



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **24 August 2020** which reads as follows:*

**“G.R. No. 252473 (Teresita Legaspi Panlilio v. Field Investigation Office-Office of the Ombudsman).** – After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> for failure of petitioner Teresita Legaspi Panlilio (petitioner) to sufficiently show that the Office of the Ombudsman (Ombudsman) committed grave abuse of discretion in issuing its May 20, 2019 Resolution<sup>2</sup> and December 6, 2019 Joint Order<sup>3</sup> in OMB-C-C-16-0460, which found probable cause to indict petitioner of ten (10) counts of Malversation of Public Funds through Falsification of Public Documents, defined and penalized under Article 171 (2) of the Revised Penal Code, and ten (10) counts of violation of Section 3 (e) of Republic Act No. 3019.<sup>4</sup>

As correctly held by the Ombudsman, the finding of probable cause against petitioner was amply supported by sufficient evidence. Contrary to petitioner’s contention, the finding of probable cause was not based solely on her act of signing the disbursement vouchers (DVs) brought to her office. The Ombudsman based its finding on: (a) petitioner’s clear disregard of the applicable laws, rules, regulations, and standard operating procedures, when she hastily processed and facilitated the release and disbursement of the ₱50-million fund, despite the irregularities that existed on the face of the Memoranda of Agreement,<sup>5</sup> which should have cautioned her against approving the DVs;<sup>6</sup> and (b) petitioner’s alleged

<sup>1</sup> *Rollo*, pp. 3-34.

<sup>2</sup> *Id.* at 40-77. Approved by Ombudsman Samuel R. Martires.

<sup>3</sup> *Id.* at 78-93.

<sup>4</sup> Otherwise known as the “ANTI-GRAFT AND CORRUPT PRACTICES ACT,” approved on August 17, 1960.

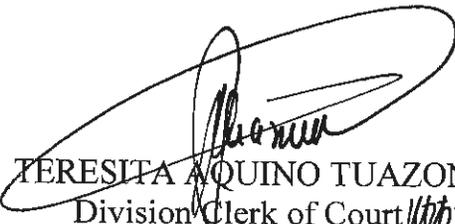
<sup>5</sup> See *rollo*, pp. 61-65. These alleged irregularities were: (1) the NGOs were not selected through public bidding or negotiated procurement as prescribed by Republic Act No. 9184 and Annex A of the Government Procurement Policy Board Resolution No. 12-2007; (2) the MOAs indicated that the LGUs endorsed and accredited the NGOs, which was in violation of COA Circular No. 2007-001; (3) the MOAs provided for release of the full amount to the NGOs upon signing, despite PD. No. 1445 which prohibited advance payments for government contracts; (4) the MOAs did not comply with several requirements of COA Circular No. 2007-001; and, (5) the Project Proposals were not approved by the DAR Undersecretary for FMAO, contrary to the requirement of GMO No. 04.

<sup>6</sup> See *id.*

involvement in the conspiracy with the other parties.<sup>7</sup> Notably, petitioner's defense against such allegations, and the argument that she was not involved in the conspiracy, are evidentiary in nature, the truth of which are better passed upon after a full-blown trial.<sup>8</sup> A finding of probable cause 'needs only to rest on evidence showing that more likely than not a crime has been committed and was committed by the suspects.'<sup>9</sup> The Court will generally defer to the judgment of the Ombudsman in the exercise of its investigatory and prosecutorial powers, as it is in a better position to assess the strengths or weaknesses of the evidence presented to determine a finding of probable cause.<sup>10</sup> All told, petitioner has failed to sufficiently show that the Ombudsman exercised its power in an arbitrary or despotic manner so patent and gross as to amount to an evasion of a positive duty or virtual refusal to perform the duty enjoined by law.<sup>11</sup>

**SO ORDERED.** (Baltazar-Padilla, *J.*, on official leave.)”

By authority of the Court:

  
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Division Clerk of Court  
23 OCT 2020 10/23

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<sup>7</sup> See *id.* at 57-59.

<sup>8</sup> *Cambe v. Ombudsman*, 802 Phil. 190-313 (2016).

<sup>9</sup> See *Sales v. Adapon*, 796 Phil. 368-386 (2016).

<sup>10</sup> See *Jabinal v. Overall Deputy Ombudsman*, G.R. No. 232094, July 24, 2019.

<sup>11</sup> *Estrada v. Ombudsman*, 751 Phil. 821-890 (2015).