



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**COMMISSIONER CECILIA  
 RACHEL V. QUISUMBING,**

*Petitioner,*

**G.R. No. 214407**

Present:

- versus -

**EXECUTIVE SECRETARY  
 PAQUITO N. OCHOA, OFFICE  
 OF THE PRESIDENT, and  
 CHAIRPERSON LORETTA ANN  
 P. ROSALES, COMMISSION OF  
 HUMAN RIGHTS,**

*Respondents.*

PERALTA, C.J.,  
 CAGUIOA,  
 CARANDANG,  
 ZALAMEDA, and  
 GAERLAN, JJ.

Promulgated:

**MAR 03 2021** *mitutaw*

X-----X

**DECISION**

**GAERLAN, J.:**

**The Case**

This is a Petition for *Certiorari* or Prohibition<sup>1</sup> under Rule 65 of the Rules of Court which seeks to set aside the following issuances: (1) the September 24, 2014 Memorandum<sup>2</sup> issued by respondent Paquito N. Ochoa (Secretary Ochoa), in his capacity as then Executive Secretary; and (2) Memorandum No. LAPR-M-01J142930<sup>3</sup> dated October 1, 2014, issued by respondent Loretta Ann P. Rosales (Chairperson Rosales), in her capacity as then Chairperson of the Commission on Human Rights (CHR). The assailed issuances implemented the Office of the Ombudsman's August 28, 2014 Joint Resolution<sup>4</sup> in OMB-C-A-13-0334 and OMB-C-A-14-0009, which imposed on petitioner Cecilia Rachel V. Quisumbing the penalty of dismissal from government service.

<sup>1</sup> Rollo, pp. 3-21.

<sup>2</sup> Id. at 22.

<sup>3</sup> Id. at 23.

<sup>4</sup> Id. at 64-86. Signed by Graft Investigation and Prosecution Officer I Jasmine Ann B. Gapatan and approved by Ombudsman Conchita Carpio Morales.

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### The Facts

On October 9, 2013, petitioner Cecilia Rachel V. Quisumbing (Quisumbing), then a Commissioner of the CHR, was administratively charged with Direct Bribery, Grave Misconduct, violation of Sections 3(b), (c), and (e) of Republic Act (R.A.) No. 3019,<sup>5</sup> and violation of Section 7(d) of R.A. No. 6713.<sup>6</sup> The charges stemmed from several complaint-affidavits filed by members of her staff, namely Ma. Regina D. Eugenio (Eugenio), Elizabeth Diego-Buizon (Buizon), Alexander B. Fernandez (Fernandez), and Jesse K. Ayuste (Ayuste) (hereinafter referred to collectively as the complainants).

According to the complainants, Quisumbing was often cruel, imperious, and disrespectful to her staff. Quisumbing had a tendency to scream at her staff whenever she was addressed incorrectly or her instructions were not followed to the letter.<sup>7</sup> Furthermore, Quisumbing would sometimes issue illegal or improper orders to her staff, *e.g.*, she ordered Eugenio to falsify the total number of undistributed T-shirts made for the celebration of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, and ordered her staff to turn over their salary ATM cards to her.<sup>8</sup>

Eugenio further alleged that Quisumbing offered her a promotion, on the condition that her responsibilities would remain the same; and that Quisumbing would receive and keep the amount of the resultant salary differential as part of the "CRVQ Office Fund." Upon Quisumbing's orders, Eugenio drafted an agreement to that effect but did not sign thereon. The promotion pushed through and Eugenio gave Quisumbing her salary differential for January to July 2013, as shown by acknowledgment receipts.<sup>9</sup>

Buizon, Fernandez, and Ayuste accused Quisumbing of several office oppressions, irregularities and abuses, such as shouting at her staff for failing to buy her correct lunch order; sending her staff on non-office-related errands; using government vehicles and chauffeurs for personal trips to dermatology

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<sup>5</sup> Otherwise known as the Anti-Graft and Corrupt Practices Act.

<sup>6</sup> Otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.

