



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

<p>DOMINIC MELECIO TOLEDO, WILFREDO AGCAOILI, FERDINAND MUNSAYAC, TEDDY SEBASTIAN, MARIE TESS GASPAR, JAMES S. GALANG, CHRISTIAN J. ADINA,</p>	<p>M. J. H. J. B. B. B.</p>	<p>G.R. No. 249834 Present: PERALTA, C.J., <i>Chairperson,</i> CAGUIOA, CARANDANG, ZALAMEDA, and GAERLAN, JJ.</p>
<p>Petitioners,</p>		

- versus -

OFFICE OF THE OMBUDSMAN,
CESARIO D. GABRIEL and Promulgated:
ARNOLD B. BARENG,
 Respondents. **JAN 19 2021**

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DECISION

CARANDANG, J.:

Before this Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeking to reverse the Resolution² dated February 22, 2019 and the Resolution³ dated October 14, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 155974 dismissing the petition for *certiorari*⁴ filed

¹ *Rollo*, pp. 10-33.
² Penned by Associate Justice Sesonando E. Villon, with the concurrence of Associate Justices Edwin D. Sorongnon and Germano Francisco D. Legaspi; *id.* at 36-39.
³ Penned by Associate Justice Germano Francisco D. Legaspi, with the concurrence of Associate Justices Edwin D. Sorongnon and Ramon A. Cruz; *id.* at 47-49.
⁴ *Id.* at 135-146.

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by petitioners. The petition for *certiorari* assailed the Decision⁵ dated May 10, 2016 and Order⁶ dated February 19, 2018 of the Office of the Ombudsman in OMB-L-A-15-0268 finding the petitioners administratively liable for Grave Misconduct for falsifying Barangay Resolution No. 10, series of 2014 (Resolution No. 10) of Barangay Suyo (30-A), Laoag City and ordering their dismissal from public service with accessory penalties.⁷

Antecedents

Petitioners Dominic Melecio M. Toledo (Toledo), Wilfredo J. Agcaoili (Agcaoili), Ferdinand H. Munsayac (Munsayac), Teddy J. Sebastian (Sebastian), Jefferson R. Palting (Palting), Marie Tess B. Gaspar (Gaspar), James S. Galang (Galang), and Christian J. Adina (Adina) were officers of Barangay Suyo (30-A), Laoag City, along with private respondent Arnold B. Bareng (Bareng). Toledo was the Barangay Chairman while Agcaoili, Munsayac, Sebastian, Palting, Gaspar, Galang and Bareng were Barangay Councilors. Marinell R. Galang (Marinell) was the Barangay Treasurer and Adina was the appointed Barangay Secretary. Meanwhile, private respondent Cesario D. Gabriel (Gabriel) is a resident of their barangay and was the competitor of Toledo for the barangay chairmanship.⁸

Gabriel filed administrative complaints for grave misconduct against petitioners before the Office of the Ombudsman in relation to the alleged misappropriation of funds committed by petitioners. Gabriel averred that petitioners failed to explain the unauthorized or illegal use of the quarry fees and fees for fishing gadgets thus, he instituted the complaints for violation of Republic Act No. (R.A.) 3019 (Anti-Graft and Corrupt Practices Act) and for grave misconduct, docketed as OMB-L-A-14-0290 and OMB-L-A-14-0703, respectively. Petitioners offered in evidence in OMB-L-A-14-0703 Resolution No. 10, which according to Gabriel and Bareng is a falsified public document. However, these complaints are separate and independent from the case at hand.⁹

On the basis of Resolution No. 10, private respondents Gabriel and Bareng instituted another complaint for grave misconduct before the Office of the Ombudsman against the petitioners docketed as OMB-L-A-15-0268, which complaint is the subject matter of this case. They alleged that Resolution No. 10 entitled "*A Resolution Revoking Chapter IV. Service Fees Article A. Section 21. Imposition of Fee of Quarry Operators Amounting P50.00/Truck Load and Chapter V. Barangay Charges Article A. Rental Fee Under Sec. 26. Imposition of Fee of Fishing Gadgets of Barangay Ordinance No. 01 entitled Revenue Code of Barangay 30-A*" was falsified. Bareng avers that Resolution No. 10 is fake since no such resolution was passed during the session of the barangay council held on November 16, 2014. According to

⁵ Id. at 71-77.

