



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MILAGROS
DORMIDO,

Petitioner,

MANOTOK

G.R. No. 198241

Present:

PERLAS-BERNABE, J.,
Chairperson,
REYES, A. JR.,
HERNANDO,
INTING, and
DELOS SANTOS, J.J.

-versus-

OFFICE OF THE OMBUDSMAN,
ROSELLER DE LA PEÑA,
ERNESTO ADOBO, JR.,
FELICITAS MANAHAN, and
ROSENDO MANAHAN,

Respondents.

Promulgated:

24 FEB 2020

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DECISION

HERNANDO, J.:

The Case

This is a Petition for *Certiorari*¹ under Rule 65 of the Rules of Court assailing the October 15, 2010² and March 21, 2011³ Orders of the Office of the Ombudsman (Ombudsman) in OMB-C-C-10-0379-I. The October 15, 2010 Order dismissed petitioner Milagros Manotok Dormido's (Dormido) Complaint-Affidavit⁴ (Complaint) against respondents Roseller de la Peña (De la Peña), Ernesto Adobo, Jr. (Adobo), and Felicitas Manahan and Rosendo Manahan (spouses Manahan) for violation of Republic Act (RA) No. 3019, or the Anti-Graft and Corrupt Practices Act, as amended. The March 21, 2011 Order denied Dormido's Motion for Reconsideration of the October 15, 2010 Order.

¹ *Rollo*, pp. 3-27.

² *Id.* at 33-36.

³ *Id.* at 28-32.

⁴ Records, pp. 2-8.

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The Facts

Involved in this case is Lot 823 of the Piedad Estate (Lot 823), a parcel of land located in Quezon City then covered by Transfer Certificate of Title (TCT) No. RT-22481 (372302). Dormido and the spouses Manahan had brought their respective disputing claims over Lot 823 before the Lands Management Bureau (LMB). At that time, Adobo was the LMB's OIC-Director of Lands.

Adobo sought the opinion of De la Peña, then Undersecretary for Legal Affairs of the Department of Environment and Natural Resources (DENR), on the matter.⁵ In response, De la Peña issued a Memorandum dated July 6, 2000⁶ (Memorandum), stating, among other matters, that the Office of the DENR Undersecretary was not in a position to question Adobo's factual conclusions as to the validity of Felicitas Manahan's claims of ownership over Lot 823, that the government no longer retains ownership thereof, and that the title to the said property supposedly held by Dormido's family, the Manotoks, was void *ab initio*.⁷ De la Peña also recommended in his Memorandum that it was ministerial upon the LMB to issue a deed of conveyance in favor of the spouses Manahan.⁸

On October 30, 2000, Adobo issued Deed of Conveyance No. V-200022⁹ conveying Lot 823 in favor of the spouses Manahan.

On August 16, 2010, aggrieved by the issuance of the Deed of Conveyance No. V-200022, Dormido filed a Complaint¹⁰ before the Ombudsman charging the respondents with conspiracy and violation of Section 3(e) in relation to Section 4(b) of RA 3019. She alleged that respondents disregarded the basis of her claims on Lot 823, particularly the existence of the Manotoks' titles thereto. She also posited that the validity of a Torrens title may only be questioned in a direct proceeding before the trial courts.

Ruling of the Ombudsman

In its October 15, 2010 Order,¹¹ the Ombudsman dismissed Dormido's Complaint, holding that while the Complaint charged respondents with violation of RA 3019, the main issue therein was who between the Manotoks and the spouses Manahan hold a valid title over the disputed property. Citing Section 19 of the Judiciary Reorganization Act of 1980 or *Batas Pambansa*

⁵ *Id.* at 13; July 6, 2000 Memorandum by respondent De la Peña as DENR Undersecretary for Legal Affairs.

⁶ *Id.* at 13-17.

⁷ *Id.* at 15-16.

⁸ *Id.* at 16.

⁹ *Id.* at 11-12.

¹⁰ *Id.* at 2-8.

¹¹ *Rollo*, pp. 33-36.

Bilang 129 (BP 129) and Section 20 of the Ombudsman Act of 1989 or RA 6770, the Ombudsman held that the regional trial courts and not the Ombudsman had jurisdiction over such civil actions involving the title to, or possession of, real property, or any interest therein.¹²

Dormido moved for reconsideration¹³ of the October 15, 2010 Order, arguing that Section 20 of RA 6770 does not apply to her Complaint, which was criminal in nature and not administrative. She also maintained that her Complaint alleged and charged respondents with violation of RA 3019, a matter which fell within the Ombudsman's prosecutorial power and primary jurisdiction. Dormido also claimed that contrary to the dispositions by the Ombudsman, she had no other adequate remedy before another judicial or quasi-judicial body.

