



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

WILSON T. LIM,

Petitioner,

G.R. No. 223210

Present:

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JJ.

- versus -

P/S INSP. EUSTQUIO FUENTES,
Respondent.

Promulgated:

06 NOV 2017

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DECISION

PERALTA, J.:

Before the Court is a petition for review on *certiorari* under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision¹ dated June 5, 2015 and Resolution² dated January 29, 2016 of the Court of Appeals (CA), Cagayan de Oro City, in CA-G.R. SP No. 04764-MIN, which affirmed the Joint Order³ dated September 7, 2011 and Order⁴ dated March 31, 2011 of the Office of the Deputy Ombudsman for the Military and Other

¹ Penned by Associate Justice Edward B. Contreras, with Associate Justices Edgardo T. Lloren and Rafael Antonio M. Santos, concurring; *rollo*, pp. 53-62.

² Penned by Associate Justice Rafael Antonio M. Santos, with Associate Justices Edgardo A. Camello and Edgardo T. Lloren, concurring; *id.* at 63-68.

³ Penned by Graft Investigation and Prosecution Officer II Lyn L. Llamasares, with the concurrence of Director Dennis L. Garcia, and approval of Assistant Ombudsman Eulogio S. Cecilio and Overall Deputy Ombudsman Orlando C. Casimiro; *id.* at 162-165.

⁴ Penned by Graft Investigation and Prosecution Officer Yvette Marie S. Evaristo, with the concurrence of Director Eulogio S. Cecilio, and approval of Deputy Ombudsman for the Military & Other Law Enforcement Offices Emilio A. Gonzalez III and Tanodbayan Ma. Merceditas N. Gutierrez; *id.* at 157-160.

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Law Enforcement Offices (*MOLEO*) in OMB-P-A-05-1283-K, which in turn, reversed its previous Decision⁵ dated February 24, 2009.

The factual antecedents are as follows.

Petitioner Wilson T. Lim and Rex Lazo were engaged in the business of buying and selling second-hand motor vehicles in Iloilo City under the business name "*Wheels to go*." Sometime in March 2003, Lim learned from his neighbour of a car agent based in Iligan City named Raquim Salvo who sold vehicles at cheap prices.⁶ Consequently, Lazo went to meet Salvo who personally assured him that the units were properly documented and cleared by the Iligan Traffic Management Group (*TMG*). Salvo then introduced Lazo to the supposed owners of the vehicles and showed him original copies of Certificates of Registration (*CRs*) and Motor Vehicle Registration Renewal (*MVRR*) Official Receipts (*ORs*) issued by Rex Pangandag, Head of Land Transportation Office (*LTO*) Tubod Extension Office, Iligan.⁷ Salvo also brought Lazo to the office of *TMG* Iligan City headed by respondent Philippine National Police (*PNP*) Police Senior Inspector (*PSI*) Eustiquio Fuentes who issued *PNP* Motor Vehicle Clearance Certificates (*MVCC*), one of the *LTO* requirements for the transfer of ownership over motor vehicles from the seller to the buyer. On the basis of the *CRS* and *ORs* issued by Pangandag and *MVCCs* issued by respondent Fuentes, Lim and Lazo purchased thirteen (13) second-hand vehicles from Salvo in the total purchase price of ₱6,075,000.00 which they later sold to different buyers at their car shop in Iloilo City.⁸

However, in June 2003, they decided to stop buying from Salvo when the *TMG* of Iloilo City informed them that one unit Isuzu Crosswind purchased therefrom was a stolen/carnapped vehicle. Thereafter, in September 2004, they were further notified by the buyers of their vehicles that their purchased units were seized and impounded in Camp Delgado by *TMG* Iloilo City on the ground that they were "hot cars."⁹ They tried to contact Salvo and his cohorts to confront them of the incident but to no avail. Consequently, to protect their name and preserve their reputation as legitimate businessmen, they refunded payments to the buyers on instalment basis. Nevertheless, the *TMG* of Iloilo City filed criminal complaints against Lim and Lazo for Carnapping, Anti-Fencing, Estafa, and Violation of Presidential Decree (*PD*) 1730. The Prosecutor's Office, however, found that they acted in good faith and dismissed the complaints against them.

