

SECOND DIVISION

[G.R. No. 191176, October 14, 2015]

**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
(DILG), PETITIONER, VS. RAUL V. GATUZ, RESPONDENT.**

DECISION

BRION, J.:*

We resolve the petition for review on certiorari challenging the 18 January 2010 decision of the Regional Trial Court of Malolos, Bulacan, Branch 19 (RTC) in **Civil Case No. 808-M-2009**.^[1] The RTC permanently prohibited the Department of the Interior and Local Government (*DILG/the Department*) from implementing the Ombudsman's decision in ***Domingo v. Gatuz, OMB-L-A-08-0126-C***^[2] and declared void the October 22, 2009 DILG memorandum implementing this decision.

In 2008, the respondent, Raul Gatuz, was the Barangay Captain of Barangay Tabang, Plaridel, Bulacan.

On February 21, 2008, Felicitas L. Domingo filed an administrative complaint before the Office of the Ombudsman against the respondent for Abuse of Authority and Dishonesty. The complaint was docketed as **Administrative Case No. OMB-L-A-08-0126-C**.

In a decision dated November 17, 2008, the Office of the Deputy Ombudsman for Luzon found the respondent guilty of Dishonesty and imposed the penalty of three months suspension without pay.^[3]

On May 20, 2009, the Deputy Ombudsman for Luzon indorsed its decision to the Secretary of the Interior and Local Government for immediate implementation.

The Department received the indorsement on May 29, 2009.

On June 30, 2009, the respondent received a copy of the Deputy Ombudsman's decision. The respondent moved for reconsideration on July 7, 2009.

The Department deferred the implementation of the decision in view of the respondent's pending motion for reconsideration. The Department also inquired with the Ombudsman about the effect of this Court's ruling in the then recent case of *Office of the Ombudsman v. Samaniego*.^[4] *Samaniego* held that in administrative cases where the Ombudsman imposes a penalty other than public censure or reprimand, suspension of not more than one month, or a fine not equivalent to one month salary, the filing of an appeal stays the execution of the decision.

On July 10, 2009, the Ombudsman denied the reconsideration prayed for.

On September 22, 2009, the Office of the Ombudsman answered the Department's inquiry and pointed out its Memorandum Circular (MC) No. 1, Series of 2006. The MC states that the filing of a motion for reconsideration or a petition for review of the decisions, orders, or resolutions of the Ombudsman does not stay its implementation unless a temporary restraining order (TRO) or a writ of injunction is in force.

On October 22, 2009, the Department issued a memorandum^[5] addressed to the DILG Regional Director for Region III, directing him to implement the respondent's suspension.

On November 17, 2009, the respondent filed a Petition for Declaratory Relief and Injunction with a Prayer for a Temporary Restraining Order or a writ of Preliminary Injunction before the RTC. The respondent asked the RTC to explain his rights pending the resolution of his motion for reconsideration and to restrain the Department from implementing his suspension. The respondent argued that the filing of a motion for reconsideration or an appeal automatically stays the execution of the Ombudsman's decisions in administrative cases pursuant to *Samaniego* and *Lapid v. Court of Appeals*.^[6] The petition was docketed as **Civil Case No. 808-M-2009**.

On November 20, 2009, the RTC issued a TRO.

On December 15, 2009, the Department filed its answer arguing that: (1) the *Samaniego* ruling only applies to appeals, not motions for reconsideration; (2) *Samaniego* had not yet attained finality because there was a pending motion for reconsideration; (3) MC No. 1, Series of 2006 is applicable in the case; and (4) the RTC had no jurisdiction because the action was effectively against the decision of the Ombudsman.

On January 18, 2010, the RTC issued the assailed decision declaring the October 22, 2009 DILG memorandum void; the court prohibited the respondent from implementing the memorandum. The RTC relied on *Samaniego*, and held that a motion for reconsideration is a precursor to an appeal. It also brushed aside the objections to the finality of *Samaniego*, but did not touch on the objections to its jurisdiction.

On March 26, 2010, the Department filed the present petition for review on certiorari of the RTC decision in **Civil Case No. 808-M-2009**.

Meanwhile on June 15, 2010, the respondent filed a Petition for Review of **OMB-L-A-08-0126-C** before the Court of Appeals (CA).

The Petition

The Department argues: (1) that the RTC cannot issue injunctive reliefs in an action for declaratory relief; (2) that the RTC had no jurisdiction to issue what was effectively an injunction against a decision of the Ombudsman; (3) that *Samaniego* had not yet attained finality because of the pending motion for reconsideration before this Court; and (4) that under MC No. 1, s. 2006, a motion for reconsideration does not stay the execution of the Ombudsman's decision.