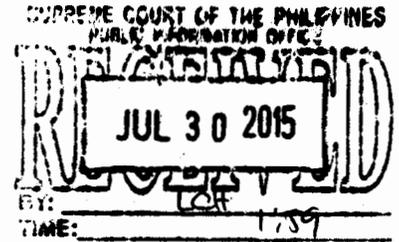




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 15 July 2015 which reads as follows:

¹G.R. No. 199216 – PSSupt. Wendy G. Rosario and PCInsp Noel C. Espinoza v. Office of the Ombudsman thru the Deputy Ombudsman for the Military and Other Law Enforcement Agencies and Field Investigation Office (FIG), represented by Catherine G. Pascua, Office of the Ombudsman Building, 4th Floor, Agham Road, Diliman, Quezon City

This Court has reviewed the assailed Consolidated Resolution and Joint Order of the Ombudsman and appreciates no abuse of discretion, much less, a grave one, in resolving the issues raised and the conclusion drawn therefrom. The Ombudsman committed no error in the determination of probable cause to charge and prosecute petitioners for violation of Articles 208 and 224 of the Revised Penal Code. With the constitutionally guaranteed independence of the Office of the Ombudsman coupled with the inherent limitations in a *certiorari* proceeding in reviewing the Ombudsman's discretion,¹ the Court has consistently ruled that so long as substantial evidence supports the Ombudsman's ruling, her decision should stand. A deviation from the well-settled rule is warranted only when there are good and compelling reasons to do so, which we find absent in this case.

Moreover, the presence or absence of the element of the crime is evidentiary in nature and is a matter of defense, the truth of which can best be passed upon after a full-blown trial on the merits.

Petitioners also filed a Manifestation dated March 27, 2015 claiming that the instant Petition is already moot and academic considering that they already served their 90-day preventive suspension. This, however, is irrelevant to the instant Petition as the Ombudsman in the herein assailed Resolution dated November 17, 2010 merely recommended the filing of Information for violation of Articles 208 and 224 of the Revised Penal Code and did not impose any preventive suspension on petitioners.

WHEREFORE, premises considered, the instant Petition for *Certiorari* is **DISMISSED** for lack of merit. The November 17, 2010 Consolidated Resolution and August 15, 2011 Joint Order of the Office of the Ombudsman in OMB-P-C-09-0535-G and OMB-P-C-09-0536-G are hereby **AFFIRMED**. (*Del Castillo, J., designated Acting Chairperson of the Second Division in view of the leave of absence of Brion, J., per Special Order No. 2087 [REVISED] dated July 1, 2015;*

¹ *Lazatin v. Desierto*, 606 Phil. 271 (2009).

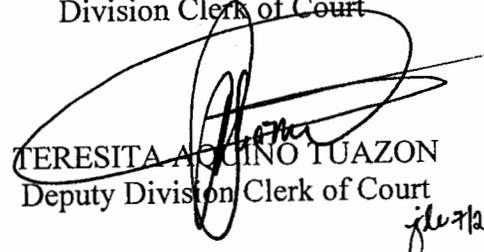
Peralta, J., designated as Acting Member in view of the leave of absence of Carpio, J., per Special Order No. 2088 dated July 1, 2015; Bersamin, J., designated as Acting Member in view of the leave of absence of Brion, J. per Special Order No. 2079 dated June 29, 2015).

SO ORDERED. "

Very truly yours,

MA. LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

file 7/14/15

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HERNANDO AMPARO (reg)
ROLANDO FAMY (reg)
Accused-Appellants
c/o The Director
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 152
1605 Pasig City
Crim. Case Nos. 124319-H
And 124320-H

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