

EN BANC

[G.R. No. 221647, November 27, 2018]

LOIDA S. VILLANUEVA, PETITIONER, VS. F/SINSP. ROLANDO T. REODIQUE, RESPONDENT.

[G.R. No. 222003]

OFFICE OF THE OMBUDSMAN, PETITIONER, VS. F/SINSP. ROLANDO T. REODIQUE, RESPONDENT.

D E C I S I O N

PER CURIAM:

These are consolidated petitions under Rule 45 of the Rules of Court assailing the Decision^[1] dated 29 April 2015 and the Resolution^[2] dated 24 November 2015 of the Court of Appeals in CA-G.R. SP No. 136506 which affirmed with modification the Decision^[3] dated 23 August 2012 and the Joint Order^[4] dated 5 December 2013 of the Office of the Ombudsman (Ombudsman) finding respondent F/SInsp. Rolando T. Reodique (respondent) guilty of conduct prejudicial to the best interest of the service. Both Loida S. Villanueva (Villanueva) and the Ombudsman question the Court of Appeals' Decision modifying the penalty against respondent.

On 17 January 2011 at around 7:00 p.m., Villanueva alleged that while she was walking along a street in Cembo, Makati City, she noticed respondent drinking with his friends, George Abad and Elmer Umali. Noticing Villanueva, respondent suddenly shouted the following at her: *"Hoy Loida, pakantutin kal 'Yang asawa mo, Vic Morro[w], Bantay-Bantayan! Putang ina n'yo! Fuck you!"*^[5] While respondent was shouting these statements, he was also waving his dirty finger. Villanueva asked respondent what his problem was, but he continued shouting defamatory words at her. Lorna T. Sagaydoro, a witness to the incident, corroborated Villanueva's narration.

That same night, Villanueva reported the incident to the barangay, but this did not stop respondent from further maligning Villanueva every time she passed by his house. Villanueva recalled that respondent started calling her names sometime in November 2010 when her husband, Larry Villanueva, quit Guardians Brotherhood, Inc., a group led by respondent. From then on, respondent would call Villanueva's husband "Vic Morrow" and would refer to her as "Vic Morrow's wife." When Villanueva's husband worked as the Bantay-Bayan, respondent started calling him "Bantay-Bantayan" and her "Bantay-Bantayan's wife."

On 19 January 2011, Villanueva formalized her complaint before the barangay. On 1 March 2011, when no settlement was reached between Villanueva and respondent, Villanueva obtained a Certificate to File Action from the Office of the Barangay Council.

In Villanueva's *Salaysay ng Pagrereklamo*^[6] dated 17 March 2011, Villanueva submitted as supplemental evidence the Ombudsman's Decision^[7] in a previous case entitled *Judith O. Mon v. F/Insp. Rolando T. Reodique*, dated 15 June 2009, suspending respondent for six months without pay for the offense of conduct prejudicial to the best interest of the service. In the Decision, respondent was found administratively liable for uttering defamatory words against Judith O. Mon.

Villanueva also submitted in evidence the Resolution^[8] of the Office of the City Prosecutor dismissing the case for oral defamation and grave threats filed by respondent against her for failing to prove the allegations.

In his Counter-Affidavit,^[9] respondent denied uttering the alleged defamatory words. Instead, he averred that it was Villanueva who initiated the verbal attack against him.

His version of the incident is as follows:

On 17 January 2011 at around 7:00 p.m., respondent was preparing dinner in his kitchen when he heard Villanueva shouting from outside: "*Putang ina mo! Magnanakaw! Corrupt! Notorious! Criminal! Taong maraming kaso!*"^[10] When Villanueva saw respondent, Villanueva further hurled: "*Magnanakaw ka! Notorious! Kriminal ka! Marami kang kaso kaya kakasuhan na din kita sa Ombudsman!*"^[11] Villanueva continued hurling invectives at respondent until Jorge Abad, a witness to the incident, told Villanueva that he would call a Bantay-Bayan if she did not stop.

At around 8:45 p.m., respondent reported the incident to the barangay. The following day, respondent filed a complaint before the barangay against Villanueva.

Witnesses Jorge Abad, Elmer Umali, Jefferson Malto, and Arnulfo Cruz also had a different version. The witnesses narrated that on that date and time, they were in front of respondent's house, talking about the movie "Combat" starring Vic Morrow, when Villanueva passed by and started shouting defamatory words. Respondent went out of his house to ask Villanueva what her problem was. The witnesses testified that Villanueva continued hurling the invectives at respondent until Jorge Abad intervened.^[12]

In its Decision dated 23 August 2012, the Ombudsman found respondent administratively liable for conduct prejudicial to the best interest of the service. A portion of the ruling and the dispositive portion read:

Considering that this is the second time that [respondent] was found liable for the offense – the first was in *OMB-P-A-07-1096-J* – the penalty of dismissal from the service shall be imposed upon him.

