



Republic of the Philippines

Supreme Court

Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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SPO4 MA. LINDA A. PADOJINOG,
Petitioner,

G.R. No. 233892

Present:

PERLAS-BERNABE,* S.A.J.,
HERNANDO,**
Acting Chairperson,
INTING,
GAERLAN, and
DIMAAMPAO, JJ.

- versus -

FIELD INVESTIGATION OFFICE-
OFFICE OF THE OMBUDSMAN,
Respondent.

Promulgated:

OCT 13 2021

X-----X

DECISION

GAERLAN, J.:

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, assailing the Decision² dated October 25, 2016 and Resolution³ dated August 2, 2017 of the Court of Appeals (CA) in CA-G.R. SP No. 128050.

The assailed issuances denied the Rule 43⁴ Petition for Review⁵ interposed by petitioner Senior Police Officer (SPO) 4 Ma. Linda A. Padojinog (petitioner) against the May 30, 2012 Joint Resolution⁶ and

* On official leave.

** Per Special Order No. 2846 dated October 6, 2021.

¹ *Rollo*, pp. 8-26A.

² Id. at 28-38; penned by Associate Justice Myra V. Garcia-Fernandez with Associate Justices Rosmari D. Carandang and Mario V. Lopez (now Members of this Court) concurring.

³ Id. at 40.

⁴ RULES OF COURT.

⁵ *Rollo*, pp. 41-60.

⁶ Id. at 61-224. The Special Investigation Panel of the Office of the Special Prosecutor which rendered the Joint Decision was composed of Prosecution Bureau III Acting Director Manuel T. Soriano, Jr., Prosecution Bureau X Acting Director Omar L. Sagadal, and Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices Director Dennis L. Garcia. The said Joint Decision was approved by Ombudsman Conchita Carpio Morales.

February 15, 2013 Order⁷ of the Office of the Ombudsman in OMB-C-C-11-0758-L and OMB-C-A-11-0758-L which, in turn, recommended the filing of criminal charges against petitioner for violation of Section 3(e) of Republic Act (R.A.) No. 3019 or the Anti-Graft and Corrupt Practices Act, as well as finding her administratively guilty of Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service, meting upon her the ultimate penalty of dismissal from the service and its accessory penalties.

Here, petitioner questions the finding of administrative liability against her in OMB-C-A-11-0758-L.

Antecedents

The instant controversy arose from the purchase made by the Philippine National Police (PNP) of three helicopter units from Manila Aerospace Products Trading (MAPTRA), which were all declared brand new, for the price of ₱104,985,000.00. However, a later scrutiny revealed that two of these units were secondhand models which were pre-owned by former First Gentleman Jose Miguel T. Arroyo (FG Arroyo).

On May 5, 2008, the National Police Commission (NAPOLCOM) issued Resolution No. 2008-260⁸ which prescribed the specifications for Light Police Operational Helicopter (LPOH) units to be purchased by the PNP, to wit:

- | | |
|--|-----------------------------|
| 1. Power Plant | : Piston |
| 2. Power Rating | : 200 hp (minimum) |
| 3. Speed | : 100 knots (minimum) |
| 4. Range | : 300 miles (minimum) |
| 5. Endurance | : 3 hours (minimum) |
| 6. Service Ceiling (Height Capability) | : 14,000 feet (maximum) |
| 7. T/O Gross Weight | : 2,600 lbs (maximum) |
| 8. Seating Capacity | : 1 Pilot + 3 pax (maximum) |
| 9. Ventilating System | : Air-conditioned |

On January 5, 2009, petitioner was formally designated as a member of the PNP National Headquarters Bids and Awards Committee Technical Working Group (NHQ-BAC TWG) on Transportation.⁹

⁷ Id. at 225-252. The Special Investigation Panel of the Office of the Special Prosecutor which rendered the Order was composed of Assistant Special Prosecutor II Lynette Jandoc-Ludan, Assistant Special Prosecutor III Jennifer A. Agustin-Se, Assistant Special Prosecutor III Rohermia J. Jamsani-Rodriguez, and Prosecution Bureau VII Acting Director Rodrigo V. Coquia. The said Order was recommended for approval by Deputy Special Prosecutor Jesus A. Micael and, thereafter, approved by Ombudsman Conchita Carpio Morales.

⁸ See <https://www.napolcom.gov.ph/images/pdf/res%202008-260.pdf>, last accessed September 17, 2021.

⁹ *Rollo*, p. 311.

Following the procurement process conducted by the leadership of the PNP, a Negotiation Committee (NC) was formed for the purpose of buying three LPOH units from either MAPTRA or Beeline Helicopters, Inc. (Beeline). The said NC was composed of fifteen (15) PNP officials, including petitioner. The formal negotiation, attended by the members of the NC and the representatives of MAPTRA and Beeline, was conducted on June 15, 2009.¹⁰

On July 9, 2009, NC Resolution No. 2009-04¹¹ was issued, formally recommending the awarding of the contract to MAPTRA. On even date, the NHQ-BAC, through its Resolution No. 2009-36,¹² affirmed the said recommendation.

