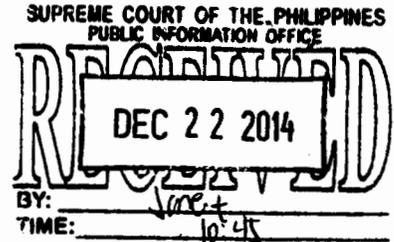




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 12, 2014** which reads as follows:*

“G.R. No. 214041 (Emma Therese Nigos v. Rosalito A. Roxas).- The petitioner’s motion for an extension of fifteen (15) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the records, the Court resolves to **DENY** the instant petition and **AFFIRM** the March 24, 2014 Decision¹ and August 22, 2014 Resolution² of the Court of Appeals (CA) in CA-G.R. SP No. 121389 for failure of Emma Therese Nigos (petitioner) to show that the CA committed any reversible error in upholding her administrative liability for Gross Neglect of Duty.

As correctly ruled by the CA, petitioner was not deprived of her right to due process as she was given the opportunity to be heard when the Office of the Ombudsman admitted her belatedly-filed motion for reconsideration controverting the allegations hurled against her. In this relation, case law instructs that any seeming defect in the observance of due process is cured by the filing of a motion for reconsideration and that denial of due process cannot be successfully invoked by a party who has had the opportunity to be heard thereon.³

Further, the CA also correctly ascribed Gross Neglect of Duty to petitioner’s acts of indicating in the Memorandum of Appeal of Yong Sung Electronics, Inc., et al. (Yong Sung, et al.) that the appeal bond has been paid and subsequently, cancelling the official receipt covering such bond

- over – two (2) pages

¹ Rollo, pp. 36-42. Penned by Associate Justice Mario V. Lopez with Associate Justices Jose C. Reyes, Jr. and Socorro B. Inting, concurring.

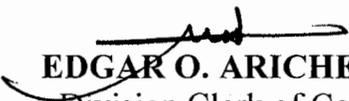
² Id. at 44.

³ *Dept. of Agrarian Reform v. Samson*, 577 Phil. 370, 381 (2008); citation omitted.

without consent/authority from respondent Rosalito A. Roxas and her superiors, thus, allowing Yong Sung, et al. to perfect their appeal without paying for the appeal bond. It is well-settled that “[g]ross neglect of duty or gross negligence refers to negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to consequences, insofar as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to give to their own property. In cases involving public officials, there is gross negligence when a breach of duty is flagrant and palpable,”⁴ as in this case.

SO ORDERED.” SERENO, C.J., on official travel; **DEL CASTILLO, J.**, acting member per S.O. No. 1862 dated November 4, 2014. **BERSAMIN, J.**, on official travel; **VELASCO, JR., J.**, acting member per S.O. No. 1870 dated November 4, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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⁴ *Civil Service Commission v. Rabang*, 572 Phil. 316, 322-323 (2008); citation omitted.