

THIRD DIVISION

[G.R. NO. 169534, July 30, 2007]

**BRIGIDO B. PAREDES, PETITIONER, VS. THE HONORABLE COURT
OF APPEALS, THE PEOPLE OF THE PHILIPPINES, AND
BERNARDINO TELOREN, RESPONDENTS.**

D E C I S I O N

CHICO-NAZARIO, J.:

For resolution is a Petition for *Certiorari* under Rule 45 of the Rules of Court filed by petitioner Brigido B. Paredes, seeking the reversal of the Decision^[1] dated 15 October 2004 and Resolution^[2] dated 20 July 2005 of the Court of Appeals in CA-G.R. SP No. 71928, which dismissed the Petition for *Certiorari* filed by petitioner and denied reconsideration thereon. The Court of Appeals affirmed the Orders dated 10 April 2002^[3] and 11 June 2002^[4] in Criminal Cases Nos. 99-525 to 99-531 of the Regional Trial Court (RTC), Branch 52 of Talibon, Bohol, denying petitioner's Motion to Dismiss.

Culled from the records are the following salient facts:

Petitioner is the Municipal Treasurer of Ubay, Bohol. Private respondent Bernardino Teloren is a businessman engaged in the business of selling construction materials under the trade name Lava Marketing and Construction Supply. He regularly transacted business with the Municipality of Ubay, Bohol.

On 4 December 1996, the *Sangguniang Bayan* of Ubay, Bohol, invited private respondent to appear before the *Sanggunian* in aid of legislation. He was shown seven checks which were issued by the Municipality of Ubay in favor of Lava Marketing and Construction Supply and drawn against the Development Bank of the Philippines (DBP) as payment for construction materials purchased by the municipality. The particulars of the aforesaid checks are as follows, to wit:

Check No.	Date of Issue	Amount
1) Check No. 046000	17 January 1996	P23,280.00
2) Check No. 020601	17 January 1996	P23,280.00
3) Check No. 020617	18 January 1996	P22,067.50
4) Check No. 081406	9 May 1996	P24,317.90
5) Check No. 081408	9 May 1996	P19,589.15
6) Check No. 081407	9 May 1996	P24,317.90

7) Check No.
081409

9 May 1996

P 9,726.51

TOTAL

P 146,578.96^[5]

The checks appeared to have been encashed by private respondent as borne by his signatures appearing at the back thereof. However, private respondent refuted the genuineness of his signatures, disclaimed his encashment of the checks, and alleged that the Municipality of Ubay has yet to pay him. Instead, he averred that his signatures on the checks were forged by petitioner who as Municipal Treasurer had custody of the same.

Hence, on 21 August 1997, a criminal as well as an administrative complaint^[6] was filed against petitioner before the Office of the Ombudsman (Visayas), docketed as **OMB-VIS-CRIM-97-0697** and **OMB-VIS-ADM-97-0536**, respectively. It was alleged that the checks which were issued to private respondent as payment by the Municipality of Ubay were never received by him. Rather, they were encashed by petitioner through falsification, to the former's damage and detriment.

In his Answer,^[7] petitioner denied the allegations, and by way of an affirmative defense, alleged that the subject checks were already in the hands of private respondent as shown by the disbursement vouchers which covered the issuances of the checks. According to petitioner, such documents bear private respondent's signatures evincing his acknowledgment and acceptance of the payments corresponding to each of the subject checks.

In a Resolution dated 17 February 1999 in **OMB-VIS-CRIM-97-0697**, the Office of the Ombudsman (Visayas) found probable cause to hold petitioner criminally liable for seven counts of Estafa, and ordered the filing of appropriate informations in court, thus:

WHEREFORE, finding probable cause to indict the respondent for seven (7) counts of estafa through falsification of commercial documents, penalized under Articles 315 and 172 in relation to Article 48 of the Revised Penal Code, let the corresponding informations be filed with the proper court. ^[8]

Subsequently, the Office of the Ombudsman (Visayas) through Graft Investigation Officer I Alvin Butch E. Cañares filed seven separate informations^[9] for Estafa through Falsification of a Commercial Document (under Article 315^[10] of the Revised Penal Code in relation to Article 171^[11] of the same Code) against petitioner with the RTC, where they were docketed as **Crim. Cases Nos. 99-525 to 99-531**.