In its March 21, 2011 Order,¹⁴ the Ombudsman denied Dormido's Motion for Reconsideration. It reasoned that the resolution of the issue of ownership of the disputed property was crucial in determining whether respondents Adobo and De la Peña violated Section 3(e) of RA 3019, and that since the Ombudsman has no jurisdiction to adjudicate who between the Manotoks or the spouses Manahan has a valid title over the property, the Complaint must be dismissed.

Dormido proceeds to Us *via* this Petition for *Certiorari*.

The Assignment of Error

The Court resolves whether the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing Dormido's criminal complaint against respondents for alleged violation of Section 3(e) of RA 3019.

The Court's Ruling

We dismiss the Petition.

Higher tribunals may disturb the findings of a fact-finding body and its ensuing conclusions upon a determination of grave abuse of discretion through the writ of *certiorari*. For *certiorari* to issue against the public officer, court, or tribunal complained of, the standard is:

[G]rave abuse of discretion is such "**capricious and whimsical exercise of judgment** as is equivalent to lack of jurisdiction, or [an] exercise of power in an **arbitrary and despotic** manner by reason of **passion or personal hostility**, or an exercise of judgment so **patent and gross as to amount to**

¹² *Id.* at 35, per October 15, 2010 Ombudsman Order.

¹³ Records, pp. 27-42.

¹⁴ *Rollo*, pp. 28-32.

an evasion of a positive duty or to a virtual refusal to perform the duty enjoined, or to act in a manner not at all in contemplation of law.”¹⁵
(Emphasis supplied)

The very basic prerequisite of a petition for *certiorari* is to allege the acts constituting grave abuse purportedly committed by the public officer, tribunal, or court. Also:

It is a fundamental aphorism in law that a review of facts and evidence is not the province of the extraordinary remedy of *certiorari*, which is *extra ordinem* — beyond the ambit of appeal. **In *certiorari* proceedings, judicial review does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof. It does not include an inquiry as to the correctness of the evaluation of evidence. Any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by *certiorari*.** An error of judgment is one which the court may commit in the exercise of its jurisdiction. An error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion, which is tantamount to lack or in excess of jurisdiction and which error is correctible only by the extraordinary writ of *certiorari*. ***Certiorari* will not be issued to cure errors of the trial court in its appreciation of the evidence of the parties, or its conclusions anchored on the said findings and its conclusions of law.** It is not for this Court to re-examine conflicting evidence, re-evaluate the credibility of the witnesses or substitute the findings of fact of the court a quo.¹⁶ (Emphasis supplied)

Dormido aims to overturn the factual findings and legal conclusions of the Ombudsman. She sums up the arguments presented in her Petition for *Certiorari* as follows:

The Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in dismissing [Dormido]’s complaint.

- a. The Ombudsman committed grave abuse of discretion **in relying on the *Ventura* case in dismissing the Complaint.**
- b. The Ombudsman committed grave abuse of discretion in **not finding that a *prima facie* case for violation of Section 3(e) of RA 3019 has been established** in this case.
- c. The Ombudsman committed grave abuse of discretion **in finding that the issue of ownership over Lot 823 is crucial to a finding of violation of Section 3(e) of RA 3019 and not finding that independent of the issue of ownership, the mere issuance of Deed of Conveyance No. V-2000-22 in favor of the Manahans despite the existence of a [T]orrens title in the name of the Manotoks gave an unwarranted benefit or advantage to the former, considering that: [(i)] it violated the proscription on**

¹⁵ *Office of the Ombudsman v. Heirs of Vda. De Ventura*, 620 Phil. 1, 11 (2009), citing *Velasco v. Commission on Elections*, 595 Phil. 1172, 1183 (2008).

¹⁶ *First Corporation v. Court of Appeals*, 553 Phil. 526, 540-541 (2007).

collateral attack against [T]orrens titles; [(ii)] it was an *ultra vires* act; and [(iii)] it was based on a stale sale certificate.¹⁷
(Emphasis supplied)

The foregoing does not allege errors of jurisdiction but errors of judgment. In gist, Dormido complains that Adobo and De la Peña, in the exercise of their official duties, gave the spouses Manahan an unwarranted benefit, and that despite *prima facie* showing of violation of Section 3(e) of RA 3019, the Ombudsman dismissed her Complaint. Such accusations against respondents, without more, cannot be seen as grave abuse of discretion amounting to an evasion of a positive duty. At most, these only express mere disagreement with the Ombudsman's judgment that do not proceed from grave abuse of discretion. Plainly, the Petition contained no allegations of the Ombudsman's supposed acts of grave abuse of discretion adequate to reverse the latter's pronouncements and indict respondents instead for the charges of graft and corruption.