<sup>7</sup> *Id.* at 67-68, 71-72. According to Eugenio, Quisumbing trained her to answer in a scripted fashion to certain questions, *viz.*:

*Q: Sino ba ang magaling dito sa CHR? A: Kayo (referring to Quisumbing) po.*

*Q: Sino ba ang matalino sa CHR? A: Kayo po.*

*Q: Sino ba ang maraming ginagawa at pagod na pagod sa CHR? A: Kayo po.*

*Q: Sino ang pumipirma ng DTR (Daily Time Record)? A: Kayo po.*

*Q: Sino ang nagpapasweldo? A: Kayo po.*

*Q: Sino ba dito sa CHR ang hindi nagkakakama? A: Kayo po.*

*Q: Si Comm. Maning ba magaling sa computer? A: Hindi po.*

*Q: Si Comm. Mavic magaling ba? A: Hindi rin po.*

*Q: Kaya nyo ba kausapin ang Presidente? A: Hindi po.*

<sup>8</sup> *Id.* at 67-69.

<sup>9</sup> *Id.* at 69-70.

clinics, social clubs, malls, and cinemas; falsifying daily time records; and hiring ghost employees.<sup>10</sup>

On February 14, 2014, the Ombudsman placed Quisumbing on preventive suspension for six months pending investigation.<sup>11</sup> Quisumbing filed her counter-affidavit, claiming that the allegations against her were fabrications by the complainants who were disgruntled members of her staff with a propensity for dishonesty and insubordination. She also denied being cruel and oppressive to her staff, claiming that she was merely reprimanding and criticizing her staff with justifiable bases; and attributed her increased irritability as a side effect of her treatment for fibromyalgia. She also denied Eugenio's allegations regarding pocketing the latter's salary differential and taking of her staff's salary ATM cards. However, she admitted to maintaining an office fund for the benefit of the whole office staff.<sup>12</sup>

After a further exchange of pleadings, the Ombudsman rendered the aforementioned August 28, 2014 Joint Resolution. The anti-corruption agency found probable cause to indict Quisumbing for direct bribery under the Revised Penal Code, violation of R.A. No. 3019, and violation of R.A. No. 6713.<sup>13</sup> On the administrative aspect, the Ombudsman found Quisumbing guilty of grave misconduct and violation of Section 7(d) of R.A. No. 6713.<sup>14</sup> Quisumbing admitted that she proposed and caused the execution of the written agreement stipulating that Eugenio's salary differential would be remitted to her as part of the "CRVQ Office Fund." Her admission is further substantiated by the acknowledgment receipts showing that she had indeed received a total amount of ₱41,292.85 in salary differentials from Eugenio, the authenticity of which was not disputed.<sup>15</sup> All told, the Ombudsman found that there was substantial evidence to prove Eugenio's allegation that Quisumbing demanded and received the former's salary differential.<sup>16</sup> This act constitutes a violation of R.A. No. 6713, Section 7(d) and is also tantamount to grave misconduct. Not only did Quisumbing commit a deliberate violation of a legal rule, but she also used her office to obtain funds for her own personal benefit. The Ombudsman gave short shrift to Quisumbing's claim that the funds were for the benefit of her staff, as she

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<sup>10</sup> Id. at 71-72.

<sup>11</sup> Id. at 72.

<sup>12</sup> Id. at 74-76.

<sup>13</sup> Id. at 76-82.

<sup>14</sup> SECTION 7. Prohibited Acts and Transactions. — In addition to acts and omissions of public officials and employees now proscribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful: (d) Solicitation or acceptance of gifts. — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

<sup>15</sup> Id. at 83.

