

THIRD DIVISION

[G.R. Nos. 208481-82, February 07, 2018]

**OFFICE OF THE OMBUDSMAN, REPRESENTED BY OMBUDSMAN
CONCHITA CARPIO MORALES, PETITIONER, VS. MARIA ROWENA
REGALADO, RESPONDENT.**

DECISION

LEONEN, J.:

"Yes, my dear, that's the
system ng
government . . . Ganito ang
system,
ano ako magmamalinis?"^[1]

- Maria Rowena Regalado
Immigration Officer

Public officers who, in the course of performing their regulatory functions, brazenly extort money, incessantly haggle, bribe, knowingly use falsified copies of official issuances to justify extortion, threaten to withhold benefits and services, deny possession of official receipts to payors, profess undue influence over their colleagues, and unabashedly exclaim that extortion and bribery are standards in the government are guilty of grave misconduct. Their nefarious acts are an utter disservice to the public, and undermine the entire civil service, thereby warranting the termination of their stint in public service. The consummate atrocity of their ways should not be mollified by the convenient excuses of being caught only for the first time, and of solicited statements of support from supposedly satisfied clients that speak of their purported good performance.

This resolves a Petition for Review on Certiorari^[2] under Rule 45 of the 1997 Rules of Civil Procedure praying that the assailed July 19, 2013 Amended Decision^[3] of the Court of Appeals in CA-G.R. SP Nos. 120843 and 121748 be reversed and set aside and that the Court of Appeals January 7, 2013 original Decision^[4] be reinstated.

The Court of Appeals January 7, 2013 original Decision sustained the November 5, 2008 Decision^[5] of the Office of the Ombudsman for Mindanao, finding respondent Maria Rowena Regalado (Regalado) guilty of Grave Misconduct and violation of Section 7(d) of Republic Act No. 6713,^[6] otherwise known as the Code of Conduct and Ethical Standards for Public Officers and Employees. She was meted the penalty of dismissal from the service, along with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual disqualification

from reemployment in the government service.^[7]

The assailed Court of Appeals July 19, 2013 Amended Decision maintained that Regalado was liable for Grave Misconduct but reduced her penalty to suspension from office without pay for one (1) year. It further ordered her reinstatement to her former position, her penalty having already been served.^[8]

The facts are settled.

Herein respondent Regalado was a public employee, holding the position Immigration Officer I with the Bureau of Immigration.^[9]

In October 2006, Carmelita F. Doromal (Doromal), the owner and administrator of St. Martha's Day Care Center and Tutorial Center, Inc. (St. Martha's), went to the Davao Office of the Bureau of Immigration to inquire about its letter requiring her school to obtain an accreditation to admit foreign students. There, she met Regalado, who told her that she needed to pay P50,000.00 as "processing fee" for the accreditation. Doromal commented that the amount was prohibitive. Regalado responded that she could reduce the amount.^[10] Citing a copy of Office Memorandum Order No. RBR 00-57 of the Bureau of Immigration, Regalado claimed that "the head office of the Bureau of Immigration, through the Immigration Regulation Division, ha[d] the authority to allow the accreditation at a lower amount, depending on her recommendation."^[11]

In January 2007, St. Martha's Assistant Headmaster, Syren T. Diaz (Diaz) submitted to the Bureau of Immigration the necessary papers for the school's accreditation.^[12]

On April 7, 2007, Regalado called Doromal on the latter's mobile phone asking if the school was "ready." Doromal responded by saying that the school was ready for inspection, but not to pay P50,000.00 as accreditation fee. Regalado persuaded Doromal to pay P50,000.00 directly to her by claiming that the cost of the inspection could soar as high as P100,000.00 if it were to be done instead by officers coming from the Bureau of Immigration's Manila Office, as Doromal would still have to spend for the inspectors' plane fares, billeting at the Marco Polo Hotel, and a special dinner on top of the P50,000.00 "honorarium."^[13] Regalado insisted on how paying just P50,000.00 directly to her would benefit Doromal. She explained, however, that if Doromal were to tender the P50,000.00, only P10,000.00 would be covered by a receipt.^[14]

