

EN BANC

[G.R. No. 177657, November 20, 2012]

**SONIA V. SEVILLE, PETITIONER, VS. COMMISSION ON AUDIT,
REGIONAL OFFICE VI, ILOILO CITY, RESPONDENT.**

DECISION

ABAD, J.:

This case provides what it takes to make a government official or employee liable for ghost projects.

The Facts and the Case

The Commission on Audit (COA) Regional Office VI administratively charged 11 officials and employees of the Department of Agriculture (DA) Regional Field Unit in Iloilo City, including petitioner Sonia V. Seville, an Assistant Regional Director for Fisheries, before the Office of the Ombudsman-Visayas.

The complaint alleged that, as a result of a special audit^[1] of the Post Harvest Component of the Grains Production Enhancement Program of the DA, particularly the construction of Multi-Purpose Drying Pavements (MPDPs) projects in Iloilo from January 1, 1995 to June 30, 1999, it was discovered that she signed a ghost MPDP project in Sto. Rosario, Ajuy, Iloilo, out of the 120 such projects that were subject of the audit.

She signed the disbursement voucher, as required by Memorandum Order 104, Series of 1998, in view of the absence of the Regional Director and the Assistant Regional Director for Administration. But she claimed that she acted in good faith, merely relying on the completeness and genuineness of the supporting documents that were shown to her. She had no prior knowledge of the MPDPs, which catered to rice production, since she was an Assistant Regional Director for Fisheries. She admitted, however, not conducting an actual physical inspection of the project since she believed that it was not her responsibility to do so.

The investigators filed a separate criminal complaint against petitioner Seville for violation of the anti-graft and corrupt practices act before the Office of the Ombudsman to determine if she had any criminal liability for her acts. Subsequently, the investigation resulted in her exoneration, absent any proof that she took part in a conspiracy to defraud the government.

In its Decision dated July 9, 2004,^[2] however, the Office of Deputy Ombudsman for Visayas found those charged in connection with the ghost MPDPs, including petitioner, guilty of Grave Misconduct and Gross Dishonesty, resulting in their dismissal from government service with forfeiture of benefits and disqualification from holding public office.

Petitioner Seville filed a petition for review of the Deputy Ombudsman's decision before the Court of Appeals (CA) in CA-G.R. CEB-SP 01492. On July 20, 2006 the CA rendered a decision,^[3] holding that her failure to verify the correctness and sufficiency of the documents presented to her for signing led to the unrequited disbursement of public funds. She filed a motion for reconsideration but the CA denied the same, hence, this petition for review.

The Issue Presented

The sole issue in this case is whether or not the CA correctly affirmed the Ombudsman's decision that found petitioner liable for grave misconduct and gross dishonesty for signing the disbursement voucher for the particular ghost MPDP in Sto. Rosario, Ajuy, Iloilo.

The Court's Rulings

In grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be evident.^[4] Misconduct, in the administrative sense, is a transgression of some established and definite rule of action. On the other hand, dishonesty is intentionally making a false statement in any material fact or the disposition to lie, cheat, deceive or defraud.^[5] Both are considered grave offenses for which the penalty of dismissal is meted even for first time offenders.^[6]

Here, the COA charged petitioner Seville administratively because the government released funds for that particular ghost project in Sto. Rosario, Ajuy, Iloilo. Seville anchors her innocence on good faith. Good faith implies honest intent, free from any knowledge of circumstances that ought to have prompted an individual to undertake an inquiry.

While Seville merely substituted for the absent Regional Director at that time, it is not an excuse for lightly shirking from the latter's duties and responsibilities. It was her responsibility when she signed that disbursement voucher for the Regional Director to verify the accuracy and completeness of the supporting documents presented to her. In the discharge of duties, a public officer must use prudence, caution, and attention which careful persons use in the management of their affairs. Public servants must show at all times utmost dedication to duty.

The Court finds, however, that Seville cannot be held liable for grave misconduct. Corruption, as an element of grave misconduct, consists in the official or employee's act of unlawfully or wrongfully using his position to gain benefit for one's self.^[7] Here, the Court is not convinced that under the circumstances then present, she had depraved motives.

Seville signed on the rare happenstance that both the Regional Director and the Assistant Regional Director for Administration were absent. That both signatories were absent when the Sto. Rosario project was presented to her for signature was a coincidence that cannot be imputed to her for she could not have orchestrated that for her gain, absent evidence to the contrary. She did not volunteer for the position nor is there proof that she lobbied for the OIC designation, it being provided by a DA