Meanwhile, on 26 March 1999, the Office of the Ombudsman (Visayas) issued a Resolution^[12] in **OMB-VIS-ADM-97-0536**, finding petitioner guilty of grave misconduct. The Ombudsman found that there was substantial evidence to establish petitioner's complicity in the approval and release of the checks. The Ombudsman was of the conclusion that petitioner was the last person to have encashed and obtained the amounts covered therein. As a result, petitioner was meted the penalty of dismissal from service and forfeiture of all benefits.^[13]

Unconvinced, petitioner sought reconsideration of the Ombudsman's Resolution of 26 March 1999 in **OMB-VIS-ADM-97-0536**, but the same was denied on 15 March 2000.^[14]

Hence, petitioner filed before the Court of Appeals a Petition for Review, under Rule 43 of the Rules of Court, to assail the Ombudsman's ruling in **OMB-VIS-ADM-97-0536**. This was docketed as CA-G.R. SP No. 59124.

On 22 October 2001, the Court of Appeals rendered a Decision^[15] in CA-G.R. SP No. 59124, granting the Petition for Review and absolving petitioner of administrative culpability in **OMB-VIS-ADM-97-0536**. Thus:

WHEREFORE, premises considered, the instant petition for review is hereby GRANTED. The assailed Resolution and Order of the Ombudsman, dated March 26, 1999 and March 15, 2000, respectively, are hereby SET ASIDE. In lieu thereof, Judgment is hereby rendered, ABSOLVING the petitioner from the administrative charges filed against him, and DISMISSING the respondent's complaint.^[16]

The Court of Appeals found that substantial evidence was wanting to establish petitioner's participation in the alleged fraudulent encashment of the subject checks. *A contrario*, it held that petitioner adequately explained why his signatures were affixed on the subject checks. It hypothesized:

[P]etitioner had sufficiently explained the appearance of his signatures on the subject seven (7) checks, as representatives of the respondent would come to him, after he had issued the payment[s] [in the form of] checks, and [had] ask[ed] that he rediscount the said checks. He would then deposit [the] amounts in the municipality's [account] [with] the Development Bank of the Philippines. Naturally, his signature would appear at the back of the checks, and so would the signature of the respondent's representative, which is what appears upon due perusal of the subject checks x x x.^[17]

In fine, the Court of Appeals opined that the evidence demonstrates that the private respondent had received the subject checks.^[18] They were already in his hands and control when the alleged unlawful acts of the petitioner occurred.^[19]

The Office of the Ombudsman (Visayas) filed a Motion for Reconsideration thereon, but the appellate court did not depart from its assailed ruling.^[20] It filed before this Court a Petition for Review under Rule 45 of the Rules of Court, docketed as G.R. No. 151066, but the same was dismissed for non-compliance with the rule on the reglementary period to file the petition.^[21]

Subsequently, on 5 November 2001, petitioner filed with the RTC a Motion to Dismiss^[22] **Criminal Cases Nos. 99-525 to 99-531**. He grounded his Motion on the dismissal by the Court of Appeals of **OMB-VIS-ADM-97-0536**, the administrative case filed against him. He averred that if private respondent failed to adduce substantial evidence to hold him administratively liable, with greater reason will private respondent and the prosecution fail to prove beyond reasonable doubt

his guilt in the criminal cases. Under the circumstances, petitioner claimed that the prosecution cannot therefore approximate the quantum of evidence needed to convict him in **Criminal Cases Nos. 99-525 to 99-531**.

On 10 April 2002, the RTC rendered an Order in **Criminal Cases Nos. 99-525 to 99-531** denying petitioner's Motion to Dismiss. It ratiocinated that the earlier dismissal of the administrative case is not legally tantamount to the absence of criminal liability. Thus:

The Ombudsman Prosecutor, invoking the Supreme Court rulings in *Tan v. Comelec*, 237 SCRA 353 and in *Paredes, Jr. v. Sandiganbayan*, 252 SCRA 641, argued that the investigation then being conducted by the Office of the Ombudsman (Visayas) on the criminal case for Malversation thru Falsification of Public Documents, on the one hand, and its administrative adjudication [of] the administrative charge for Dishonesty were entirely independent proceedings; the results in one could not conclude the other and therefore the dismissal of the administrative case does not necessarily foreclose the matter of possible liability, if warranted, of the accused in the criminal case.

In *Ceferino Paredes, Jr. v. Sandiganbayan*, the Supreme Court ruled:

"That one thing is administrative liability. Quite another thing is the criminal liability for the same act. Our determination of the administrative liability for falsification of public documents is in no way conclusive of his lack of criminal liability (underlined for emphasis)."^[23]

The RTC disposed:

WHEREFORE, finding the Ombudsman Prosecutor's argument, supported as it is by the aforecited Supreme Court rulings to be tenable and noting further the manifestation from the private prosecutor that in this criminal case the prosecution will adduce evidence that it had failed to adduce in the administrative case, this Court resolves to deny the [petitioner]'s motion to dismiss, notwithstanding the information given the Court by the [petitioner] in its supplement to the motion to dismiss that the Supreme Court had denied [respondent's] motion for extension to file before the Supreme Court his petition for review on certiorari (of the assailed judgment of the Court of Appeals).^[24]

Unfazed, petitioner sought reconsideration of the 10 April 2002 Order by way of an Omnibus Motion.^[25] On 11 June 2002, the RTC denied the same.^[26] The trial court emphasized the independent nature of the preliminary investigation conducted by the Office of the Ombudsman (Visayas) on the criminal charges against petitioner from that of the administrative adjudication made by the same Office on the administrative charge also against petitioner. Otherwise stated, it was the opinion of the trial court that the dismissal of the administrative case against petitioner did not necessarily preclude the possibility that petitioner would be found criminally liable in the criminal cases against him, if such can be proven beyond reasonable doubt during the trial.^[27]

Petitioner thereafter sought recourse before the Court of Appeals via a Petition for

Certiorari, under Rule 65 of the Rules of Court, docketed as CA-G.R. SP No. 71928, to annul the 10 April 2002 and the 11 June 2002 Orders of the RTC in **Criminal Cases Nos. 99-525 to 99-531**.

The Court of Appeals was not persuaded. It rendered a Decision dated 15 October 2004, the dispositive portion of which reads:

WHEREFORE, the petition is DISMISSED. Accordingly, the April 10, 2002 Order of the Regional Trial Court of Talibon, Bohol, Branch 52 as well as its June 11, 2002 Order, are AFFIRMED.^[28]

Petitioner moved for the reconsideration of the Decision, but it was denied for lack of merit by the appellate court in a Resolution dated 20 July 2005.

Hence, the present Petition where petitioner imputes grave abuse of discretion on the part of the Court of Appeals in issuing the questioned Decision of 15 October 2004 and the Resolution of 20 July 2005 in CA-G.R. SP No. 71928.

Petitioner rehashes before this Court the argument that he buttressed before the court *a quo* and the appellate court.

The kernel of his contention is that the continuation of the criminal proceedings against him in **Criminal Cases Nos. 99-525 to 99-531** is an exercise in futility; hence, these cases must be dismissed. He argues that as his liability in the administrative case against him was not established by substantial evidence, so will his criminal case necessarily fall, demanding as it does, a heavier quantum of proof, *i.e.*, proof beyond reasonable doubt.

Clearly, the instant Petition must fail.

It is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission.^[29] Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or *vice versa*.^[30] One thing is administrative liability;^[31] quite another thing is the criminal liability for the same act.^[32]

Verily, the fact that the required quantum of proof^[33] was not adduced to hold petitioner administratively liable for falsification, forgery, malversation, grave dishonesty, and conduct unbecoming of a public officer in **OMB-VIS-ADM-97-0536** does not *ipso facto* mean that **Criminal Cases Nos. 99-525 to 99-531** filed against petitioner for Estafa through Falsification of a Commercial Document before the RTC should be dismissed. The failure to adduce substantial evidence against petitioner in the former is not a ground for the dismissal of the latter. These two cases are separate and distinct; hence, independent from each other.

First, the quantum of evidence required in an administrative case is less than that required in a criminal case.^[34] Criminal and administrative proceedings may involve similar operative facts; but each requires a different quantum of evidence. Administrative cases require only substantial evidence, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.^[35] In contrast, in **Criminal Case Nos. 99-525 to 99-531**, respondents are required to