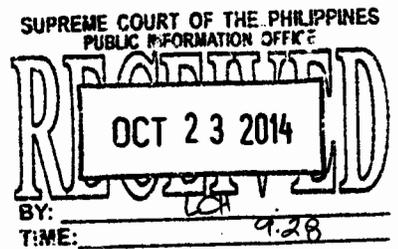




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **22 September 2014** which reads as follows:*

G.R. No. 213398 – *Efren G. Flores v. National Museum and Office of the Ombudsman*

After judicious consideration of the records of the case, the Court finds the Petition to be devoid of merit. Both the Office of the Ombudsman and the Court of Appeals correctly found petitioner Efren G. Flores guilty of grave misconduct, conduct prejudicial to the best interest of the service and dishonesty. The penalty of dismissal from the service imposed on petitioner, including the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and disqualification for reemployment in the government service are proper.

However, the penalty of forfeiture of leave credits as an accessory penalty should be deleted. In *Office of the Ombudsman v. Court of Appeals*,¹ a public official was dismissed from the service for dishonesty, falsification, grave misconduct, conduct prejudicial to the best interest of the service, and violation of reasonable office rules and regulations of the Civil Service Laws, for which all retirement benefits except leave credits were forfeited. The Court noted therein that although Section 9, Rule XIV of the Omnibus Civil Service Rules and Regulations Implementing Book V of Executive Order No. 292 states that the penalty of dismissal carries with it the accessory penalty of forfeiture of leave credits, the new Uniform Rules on Administrative Cases in the Civil Service deleted the same as an accessory penalty. Thus, forfeiture of leave credits was not imposed by Section 58 of the new Uniform Rules, which states:

"Section 58. Administrative Disabilities Inherent in Certain Penalties –
a. The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision."

Similarly, Section 10, Rule III of the Rules of Procedure of the Office of the Ombudsman, as amended by Administrative Order No. 17, provides that "the penalty of dismissal from the service shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision."

¹ 576 Phil 784 (2008).

WHEREFORE, the assailed October 25, 2013 Decision and July 10, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 108225 finding petitioner Efren G. Flores guilty of grave misconduct, conduct prejudicial to the best interest of the service and dishonesty and imposing the penalty of dismissal from the service, including all the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and disqualification for reemployment in the government service is **AFFIRMED** with **MODIFICATION** that the accessory penalty of forfeiture of leave credits is deleted.

SO ORDERED.

Very truly yours,


MA. LOURDES C. PERFECTO
Division Clerk of Court 4/21/14

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GR213398. 09/22/14 (9)SR