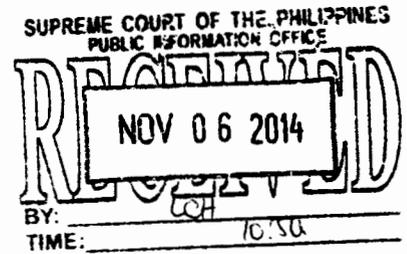




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **October 8, 2014**, which reads as follows:*

“G.R. No. 188584 (Office of the Ombudsman v. Bella M. Egama). – The Office of the Ombudsman (Ombudsman) challenges in this appeal the Decision¹ dated February 23, 2009 and the Resolution² dated June 8, 2009 of the Court of Appeals (CA) in CA-G.R. SP No. 84384-MIN, which reversed the Decision³ dated March 1, 2004 issued by the Ombudsman in OMB-M-A-03-178-E finding respondent Bella M. Egama (Egama) guilty of the administrative offense of Conduct Prejudicial to the Best Interest of the Service and ordered to suffer the penalty of suspension from office for a period of one year.

This case stemmed from the administrative case filed against Egama, Local Assessment Operation Officer I of the Municipal Assessor’s Office of Balingasag, Misamis Oriental by private complainants Welihardo Acero (Welihardo) and Segundina Acero (Segundina) for violation of Republic Act No. 6713,⁴ grave misconduct, and dishonesty.

Welihardo and Segundina alleged that when they went to the Assessor’s Office of Balingasag to seek advice regarding the tax obligations of the latter’s properties which she intended to subdivide among her three children, Egama approached them and offered her assistance and declared that her geodetic engineer friend could help them with the subdivision survey. As part of the agreement, from September 1998 to October 1999, Egama received from them, including Yolanda Acero, the amount of ₱161,000.00 for the survey, execution of deed of partition, payment of donor and documentary taxes, and registration of documents for the transfer of tax declarations. The survey plan, however, was not completed and they were merely told by Egama to wait for it.

¹ Penned by Associate Justice Edgardo A. Camello, with Associate Justices Jane Aurora C. Lantion and Edgardo T. Lloren, concurring; *rollo*, pp. 46-55.

² *Id.* at 58-59.

³ Penned by Ma. Clarissa M. Muego, Graft Investigation and Prosecution Officer II, Office of the Ombudsman for Mindanao; *id.* at 61-68.

⁴ Code of Conduct and Ethical Standards for Public Officials and Employees.

To substantiate their claim, they presented the testimonies of Teresita Madrona and Clarissa L. Cadera, helper and driver of Segundina, respectively. According to them, they saw Egama, on different occasions from September 1998 to October 1999, receiving money from Segundina for the survey, extrajudicial partition, registration and transfer of the latter's parcel of land.

For her defense, Egama denied being directly or indirectly interested in the transaction and claimed that her participation therein was only by reason of her close family ties with the family of private respondent Segundina. Egama alleged that because the title of one of the lots involved is missing, Engineer Gines Pagar (Engr. Pagar) advised Segundina to secure a court order for the reconstitution of the same. As to the survey to be conducted by Engr. Pagar, she alleged that the same was not completed because Segundina paid only ₱31,000.00 out of the agreed contract price of ₱81,400.00.

On March 1, 2004, the Ombudsman issued a Decision finding Egama guilty of the administrative offense of Conduct Prejudicial to the Best Interest of the Service and imposed the penalty of suspension from office for a period of one year. Egama filed a Motion for Reconsideration, but the same was denied in the Order⁵ dated May 4, 2004.

On February 23, 2009, the CA reversed the Decision dated March 1, 2004 of the Ombudsman and exonerated Egama from administrative charge for insufficiency of evidence. Aggrieved, the Ombudsman filed a Motion to Intervene and to Admit attached Motion for Reconsideration⁶ on April 7, 2009.

