



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated March 3, 2021 which reads as follows:

“G.R. No. 234854 — OFFICE OF THE OMBUDSMAN, petitioner versus LIBERTY M. TOLEDO, respondent.

After a judicious study of the case, the Court resolves to **DENY** the instant petition¹ and **AFFIRM** the March 15, 2017 Decision² (assailed Decision) and September 11, 2017 Resolution³ (assailed Resolution) of the Court of Appeals (CA) in CA-G.R. SP No. 141940, which modified the June 10, 2014 Consolidated Decision⁴ and June 8, 2015 Consolidated Order⁵ of the Office of the Ombudsman-Luzon (Ombudsman) in OMB-L-A-10-0778-L, OMB-L-A-10-0589-I, OMB-L-A-10-059-I, OMB-L-A-10-0696-J and OMB-L-A-11-0410-G.

Intervention is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein to enable him to protect or preserve a right or interest which may be affected by such proceedings.⁶ However, intervention is not a matter of right, but is instead addressed to the sound discretion of the court. It may be permitted only when the statutory conditions for the right to intervene are shown.⁷

Based on the Rules of Court, intervention may be allowed when the movant has legal interest in the matter in controversy.⁸ Legal

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¹ *Rollo*, pp. 13-28.

² *Id.* at 107-118, penned by Associate Justice Jhosep Y. Lopez and concurred in by Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan (now a Member of this Court).

³ *Id.* at 121-127.

⁴ *Id.* at 35-90. Penned by Graft Investigation & Prosecution Officer Ma. Czarina Castro-Altaras, reviewed by Reviewing GIPO III Margie G. Fernandez-Calpatura, and approved by Ombudsman Conchita Carpio Morales.

⁵ *Id.* at 91-105.

⁶ *Office of the Ombudsman v. Gutierrez*, 811 Phil. 389, 407 (2017).

⁷ *Id.*

⁸ *See* RULES OF COURT, Rule 19, Secs. 1 and 2.

interest is defined as such interest that is actual, material, direct and immediate such that the party seeking intervention will either gain or lose by the direct legal operation and effect of the judgment.⁹ Additionally, the motion to intervene must be filed *before* rendition of the judgment as intervention is not an independent action but merely ancillary and supplemental to an existing litigation.¹⁰

In the assailed Resolution, the CA cited the 2010 case of *Ombudsman v. Sison*¹¹ (*Sison*) and the 2012 case of *Ombudsman v. Liggayu*¹² (*Liggayu*) to rule that the Ombudsman is not a proper party to intervene in the case since it is the disciplining authority or tribunal which heard the case and imposed the penalty; hence it must remain partial.¹³ On this note, the CA is mistaken.

This matter is already settled in the 2008 case of *Ombudsman v. Samaniego*¹⁴ (*Samaniego*) where the Court *en banc* categorically ruled that, even if not impleaded as a party in the proceedings, the Ombudsman has legal interest to intervene and defend its ruling in administrative cases before the CA — its interest proceeding from its duty to act as a champion of the people and to preserve the integrity of public service.¹⁵ The ruling in *Samaniego* has been upheld in the 2013 case of *Ombudsman v. De Chavez*¹⁶ (*De Chavez*) and the 2015 case of *Ombudsman v. Quimbo*¹⁷ (*Quimbo*) which the Ombudsman cites in support of its instant petition.¹⁸

The seeming conflict between *Samaniego*, *Chavez*, and *Quimbo* on one hand, and *Sison* and *Liggayu* on the other, has already been resolved in the 2017 case of *Ombudsman v. Gutierrez*¹⁹ (*Gutierrez*), which affirmed *Samaniego* as the prevailing doctrine. The Court, in *Gutierrez*, clarified that under the circumstances obtaining in the cases that seemingly strayed from *Samaniego*, the CA had a valid reason for disallowing the Ombudsman to participate in those cases because the latter only moved for intervention after the CA already rendered judgment — and by that time, intervention was no longer

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⁹ *Office of the Ombudsman v. Vitriolo*, G.R. No. 237582, June 3, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65303>>, citing *Magsaysay-Labrador v. CA*, 259 Phil. 748, 753-754 (1989).

¹⁰ *Id.*, citing *Ongco v. Dalisay*, 691 Phil. 462 (2012).

¹¹ 626 Phil. 598 (2010).

¹² 688 Phil. 443 (2012).

¹³ *Rollo*, pp. 122-124.

¹⁴ G.R. No. 175573, September 11, 2008, 564 SCRA 567.

¹⁵ *Id.* at 579; see also *Office of the Ombudsman v. Bongais*, G.R. No. 226405, 873 SCRA 276, 287.

¹⁶ 713 Phil. 211 (2013).

¹⁷ 755 Phil. 41 (2015).

¹⁸ *Rollo*, p. 21.

¹⁹ *Supra* note 6.

warranted.²⁰ In addition, it should be pointed out that *Liggayu* and *Sison* were both decided by a Division of the Court; hence, none of these cases, under Section 4(3), Article VII of the Constitution,²¹ has sufficient doctrinal force to modify, much less overturn, the pronouncement in *Samaniego*.²²

In light of the clarification made in *Gutierrez*, it should now be considered as settled doctrine that the Ombudsman has legal standing to intervene in appeals from its rulings in administrative cases, *provided* that the Ombudsman moves for intervention before rendition of judgment — otherwise, the Court may deny its motion, as in *Sison* and *Liggayu*.²³

In the present case, while the CA erred in ruling that the Ombudsman is not the appropriate party to intervene in the case, it nevertheless correctly denied the Ombudsman's intervention for having been filed out of time. As the CA noted, the Omnibus Motion to Intervene was filed on April 24, 2017 or after the CA had already rendered the assailed Decision on March 15, 2017, despite the Ombudsman being served a copy of the petition pursuant to Rule 43.²⁴ Consequently, the present petition must be denied, and since intervention has been disallowed, there is no longer any need to delve into the merits of the substantive arguments raised by the Ombudsman.

WHEREFORE, the instant petition is **DENIED** for lack of merit.

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²⁰ Id. at 410.

²¹ CONSTITUTION, Article VIII, Sec.4 (3) provides:

(3) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case, without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided *en banc*: Provided, that no doctrine or principle of law laid down by the court in a decision rendered *en banc* or in division may be modified or reversed except by the court sitting *en banc*. (Underscoring supplied)

²² *Office of the Ombudsman v. Chipoco*, G.R. Nos. 231345 & 232406, August 19, 2019, accessed at <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65550>>.

²³ *Office of the Ombudsman v. Bongais*, supra note 15, at 292.

²⁴ *Rollo*, p. 124.

SO ORDERED.” *Gaerlan, J., no part; Perlas-Bernabe, J., additional Member per raffle dated January 20, 2021.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court mar 2 | 21

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. SP No. 141940)

OFFICE OF LEGAL AFFAIRS
OFFICE OF THE OMBUDSMAN
4/F Ombudsman Building, Agham Road
Diliman, 1101 Quezon City

BERNALDO DIRECTO & PO
LAW OFFICES
Counsel for Respondent
Unit 1807, Cityland 10 Tower I
6815 Ayala Avenue cor. H.V dela
Costa Street, 1226 Makati City

Office of the Deputy Ombudsman
for Luzon
3rd Floor, Ombudsman Building
Agham Road, Diliman, 1101 Quezon City
(OMB-L-A-10-0778-L, etc.)

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