Ombudsman's Order is immediately effective and executory, and the filing of the comment by all of the respondents will entail considerable time.
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> While we do not entirely blame the CA for being too cautious in not granting any injunctive relief without first considering the counter-arguments of the opposing parties, it would have been more prudent for it to have, at the very least, on account of the extreme urgency of the matter and the seriousness of the issues raised in the *certiorari* petition, issued a TRO while it awaits the respective comments of the

34 604 Phil. 677 (2009).

respondents and while it judiciously contemplates on whether or not to issue a writ of preliminary injunction. Verily, the basic purpose of the restraining order is to preserve the *status quo* until the hearing of the application for preliminary injunction. It is a preservative remedy for the protection of substantive rights and interests.

At this point we must emphasize that **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.**

Thus, as the appellate court failed dutifully and prudently to exercise its discretion, in violation of fundamental principles of law and the Rules of Court, its action is correctible by a *certiorari* writ from this Court.

We therefore accept as correct petitioners' direct elevation to this Court via the petition for *certiorari* the CA's November 14, 2008 Resolution even if no motion for reconsideration was filed to afford the appellate court an opportunity to rectify its error. Under the circumstances obtaining in this case, the *certiorari* petition, and not a motion for reconsideration with the appellate court, is the plain, speedy and adequate remedy. Indeed, had they not filed the petition, they would have been left with no avenue to protect their rights.

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Without further belaboring the point, we find it very clear that the extreme urgency of the situation required an equally urgent resolution, and due to the public interest involved, the petitioners are justified in straightforwardly seeking the intervention of this Court. Again, as we repeatedly held in prior cases, the provisions of the Rules should be applied with reason and liberality to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.

We hasten to add at this juncture that the petitioners in bringing the matter before this Court as soon as the CA issued the assailed resolution have not violated the proscription on forum shopping. While the parties are the same in this petition and in that in the appellate court, the issues raised and the reliefs prayed for in the two fora are substantially different. To repeat, here, **the petitioners question in the main the CA's deferment of action on the application for an injunctive relief. In their petition before the CA, however, they assail the very issuance of the order for their preventive suspension.** Further, as well discussed above, this petition is their only remedy. Petitioners' prayer for relief in this petition is, just like in *PAL Employees Savings and Loan Association, Inc. v. Philippine Airlines, Inc.*, **a necessary consequence of the**

> **CA's inaction on their pleas.**[35] (Emphasis and underscoring supplied, italics in the original)

Based on the foregoing, the CA should have determined whether the injunctive relief should be granted due to the extreme urgency of the situation affecting public interest. Since it involved the dismissal of an elected official, the failure to resolve the injunctive relief prayed for has serious repercussions to the delivery of services to De Castro's constituents. When the CA refused to act on her prayer for injunctive relief due to her pending Motion for Reconsideration, the CA inevitably foreclosed the remedy she was praying for. The decision of the OMB in the administrative case is immediately effective and executory[36] and waiting for the resolution of her Motion for Reconsideration would mean her immediate dismissal during the interim.

Even the Petition for *Certiorari* (docketed as G.R. No. 233378) previously filed before this Court does not violate the prohibition against forum shopping. In said petition, De Castro prayed for the issuance of a preliminary mandatory injunction and status quo ante order to prevent the implementation of the penalty meted by OMB against her which included her dismissal. This recourse can be reasonably expected from her since, as a rule, an appeal under Rule 43 does not stay the judgment against her.[37] Due to the inaction of the CA on her prayer for injunctive relief for almost two months, she cannot be held guilty of forum shopping as it was the plain, speedy, and adequate remedy to protect her rights at that moment. The injunctive relief is merely a provisional remedy which did not involve a review on the merits of the main suit pending in the CA.

It is worthy to note the ruling of the Court *en banc* in the recent case of *De Castro v. Commission on Audit*,[38] which covered the notice of disallowances issued by the COA involving the construction of the same Bulan Integrated Bus Terminal and Municipal Slaughterhouse. Speaking through the *ponencia of* Associate Justice Samuel H. Gaerlan, the Court *en banc* explained that:

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35 Id. at 690-694.