On September 24, 2009, MAPTRA delivered to the PNP two Robinson R44 Raven I LPOH units. Petitioner was part of the Inspecting Team and Inspection and Acceptance Committee (IAC) which conducted an ocular inspection of the same.¹³

On October 14, 2009, Weapons Tactics and Communications Division (WTCD) Report No. T-2009-094-A¹⁴ was issued, concerning the condition of the foregoing LPOH units. It reads as follows:

PNP Specifications for Light Police Operational Helicopter	Specifications of Robinson R44 Raven I Helicopter	Remark(s)
Power Plant: Piston	Piston-type	Conforming
Power Rating: 200hp (minimum)	225	Conforming
Speed: 100 knots (minimum)	113 knots	Conforming
Range: 200 miles (minimum)	400 miles	Conforming
Endurance: 3 Hours (minimum)	No available data	
Service Ceiling (Height Capability): 14,000 Feet (Maximum)	14,000 feet	Conforming
T/O Gross Weight: 2,600 Lbs (maximum)	2,400 Lbs	Conforming
Seating Capacity: 1 Pilot + 3 pax (maximum)	1 pilot + 3 passengers	Conforming
Ventilating System: Air-conditioned	Not airconditioned	Standard Helicopter

¹⁰ Id. at 286-288. Minutes of Negotiation for Helicopters, prepared by Non-Uniformed Personnel (NUP) Jenerla DC Pascua.

¹¹ Id. at 292-293; signed by Police Directors Luizo C. Ticman, Ronald D. Roderos, and Romeo C. Hilomen, along with Police Chief Superintendent Leocadio SC Santiago, Jr.

¹² Id. at 295.

¹³ Id. at 312.

¹⁴ See <http://legacy.senate.gov.ph/lisdata/1238310418!.pdf>, last accessed September 17, 2021. Senate Committee on Accountability of Public Officers (Blue Ribbon), Committee Report No. 74 dated October 13, 2011.

Aircraft instruments: Standard to include Directional Gyro Above Horizon with Slip Skid Indicator and Vertical Compass	Equipped with Directional Gyro Above Horizon with Slip Skid Indicator and Vertical Compass	Conforming
Color and Markings: White with appropriate markings specified in NAPOLCOM Res. No. 99-002 dated January 5, 1999 (Approving the Standard Color and Markings for PNP Motor Vehicles, Seacraft and Aircraft)	White with appropriate markings as specified in Napolcom Res. No. 99-002.	Conforming
Warranty: The supplier warrants any defect in material and workmanship within the most advantageous terms and conditions in favor of the government.	The supplier will warrant(s) [sic] any defect in material and workmanship within the most advantageous terms and conditions in favor of the government for two (2) years.	Indicated in the contract (To include time-change parts as suggested by DRD Test and Evaluation Board)
Requirements: Maintenance Manual Operation Manual	Provided Provided	Conforming Conforming ¹⁵

The foregoing report was signed by the members of the IAC, namely: herein petitioner, Police Senior Superintendent (P/SSupt.) Edgar B. Paatan (P/SSupt. Paatan), Police Superintendent (P/Supt.) Larry D. Balmaceda, P/Supt. Claudio DS Gaspar Jr., SPO3 Jorge B. Gabiana, Police Officer 3 Dionisio Jimenez, Non-Uniformed Personnel (NUP) Ruben S. Gongona, NUP Erwin O. Chavarria, NUP Emilia A. Aliling, NUP Erwin Paul Maranan, and Police Chief Inspector (P/CInsp.) Maria Josefina Recometa. The report was recommended for approval by Police Chief Superintendent (P/CSupt.) Luis L. Saligumba (P/CSupt. Saligumba) and noted by Police Director Ronald D. Roderos.¹⁶

Thereafter, the IAC issued Resolution No. IAC-09-045 on November 11, 2009, stating the following findings:

WHEREAS, after inspection and evaluation was conducted, the Committee found the said items to be conforming to the approved NAPOLCOM specifications and passed the acceptance criteria as submitted by DRD on WTCD Report No. T2009-04A.

¹⁵ NAPOLCOM Resolution No. 2008-260, supra note 8 at 31-32.

¹⁶ Id. at 32.

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the above mentioned items be accepted for use of the PNP.¹⁷

The aforementioned resolution was signed by P/CSupt. George Q. Piano, P/CSupt. Saligumba, P/SSupt. Job Nolan D. Antonio, and P/SSupt. Paatan.¹⁸ On the basis of IAC Resolution No. IAC-09-045, the procurement of the helicopter units was consummated.

When it was revealed that these units were not brand new, but rather secondhand units that used to belong to FG Arroyo, criminal and administrative charges¹⁹ were filed against the PNP officials and private persons involved in the transaction, petitioner included.