<sup>16</sup> Id.

admitted to keeping the same in her office.<sup>17</sup> In view of these findings, the Ombudsman meted on Quisumbing the penalty of dismissal from government service, with the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual disqualification from re-employment in the government.<sup>18</sup>

Aggrieved, Quisumbing filed a Motion for Reconsideration<sup>19</sup> on September 15, 2014. On September 24, 2014, Secretary Ochoa issued the first assailed Memorandum directing Chairperson Rosales to implement the Ombudsman's August 28, 2014 Resolution. The Memorandum reads:

TO: CHAIRPERSON LORETTA ANN P. ROSALES  
Commission on Human Rights

SUBJECT: OMBUDSMAN JOINT RESOLUTION DATED 28  
AUGUST 2014

DATE: 24 September 2014

In compliance with the aforementioned Joint Resolution of the Office of the Ombudsman in the cases docketed as OMB-C-C-13-0354 and OMB-C-A-13-0334 (*MA. REGINA D. EUGENIO v. CECILIA RACHEL V. QUISUMBING, Salary Grade 30, Commissioner, Commission on Human Rights*) and OMB-C-C-14-0011 and OMB-C-A-14-0009 (*MA. REGINA D. EUGENIO, ELIZABETH DIEGO-RUIZON, ALEXANDER B. FERNANDEZ and JESSE K. AYUSTE vs. CECILIA RACHEL V. QUISUMBING, Salary Grade 30, Commissioner, Commission on Human Rights*), you are hereby directed to **DISMISS** Commissioner Cecilia Rachel V. Quisumbing from the service with imposition of all its accessory penalties.

Please submit to the Office, within five (5) days from receipt thereof, your compliance to this directive.

(Signed)  
PAQUITO N. OCHOA, JR.<sup>20</sup>

In compliance with the foregoing directive, Chairperson Rosales issued the second assailed memorandum, which reads:

FOR : COMM. CECILIA RACHEL V. QUISUMBING  
SUBJECT : ORDER OF DISMISSAL FROM SERVICE  
DATE : 01 October 2014

<sup>17</sup> Id. at 84.

<sup>18</sup> Id. at 86.

<sup>19</sup> Id. at 9, 24-37.

<sup>20</sup> Id. at 22.

Pursuant to its Joint Resolution dated 28 August 2014 in cases docketed as OMB-C-C-13-0354 and OMB-C-A-13-0334 (Eugenio vs. Quisumbing) and OM-C-C-14-0011 and C-A-0009 (Eugenio, et al. vs. Quisumbing), the Office of the Ombudsman found you guilty of violating Section 7 (d) of R.A. No. 6713 and Grave Misconduct and meted the penalty of DISMISSAL from the service, including all its accessory penalties of (a) cancellation of eligibility, (b) forfeiture of retirement benefits and (c) disqualification for re-employment in the government service.

In view of the said Joint Resolution of the Office of the Ombudsman, the Office of the President through a Memorandum from the Executive Secretary dated 24 September 2014 directed the undersigned to dismiss you from the service with imposition of all its accessory penalties.

WHEREFORE, in compliance with the foregoing Joint Resolution of the Office of the Ombudsman and Directive from the Office of the President, you are hereby DISMISSED from the service as Commissioner of the Commission on Human Rights effective immediately.

(Signed)  
LORETTA ANN P. ROSALES<sup>21</sup>

On October 14, 2014, Quisumbing filed the present petition. Subsequently, the CHR and the Solicitor General (on Secretary Ochoa's behalf) filed their respective comments.<sup>22</sup> On November 11, 2014, the Office of the Ombudsman issued a Joint Order denying Quisumbing's September 15, 2014 motion for reconsideration.<sup>23</sup>

### The Issue

The sole issue distillable from the grounds raised by the petition<sup>24</sup> is whether or not respondents committed grave abuse of discretion amounting to lack or excess of jurisdiction when they implemented Quisumbing's dismissal despite the pendency of her motion for reconsideration with the Office of the Ombudsman.

Quisumbing argues that the assailed resolutions trample upon the constitutional powers and independence of the CHR and the Office of the Ombudsman. Citing the case of *Bautista v. Salonga*,<sup>25</sup> Quisumbing asserts that the assailed memoranda constitutes an "undue executive control or interference" upon the constitutional independence of the CHR.<sup>26</sup>

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<sup>21</sup> Id. at 23.

<sup>22</sup> Id. at 105-111, 126-134.