36 Section 7, Rule III, of Administrative Order No. 07 (Rules of Procedure of the Office of the Ombudsman) also provides:

> Section 7. *Finality and execution of decision.* –
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> **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.
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> **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 an officer without just cause to comply with an order of the Office of the Ombudsman to remove, suspend, demote, fine, or censure shall be ground for disciplinary action against said officer. (Emphasis supplied, italics in the original)

37 Section 12 of Rule 43 of the Rules of Court states:

> Section 12. *Effect of appeal.* – The appeal shall not stay the award, judgment, final order or resolution sought to be reviewed unless the Court of Appeals shall direct otherwise upon such terms as it may deem just.

38 G.R. No. 228595, September 22, 2020.

> Petitioner De Castro, on the other hand, cannot be held liable under this disallowance, since she had nothing to do with the preparation of the estimated cost of the BIBT project. Applying the *Arias* doctrine, the fact that petition De Castro was the final approving authority of the transactions in question and that the officers who processed the same were directly under her supervision, do not suffice to make her liable, in the absence of indication that she had notice of any circumstance that could have aroused her suspicion that what she was approving falls within the purview of an excessive transaction. To be clear, the documents in question involve technical matters that are beyond the professional competence of De Castro.[39] [Citations omitted]

However, the Court clarified that:

> The lifting of ND No. 2008-06-27-005-101 (2009); and ND No. 2008-06-27-006-101 (2009) totaling P37,976,500.00 is affirmed for want of legal basis **without prejudice to the administrative liability of Mayor Helen C. De Castro**, Head of Procuring Entity and the BAC members for their violation of the provisions of Republic Act No. 9184 and its IRR regarding the full use of the PhilGEPS.[40] (Emphasis supplied)

The judgment of the OMB in the administrative case contemplated in the foregoing statement of the Court was appealed to the CA through the Petition for Review (docketed as CA-G.R. CR No. 151586 & CA-GR SP No. 151771) and the decision of the CA therein is now the subject of the present petition for review on *certiorari.*

The condonation doctrine should be applied to De Castro's case.

The CA correctly ruled that the condonation doctrine may be applied to De Castro's case as it was instituted prior to the ruling of the Court in *Carpio-Morales.* In said case, the Court abandoned the condonation doctrine following the concept that a public office is a public trust and that public officers must be accountable to the people at all times. The Court highlighted that an election should never be a mode of condoning an administrative offense, and there is simply no constitutional or statutory basis in our jurisdiction to support the notion that an official elected for a different term is fully absolved of any administrative liability arising from an offense done during a prior term. Nevertheless, it was clarified that:

> x x x [A]bandonment of the condonation doctrine should 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. Unto this Court devolves the sole authority to interpret what the Constitution means, and all

39 Id.
40 Id.

> persons are bound to follow its interpretation. As explained in *De Castro v. Judicial Bar and Council*;
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> > 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.
> >
> > 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 respected. The landmark case on this matter is *People v. Jabinal*, wherein it was ruled:
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> > > [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. [Citations omitted; Italics and emphasis in the original][41]

The abandonment of the condonation doctrine is prospective in application. Hence, the doctrine may still be applied to cases that were initiated prior to the promulgation of the *Carpio-Morales* ruling such as the present case which stemmed from a complaint filed on December 17, 2012.

In the case of *Madreo v. Bayron*,[42] the Court was confronted with the issue of the application of condonation doctrine to misconduct committed on July 1, 2013 by an elected official who was re-elected through a recall election prior to the finality of *Carpio-Morales*. The Court explained that:

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> x x x [T]he 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

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41 Supra note 11.

42 G.R. Nos. 237330 & 237579, November 3, 2020.

> 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.[43]

Based on the foregoing, the Court applied the condonation doctrine to a public official re-elected through recall election prior to the finality of *Carpio-Morales*. This gives the Court more reason to apply the condonation doctrine to De Castro who was re-elected during the 2010 presidential elections.

In the present case, the administrative case originated from Valeriano's letter dated January 17, 2008 requesting for the audit of the two subject projects of the Municipality of Bulan, Sorsogon headed by De Castro. She was re-elected for a third term to the same position from 2010 to 2013 by the very same electorate who voted for her when the alleged violations were committed and even served for another term from 2016 to 2019. Thus, the constituents of Bulan, Sorsogon had already forgiven her for any administrative liability she may have incurred during her incumbency as Mayor. Her re-election to the same position from 2010 to 2013 exonerated her from the misconduct imputed on her in 2007-2008 while she was on her second term as Mayor of Bulan, Sorsogon.

WHEREFORE, the petition is **DENIED**.

SO ORDERED.

ROSMARI D. CARANDANG
Associate Justice

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43 Id.

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice