

SECOND DIVISION

[G.R. NO. 140839, May 26, 2005]

**ABELARDO C. RIVAS, PETITIONER, VS. JESUS C. SISON AND
ARMIDA P. E. SIGUION REYNA, IN THEIR CAPACITY AS FORMER
CHAIRMAN AND PRESENT CHAIRMAN OF THE MOVIE AND
TELEVISION REVIEW AND CLASSIFICATION BOARD (MTRCB),
RESPONDENTS.**

D E C I S I O N

AUSTRIA-MARTINEZ, J.:

This resolves the petition for review on *certiorari* seeking to set aside the Decision^[1] of the Court of Appeals (CA) dated September 24, 1999 denying the petition for review in CA-G.R. No. 52341 and the Resolution dated November 16, 1999 denying petitioner's motion for reconsideration of the aforementioned decision.

After a scrutiny of the records, the Court finds the respondents' narration of the antecedent facts to be undisputed, hence, the pertinent portion of respondents' Comment is reproduced hereunder:

In 1996, the MTRCB and the National Bureau of Investigation (NBI) conducted a joint investigation to look into reports that unauthorized MTRCB employees/board members have been visiting movie theaters and/or their respective booking offices to collect, for a fee, the required annual registration fee for movie theaters.

On June 25, 1996, MTRCB and NBI agents were dispatched to the province of Iloilo to monitor unregistered movie theaters operating in the area.

On June 26, 1996, NBI Special Investigator Norman Revita secured a *Sinumpaang Salaysay* of Marcelina Concepcion, wife of Jose Concepcion who owned the Crown Theater in Bacolod City. Marcelina stated that on or about February 20, 1996, her husband paid the annual registration fee of One Thousand Pesos (P1,000.00) to petitioner, thinking him to be a legitimate and authorized collector for the MTRCB. Every year, just before the expiration of their theater's registration, petitioner would allegedly collect the annual registration fee from them at their booking office in Sta. Cruz, Manila.

On June 27, 1996, Leonardo Ungoco, Jr., the authorized representative of Panay Cinema Corporation, owner of several movie theaters in the province of Iloilo and Bacolod City, executed an affidavit stating that around ten o'clock that morning, petitioner called him up with the following tip: "*Pare, magbayad ka na ng theater registration fee, dahil*

may mga tao na tiga MTRCB pinapunta na sa Iloilo, buti pa magbayad ka na ngayon." Thus, forewarned, Leonardo immediately proceeded to the MTRCB Registration Office to pay the registration fee.

On November 21, 1996, Marvin B. Inigo, the owner and operator of the Guimba Theater in Guimba, Nueva Ecija, executed an affidavit stating that in 1992 and 1993, petitioner, representing himself as an MTRCB collector, collected from him One Thousand Two Hundred Pesos (P1,200.00) as registration fee. Despite these payments, however, Marvin never received his registration certificate for the years 1992 and 1993. Further investigation disclosed that no such payment of the annual registration fee for the year 1993 by the Guimba Theater was recorded in the MTRCB Official Cash Book for registration fees.

Based on the above sworn statements, the MTRCB filed an administrative case against petitioner for conduct grossly detrimental to the best interest of the service. As an MTRCB Registration Officer II, petitioner allegedly acted without authority and beyond the scope of his official duties and responsibilities when he collected registration fees from theater owners and warned them of impending MTRCB operations, thus, thwarting and frustrating the same.

In view of the above administrative case, the MTRCB Chairman ordered the temporary transfer of petitioner to the Information Unit.

Meanwhile, the initial investigation of the case was scheduled for February 13, 1997. Upon petitioner's request, however, it was reset to February 21, March 4, and March 14, 1997.

During the March 4, 1997 hearing, petitioner answered the clarificatory questions posed by the Investigating Committee. He also submitted his counter-affidavit and manifested his intention to question the jurisdiction and authority of the Investigating Committee.

On March 14, 1997, petitioner filed a motion for bill of particulars, followed on July 25, 1997 by a motion to dismiss on the ground of lack of cause of action.

The Investigating Committee denied petitioner's motion to dismiss, but granted his motion for bill of particulars. It then required petitioner to submit within five days from notice his verified answer to the complaint.

Instead of submitting his verified answer as required by the Investigating Committee, petitioner, on October 21, 1997, filed a motion for reconsideration of the denial of his motion to dismiss.

On December 16, 1997, the Investigating Committee issued a resolution denying petitioner's motion for reconsideration. It also reiterated its previous order for petitioner to file his verified answer to the complaint, this time giving him twenty days from receipt of the resolution within which to do so.

Petitioner again failed to comply with the above order. Instead, he filed a motion to suspend proceedings pending the NBI's own investigation of the case. Pointing out that the MTRCB's investigation was independent of that of the NBI, the Investigating Committee denied petitioner's motion.

On March 18, 1998, petitioner finally filed his unverified answer to the complaint. Essentially, he denied knowledge of, and being an obstacle to, the MTRCB's operations. He also denied ever having left the MTRCB's premises during office hours in order to collect registration fees from theater owners/managers. He allegedly only reminded theater owners/managers to register or renew their registration since this was part of his duties and functions as a Registration Officer.

On March 25, 1998, the Investigating Committee issued its resolution on the case, the dispositive portion of which reads as follows:

IN VIEW OF THE FOREGOING, the Investigation Committee recommends to the Board the suspension of the Respondent (herein petitioner) for SIX (6) MONTHS for committing acts constituting "conduct grossly prejudicial to the best interest of the service" in accordance with Section 23, par. (t) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292; and, that, the Memorandum of Temporary Transfer of Assignment dated 16 August 1996 be made permanent.

Respectfully recommended.

During its meeting on April 28, 1998, the MTRCB adopted the above recommendations of the Investigating Committee. Petitioner filed a motion for reconsideration of this decision which, however, was denied by the MTRCB on July 15, 1998.

Thus, petitioner appealed to the Civil Service Commission. On December 29, 1998, the Civil Service Commission issued its Resolution No. 983231, denying petitioner's appeal and affirming the MTRCB's decision with modification, in this wise:

WHEREFORE, the appeal of Abelardo C. Rivas is hereby denied for lack of merit. Accordingly, the Decision dated March 25, 1998 of the MTRCB finding Rivas guilty of Conduct Grossly Prejudicial to the Best Interest of the Service imposing upon him the penalty of suspension for six (6) months is hereby affirmed. However, the additional penalty of transfer (reassignment) which became permanent is hereby set aside. Hence, Rivas should now be reverted back to his former assignment as Registration Officer II in the Technical Service Division of the MTRCB.

On March 10, 1999, petitioner's motion for reconsideration of the above resolution was similarly denied by the Civil Service Commission for lack of merit in its Resolution No. 990621.

Refusing to give up, petitioner appealed the above resolutions of the Civil