<sup>23</sup> Id. at 138-167; signed by Graft Investigation and Prosecution Officer I Jasmine Ann B. Gapatan and approved by Ombudsman Conchita Carpio Morales.

<sup>24</sup> Id. at 10.

<sup>25</sup> 254 Phil. 156 (1989).

<sup>26</sup> *Rollo*, pp. 11-15.

Furthermore, the assailed memoranda usurp the Ombudsman's "sole prerogative" to order the immediate implementation of its decisions. Quisumbing claims that under Office of the Ombudsman Administrative Order (A.O.) No. 17, the immediate executory effect of the Ombudsman's decisions applies only to appeals, and not to motions for reconsideration. Since the Ombudsman did not issue an order to implement its August 28, 2014 resolution, the immediate implementation thereof through the assailed memoranda, pending the resolution of Quisumbing's motion for reconsideration, was an undue encroachment upon the Ombudsman's power to enforce its own rulings.<sup>27</sup>

Respondents counter that the assailed memoranda were issued pursuant to the President's disciplinary authority over the CHR. Although the CHR is a constitutionally created independent office, it was not placed on the same footing as the other Constitutional Commissions. Consequently, unlike the other Constitutional Commissions, the chairperson and members of the CHR are not impeachable officers and are therefore under the jurisdiction of the Ombudsman. Moreover, since they are appointed by the President, they are likewise under the direct disciplining authority of the President; and the Executive Secretary, as the President's alter ego, has the power to issue a memorandum to implement the Ombudsman's August 28, 2014 resolution.<sup>28</sup> The constitutional independence of the CHR is only meant to shield it from presidential pressure or influence, but not from presidential disciplinary authority.<sup>29</sup> Furthermore, under the Rules of Procedure of the Office of the Ombudsman and applicable jurisprudence, there is no difference between a motion for reconsideration and an appeal insofar as their effect on the immediate execution of the Ombudsman's decisions is concerned.<sup>30</sup> Consequently, the Ombudsman has directed all heads of departments, bureaus, offices, and agencies under its jurisdiction to immediately implement its decisions upon receipt thereof.<sup>31</sup> Likewise, the issue has been rendered moot and academic by the Ombudsman's denial of Quisumbing's motion for reconsideration from which the only remedy is an appeal to the Court of Appeals which, as admitted by Quisumbing, is not a bar to the immediate implementation of her dismissal from government service.<sup>32</sup>

### **The Court's Ruling**

The petition has no merit.

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<sup>27</sup> Id. at 15-17.

<sup>28</sup> Id. at 105-107.

<sup>29</sup> Id. at 108.

<sup>30</sup> Id. at 130-131.

<sup>31</sup> Id. at 131-132.

<sup>32</sup> Id. at 132.

The OMB is a constitutional body tasked with the prevention, investigation, and prosecution of corruption in the government. Among the powers given to it by the Constitution is the power to promulgate its own rules of procedure.<sup>33</sup> This power is further specified in Section 18 of R.A. No. 6770 (the Ombudsman Act). Likewise, the binding effect of the Ombudsman's decisions is described in Section 27 of the Ombudsman Act.

Pursuant to these provisions, the Ombudsman promulgated its Rules of Procedure.<sup>34</sup> Rule III, Section 7 thereof provides:

**SEC. 7. Finality of decision.** — Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one-month salary, the decision shall be final and unappealable. In all other cases, the decision shall become final after the expiration of ten (10) days from receipt thereof by the respondent, unless a motion for reconsideration or petition for *certiorari* shall have been filed by him as prescribed in Section 27 of R.A. No. 6770.

This provision was amended thrice. On July 31, 2000, A.O. No. 14-00<sup>35</sup> added a second paragraph:

**Section 7. Finality and execution of decision.** — Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one-month salary, the decision shall be final and unappealable. In all other cases, the decision may be appealed within ten (10) days from receipt thereof, unless a motion for reconsideration or petition for *certiorari* shall have been filed by the respondent, as prescribed in Section 27 of R.A. No. 6770.

An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins such appeal and shall be paid his salary and such other emoluments during the pendency of the appeal.

Less than a month later, A.O. No. 14-A-00<sup>36</sup> was issued. With the amendments introduced thereby, the provision now read:

**Sec. 7. Finality and execution of decision.** — Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one-month salary, the decision shall be final and

<sup>33</sup> CONSTITUTION, Article XI, Section 13(8).

<sup>34</sup> Ombudsman Administrative Order No. 07, April 10, 1990. Published in 99 Official Gazette (No. 4) 6869 (2003) and in 14 National Administrative Register (No. 3) 1583 (2003).

<sup>35</sup> Published in 99 Official Gazette (No. 44) 6878 (2003).

<sup>36</sup> Published in 99 Official Gazette (No. 44) 6879 (2003).

unappealable. In all other cases, the decision may be appealed within ten (10) days from receipt of the written notice of the decision or order denying the motion for reconsideration.

An appeal shall not stop the decision from being executory. In case the penalty is suspension or removal and the respondent wins such appeal, he shall be considered as having been under preventive suspension and shall be paid the salary and such other emoluments that he did not receive by reason of the suspension or removal.

In 2003, Rule III of the Ombudsman Rules of Procedure was amended in its entirety by A.O. No. 17, series of 2003.<sup>37</sup> This amendment is the current version in effect. It reads:

**SEC. 7. Finality and Execution of Decision.** — Where the respondent is absolved of the charge, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one-month salary, the decision shall be final, executory and unappealable. In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice of the Decision or Order denying the Motion for Reconsideration.

An appeal shall not stop the decision from being executory. In case the penalty is suspension or removal and the respondent wins such appeal, he shall be considered as having been under preventive suspension and shall be paid the salary and such other emoluments that he did not receive by reason of the suspension or removal.

**A decision of the Office of the Ombudsman in administrative cases shall be executed as a matter of course.** The Office of the Ombudsman shall ensure that the decision shall be strictly enforced and properly implemented. The refusal or failure by any officer without just cause to comply with an order of the Office of the Ombudsman to remove, suspend, demote, fine, or censure shall be a ground for disciplinary action against said officer. (Emphasis and underlining ours)

On April 11, 2006, the Ombudsman issued Memorandum Circular No. 1, series of 2006, which explicitly states that “[t]he filing of a motion for reconsideration or a petition for review before the Office of the Ombudsman does not operate to stay the immediate implementation of the foregoing Ombudsman decisions, orders or resolutions.” Consequently, the immediate implementation of the Ombudsman’s dismissal orders during the pendency of a motion for reconsideration has been upheld thrice by the Supreme Court. In *Villaseñor, et al. v. Ombudsman, et al.*,<sup>38</sup> the Court ruled that a dismissal order

<sup>37</sup> Published in 99 Official Gazette (No. 44) 6880 (2003) and in 14 National Administrative Register (No. 3) 1594 (2003).

<sup>38</sup> 735 Phil. 409 (2014).

from the Ombudsman is executory even pending reconsideration. The Court said:

[P]etitioner Villaseñor's filing of a motion for reconsideration does not stay the immediate implementation of the Ombudsman's order of dismissal, considering that "a decision of the Office of the Ombudsman in administrative cases shall be executed as a matter of course" under Section 7 [of Rule III of the Rules of Procedure of the Office of the Ombudsman, as amended by A.O. No. 17]. As already explained, no vested right of Villaseñor would be violated as he would be considered under preventive suspension, and entitled to the salary and emoluments he did not receive in the event that he wins his eventual appeal.<sup>39</sup> (Citations omitted)

In *Cobarde-Gamallo v. Escandor*,<sup>40</sup> the respondent public officer assailed the Ombudsman's order directing the immediate implementation of his dismissal despite the pendency of his motion for reconsideration through *certiorari* and preliminary injunction. The CA enjoined the Ombudsman from enforcing the penalty of dismissal until after the latter's decision becomes final and executory. Echoing *Villaseñor*, the Court held:

[The decision imposing the penalty of dismissal on Escandor] is immediately executory even pending appeal or in his case even pending his motion for reconsideration before the OMB as that is the clear mandate of Section 7, Rule III of the OMB Rules of Procedure, as amended, as well as the OMB's MC No. 01, Series of 2006. As such, Escandor's filing of a motion for reconsideration does not stay the immediate implementation of the OMB's order of dismissal since "a decision of the [OMB] in administrative cases shall be executed as a matter of course" under the afore-quoted Section 7.

Further, in applying Section 7, there is no vested right that is violated as the respondent in the administrative case is considered preventively suspended while his case is on appeal and, in the event he wins on appeal, he shall be paid the salary and such other emoluments that he did not receive by reason of the suspension or removal. To note, there is no such thing as a vested interest in an office, or even an absolute right to hold office. x x x Hence, no vested right of Escandor would be violated as he would be considered under preventive suspension and entitled to the salary and emoluments that he did not receive, by reason of his dismissal from the service, in the event that his Motion for Reconsideration will be granted or that he wins in his eventual appeal.<sup>41</sup> (Citations omitted)

The Court went on to rule that given the Ombudsman's constitutional and statutory power to promulgate, amend, and modify its rules of procedure, the CA cannot enjoin the implementation of decisions rendered by the

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<sup>39</sup> Id. at 419.

<sup>40</sup> 811 Phil. 378 (2017).

<sup>41</sup> Id. at 386-387.

Ombudsman when the latter's rules clearly and specifically sanction the immediate implementation thereof.<sup>42</sup>

In *Lee v. Sales, et al.*,<sup>43</sup> despite his pending motion for reconsideration, the dismissed public officer was directed by his superior "to turn over all government assets and documents to the head office, transfer his accountabilities, and surrender his identification card to the Human Resource Management Unit x x x."<sup>44</sup> He was, likewise, "prohibited from reporting to the office, representing the office, instructing staff members on official matters, and signing any documents x x x."<sup>45</sup> He, thus, filed a petition for injunction and/or prohibition with the trial court, which was denied. On recourse to this Court, it was categorically held that "[a] pending motion for reconsideration of a decision issued by the Office of the Ombudsman does not stay its immediate execution. This is clear under the rules of the Office of the Ombudsman and our jurisprudence."<sup>46</sup> The Court further said:

Both [A.O.] No. 17 and Memorandum Circular No. 01, Series of 2006 were issued by the Ombudsman, an independent Constitutional office, pursuant to its rule-making power under the 1987 Constitution and [R.A.] No. 6770 to effectively exercise its mandate to investigate any act or omission of any public official, employee, office, or agency, when this act or omission appears to be illegal, unjust, improper, or inefficient. For this Court to not give deference to the Ombudsman's discretion would be to interfere with its Constitutional power to promulgate its own rules for the execution of its decisions.<sup>47</sup>

The jurisprudence is clear: a motion for reconsideration does not stay the immediate implementation of a dismissal order (or any decision in an administrative case for that matter) issued by the Ombudsman. There is no difference between an appeal and a motion for reconsideration insofar as their effect on the immediate implementation of the assailed order is concerned. The Ombudsman Act and the Ombudsman Rules of Procedure expressly allow the filing of a motion for reconsideration from decisions of the Ombudsman in administrative cases. What the Ombudsman Rules proscribe, however, is the stay of the execution of such decisions pending reconsideration and appeal. Rule III, Section 7 of the Ombudsman Rules states in part that "[a] decision of the Office of the Ombudsman in administrative cases shall be executed as a matter of course." The operative phrase in this sentence is "*matter of course*," which has been defined as "[s]omething done as a part of a routine process or procedure."<sup>48</sup> Stated

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<sup>42</sup> Id. at 388.

<sup>43</sup> G.R. No. 205294, July 4, 2018.

<sup>44</sup> Id.

<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> Id.