⁵ Penned Graft Investigation and Prosecution Officer Julius Java of the Office of the Deputy Ombudsman for *MOLEO*, Diliman Quezon City, with concurrence of Director Eulogio Cecilio, and approval of Emilio Gonzalez III, Deputy Ombudsman for the *MOLEO*, and Mark Jalandoni, Deputy Ombudsman for Luzon; *id.* at 141-146.

⁶ *Id.* at 54.

⁷ *Id.* at 29.

⁸ *Id.* at 29-31.

⁹ *Id.* at 54-55.

Claiming to have been defrauded by Salvo because of the false pretenses and falsification of documents by respondent Fuentes and Pangandag, Lim and Lazo filed a complaint for violation of Section 3(e), Republic Act (RA) No. 3019 and Estafa Thru Falsification as well as the instant administrative complaint against respondent Fuentes and Pangandag for Violation of Section 7 (a) of RA No. 6713 otherwise known as the *Code of Conduct and Ethical Standards for Public Officials and Employees* and for Grave Misconduct before the Office of the Deputy Ombudsman for the MOLEO.¹⁰ According to Lim and Lazo, Pangandag issued falsified CRs and ORs while Fuentes issued falsified MVCCs making it appear that the vehicles they purchased from Salvo were not in the list of stolen vehicles and had passed the macro-etching examination (*MEE*) conducted by the PNP Crime Laboratory Service despite the fact that they had actually been reported as stolen in the Motor Vehicle Management Information System (MVMIS).¹¹ Thus, they allege that it is because of this conspiracy among Salvo and respondent Fuentes and Pangandag that they were tricked into buying the stolen vehicles.

In his Counter-Affidavit, Fuentes admitted that he had issued an MVCC on June 17, 2003 for a Mitsubishi Pajero Wagon owned by a certain Adela Marobong but had no participation in the issuance of MVCCs for the other vehicles.¹² According to Fuentes, the PNP Crime Laboratory Service certified that the engine and chassis numbers of the subject vehicle were not tampered and that as of June 18, 2003, said vehicle was not included in the list of stolen or wanted motor vehicles.¹³ Hence, he should not be faulted for the issuance of the MVCC for he merely approved the same based on the findings of SPO4 Asari and the PNP Crime Laboratory and not on an alleged conspiracy with Salvo and his cohorts.¹⁴

On February 24, 2009, the Graft Investigation and Prosecution Officer Julius Java of the Office of the Deputy Ombudsman for MOLEO, Diliman, Quezon City, with concurrence of Director Eulogio Cecilio, and approval of Emilio Gonzalez III, Deputy Ombudsman for the MOLEO, and Mark Jalandoni, Deputy Ombudsman for Luzon, rendered a Decision finding both respondent Fuentes and Pangandag guilty of grave misconduct and dismissed them from service.¹⁵ According to said Office, the evidence imputed against Fuentes shows that he admittedly issued an MVCC for the subject vehicle stating that "it was not in the list of stolen vehicles" despite the fact that the vehicle was reported in Camp Crame, Quezon City as stolen

¹⁰ *Id.* at 55.

¹¹ *Id.* at 32.

¹² *Id.* at 55.

¹³ *Id.* at 32.

¹⁴ *Id.* at 56.