Even if so alleged, there is no clear showing of arbitrariness on the part of the Ombudsman in dismissing Dormido's Complaint. We quote the relevant portions of the Ombudsman's October 15, 2010 Order claimed by Dormido to have been tainted by grave abuse of discretion:

This Office resolves to dismiss the present complaint as the complainant has an adequate remedy in another judicial body and [her] complaint pertains to a matter outside the jurisdiction of this Office.

Section 20 of Republic Act No. 6770, also known as the Ombudsman Act of 1989, reads:

“Section 20. Exceptions. – The Office of the Ombudsman may not conduct the necessary investigation of any administrative act or omission complained of if it believes that:

- (1) The complainant has an adequate remedy in another judicial or quasi-judicial body;**
- (2) The complaint pertains to a matter outside the jurisdiction of the Office of the Ombudsman[.]”**

Although the complainant charged the respondents with violation of RA 3019, as amended for issuing a new deed of conveyance to the Manahans despite the existence of the Manotok's titles, **the main issue in this case, however, is who between the Manotoks (including the complainant) and the Manahans has a valid title on Lot 823.** Evidently, this Office has no jurisdiction over such matter or issue. Under Section 19 of *Batas Pambansa* (B.P.) Blg. 129, the Regional Trial Courts shall exercise exclusive original jurisdiction in all civil actions which involve the title to,

¹⁷ *Rollo*, p. 10.

or possession of, real property, or any interest therein. Thus, the present complaint must be dismissed.¹⁸ (Emphasis supplied)

It also bears quoting the pertinent disquisitions of the Ombudsman on Dormido's Motion for Reconsideration:

The complainant argued that this Office erred in dismissing her complaint based on Section 20 of RA [6770]. She insisted that her complaint does not make out a civil case as it does not raise the issue on the title to or possession of Lot 823. Rather, it establishes the elements of violation of Section 3 (e) of RA 3019, as amended. The complainant went on to enumerate the elements of the offense charged, to wit: (1) respondents are public officers discharging administrative, judicial or official functions; (2) respondents caused undue injury to any party, including the government, or given any private party unwarranted benefits, advantage or preference, in the discharge [of their functions]; and (3) respondents acted with manifest partiality, evident bad faith or inexcusable negligence. She then argued that the public respondents violated this law when they issued or caused the issuance of Deed of Conveyance No. V-2000-22 in favor of the Manahans in total disregard of the existing Torrens Certificate of Title in the name of the Manotoks and an earlier issued deed of conveyance in the [Manotoks'] favor.

The complainant insisted that this is a case for violation of Section 3 (e) of RA 3019, as amended and not a civil case which involves the title to a real property. **The question however remains, how will this Office [arrive] at the conclusion that the complainant suffered undue injury or the public respondents gave unwarranted benefits to the Manahans when it cannot determine who among the Manotoks and the Manahans are the real owners of the questioned property? The resolution of the issue of ownership of the property involved is crucial in determining whether the public respondents indeed [violated] [S]ection 3(e) of RA 3019, as amended.** And since, this Office has no authority or jurisdiction to adjudicate who between the Manotoks or the Manahans have a valid title over the property, then the present complaint must be dismissed.

In *Office of the Ombudsman vs. Vda. De Ventura*, the Supreme Court sustained this Office's resolution provisionally dismissing a case against a Department of Agrarian Reform (DAR) officer x x x.¹⁹ (Emphasis supplied)

In dismissing the Complaint and denying the Motion for Reconsideration, the Ombudsman relied on the Ombudsman Act of 1989, cited relevant jurisprudence, and squarely applied the foregoing to the facts of the case at hand. This negates Dormido's allegation that grave abuse of discretion might have attended the Ombudsman's conclusions. Whether these determinations by the Ombudsman were correct or wrong is not remediable by *certiorari*. Whimsicality in the issuance of a decision, not accuracy, is the core of *certiorari* proceedings. An unfavorable evaluation of the evidence presented by a party will not be inquired into *via certiorari* unless it is shown

¹⁸ *Id.* at 35.

¹⁹ *Id.* at 29-30.

that it was done in an arbitrary manner by reason of passion, prejudice, or personal enmity.

Also, the Ombudsman's reliance on *Office of the Ombudsman v. Heirs of Vda. de Ventura*²⁰ (*Vda. de Ventura*) is not misplaced. While the factual circumstances in *Vda. de Ventura* are not entirely parallel to that of the instant case, both required a *prima facie* finding of an unwarranted benefit given to the party complained of. Here, records show that Adobo, as OIC-Director of Lands, granted the spouses Manahan Deed of Conveyance No. V-200022 upon formal investigation, hearings, and appreciation of the testimonies and evidence of the parties.²¹ With this, there were substantial legal and factual grounds to award the subject property to the spouses Manahan, and any allegation of unwarranted benefit against them appears premature at that point. As with *Vda. de Ventura*, the Ombudsman must await a reversal of the spouses Manahan's claims to the same before it may be established whether the benefit granted by the respondent public officers to the spouses Manahan was indeed unwarranted.²² Such determination rests now upon the trial courts and is not within the jurisdiction and competence of the Ombudsman. This is to avoid multiplicity of suits and prevent vexatious litigations, conflicting judgments, confusion between litigants and courts, and ensuring economy of time and effort for itself, for counsel, and for litigants.²³