<sup>48</sup> Black's Law Dictionary (9<sup>th</sup> ed.), p. 1068.

differently, the execution of decisions of the Ombudsman in administrative cases shall be made part and parcel of standard procedure, regardless of the availment of remedies therefrom. Memorandum Circular No. 01, series of 2006 merely serves to clarify this rule. The reason for this rule, which, it must be reiterated, is rooted in the uniquely important function and wide-reaching powers of the Ombudsman, is stated in *Lee* as follows:

The Ombudsman is the Constitutional body tasked to preserve the integrity of public service, and must be beholden to no one. To uphold its independence, this Court has adopted a general policy of non-interference with the exercise of the Ombudsman of its prosecutorial and investigatory powers. The execution of its decisions is part of the exercise of these powers to which this Court gives deference.

Further, after a ruling supported by evidence has been rendered and during the pendency of any motion for reconsideration or appeal, the civil service must be protected from any acts that may be committed by the disciplined public officer that may affect the outcome of this motion or appeal. The immediate execution of a decision of the Ombudsman is a protective measure with a purpose similar to that of preventive suspension, which is to prevent public officers from using their powers and prerogatives to influence witnesses or tamper with records.<sup>49</sup>

In the case at bar, the assailed memoranda are based on the Ombudsman's August 28, 2014 Joint Resolution which imposed the penalty of dismissal from the service on Quisumbing. Moreover, Quisumbing does not dispute the Ombudsman's jurisdiction over her position as CHR Commissioner. As demonstrated above, the Ombudsman's Joint Resolution is immediately executory, despite the pendency of Quisumbing's motion for reconsideration. Contrary to Quisumbing's assertion, the Ombudsman need not issue a separate order for the implementation of its August 28, 2014 Joint Resolution, precisely because the Ombudsman Rules of Procedure already ordain the immediate implementation thereof. Since the Joint Resolution is immediately executory, respondents did not commit grave abuse of discretion when they issued the assailed memoranda. In fact, they were simply following the law and giving due respect to the orders of the Ombudsman.

At any rate, the Solicitor General correctly points out that the Ombudsman already denied Quisumbing's motion for reconsideration via a Joint Order<sup>50</sup> dated November 11, 2014. Consequently, Quisumbing's only recourse is to file an appeal under Rule 43 with the Court of Appeals,<sup>51</sup> a remedy which, clearly and undisputedly, does not bar the immediate implementation of the order of dismissal against her.

<sup>49</sup> *Supra* note 43.

<sup>50</sup> *Rollo*, pp. 138-167.

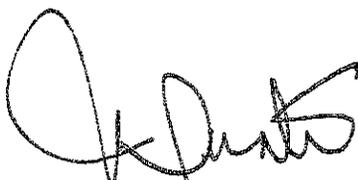
<sup>51</sup> *Fabian v. Desierto*, 356 Phil. 787 (1998); *Gatchalian v. Office of the Ombudsman*, G.R. No. 229288, August 1, 2018; Section 7, Rule III of the Rules of Procedure of the Office of the Ombudsman as amended by Administrative Order No. 17 dated September 15, 2003.

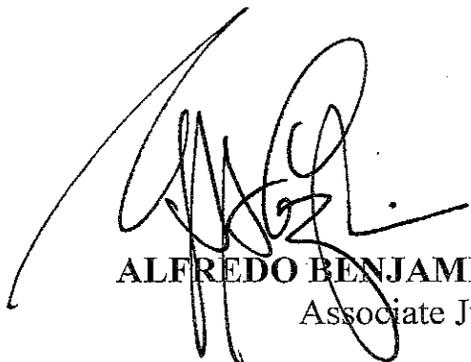
**WHEREFORE**, the present petition is **DISMISSED**. Costs against petitioner.

**SO ORDERED.**

  
**SAMUEL H. GAERLAN**  
Associate Justice

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
Chief Justice

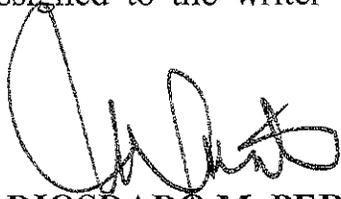
  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**ROSMARI D. CARANDANG**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
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