¹⁵ *Id.* at 145.

vehicle as of January 29, 2003 and as reflected in the computerized MVMIS. Said issuance is therefore a manifestation of bad faith. As for Pangandag, the same Office found that his specimen signatures matched those appearing in the Certificates of Registration and Official Receipts he alleged to be a forgery.¹⁶

On March 31, 2011, however, Graft Investigation and Prosecution Officer Yvette Evaristo of the Office of the Deputy Ombudsman for MOLEO, Diliman, Quezon City with concurrence of Director Eulogio Cecilio, and approval of Emilio Gonzalez III, Deputy Ombudsman for the MOLEO, and Ma. Merceditas Gutierrez, Tanodbayan, reversed its previous order and dismissed the complaint but only insofar as respondent Fuentes is concerned.¹⁷ The Office held that the issuance of an MVCC is purely a ministerial function of Fuentes. Once the PNP Crime Laboratory made such certification, he had no power to look into the veracity of the same but to immediately issue the MVCC.¹⁸ Hence, Fuentes cannot be faulted.

In a Joint Order dated September 7, 2011, Graft Investigation and Prosecution Officer II Lyn L. Llamansares, with the concurrence of Director Dennis L. Garcia, and approval of Assistant Ombudsman Eulogio S. Cecilio and Overall Deputy Ombudsman Orlando C. Casimiro, affirmed the March 31, 2011 Order dismissing the complaint against respondent Fuentes. On the procedural issues alleged by Lim and Lazo that Fuentes filed his Motion for Reconsideration beyond the reglementary period and that the same failed to specify the grounds upon which the same is based, said Office held that litigations must be decided on their merits and not on mere technicalities.¹⁹ On the substantive, it ruled that Fuentes could not be faulted for issuing the MVCC. This is because since the macro-etching certificate states that the engine and chassis numbers on the subject vehicle were not tampered, Fuentes had no reason to doubt the findings of his subordinate officer SPO3 Asari that the vehicle was not in the list of wanted/stolen vehicles. Thus, bad faith cannot be presumed.²⁰

On June 5, 2015, the CA affirmed the September 7, 2011 Joint Order of the Office of the Deputy Ombudsman for MOLEO on the ground that factual findings of administrative bodies are generally accorded finality when supported by substantial evidence.²¹ Thereafter, in its Resolution dated January 29, 2016, the CA denied Lim and Lazo's Motion for Reconsideration. It held and reiterated the fact that the motor and chassis

¹⁶ *Id.*
¹⁷ *Id.* at 158.
¹⁸ *Id.*
¹⁹ *Id.* at 163-164.
²⁰ *Id.* at 164.
²¹ *Id.* at 61.



numbers of the subject vehicle covered by the MVCC do not match the motor and chassis numbers of the vehicle listed in the MVMIS. Hence, respondent should not be held liable for relying thereon for as far as he is concerned, at the time he issued the clearance certificate, the subject vehicle was not in the list of wanted/ stolen vehicles.

Aggrieved, petitioner Lim filed the instant petition on March 30, 2016 raising the following arguments:

I.

THE COURT OF APPEALS COMMITTED A SERIOUS AND REVERSABLE ERROR OF LAW IN AFFIRMING THE ASSAILED ORDERS OF THE DEPUTY OMBUDSMAN (MOLEO) WHICH WERE NOT IN ACCORDANCE WITH THE RULES AND PROCEDURE OF THE OFFICE OF THE OMBUDSMAN.

II.

THE COURT OF APPEALS COMMITTED A SERIOUS AND REVERSIBLE ERROR OF LAW IN AFFIRMING THE ASSAILED ORDERS OF THE DEPUTY OMBUDSMAN (MOLEO) WHICH WERE NOT IN ACCORDANCE WITH THE FACTS, LAWS, AND JURISPRUDENCE.²²

Petitioner maintains that respondent, in his Motion for Reconsideration before the Ombudsman, failed to specify the ground upon which the same is based as required by Rule III, Section 8, Rules of Procedure of the Office of the Ombudsman. He also points out that it is highly irregular that the Decision dated February 24, 2009 finding respondent guilty of misconduct was signed by Deputy Ombudsman Emilio A. Gonzalez III but the Order dated March 31, 2011 which reversed the February 24, 2009 Decision was not. Instead, it was merely approved by Acting Ombudsman Orlando C. Casimiro.