On June 8, 2009, the CA issued a Resolution wherein it resolved to note the motion filed by the Ombudsman without action for having been filed out of time. The CA declared that its Decision dated February 23, 2009 had already attained finality and ordered the Division Clerk of Court to effect an entry of judgment. Hence, this petition.

The main issue in this case is whether or not the CA erred in not taking cognizance of and not granting the Ombudsman's motion to intervene and to admit attached motion for reconsideration.

As the records show, the Ombudsman admitted receiving a copy of the CA Decision dated February 23, 2009 on March 10, 2009. It only filed its Motion to Intervene and to Admit attached Motion for Reconsideration on April 7, 2009, or 28 days after receipt of the CA decision. Section 1, Rule 52, of the 1997 Rules of Civil Procedure pertinently provides:

⁵ *Rollo*, pp. 69-71.

⁶ *Id.* at 72-82.

Sec. 1. Period for filing. – A party may file a motion for reconsideration of a judgment or final resolution within fifteen (15) days from notice thereof, with proof of service on the adverse party.

Applying the above-quoted rule, the Ombudsman had 15 days from March 10, 2009 when it received the CA decision, or until March 25, 2009, to be precise, within which to file a motion for reconsideration. As it was, the Ombudsman filed its motion for reconsideration of the CA decision on the 28th day from its receipt of the said resolution. The motion for reconsideration was doubtlessly filed out of time, as the CA determined.

As a rule, periods prescribed to do certain acts must be followed with fealty as they are designed primarily to speed up the final disposition of the case. Such reglementary periods are indispensable interdictions against needless delays and for an orderly discharge of judicial business. Deviations from the rules cannot be tolerated. More importantly, their observance cannot be left to the whims and caprices of the parties.⁷

In the present case, the Ombudsman urged a less rigid application of procedural rules to give way for the resolution of the case on its merits. This Court, however, finds no reason to accord the desired leniency absent valid and compelling reasons for such a procedural lapse. Based from the records, the Ombudsman failed to explain the reason for its belated filing of its motions. Instead, it opted to just simply discuss cases wherein this Court has previously allowed belated filing of the party's motion for intervention. Clearly, the relaxation of procedural rules cannot be made without any valid reasons proffered for or underpinning it. To merit liberality, the Ombudsman must show reasonable cause justifying its non-compliance with the rules and must convince the Court that the outright dismissal of the petition would defeat the administration of substantive justice.⁸

The Court stresses that the bare invocation of "the interest of substantial justice" line is not some magic wand that will automatically compel this Court to suspend procedural rules. Procedural rules are not to be belittled, let alone dismissed simply because their non-observance may have resulted in prejudice to a party's substantial rights.⁹ Utter disregard of the rules cannot be justly rationalized by harping on the policy of liberal construction.¹⁰

⁷ *LTS Philippines Corp. v. Maliwat*, 489 Phil. 230, 234 (2005).

⁸ *United Paragon Mining Corp. v. Court of Appeals, Former 12th Div.*, 529 Phil. 632, 641 (2006).

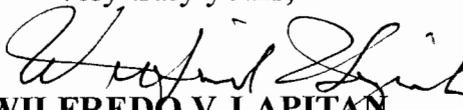
⁹ *Land Bank of the Philippines v. Ascot Holdings and Equities, Inc.*, 562 Phil. 974, 984 (2007).

¹⁰ *Torres v. Abundo, Sr.*, 541 Phil. 533, 541 (2007).

October 8, 2014

WHEREFORE, the instant petition is hereby **DENIED**. Accordingly, the Decision dated February 23, 2009 and Resolution dated June 8, 2009 of the Court of Appeals in CA-G.R. SP No. 84384-MIN are hereby **AFFIRMED**.” (*Velasco, Jr., J., on leave; Peralta and Perlas-Bernabe, JJ., designated Acting Chairperson and Acting Member per Special Order Nos. 1815 and 1816, respectively, both dated October 3, 2014.*)

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court
10/20/14

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