Not that the actual and eventual ruling overturning the Manahans' apparent ownership over the disputed land bore any influence on the case at hand. A short timeline of the pertinent actions and issuances is in order:

October 30, 2000	Adobo issued Deed of Conveyance No. V-200022 in favor of the spouses Manahan
August 24, 2010	This Court promulgated <i>Manotok IV v. Heirs of Homer L. Barque</i> , ²⁴ (<i>Manotok IV</i>) G.R. Nos. 162335 and 162605, declaring Deed of Conveyance No. V-200022, among others, as null and void

The 2010 case of *Manotok IV v. Heirs of Homer L. Barque*²⁵ put to rest the long-standing questions of ownership over Lot 823 of the Piedad Estate, which is the very same piece of real property contemplated in the instant case. *Manotok IV* nullified all titles and claims to Lot 823 of the Piedad Estate,

²⁰ *Supra* note 15.

²¹ Records, p. 15; July 6, 2000 Memorandum by respondent De la Peña as DENR Undersecretary for Legal Affairs.

²² *Office of the Ombudsman v. Heirs of Vda. de Ventura*, *supra* note 15 at 11-12.

²³ *Id.* at 12.

²⁴ 643 Phil. 56 (2010).

²⁵ *Id.*

including TCT No. RT-22481 (372302) in the names of the Manotoks, a certain TCT No. 210177 in the name of one Homer L. Barque, and Deed of Conveyance No. V-200022 issued to Felicitas Manahan. Ultimately, *Manotok* declared the said land as part of the patrimonial property of the National Government.²⁶

This ruling, however, was issued almost 10 years after the issuance of Deed of Conveyance No. V-200022. Thus, the legal and factual bases for any unwarranted benefit have not yet accrued when Adobo issued Deed of Conveyance No. V-200022 in the Manahans' favor on October 30, 2000. Respondents' exoneration from the graft and corruption charges was only apt. Adobo only granted the Deed of Conveyance No. V-200022 upon prior and thorough evaluation of the facts at hand and the laws and jurisprudence presently applicable thereto. Grave abuse of discretion could have been held against the Ombudsman had it declared in its assailed Order that there was reasonable ground to indict respondents for violation of Section 3(e) of RA 3019 as so desired by Dormido, when facts and jurisprudence prevailing at the time of the issuance of Deed of Conveyance No. V-200022 clearly instructed otherwise.

The term *grave abuse of discretion* has, ironically, fallen victim to procedural abuse. As a last-ditch remedy to turn the odds to their favor, vengeful litigants resort to indiscriminate imputation of the term to the public officer that issued a verdict adverse to them, in manifest indifference to the soundness of its exercise or the frailty of their cause. Rules must not be stretched for personal retribution, or even if such purpose be pursued, it must have a solid grounding in fact and law. Such situation is not the case at hand.

WHEREFORE, the Petition for *Certiorari* is **DISMISSED**. The assailed October 15, 2010 and March 21, 2011 Orders of the Office of the Ombudsman in OMB-C-C-10-0379-I are **AFFIRMED**.

²⁶ *Id.* at 169; the dispositive portion of *Manotok IV v. Heirs of Homer L. Barque* reads:

WHEREFORE, the petitions filed by the Manotoks under Rule 45 of the 1997 Rules of Civil Procedure, as amended, as well as the petition-in-intervention of the Manahans, are *DENIED*. The petition for reconstitution of title filed by the Barques is likewise *DENIED*. TCT No. RT-22481 (372302) in the name of Severino Manotok IV, et al., TCT No. 210177 in the name of Homer L. Barque and Deed of Conveyance No. V-200022 issued to Felicitas B. Manahan, are all hereby declared *NULL and VOID*. The Register of Deeds of Caloocan City and/or Quezon City are hereby ordered to *CANCEL* the said titles. The Court hereby *DECLARES* that Lot 823 of the Piedad Estate, Quezon City, legally belongs to the NATIONAL GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, without prejudice to the institution of REVERSION proceedings by the State through the Office of the Solicitor General.


With costs against the petitioners.

SO ORDERED.


SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

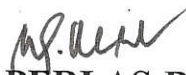

ANDRES B. REYES, JR.
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

ATTESTATION

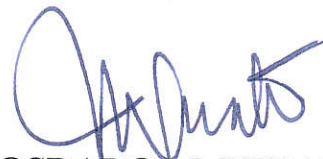
I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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 were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
Chief Justice