Moreover, petitioner posits that he was able to establish the guilt of respondent with substantial evidence as required in administrative cases. According to petitioner, the records show that the subject vehicle was reported stolen at the TMG Camp Crame Quezon City as early as January 29, 2003 which was before Fuentes issued the subject MVCC on June 18, 2003. Thus, respondent cannot claim good faith for he knew or should have known that on the date that he approved the MVCC, the subject vehicle was already listed as stolen. Moreover, the duty of Fuentes in issuing MVCCs is not ministerial in light of prevailing rules which require that the physical examination of vehicles before an MVCC is issued shall be conducted jointly by TMG personnel and CL technicians. Thus, respondent has the discretion and final say on whether to issue the clearance or not.

²² *Id.* at 35.



The petition is meritorious.

At the outset, the Court finds no error when the appellate court set aside procedural infirmities and affirmed the decision of the Deputy Ombudsman which took cognizance of the Motion for Reconsideration despite the fact that it failed to specify the ground upon which the same is based. After all, rules of procedure are mere tools designed to facilitate the attainment of justice.²³ Moreover, the fact that the Order reversing the Decision finding respondent guilty of misconduct was merely approved by Acting Ombudsman Orlando C. Casimiro does not strip it off of its official character nor does it nullify the same. As far as the Court is concerned, it was still issued upon the Acting Ombudsman's authority. Besides, petitioner cannot be allowed to raise such argument for the first time before the Court. Settled is the rule that no question will be entertained on appeal unless it has been raised in the proceedings below. Points of law, theories, issues and arguments not brought to the attention of the lower court, administrative agency or quasi-judicial body, need not be considered by a reviewing court, as they cannot be raised for the first time at that late stage. Basic considerations of fairness and due process impel this rule. Any issue raised for the first time on appeal is barred by estoppel.²⁴

Nevertheless, the Court does not agree with the CA in affirming the dismissal of the administrative charge of grave misconduct against respondent. It must first be noted, however, that in petitions filed under Rule 45 of the Rules of Court, only questions of law may be raised. This is because the Court is not a trier of facts and it is not its function to review evidence on record and assess the probative weight thereof.²⁵ The task of the Court, therefore, is limited to the review of errors of law that the appellate court might have committed. Hence, the issue before Us is whether the CA correctly found that there exists no substantial evidence to hold respondent Fuentes administratively liable for grave misconduct.

Substantial evidence, which is more than a mere scintilla but is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, would suffice to hold one administratively liable. The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant. While substantial evidence does not necessarily import preponderance of evidence as is required in an ordinary civil case, or evidence beyond

²³ *Diamond Taxi and/or Bryan Ong v. Felipe Llamas, Jr.*, 729 Phil. 364, 379 (2014).

²⁴ *S.C. Megaworld Construction and Development Corporation v. Engr. Luis U. Parada, represented by Engr. Leonardo A. Parada of Genlite Industries*, 717 Phil. 752, 760 (2013).

²⁵ *Office of the Ombudsman-Visayas and Emily Rose Ko Lim Chao v. Mary Ann T. Castro*, 759 Phil. 68, 77 (2015).

reasonable doubt as is required in criminal cases, it should be enough for a reasonable mind to support a conclusion.²⁶ In the instant case, the Court is of the opinion that there exists such reasonable ground that would support the finding that respondent is responsible for the misconduct charged herein.