Doromal later sent Regalado a text message, saying that she could not pay P50,000.00. Regalado replied that if she were to decline paying P50,000.00, she would have to go through the entire accreditation process all over again. Doromal replied that she did not mind re-applying, as long she would be relieved of having to pay P50,000.00.^[15]

On April 10, 2007, Regalado sent Doromal a text message asking to meet "so that the amount being asked may be reduced."^[16]

On May 3, 2007, Regalado sent Doromal another text message encouraging her to pursue the accreditation as Regalado allegedly managed to reduce the accreditation

fee to P10,000.00.^[17]

On May 21, 2007, Regalado came to inspect St. Martha's. When Regalado had finished, Doromal asked if it was possible to pay the P10,000.00 by check but Regalado insisted on payment by cash. She also reminded Doromal that she would also have to pay "honorarium." Doromal inquired how much it was. Regalado responded, "[I]kaw na bahala, ayaw ko na talaga i-mention yan baka umatras ka pa."^[18] Regalado further instructed Doromal to come to her office on May 23, 2007 with the cash enclosed in an unmarked brown envelope and to say that it contained "additional documents," if anyone were to inquire about its contents.^[19]

Doromal could not personally come to Regalado's office on May 23, 2007 as she had to leave for the United States, so Diaz went in Doromal's stead. She was accompanied by Mae Kristen Tautho (Tautho), a Kindergarten teacher at St. Martha's. Diaz carried with her an unmarked brown envelope containing the white envelope with P1,500.00 inside as "honorarium."^[20]

Upon finding that the contents were only P1,500.00, Regalado blurted, "O my God."^[21] Diaz asked, "Bakit po?"^[22] Regalado exclaimed, "You want me to give this amount to my boss?" Diaz asked how much the honorarium should be. Regalado replied that it should be at least P30,000.00. Diaz asked what the P30,000.00 was for. Regalado retorted, "It will go to my boss along with your accreditation papers and endorsement letter . . . *Ganyan ang system dito pag magprocess, actually na lower na nga ang amount because the inspectors are not from Manila, you will not book them at the Marco Polo Hotel, you will no longer entertain them, it's cheaper.*"^[23] Diaz asked, "Is this under the table ma'am?"^[24] Regalado brazenly replied, "Yes, my dear, that's the system ng government."^[25] Diaz lamented, "So sad to know that."^[26] Regalado scoffed, "*Ganito ang system, ano ako magmamalinis?*"^[27] Diaz and Tautho underscored that the transaction was illegal and asked what would happen if someone were to pry around. Regalado assured them, "*I'll be backing you up, walang gugulo sa inyo.*"^[28]

Regalado instructed Diaz and Tautho to return the following day with P30,000.00. She then directed them to pay the accreditation fee of P10,000.00 with the cashier. After payment, Regalado demanded that they surrender to her: the official receipt. Before leaving, Regalado asked Diaz about her companion. Upon finding out that Tautho was a teacher at St. Martha's, Regalado remarked, "*Ah at least safe tayo, mahirap na baka magsumbong.*"^[29]

On May 24, 2007, Regalado called Diaz, asking if she had cleared with Doromal the payment of P30,000.00 and emphasized that it was for her boss.^[30]

On May 29, 2007, Doromal, Diaz, and Tautho filed with the Office of the Ombudsman for Mindanao a Complaint against Regalado.^[31] Thus, an administrative case was filed for Grave Misconduct, penalized by Rule IV, Section 52(A)(3) of Civil Service Commission Resolution No. 991936,^[32] and for violation of Section 7(d) of Republic Act No. 6713.^[33]

In her defense, Regalado denied ever extorting money from Doromal, Diaz, and

Tautho, claiming they were merely in league with "people who ha[d] a grudge against her."^[34] She admitted asking for P50,000.00 but cited that per Office Memorandum Order No. RBR 00-57, this was the amount properly due from a school accredited to admit foreign students. She explained that, indeed, the amount due may be lowered and surmised that her explanations made in good faith to Doromal were misconstrued.^[35] She claimed that she only really wanted to help St. Martha's.^[36]

In its November 5, 2008 Decision,^[37] the Office of the Ombudsman for Mindanao found Regalado guilty, thus:

