

THIRD DIVISION

[G.R. No. 151800, November 05, 2009]

OFFICE OF THE OMBUDSMAN, REPRESENTED BY HON. ANIANO A. DESIERTO, PETITIONER, VS. HEIRS OF MARGARITA VDA. DE VENTURA, REPRESENTED BY PACITA V. PASCUAL, EMILIANO EUSEBIO, JR., AND CARLOS RUSTIA, RESPONDENTS.

DECISION

PERALTA, J.:

This resolves the Petition for Review on Certiorari under Rule 45 of the Rules of Court, praying that the Decision^[1] of the Court of Appeals (CA) dated February 27, 2001, and the CA Resolution^[2] dated December 11, 2001, be reversed and set aside.

The undisputed facts are as follows.

On November 17, 1996, respondents filed with the Office of the Ombudsman a Complaint for Falsification of Public Documents and Violation of Section 3, paragraph (e)^[3] of Republic Act (R.A.) No. 3019, as amended (the Anti-Graft and Corrupt Practices Act) against Zenaida H. Palacio and spouses Edilberto and Celerina Darang. Respondents alleged therein that Palacio, then officer-in-charge of the Department of Agrarian Reform (DAR) Office in San Jose City, Nueva Ecija, designated Celerina Darang, Senior Agrarian Reform Program Technologist stationed at Sto. Tomas, San Jose City, to investigate the claims of respondents against the former's husband Edilberto Darang; that Celerina Darang accepted such designation, conducted an investigation and rendered a report favorable to her husband, Edilberto Darang; that Celerina Darang supported such report with public documents which she falsified; and that Palacios then issued a recommendation, based on Celerina Darang's report, to award the landholding in dispute to Edilberto Darang.^[4]

Acting on respondents' complaint against the aforementioned DAR officers and Edilberto Darang, petitioner issued a Resolution^[5] dated June 9, 1998, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, it is respectfully recommended that the charge against respondents for falsification of public documents be dismissed for insufficiency of evidence.

It is further recommended that the charge against respondents for Violation of Section 3, par. (e) of R.A. No. 3019, as amended, be provisionally dismissed. This is, however, without prejudice to its re-opening should the outcome of DARAB Case No. 0040 pending before the DAR Adjudication Board, Diliman, Quezon City, so warrant.

SO RESOLVED.^[6]

Respondents filed several motions seeking reconsideration of the above Resolution, all of which were denied.

Herein respondents then filed a petition for *certiorari* and *mandamus* with this Court, but *per* Resolution dated July 14, 1999, the petition was referred to the CA. On February 27, 2001, the CA promulgated the assailed Decision, the dispositive portion of which is reproduced hereunder:

WHEREFORE, premises considered, the petition for *certiorari*, in regard to the public respondent's Resolution dated June 09, 1998 and Orders dated August 06 and 26, 1998 in OMB-196-2268, is hereby **DENIED** as to the dismissal of the complaint against private respondents for falsification of public documents, but **GRANTED** as to the provisional dismissal of the complaint for violation of Section 3, Par. (e) of R.A. 3019, as amended, which is hereby **REVERSED** and **SET ASIDE** for having been done with grave abuse of discretion, and consequently, the appropriate criminal charges under the Anti-Graft and Corrupt Practices Act are hereby ordered filed against the individual respondents.

SO ORDERED.^[7]

Petitioner's motion for reconsideration of the CA Decision was denied in its Resolution dated December 11, 2001.

Hence, this petition, where it is alleged that:

I

THE COURT OF APPEALS HAS NO JURISDICTION TO REVIEW THE FINDINGS OF PROBABLE CAUSE BY THE OMBUDSMAN IN CRIMINAL CASE OMB-1-96-2268.

II

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT THE OMBUDSMAN'S PROVISIONAL DISMISSAL OF OMB-1-96-2268 WAS INFIRM, AS THE SAID COURT CANNOT COMPEL THE OMBUDSMAN TO USURP THE PREROGATIVES AND FUNCTIONS OF THE DARAB.

III

THE COURT OF APPEALS HAS NO AUTHORITY TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE IN OMB-1-96-2268 AS SUCH AUTHORITY IS GIVEN EXCLUSIVELY TO THE OMBUDSMAN.^[8]

The petition deserves ample consideration.

The crux of the matter is whether the CA has jurisdiction over decisions and orders of the Ombudsman in criminal cases. This issue has been directly addressed in *Kuizon v. Desierto*^[9] and reiterated in the more recent *Golangco v. Fung*,^[10] wherein the Court declared, thus:

The Court of Appeals has jurisdiction over orders, directives and decisions of the Office of the Ombudsman in administrative disciplinary cases only. It cannot, therefore, review the orders, directives or decisions of the Office of the Ombudsman in criminal or non-administrative cases.

In *Kuizon v. Desierto*, this Court clarified:

The appellate court correctly ruled that its jurisdiction extends only to decisions of the Office of the Ombudsman in administrative cases. In the Fabian case, we ruled that appeals from decisions of the Office of the Ombudsman in administrative disciplinary cases should be taken to the Court of Appeals under Rule 43 of the 1997 Rules of Civil Procedure. It bears stressing that when we declared Section 27 of Republic Act No. 6770 as unconstitutional, we categorically stated that said provision is involved only whenever an appeal by *certiorari* under Rule 45 is taken from a decision in an administrative disciplinary action. It cannot be taken into account where an original action for *certiorari* under Rule 65 is resorted to as a remedy for judicial review, such as from an incident in a criminal action.

x x x It is settled that a judgment rendered by a court without jurisdiction over the subject matter is void. **Since the Court of Appeals has no jurisdiction over decisions and orders of the Ombudsman in criminal cases, its ruling on the same is void.**^[11]

The question that arises next is what remedy should an aggrieved party avail of to assail the Ombudsman's finding of the existence or lack of probable cause in criminal cases or non-administrative cases. In *Estrada v. Desierto*,^[12] the Court emphasized that parties seeking to question the resolutions of the Office of the Ombudsman in criminal cases or non-administrative cases, may file an original action for *certiorari* with this Court, not with the CA, when it is believed that the Ombudsman acted with grave abuse of discretion.

Respondents originally filed a petition for *certiorari* before this Court but the same was referred to the CA. It, thus, behooves this Court to now look into whether the Ombudsman indeed acted with grave abuse of discretion in dismissing the charge of Falsification of Public Documents and provisionally dismissing the charge of Violation of Section 3, par. (e) of R.A. No. 3019, as amended, against Zenaida H. Palacio and spouses Edilberto and Celerina Darang.

A close examination of the records will reveal that the Ombudsman acted properly in dismissing the charge for falsification of public documents because herein respondents utterly failed to identify the supposedly falsified documents and submit