In this relation, misconduct is defined as a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior.²⁷ It is an intentional wrongdoing or deliberate violation of a rule of law or standard of behavior.²⁸ To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest.²⁹

Guided by the foregoing principles, the Court, therefore, finds respondent administratively liable for grave misconduct. In the proper discharge of his official functions, respondent is governed by the mandate of Memorandum Circular No. 2002-012, *Re: Amending, Memorandum Circular 2001-011 Streamlining the PNP Motor Vehicle Clearance Procedure*, which pertinently provides that motor vehicles applying for MVCC shall undergo physical examination jointly conducted by the TMG personnel and crime laboratory technicians, that the physical examination and macro-etching result shall be used only where the MVCC is to be secured and shall be conducted at the TMG designated area, and that the clearance officer, respondent in this case, is likewise responsible for the effective implementation of the motor vehicle clearance system. As such, respondent was bound by law to ensure that MVCCs may only be issued after careful determination that the vehicle covered thereby was acquired by legal means. If a vehicle that is issued an MVCC turns out to be a stolen unit, such as the subject Mitsubishi Pajero Wagon in this case, respondent, as the clearance officer, must be held accountable for his blatant disregard as it means that the system was not faithfully implemented, in contravention with the mandate of the circular.

Moreover, the argument that respondent should not be held liable because the issuance of an MVCC is purely a ministerial function is untenable. According to respondent, he merely relies on the findings of his subordinates SPO4 Asari that the vehicle is not part of the stolen vehicles list

²⁶ *Honorable Ombudsman Simeon V. Marcelo v. Leopoldo F. Bungubung and Hon. Court of Appeals*, 575 Phil. 538, 557-558 (2008).

²⁷ *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug ("Shabu") of Reynard B. Castor, Electrician II, Maintenance Division, Office of Administrative Services*, 719 Phil. 96, 100 (2013).

²⁸ *Rolando Ganzon v. Fernando Arlos*, 720 Phil. 104, 113 (2013).

²⁹ *Id.*



and the PNP Crime Laboratory that the vehicle has not been tampered with. Thus, once the PNP Crime Laboratory makes such certification, he has no power to look into the veracity of the same but to immediately issue the MVCC. But as specifically stipulated in the rules, respondent, as clearance officer, is responsible for the effective implementation of the motor vehicle clearance system, necessarily calling for his cautious exercise of discretion. This is the clear import of Our recent ruling in *Lim v. Office of the Deputy Ombudsman for the Military and other Law Enforcement Offices (MOLEO) and P/S Insp. Eustiquio Fuentes*,³⁰ wherein the Court was confronted with the criminal aspect of the instant case involving the same parties and the same set of facts. There, the Court found that there exists probable cause against respondent for the crimes of Violation of Section 3(e), R.A. 3019 and Estafa Through Falsification. It was held that there is reasonable ground to believe that Fuentes made false pretenses or fraudulent misrepresentations to Lim and Lazo that the subject vehicles were legally acquired. Relying on the ORs, CRs, and MVCCs which Pangandag and Fuentes issued, Lim and Lazo decided to buy said motor vehicles thinking that they were free from any legal encumbrance or liability.³¹ Moreover, facts abound pointing to respondent, head of Iligan TMG, as probably guilty of having acted with manifest partiality, evident bad faith, or gross inexcusable negligence in issuing the MVCCs in question which caused undue injury to Lim and Lazo, and gave Salvo and the other car agents unwarranted benefits or advantage in the discharge of his functions, and therefore should be held for trial. We quote the pertinent portions of said Decision:

The Deputy Ombudsman explained in its assailed Orders that the issuance of an MVCC is a purely ministerial function. As such, Fuentes did not actually exercise discretion or judgment. He relied primarily on the Macro Etching Examination conducted by the PNP Crime Laboratory and the latter's certification that the chassis and motor numbers of the vehicle submitted for clearance had not been tampered with. Also, Fuentes would have no way of knowing if the subject Pajero with Plate No. UEH-951 was a stolen or carnapped vehicle because then its details would already have been modified and thus, would not match the original details of the car reported as stolen. However, under Memorandum Circular No. 2002-012, motor vehicles applying for MVCC shall undergo physical examination jointly conducted by the TMG personnel and crime laboratory technicians. The physical examination and macro-etching result shall be used only where the MVCC is to be secured and shall be conducted at the TMG designated area. **The clearance officer, Fuentes in this case, is likewise responsible for the effective implementation of the motor vehicle clearance system. Therefore, as the clearance officer, Fuentes is accountable in a situation where a person was able to obtain clearance for a stolen vehicle from the Iligan TMG since then the system could not be considered as having been effectively and faithfully implemented. Indubitably, Fuentes's function was not**

³⁰ G.R. No. 201320, September 14, 2016, 803 SCRA 91.