WHEREFORE, foregoing premises considered, this Office finds substantial evidence to hold MARIA ROWENA REGALADO y PLURAL guilty of Grave Misconduct and violation of Sec. 7(d) of R.A. 6713, any of which merits her removal from the government service. She is thus meted with the supreme penalty of DISMISSAL FROM THE SERVICE, which shall carry with it the accessory penalties of CANCELLATION OF ELIGIBILITY, FORFEITURE OF RETIREMENT BENEFITS, and PERPETUAL DISQUALIFICATION [FROM] REEMPLOYMENT IN THE GOVERNMENT SERVICE.^[38]

On June 24, 2011, Acting Ombudsman Orlando Casimiro approved the Office of the Ombudsman for Mindanao Decision.^[39]

In its September 8, 2011 Order,^[40] the Office of the Ombudsman denied Regalado's Motion for Reconsideration.^[41]

In its January 7, 2013 Decision,^[42] the Court of Appeals affirmed in *toto* the Office of the Ombudsman's ruling.

The Court of Appeals explained that in the first place, St. Martha's did not even have to seek accreditation. The supposed basis for accreditation, Office Memorandum Order No. RBR 00-57,^[43] apply only to the accreditation of Riper Education Institutions and not to Day Care Centers like St. Martha's.^[44] The Court of Appeals added that this Memorandum required the payment of P10,000.00 only, not P50,000.00, as accreditation fee.^[45] It also explained that Regalado knowingly used a falsified copy of this Memorandum, one which did not bear the signature of then Bureau of Immigration Commissioner Rufus Rodriguez, and which erroneously indicated P50,000.00 as the accreditation fee.^[46]

The dispositive portion of the Court of Appeals January 7, 2013 Decision read:

WHEREFORE, in view of the foregoing, the Petition in CA-G.R. SP No. 120843 is DISMISSED for being moot and academic. The Petition in CA-G.R. SP No. 121748 is DENIED for lack of merit. The Decision dated 05 November 2008 and Order dated 8 September 2011 of the Office of the Ombudsman are hereby AFFIRMED in toto.

SO ORDERED.^[47]

Acting on Regalado's Motion for Reconsideration, the Court of Appeals issued its Amended Decision dated July 19, 2013,^[48] which maintained Regalado's liability. However, it noted that it had failed to consider the affidavits executed by representatives of other schools previously assisted by Regalado, expressing their satisfaction with her service.^[49] It added that "this is the very first time that [Regalado] was found to be administratively liable,"^[50] and that she had previously been credited with "good work performance."^[51] On account of the mitigating circumstances it noted, the Court of Appeals modified Regalado's penalty to only one (1)-year suspension without pay.^[52] It added that Regalado had effectively served the entire duration of her suspension, thereby entitling her to reinstatement.^[53]

The dispositive portion of the Court of Appeals July 19, 2013 Amended Decision read:

WHEREFORE, the foregoing considered, WE hereby AMEND the DECISION dated 07 January 2007 by reducing the penalty imposed on Maria Rowena Regalado from DISMISSAL from the service to SUSPENSION FROM OFFICE WITHOUT PAY FOR ONE (1) YEAR, which is deemed to have already been served by her.

Accordingly, WE hereby order petitioner's REINSTATEMENT to her former position without loss of seniority and payment of her back wages and such other emoluments that she did not receive by reason of her dismissal from the service.

SO ORDERED.^[54]

Asserting that the reduction of Regalado's penalty to one (1)-year suspension was unwarranted, the Office of the Ombudsman filed the present Petition^[55] seeking the reinstatement of the Court of Appeals January 7, 2013 original Decision.

The acts attributed to Regalado are no longer in dispute. At no point did the Court of Appeals July 19, 2013 Amended Decision disavow the truth of the factual findings relating to them.

Further, how Regalado's acts amount to Grave Misconduct and a violation of Section 7(d) of Republic Act No. 6713 is no longer in issue. The rulings rendered by the Office of the Ombudsman for Mindanao, the Office of the Ombudsman, and the Court of Appeals in its January 7, 2013 original Decision are uniform in these findings.

The Office of the Ombudsman for Mindanao November 5, 2008 Decision explicitly