⁶ Id. at 123-128.

⁷ Id. at 135-136.

⁸ Records, p. 18.

⁹ Id. at 21.

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Bareng, the signature beside his name as appearing in the minutes of the session was not his. Further, the main topic during the session was the accretion of a land in their barangay. They discussed whether the claimants have proof of ownership over the accretion and that the barangay needs to validate their proof of ownership.¹⁰

Consequently, a criminal complaint¹¹ for falsification and perjury was filed against petitioners by Gabriel before the Office of the City Prosecutor of Laoag City, which was dismissed for lack of probable cause.¹² The prosecutor therein ruled that the complainant failed to adduce sufficient evidence to support the complaint for falsification of a public document and perjury, thus the complaint must be dismissed.¹³ Respondent Gabriel filed another criminal complaint for falsification of public document against petitioners before the Office of the Ombudsman and the Graft Investigation and Prosecution Officer of the Office of the Deputy Ombudsman for Luzon found probable cause. The pertinent criminal case, which is related to this administrative case under review, was raffled to Regional Trial Court (RTC) of Laoag City, Branch 16, docketed as Criminal Case No. 17756-16.¹⁴

Petitioners argue that in the conduct of the proceedings for falsification of public document in Criminal Case No. 17756-16, Bareng admitted that the revocation on the collection of quarry fees was deliberated and approved during the barangay council sessions held on October 5, 2014 and November 16, 2014. The minutes of the October 5, 2014 session would show that Bareng even participated in the discussion.¹⁵

Ruling of the Office of the Ombudsman

On May 10, 2016, the Ombudsman found petitioners Toledo, Agcaoili, Munsayac, Sebastian, Palting, Gaspar, Galang, and Adina guilty of grave misconduct and ordered their dismissal from the service with accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examination. Meanwhile, Marinell Galang was acquitted.¹⁶

The Ombudsman held that petitioners falsified Resolution No. 10 by making it appear that the barangay council enacted and approved the said resolution. In addition, it gave credence to the sworn statement of Bareng that he was present during the barangay council's session held on November 16, 2014 and there was no mention at all about the passage and approval of Resolution No. 10.¹⁷

¹⁰ Id. at 18-19.
¹¹ Docketed as I-15-INV-15D-00091
¹² *Rollo*, pp. 172-173.
¹³ Records, pp. 77-79.
¹⁴ Id. at 86.
¹⁵ Id. at 95-98.
¹⁶ *Rollo*, pp. 74-75.
¹⁷ Id. at 73-74.

The Ombudsman noted that the minutes of November 16, 2014 session discussed the accretion and the barangay officials agreed to invite those who conducted the survey and to require claimants to present their evidence of ownership. There was no mention about the revocation of Section 21 and Section 26 of the Suyo Revenue Code nor was there a discussion on the passage of Resolution No. 10.¹⁸

Aggrieved, petitioners filed a Motion for Reinvestigation/Reconsideration arguing that there was no deliberate intent on their part to violate the law. The passage of the resolution was done to address the public clamor on the imposition of quarry fees and fees on fishing gadgets.¹⁹

To prove that Resolution No. 10 was deliberated upon, petitioners attached the minutes of their sessions on September 21, 2014,²⁰ October 5, 2014²¹ and November 16, 2014.²² It was during their October 5, 2014 session that the council made mention of the quarry fee collection and the need to pass an ordinance or resolution to revoke Section 21 (Imposing Quarry Fees) of the Suyo Revenue Code.²³