³¹ *Id.* at 104.



purely ministerial as he, in fact, had to exercise good judgment in issuing vehicle clearances.

Moreover, it is this necessary exercise of prudence that respondent should have implemented in his issuance of the subject MVCC. Respondent claims that since the macro-etching examination revealed that the subject vehicle was not tampered and since his subordinate reported that said vehicle was not in the stolen or wanted vehicle list, he should not be held liable for there was no other means by which he could have determined that the vehicle was in fact stolen. Hence, he acted in good faith. But as the Court further held in the aforementioned case, respondent, as head of the TMG of Iligan City, the very office charged with the purpose of issuing motor vehicle clearances, could have exercised better judgment in determining whether the subject vehicle was stolen.

Notably, the plate number of the subject vehicle is clearly indicated in the Macro-Etching Certificate (*Certificate*) dated June 17, 2003 issued by respondent's subordinates.³² Respondent could have easily ascertained the true status of the subject vehicle had he merely perused the Certificate in its entirety and utilized the plate number stated on its face for verification purposes. He could have used the vehicle's plate number and checked whether the same was part of the list provided under the MVMIS. In fact, this was actually how the TMG of Iloilo discovered that the vehicle was the subject of illegality. Thus:

Moreover, there is no truth to Fuentes's asseveration that there was no other means of determining whether the Pajero with Plate No. UEH-951 was stolen or carnapped. His office could have simply utilized the plate number, as what the TMG Iloilo did, to trace and identify the car as stolen based on the computerized Vehicle Management Information System. It thus becomes clear that the Deputy Ombudsman erroneously failed to consider significant pieces of evidence which should not have been casually ignored. The Deputy Ombudsman should have, at the very least, explained its reasons as to why the aforesaid Memorandum Circular was not followed in this case.

The Deputy Ombudsman likewise contends that Fuentes acted in good faith in relying upon the certification of his subordinates. Hence, he could not have acted with evident bad faith and defrauded Lim and Lazo by means of deceit or abuse of confidence. It further held that to drag Fuentes into a criminal conspiracy simply because he did not personally examine every single detail and go beyond the certified macro-etching result would be to set a bad precedent. **However, as head of the office responsible for the issuance of motor vehicle clearances, Fuentes must be held liable for any act committed in violation of the purpose for which the office was made. Had it not been for the clearances issued by Fuentes declaring that the cars being sold were indeed acquired through legitimate means, Lim and Lazo would not have parted with**

³² Rollo, p. 237.



their hard-earned money. It must be stressed that the TMG clearance is specifically intended to protect the buyer from buying stolen/carnapped vehicles. To uphold the Deputy Ombudsman's ruling would defeat the very purpose why a motor vehicle clearance is issued and the public could no longer rely on the clearance issued by the TMG.

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Considering the mandate of Memorandum Circular No. 2002-012, which both Fuentes and the Deputy Ombudsman have clearly disregarded, the Court believes, therefore, that all the elements of the crimes charged are, in all reasonable likelihood, present with respect to Fuentes's participation in the case at bar and that the Deputy Ombudsman committed grave abuse of discretion when it dismissed the criminal charges against him.


