

THIRTEENTH DIVISION

[CA-G.R. SP NO. 90873, August 11, 2006]

**MA. MARTHA B. ROMASOC AND LIEZLE B. ANONGOS,
PETITIONERS, VS. HONORABLE DEPUTY OMBUDSMAN FOR
LUZON AND PHILIPPINE HEALTH CORPORATION, REPRESENTED
BY MA. LOURDES MENDOZA, RESPONDENTS.**

D E C I S I O N

SABIO, JR., J.:

As long as substantial evidence support the ombudsman ruling, his decision will not be overturned (Salvador vs. Desierto, 420 SCRA 76).

In this petition for review under Rule 43 of the Rules on Civil Procedure, petitioners seek the reversal and setting aside of the decision and order of the Deputy Ombudsman for Luzon and the dismissal of the Complaint for Dishonesty and Falsification of public documents against the former.

The material antecedents as portrayed in petitioner's petition, thus:

1. Petitioner MARTHA ROMASOC is the Development Management Officer IV of the PhilHealth Regional Office-Cordillera Administrative Region (hereinafter referred to PHILHEALTH-CAR, for brevity) while Petitioner LIEZLE B. ANONGOS is the is Training Specialist II of the same office;
2. In connection with the LINGAP PARA SA MAHIHIRAP and INDIGENT PROGRAMS of the government, the petitioners participated in the launching and orientation of the said programs in the different parts of the Cordillera Administrative Region, particularly in the provinces of Abra, Mt. Province, Benguet, Ifugao, Apayao, Kalinga and the City of Baguio;
3. In support of the said programs, cash advances were made and subsequently liquidated. Upon post-audit, however, several of the supporting receipts totaling P105, 876.50 were disallowed by the Commission on Audit. The petitioners submitted their Joint Affidavit explaining their side. (**Please see the Joint Affidavit as Annex "B" of this Petition**)
4. In order to buy peace and despite their previous good faith and convincing explanations, the petitioners and their co-employees at PHILHEALTH-CAR including Assistant Vice President Elvira Ver, who were involved in the said programs, decided to reimburse to the government the disallowed amount of P198,271.00 from their own pockets thereby spending their own money for the said government

programs at no expense on the part of the government---despite the fact that said programs were successfully implemented in the Cordilleras--- just because of the allegations that the receipts were falsified and that the programmed amounts for said projects were not actually spent by them without taking into account the improbability of the duplicate copies of the said receipts allegedly in the possession of the issuers;

Attached as **Annex "C"** of this Petition is the Letter of Vice President Elvira Ver of PHILHEALTH-CAR informing the COA that she has refunded the disallowed amount of P198,271.00. and the copies of the officials receipts evidencing refund of the amount of P198,271.00 and the copies of the officials receipts evidencing refund of the amount of P198,271.00 as **Annexes "C-1, "C-2", "C-3, "C-4" and "C-5"**, respectively.

5. However, despite their explanations and payment of amount of P198,271.00 to the government even if the disallowed amount was only P105,876.50, the petitioners, together with Elvira Ver, Vice President Philhealth Regional Office-CAR, and Imelda Villamar, the Philhealth-Car Accountant, were administratively charged of dishonesty and falsification of public documents [against the petitioners] and gross neglect of duty [against the Vice President and Accountant] before the Office of the Deputy Ombudsman for Luzon;

Attached hereto is a copy of the Affidavit-Complaint as **Annex "A"** and made and integral part of this petition.

6. As required by the Deputy Ombudsman for Luzon, the petitioners filed their Counter-Affidavit;

Attached hereto are copies of the Counter-Affidavit of the Petitioners as Annexes "D" and "E" of this Petition.

7. Thereafter, the petitioners and their co-respondents before the Office of the Deputy Ombudsman for Luzon were required to submit their Position Paper with the affidavits of their witnesses, if they be any. Both petitioners complied;

Attached hereto are copies of the Position Papers of the petitioners as **Annexes "F" and "G"** of this Petition.

8. On February 15, 2005, the respondent Deputy Ombudsman for Luzon issued his Decision dismissing the complaint as against respondents Elvira Ver and Imelda Cristeta Villamar while concluding that the petitioners were guilty of dishonesty and Falsification of Public Document and meted the penalty of SUSPENSION FOR ONE (1) YEAR WITHOUT PAY. The said Decision were received by the petitioners on March 16, 2005;

Attached hereto is a copy of the Decision as **Annex "H"** and an integral part hereof.

9. On March 19, 2005, the petitioners filed their Motion for Reconsideration of the afore-said Decision.

Attached hereto is copy of the Motion for Reconsideration as Annex "I" and made an integral part hereof.

10. On May 26, 2005, the respondent Deputy Ombudsman for Luzon issued an Order denying petitioner's Motion for reconsideration. Said Order was received by the petitioners through counsel on July 7, 2005.

Attached hereto is a copy of the Order as **Annex "J"** and made an integral part hereof.

Considering that the Decision and Order of the respondent Deputy Ombudsman for Luzon is contrary to the evidence on record as well as our existing laws and jurisprudence, the petitioners were left with no other recourse but to come to this Honorable Court for succor."

(Rollo, pp. 14-16)

To justify the instant petition for review, petitioner's argue on the following assignment of errors, to with:

"ASSIGNMENT OF ERRORS

I

THE DEPUTY OMBUDSMAN FOR LUZON GRAVELY ERRED IN IMPOSING THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY TO THE PETITIONERS DESPITE HIS FINDINGS THAT THEY ACTED IN GOOD FAITH OR LACK OF INTENTION IN TAKING ADVANTAGE OF SAID TRANSACTION FOR THEIR PERSONAL GAIN.

II

THE DEPUTY OMBUDSMAN FOR LUZON GRAVELY ERRED IN IMPOSING THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY TO THE PETITIONERS DESPITE HIS FINDINGS THAT THE AMOUNT REFLECTED IN THE OFFICIAL RECEIPTS (WHICH WERE ALLEGEDLY FALSIFIED) TALLIED WITH THE EXPECTED COST CORRESPONDING TO THE NUMBER OF REGISTERED PARTICIPANTS.

III

THE DEPUTY OMBUDSMAN FOR LUZON GRAVELY ERRED IN IMPOSING THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY TO THE PETITIONERS DESPITE HIS FINDINGS THAT IT WOULD BE MATHEMATICALLY UNBELIEVABLE IF THE REAL COST OF THE MEALS AND