Petitioners submitted a Supplemental Motion for Reconsideration²⁴ attaching a copy of the Transcript of Stenographic Notes (TSN)²⁵ of the testimony of Bareng in Criminal Case No. 17756-16 before the RTC of Laoag City, Branch 16. In open court, Bareng admitted that he was present during the September 21, October 5, and November 16 sessions and that the revocation of Sec. 21 on quarry fee collection was mentioned during one of these sessions.²⁶ Lastly, petitioners argue that the barangay has no authority to impose quarry fees and fees on fishing gadgets as the power resides with the provincial government under the Local Government Code.²⁷

On February 19, 2018, the Ombudsman denied the Motion finding no error in its Decision.²⁸

Petitioners filed their petition for *certiorari*²⁹ under Rule 65 before CA.

Ruling of the Court of Appeals

On February 22, 2019 the CA dismissed the petition for *certiorari* since the petitioners availed of the wrong remedy.³⁰ The proper mode of appealing

¹⁸ Id.
¹⁹ Id. at 82.
²⁰ Id. at 83.
²¹ Id. at 84.
²² Id. at 85.
²³ Id. at 84-85.
²⁴ Id. at 92-95.
²⁵ Id. at 97-122.
²⁶ Id. at 93.
²⁷ Id. at 94.
²⁸ Id. at 127.
²⁹ Id. at 135-142.
³⁰ Supra note 2.



decisions of the Ombudsman in administrative cases is a petition for review under Rule 43 of the Revised Rules of Court.³¹

The CA noted that petitioners failed to pay the full docket and other lawful fees. Further, petitioners did not attach to their petition certified true copies of relevant documents.³²

Petitioners filed a Motion for Reconsideration³³ begging the CA for liberal application of the procedural rules and to consider their petition filed under Rule 43 of the Rules of Court.³⁴ They attached a check for the deficiency in the docket fees paid pleading honest mistake, not knowing that the docket fees have already been increased. They also attached certified true copies of the relevant documents listed by the CA.³⁵

On the merits, petitioners argue that there was no ground to hold them liable for grave misconduct because they did not falsify Resolution No. 10. To support their claim, petitioners attached the Order dated August 24, 2018 of the RTC in Criminal Case No. 17756-16 granting their Demurrer to Evidence and dismissing the case against them. In the Order, the RTC ruled that Resolution No. 10 was not falsified since the evidence show that Bareng actively participated in the deliberation and it was the intention of the council to pass a resolution revoking the collection of quarry fees. Further, Bareng admitted in open court that there are two ways to pass an ordinance or resolution are: (1) the votes cast are reflected in the minutes and the members sign the minutes; or (2) the votes cast are reflected in the ordinance or resolution itself and the Chairman and Secretary sign it.³⁶

In a Resolution³⁷ dated October 14, 2019, the CA denied the Motion for Reconsideration finding no sufficient and valid justification for the procedural error committed by petitioners.³⁸

Aggrieved, petitioners filed a petition for review on *certiorari*³⁹ before this Court.

On March 9, 2020, the Court directed the Clerk of Court of the CA, the Office of the Ombudsman and the RTC Branch 16 of Laoag City to elevate the complete records of Criminal Case No. 17756-16.⁴⁰

³¹ *Rollo*, pp. 36-37.
³² *Id.* at 38.
³³ *Id.* at 40-46.
³⁴ *Id.* at 41-42.
³⁵ *Id.* at 43-45.
³⁶ *Id.*
³⁷ *Supra* note 3.
³⁸ *Rollo*, p. 49.
³⁹ *Id.* at 10-33.
⁴⁰ *Id.* at 196.



Petitioner's Arguments

Petitioners admitted that ordinary appeal under Rule 43 of the Rules of Court was available to them and it was an honest mistake that a petition for *certiorari* under Rule 65 was resorted to. Thus, in its motion for reconsideration before the CA, it immediately complied with the requirements under Rule 43. Petitioners added that the resort to the special civil action of *certiorari* under Rule 65 was based on their belief that the Ombudsman committed grave abuse of discretion in issuing its Decision dated May 10, 2016 finding the petitioners guilty of grave misconduct and perpetually dismissing them from service.⁴¹

Petitioners cited the Order dated August 24, 2018 of the RTC finding that Resolution No. 10 was not falsified inasmuch as Bareng actively participated in the deliberation of the said resolution. They contend that the CA erred in dismissing their petition on procedural grounds without considering the merits of the case. Petitioners were not remiss in pointing out to the Ombudsman and the CA that the council conducted deliberations in relation to the passage of Resolution No. 10. Further, Bareng admitted in open court that he participated in the aforementioned deliberations. Thus, there was no basis to support the complaint for grave misconduct filed against them since Resolution No. 10 was not falsified.⁴²

Respondent's Arguments

Even without an order from this Court to file a comment, respondents merely stated that in the Joint Counter-Affidavit⁴³ and Verified Position Paper⁴⁴ of petitioners, they were insistent that the resolution was indeed approved and passed during the barangay council's session on November 16, 2014, which is belied by the minutes of the meeting held on that day.⁴⁵

Issues

The issues to be resolved are: (1) whether the Court of Appeals properly dismissed the Petition for *Certiorari* because it was the wrong mode of appeal; and (2) whether petitioners are administratively liable for grave misconduct.

Ruling of the Court

The petition is meritorious.

At the outset, the Court agrees with the CA that the proper mode of appeal on the Decision of the Ombudsman in an administrative case is Rule 43 of the Revised Rules of Court. Decisions, awards, final orders, or

⁴¹ Id. at 19-22.

⁴² Id. at 26-29.

⁴³ Id. at 58-59.

⁴⁴ Id. at 177-183.

⁴⁵ Id. at 59, 181-182.



resolutions of quasi-judicial bodies in the exercise of their quasi-judicial functions are appealable under Rule 43. Recourse to a special civil action of *certiorari* under Rule 65 of the Revised Rules of Court is a ground for dismissal for being the wrong remedy. However, the Court has allowed a recourse to a Rule 65 petition for *certiorari*, in certain exceptional cases, to wit: (a) when public welfare and the advancement of public policy dictates; (b) when the broader interest of justice so requires; (c) when the writs issued are null and void; or (d) when the questioned order amounts to an oppressive exercise of judicial authority.⁴⁶

In the case of *Tanenglian v. Lorenzo*,⁴⁷ the Court treated a petition for *certiorari* under Rule 65 as an appeal filed under Rule 43 despite the availability of appeal, late payment of appeal fee and the lapse of the 15-day appeal period. In that case, Lorenzo and 22 others filed a Petition for Redemption of Ancestral Land before the Regional Arbitrator against Tanenglian. The Regional Arbitrator ruled against Tanenglian and declared the lands under his name to be ancestral lands which were awarded to Lorenzo. Tanenglian questioned the decision of the Regional Arbitrator via petition for *certiorari* before the CA, which the CA dismissed for being the wrong mode of appeal. The Court ruled that due to the importance of the issues raised in the petition and what the petitioner stands to lose, justice would have been better served if the CA resolved the issues instead of dismissing the petition on procedural grounds. The Court therein held:

The Court has allowed some meritorious cases to proceed despite inherent procedural defects and lapses. This is in keeping with the principle that rules of procedure are mere tools designed to facilitate the attainment of justice and that strict and rigid application of rules which would result in technicalities that tend to frustrate rather than promote substantial justice must always be avoided. It is a far better and more prudent cause of action for the court to excuse a technical lapse and afford the parties a review of the case to attain the ends of justice, rather than dispose of the case on technicality and cause grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not a miscarriage of justice.⁴⁸

Similar to *Tanenglian*, petitioners herein availed of petition for *certiorari* under Rule 65 instead of a petition for review under Rule 43 to assail the decision of the Ombudsman, a quasi-judicial body, in their administrative case. They also filed their petition beyond the period of appeal under Rule 43. Akin to the Court's ruling in *Tanenglian*, We find that interest of justice will be better served if the petition will be given due course rather than deny it on procedural grounds particularly because the issues raised by the petitioners are important and deserve consideration. Further, petitioners have been imposed the penalty of dismissal from office with perpetual disqualification to run for public office and to take civil service examination.

⁴⁶ *Department of Education v. Cuanan*, 594 Phil. 451, 460 (2008).

⁴⁷ 573 Phil. 472 (2008).

⁴⁸ *Id.* at 489.

Time and again, this Court has exercised its power to suspend or relax the rules of procedure upon finding that its rigid application will result in obstruction rather than promotion of the interests of justice.⁴⁹ However, this power of the Court can only be resorted to in exceptional cases such as when the decision rendered was “legally erroneous,” “patently unjust,” or “potentially capable of causing unwarranted and irremediable injury or damage to the parties.” We rule that the Decision of the Ombudsman is patently unjust and caused unwarranted and irremediable injury to petitioners since they have not just been dismissed from office but also barred from seeking any public office or taking the civil service examination despite their innocence.

In this case, the Ombudsman in its Decision dated May 10, 2016 found petitioners administratively liable for grave misconduct and meted out the penalty of dismissal from service with accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examination. Petitioners contend that the Ombudsman committed grave abuse of discretion amounting to lack or excess of jurisdiction in finding them administratively liable for grave misconduct.⁵⁰

Upon judicious review of the records of the case, there is basis to overturn the findings of the Ombudsman and absolve the petitioners of their administrative liability. The basis for the complaint for grave misconduct against petitioners is the alleged falsification of Resolution No. 10. The Ombudsman relied on the sworn testimony of Bareng that the council did not deliberate on the revocation of Sections 21 and 26 of the Suyo Revenue Code and that he did not vote on the passage of Resolution No. 10.

However, upon review of the minutes of the other sessions of the council, the members discussed the revocation of the collection of quarry fees, to wit:

October 5, 2014

First Session

x x x x

Agcaoili: The Suyo Lake is a public land. That’s what we learned from the DENR when asked about it.

Bareng: To be amended.



⁴⁹ *AMA Computer College-Santiago City, Inc. v. Nacino*, 568 Phil. 465 (2008); *Hanjin Engineering and Construction Co., Ltd. v. Court of Appeals*, 521 Phil. 224 (2006); *Chua v. Santos*, 483 Phil. 392 (2004); *Metropolitan Manila Development Authority v. Jancom Environmental Corporation*, 425 Phil. 961 (2002).

⁵⁰ *Rollo*, pp. 74-75.

Captain: To be resolved and it will be specified what will be amended including the quarrying.

Galang: When asked before if we are allowed to ask payment in the quarrying they said no.

Bareng: It could be because they cannot blame us we do not know. We will follow what they told us.

Agcaoili: What shall we do then?

Galang: Revoke the quarrying.

Agcaoili: There should really be a resolution.

Galang: Working is not allowed without certification.

Agcaoili: Of course, it is not allowed without certification.

Captain: Who then? You, apo James being the one in charge in the appropriation, you will be the one to go and tell to Jeff Farinas about our request.

x x x x⁵¹

As a matter of fact, in the Order dated August 24, 2018 of the RTC in Criminal Case No. 17756-16, the RTC ruled that Resolution No. 10 was not falsified as evidenced by the afore-quoted portion of the minutes of the session held on October 5, 2014. There was actual deliberation on the revocation of collection of quarry fees and Bareng actively participated therein. Further, RTC concluded that it was the intention of the council to pass a resolution revoking the collection of quarry fees. We quote in part the findings of the RTC, to wit:

The prosecution's assertion that the assailed Barangay Resolution could not have been passed owing to the absence of deliberation of its passage reflected on the minutes of the meeting is of no moment to belie its adoption. To reiterate, Arnold Bareng categorically admitted that the assailed Resolution No. 10 Series of 2014 was passed and that the voting profile for its approval is reflected on the "ayes" and "nays" reflected on the resolution itself.

Furthermore, prosecution witness ARNOLD BARENG cannot be permitted to feign his ignorance and his participation on the passage of the assailed Barangay Resolution considering his categorical declarations that he participated in the deliberations of the amendments of the quarry fee during the regular sessions on 17 August 2014, 21 September 2014 and 05 October 2014, of which he himself agreed to the proposed amendments. (tsn Arnold Bareng, October 3, 2017 pp 20-21)

⁵¹ Records, pp. 415-416.



It should be emphasized that ARNOLD BARENG explained that the Barangay Secretary drafts the resolution on the basis of the minutes of the previous regular session approving the same, in which case the minutes referred to prior to the 16 November 2014 regular session is the session on October 5, 2014, where ARNOLD BARENG agreed to the amendment.⁵²

Thus, even if the revocation was not included in the list of Agenda in the minutes of the November 16 session, such fact will not make Resolution No. 10 a falsified public document.⁵³ RTC dismissed the falsification case against the petitioners for lack of sufficient evidence to prove their guilt beyond reasonable doubt.

Petitioners submitted before the Ombudsman and the CA the TSN of the testimony of Arnold Bareng in Criminal Case No. 17756-16 and the Order of the RTC dismissing the falsification case against them to support their claim that Resolution No. 10 was not falsified. Likewise, the minutes of the council sessions on September 21, October 5, and November 16, 2014 were submitted to the Ombudsman as proof that deliberations were made on the revocation of Sections 21 and 26 of the Suyo Revenue Code.

Despite all these substantial evidence to support their case, the Ombudsman ruled against petitioners and held them administratively liable for grave misconduct. We hold that the Ombudsman erred in not considering the totality of evidence submitted by the parties and in focusing solely on the evidence of private respondents Gabriel and Bareng to support its decision.

To be held liable for an administrative charge, substantial evidence must be proven or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. To the mind of the Ombudsman, the sworn testimony of Bareng and the minutes of the November 16, 2014 session were sufficient to find petitioners administratively liable for grave misconduct in falsifying a public document.

However, the Ombudsman failed to consider other evidence submitted by the petitioners to support their claim that Resolution No. 10 was not a falsified public document. As admitted by Bareng in Criminal Case No. 17756-16, the council deliberated the revocation of collection of quarry fees during one of its sessions. Further, he admitted that an ordinance or resolution of the barangay can be passed in two methods: (1) the votes cast will be reflected in the minutes, signed by the participating members and the Secretary will prepare the ordinance or resolution based from those votes; or (2) the votes cast will be reflected in the ordinance or resolution itself showing the ayes/nays and the Secretary will prepare the draft and the Chairman will certify it. Any of these two methods is a valid way of enacting an ordinance or resolution. As shown in Resolution No. 10, petitioners adopted the second

⁵² CA *rollo*, p. 111

⁵³ *Id.* at 113.

method and reflected their votes in the resolution itself as prepared by Secretary Adina and certified by Chairman Toledo.

Under the Revised Penal Code, acts of falsification by a public officer include the following:

- a. Counterfeiting or imitating any handwriting, signature or rubric;
- b. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
- c. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
- d. Making untruthful statements in a narration of facts;
- e. Altering true dates;
- f. Making any alteration or intercalation in a genuine document which changes its meaning;
- g. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such copy a statement contrary to, or different from, that of the genuine original; or
- h. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book.⁵⁴

None of these acts is present in the case. It was clearly established that the barangay council conducted a deliberation about the revocation of the collection of quarry fees on October 5, 2014 and the Secretary prepared a resolution based on the minutes of that session, which was Resolution No. 10. The formal issuance of Resolution No. 10 was done on November 16, 2014 reflecting the ayes/nays of the members as prepared by the Secretary and certified by the Chairman. This is a parliamentary process practiced by the barangay since the term of Bareng as Barangay Chairman, which he did not contest. To reiterate, Bareng cannot deny the fact that he participated in the deliberations on October 5, 2014 and even acceded to the recommendation that a resolution is needed to revoke the provision on collection of quarry fees. Thus, there is no falsification of a public document committed by the petitioners, as correctly held by the RTC. Consequently, the complaint for grave misconduct must be dismissed because it was filed on the basis of the alleged falsification of Resolution No. 10.

Therefore, we hold that the petitioners cannot be held liable for grave misconduct, as described and defined by case law as:

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the

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REVISED PENAL CODE, Article 171.



public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.⁵⁵

There was no falsification of public document. There was no wrongful intent on the part of the petitioners in enacting Resolution No. 10 as they did so only to address the public clamor against the imposition of quarry fees and fees on fishing gadgets. Furthermore, they were informed that the barangay does not have the authority to impose quarry fees as that power is lodged with the provincial government in accordance with the Local Government Code. As stated by the petitioners, they were merely following the law.

All told, the petitioners were merely performing their duties in accordance with law when they passed Resolution No. 10. Thus, they must not be administratively disciplined for grave misconduct which requires a finding that there was wrongful intent to violate the law or failure to discharge their duties, and there was none in this case.

WHEREFORE, the petition is **GRANTED**. The Decision dated May 10, 2016 and the Order dated February 19, 2018 of the Office of the Ombudsman in OMB-L-A-15-0268 finding petitioners Dominic Melecio M. Toledo, Wilfredo J. Agcaoili, Ferdinand H. Munsayac, Teddy J. Sebastian, Jefferson R. Palting, Marie Tess B. Gaspar, James S. Galang, and Christian J. Adina administratively liable for Grave Misconduct are **REVERSED** and **SET ASIDE**. The complaint for Grave Misconduct against petitioners is **DISMISSED**.

SO ORDERED.


ROSALIND D. CARANDANG
Associate Justice

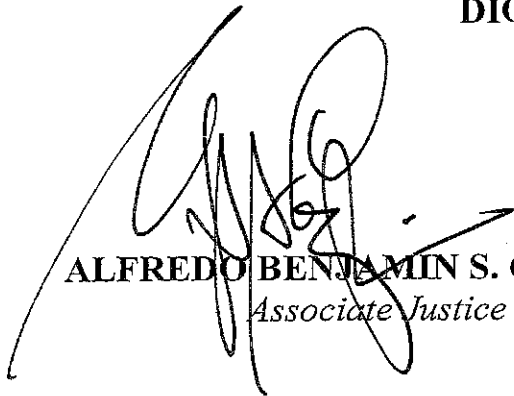
⁵⁵ *Commission on Elections v. Mamalinta*, 807 Phil. 304, 311 (2017), citing *Office of the Court Administrator v. Viesca*, 758 Phil. 16 (2015).

WE CONCUR:



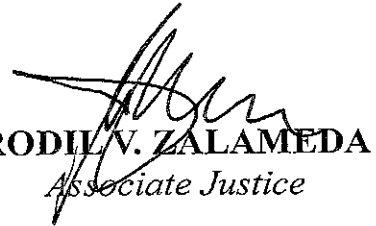
DIOSDADO M. PERALTA

Chief Justice



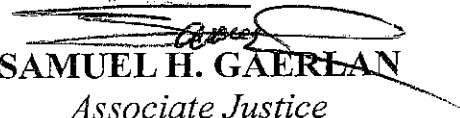
ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



RODIL V. ZALAMEDA

Associate Justice

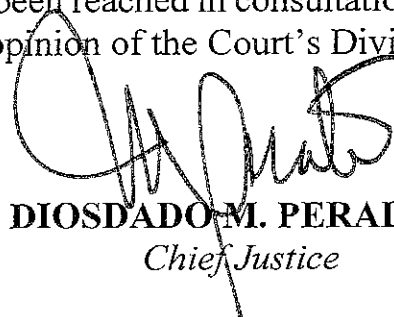


SAMUEL H. GAERLAN

Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA

Chief Justice