While it is true that the Certificate concludes that “the engine and chassis numbers of the [subject vehicle] [are] found NOT TAMPERED”, it is equally true that the subject vehicle’s plate number is also clearly stated therein.³³ The conclusion of respondent’s subordinates anent the engine and chassis numbers is but a portion of the Certificate submitted for respondent’s perusal. Respondent’s failure to utilize the information appearing on the face of the Certificate to verify the status of the subject vehicle constitutes gross inexcusable negligence. In this light, the Court finds that respondent must be held liable for this negligent issuance of the motor vehicle clearance, clearly disregarding the mandate of Memorandum Circular No. 2002-012 that requires him to faithfully implement the motor vehicle clearance system.

In view of the foregoing, the Court finds that respondent must be held liable for his negligent issuance of the motor vehicle clearance, clearly disregarding the mandate of Memorandum Circular No. 2002-012 that requires him to faithfully implement the motor vehicle clearance system. To repeat, the standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.³⁴ As We have recently held in *Lim v. MOLEO and P/S Insp. Eustiquio Fuentes*,³⁵ had it not been for respondent’s gross inexcusable recklessness, petitioner would not have parted with his hard-earned money. Otherwise put, if respondent only exercised due care and prudence in determining whether the subject vehicle came from legitimate sources, whether through the diligent exercise of the macro-etching examination, by counter-checking whether its engine and chassis

³³ *Id.*

³⁴ *Honorable Ombudsman Simeon V. Marcelo v. Leopoldo F. Bungubung and Hon. Court of Appeals*, *supra* note 26.

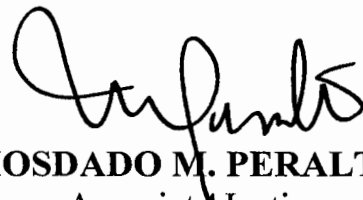
³⁵ *Supra* note 30.



number are part of the list of the computerized vehicle management information system, or even by using its plate number instead, petitioner would not have suffered such an expensive loss and undue injury to the advantage of Salvo and his cohorts. This is because as clearance officer and head of TMG Iligan City, respondent's role was simply to ensure that the motor vehicle clearance system was truthfully implemented. It was incumbent on him to employ effective and reasonable means to determine whether motor vehicles had been the subject of any sort of crime. Thus, had he faithfully performed the duties of his office, respondent could have easily discovered that the subject vehicle was in fact stolen. It is therefore this flagrant disregard of the mandate of Memorandum Circular No. 2002-012 that leads Us to conclude that respondent must be held liable for grave misconduct.

WHEREFORE, premises considered, the instant petition is **GRANTED**. The Decision dated June 5, 2015 and Resolution dated January 29, 2016 of the Court of Appeals, Cagayan de Oro City, in CA-G.R. SP No. 04764-MIN are **REVERSED** and **SET ASIDE**, and the Decision dated February 24, 2009 of the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices is **REINSTATED**. Respondent P/S Insp. Eustiquio Fuentes is hereby **DISMISSED** from service.

SO ORDERED.

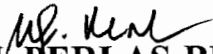


DIOSDADO M. PERALTA
Associate Justice

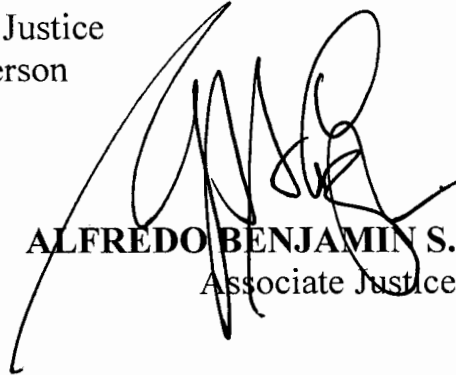
WE CONCUR:




ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. BERLAS-BERNABE
Associate Justice



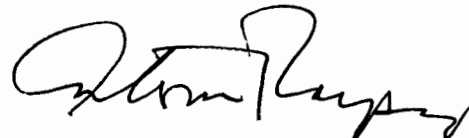
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice

ATTESTATION

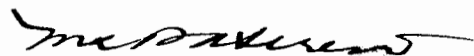
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice