

## SECOND DIVISION

[ G.R. No. 227440, December 02, 2020 ]

**RICARDO O. TRINIDAD, JR., PETITIONER, VS. OFFICE OF THE OMBUDSMAN AND FIELD INVESTIGATION OFFICE, OFFICE OF THE OMBUDSMAN, RESPONDENTS.**

### R E S O L U T I O N

**LOPEZ, J.:**

This Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court assails the June 28, 2016 Court of Appeals' (CA) Decision<sup>[2]</sup> in CA-G.R. SP No. 142793 finding petitioner Ricardo O. Trinidad, Jr. (Ricardo), guilty of gross negligence.

#### **Antecedents**

Ricardo served as Engineer II in the Department of Public Works and Highways - Quezon City Second Engineering District (DPWH-QCSED), and was tasked to oversee laborers of the DPWH-QCSED's Oyster Program designed to provide jobs to Filipinos as gardeners or cleaners. Among the laborers of the program are Michael Bilaya (Bilaya), Danilo Martinez (Martinez), Norwena Sanchez (Sanchez), and Danilo dela Torre (dela Torre). Ricardo signed the daily time records (DTRs) of Bilaya, Martinez, Sanchez, and dela Torre for April and May 2005. However, it was found that some of them were either simultaneously employed as traffic aides of the Metropolitan Manila Development Authority (MMDA), or as field coordinators in the Office of Congresswoman Nanette C. Daza; and received double, and even triple compensations from the three government agencies.<sup>[3]</sup>

Due to this irregularity, an administrative case for dishonesty, gross neglect of duty, grave misconduct, and conduct prejudicial to the best interest of the service, was filed by the Field Investigation Office (FIO) of the Office of the Ombudsman (Ombudsman) against Ricardo and the other approving authorities of the other government agencies involved for signing the workers' DTRs.<sup>[4]</sup>

On November 5, 2014,<sup>[5]</sup> the Ombudsman found Ricardo guilty of gross neglect of duty, and meted the penalty of dismissal from the service. The Ombudsman ruled that Ricardo's reliance on the logbook prepared by his subordinate amounts to "*wanton attitude and gross lack of precaution.*"<sup>[6]</sup>

The dispositive portion of the Decision, reads:

**WHEREFORE**, this Office finds respondents **LEONICIO GALANG OCAMPO, RICARDO OLIVA TRINIDAD, JR. and EVANGELINE BULAONG ABRIGONDA, GUILTY of GROSS NEGLECT OF DUTY** and as such, are hereby meted the penalty of **DISMISSAL FROM THE**

**SERVICE** with accessory penalties, pursuant to the Revised Rules on Administrative Cases in the Civil Service: CSC Resolution No. 1101502 dated November 21, 2011.

In the event that the penalty can no longer be enforced due to respondents' separation from service, the penalty shall be converted into **FINE EQUIVALENT TO ONE YEAR SALARY** shall be imposed, payable to the Office of the Ombudsman, and may be deductible from respondents' retirement benefits, accrued leave credits or any receivable from her office.

**SO ORDERED.**<sup>[7]</sup> (Emphases in the original, underscoring supplied.)

Aggrieved, Ricardo elevated the case to the CA, which affirmed the decision of the Ombudsman.<sup>[8]</sup> The CA held that the laborers had DTRs in all three government agencies, and the DTRs were approved by Ricardo pursuant to his designation as inspector of the Oyster Program. Ricardo's sole reliance on the logbook as basis for the DTRs amounts to gross negligence. Ricardo sought reconsideration but was denied.<sup>[9]</sup>

Hence, this Petition.<sup>[10]</sup> Ricardo asserts that the evidence on record is insufficient to sustain a finding of gross negligence against him. The findings of gross negligence by the Ombudsman and the CA, which were anchored on his own admission that he merely relied on the logbook prepared by his subordinate, is unfounded.

### **The Court's Ruling**

The petition is partly meritorious.