WHEREFORE, premises considered, the undersigned finds respondent F/Insp. Rolando Reodique (a.k.a. F/SInsp. Rolando T. Reodique) GUILTY of CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE (2nd Offense) and is thus DISMISSED FROM THE SERVICE, with forfeiture of

retirement benefits and perpetual disqualification to hold public office; Provided, that if the penalty of dismissal from the service can no longer be served by reason of retirement or resignation, the alternative penalty of FINE equivalent to respondent's salary for ONE (1) YEAR shall be imposed.

Let the Chief of the Bureau of Fire Protection and the Secretary of the Department of the Interior and Local Government be furnished with a copy of this Decision for implementation.

SO DECIDED.^[13]

The Court of Appeals affirmed with modification the Decision of the Ombudsman. The dispositive portion reads:

WHEREFORE, the assailed disposition of the Ombudsman finding F/SInsp. Rolando T. Reodique guilty of Conduct Prejudicial to the Best Interest of the Service is AFFIRMED with the MODIFICATION that he is SUSPENDED from the service for one (1) year without pay, with the STERN WARNING that one more transgression will merit his dismissal from the service. Costs against F/SInsp. Rolando T. Reodique.

SO ORDERED.^[14]

Both the Ombudsman and Villanueva do not question the Court of Appeals' determination of respondent's administrative liability. However, both the Ombudsman and Villanueva filed petitions for review to seek the modification of the penalty imposed by the Court of Appeals.

The issue in this case is whether or not the Court of Appeals gravely erred when it modified the penalty of dismissal from the service into suspension for one (1) year without pay.

Firstly, we agree with the Ombudsman and the Court of Appeals in holding respondent administratively liable for the offense of conduct prejudicial to the best interest of the service, in accordance with Section 46 (27), Chapter 7, Subtitle A, Title I, Book V of the Administrative Code of 1987 (Executive Order No. 292)^[15] and Section 22(t), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, for hurling invectives at Villanueva and giving her the dirty finger sign as she passed by.

Under the Civil Service law and rules, there is no concrete description of what specific acts constitute the grave offense of conduct prejudicial to the best interest of the service. However, jurisprudence is instructive on this point that for an act to constitute such an administrative offense, the act need not be related to or connected with the public officer's official functions. As long as the questioned conduct tarnishes the image and integrity of his or her public office, the

corresponding penalty may be meted on the erring public officer or employee.^[16] This Court has considered the following acts or omissions, among others, as conduct prejudicial to the best interest of the service: misappropriation of public funds; abandonment of office; failure to report back to work without prior notice; failure to safe keep public records and property; making false entries in public documents and falsification of court orders.^[17]

In the present case, both the Ombudsman and the Court of Appeals arrived at the same conclusion that respondent is guilty of conduct prejudicial to the best interest of the service. The Court of Appeals found no reason to disturb the Ombudsman's finding. Citing in part the Decision of the Ombudsman, the Court of Appeals held:

After a careful perusal of the records of the case, the undersigned [Ombudsman] finds respondent administratively liable for Conduct Prejudicial to the Best Interest of the Service. As a public official or employee, respondent is mandated by the Code of Conduct and Ethical Standards as well as the Philippine Constitution to act with justice by respecting at all times the rights of others and by refraining from doing acts contrary to law, good morals and public order.

Faced with differing versions of the incident, the undersigned is inclined to believe [the] complainant's narration. Moreover, the narration by Jorge Abad, Elmer Umali, Jefferson Malto and Arnulfo Cruz (respondent's witnesses) that they were talking about the movie "Combat" and its leading actor, Vic Morrow, when complainant passed by respondent's house is consistent with complainant's narration. Their testimony provided the prologue, so to speak, that led to respondent's utterance of the defamatory words against complainant. On the other hand, respondent's allegations that he was preparing dinner when the incident transpired cannot be given credit. It appears that Abad, Umali, Malto and Cruz were actually respondent's guests that night, rather than mere bystanders outside his house.

The several blotter reports involving the respondent further attest to his despicable conduct. They showed his propensity to utter defamatory words against his neighbors. In the instant case, respondent's resentment with complainant's husband because of his act of quitting the Guardians Brotherhood, Inc.[,] during respondent's tenure as leader clearly showed his malicious intent to defame the complainant.^[18]

We likewise find no reason to disturb the findings of the Ombudsman and the Court of Appeals. Findings of fact of administrative bodies, if based on substantial evidence, are controlling on the reviewing authority. Administrative decisions on matters within their jurisdiction are entitled to respect and can only be set aside on proof of grave abuse of discretion, fraud or error of law. Thus, finding no proof of grave abuse of discretion, fraud or error of law, we adopt the decisions of the Ombudsman and the Court of Appeals regarding the offense.^[19]

The issue in the present case, however, is whether the Court of Appeals erred in modifying the penalty of dismissal from the service into suspension for one (1) year