We stress that this Court is not a trier of facts. In a petition for review on *certiorari* under Rule 45, the Court's judicial review is generally confined only to errors of law. While it is widely held that this rule of limited jurisdiction admits of exceptions, none exist in the instant case.<sup>[11]</sup> Hence, We affirm the findings of the Ombudsman and the CA that Ricardo relied solely on his subordinate's logbook in signing the workers' DTRs.<sup>[12]</sup> Consequently, the only matter to be resolved is whether Ricardo's reliance on the logbook constitutes gross negligence.

*The unjustified  
reliance on  
one's  
subordinate  
constitutes  
inexcusable  
negligence*

Ricardo argues that his act of signing the DTRs should not be considered as negligence because he was in good faith when he relied on the work of his subordinate. His reliance on his subordinate is justified considering that his duties with the Oyster Program comprise only five percent (5%) of his total duties. To support this claim, Ricardo cites the case of *Arias v. Sandiganbayan* (Arias case),<sup>[13]</sup> wherein this Court declared that "[a]ll heads of offices have to rely to a reasonable

extent on their subordinates."<sup>[14]</sup> x x x.

We are not persuaded.

The *Arias* case does not grant officials with a blanket authority to depend on their underlings. There are two important distinctions between the *Arias* case and the case at bar. *First*, *Arias* was a head of a department tasked to supervise voluminous records and documents. *Second*, *Arias* case involved a criminal case for causing undue injury to the government.

As to the first distinction, the Court's consideration in favor of *Arias* is, in large part, due to the sheer volume of papers he must sign, which included the irregular purchase orders subject of the charge against him. The Court noted that *Arias* could not have possibly scrutinized each and every one of the hundreds of documents, letters, memoranda, vouchers, and supporting papers he had to sign. This is not the case here, because Ricardo was tasked with supervising only four workers of the Oyster Program for a brief period of two months. Yet, he failed to exercise due diligence in even verifying that the workers reported for work. Ricardo never alleged in any of his pleadings that he personally saw them report for duty, nor that he exerted any effort to supervise them in any way.

Anent the second distinction, the *Arias* case, involved a criminal case for gross negligence, while Ricardo's case, pertains to administrative negligence. The *Arias* case, dealt exclusively with the guilt of *Arias* and his co-accused beyond reasonable doubt to defraud the government, without discussing whether they were guilty of negligence.<sup>[15]</sup> These distinctions between criminal and administrative gross negligence stem from the differences in their purpose, which go beyond a mere difference in the required quantum of evidence. We declared in *Dr. De Jesus v. Guerrero III*,<sup>[16]</sup> that the purpose of administrative proceedings is mainly to protect the public service, based on the time-honored principle that a public office is a public trust. On the other hand, the purpose of criminal prosecution is the punishment of the criminal.

Clearly, criminal gross negligence is treated differently from administrative gross negligence. While good faith may exculpate a public official from criminal liability, the same does not necessarily relieve him from administrative liability. In *Office of the Court Administrator v. Clerk of Court Marasigan*,<sup>[17]</sup> respondent Marasigan, a Clerk of Court, was found liable for administrative gross negligence for failing to supervise his subordinates in managing court funds. Marasigan claimed that he assigned the task to one of his subordinates in good faith. The Court declared that no amount of good faith could relieve Marasigan from liability for failing to properly administer and safeguard the court's funds. In the more recent case of *Roy III v. The Honorable Ombudsman*,<sup>[18]</sup> We declared that malice or fraudulent intent cannot be automatically inferred from a mere signature appearing on the purchase order. The Court added that negligence in signing an irregular purchase order would, at worst, only amount to gross negligence.

In this case, Ricardo insists that his reliance on the logbook prepared by his subordinate is justified because his tasks in connection with the Oyster Program comprise only a mere five percent (5%) of his total duties; essentially arguing that a task as miniscule as that, could permissibly be entrusted to one of his subordinates.