According to the Field Investigation Office (FIO) of the Office of the Ombudsman, petitioner must be held criminally and administratively liable because she signed WTCD Report No. T2009-04A despite the fact that the LPOH units were not air-conditioned; that she should have known through the helicopters' flight history and engine logs that they were pre-owned or secondhand; and that she was either negligent and/or that she deliberately ignored these tell-tale signs that the said units were not brand new.²⁰

In her Counter-Affidavit,²¹ petitioner asserted that she was merely a member of the NHQ-BAC TWG with no voting powers;²² that having no technical knowledge of aircrafts, her visual inspection was limited to ascertaining if the subject LPOH units complied with the standard specifications that were provided in NAPOLCOM Resolution No. 2008-260;²³ that she relied on the other persons present during the ocular inspection because they were more capable at inspecting aircrafts than her;²⁴ that the LPOH units in question appeared brand new to her;²⁵ that even the Senate Blue Ribbon Committee cleared her from liability;²⁶ and that she never made any misrepresentation as far as her ocular inspection is concerned, as exhibited by the fact that WTCD Report No. T2009-04A never indicated that the LPOH units complied with the air-conditioning requirement, but rather states that the same were "[n]ot airconditioned."²⁷

¹⁷ Id. at 34.

¹⁸ Id.

¹⁹ *Rollo*, pp. 253-284.

²⁰ Id. at 269.

²¹ Id. at 302-309.

²² Id. at 303.

²³ Id.

²⁴ Id. at 303-304.

²⁵ Id. at 304.

²⁶ Id. at 307.

²⁷ Id. at 307-308.

The Ruling of the Ombudsman

In its Joint Resolution dated May 30, 2012, the Ombudsman found criminal and administrative liability on the part of petitioner, ratiocinating as follows:

Concerning respondents Recometa, Padojinog and Gongona, who also signed WTCD Report No. T-2009-04-A, they are liable criminally and administratively. They were then members of the TWG tasked under Section 12.1 of the IRR-A to assist in the procurement process, particularly in the eligibility screening of the prospective supplier and in the post qualification process. Yet, they did not conduct the proper eligibility screening and post qualification procedure and allowed MAPTRA Sole Proprietorship to be awarded the contract despite its lack of technical and financial capability. Furthermore, as TWG members, they were present during the June 15, 2009 negotiations, hence, they knew that the helicopters to be delivered on September 24, 2009 must be brand new. In fact, respondents Padojinog and Gongona alleged that based on physical appearance, the delivered helicopters were brand new. Incredibly, however, they did not include this alleged observation in the WTCD Report. Hence, it is obvious they knew that the helicopters delivered were not brand new. With respect to their claim that the WTCD Report was finalized after it was deliberated upon by the DRD Test and Evaluation Board, the same is a matter of defense which is best addressed during trial.²⁸

Ultimately, the Ombudsman decreed:

WHEREFORE, it is hereby resolved as follows:

x x x x

OMB-C-A-11-0758-L (ADMINISTRATIVE CASE)

1) Respondents P/Dir. Leocadio Salva Cruz Santiago, Jr., P/Supt. Ermilando Villafuerte, P/Supt. Roman E. Loreto, P/CSupt. Herold G. Ubalde, P/CSupt. Luis Luarca Saligumba, P/SSupt. Job Nolan D. Antonio, P/Dir. George Quinto Piano, P/SSupt. Edgar B. Paatan, P/SSupt. Mansue Nery Lukban, P/CInsp. Maria Josefina Vidal Recometa, P/SSupt. Claudio DS Gaspar Jr., SPO3 Ma. Linda A. Padojinog, PO3 Avensuel G. Dy and NUP Ruben S. Gongona are hereby found **GUILTY** of *Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service*, and are thus meted the penalty of **DISMISSAL FROM THE SERVICE**, including the accessory penalties of forfeiture of retirement benefits and perpetual disqualification to hold public office, pursuant to the *Uniform Rules on Administrative Cases in the Civil Service* (CSC Resolution No. 991936, as amended).

x x x x

²⁸ Id. at 169.

SO ORDERED.²⁹ (Underscoring supplied)

Petitioner's Motion for Reconsideration³⁰ was denied by the Ombudsman in its Order dated February 15, 2013.

Undaunted, petitioner elevated her case to the CA through a Petition for Review under Rule 43 of the Rules of Court.

The CA's Ruling

On October 25, 2016, the CA rendered the herein assailed Decision affirming the findings and conclusions of the Ombudsman with regard to petitioner's administrative liability.

The appellate court reasoned:

This Court finds that there is substantial evidence showing that petitioner is guilty of dishonesty and conduct prejudicial to the best interest of the service. Petitioner's long service with the PNP since January 2, 1993, her appointment as member of NHQ-BAC TWG for Transportation, and her attendance during the negotiation for the purchase of the helicopters make her more than qualified and able to determine whether the helicopters delivered by MAPTRA are actually brand new. Petitioner's intentional omission in stating that the two (2) helicopters are brand new, opting rather to state that the helicopters physically appeared to be "brand new", is nothing but a means to defraud the government. Using qualified phrases on an official report to make it appear that the helicopters are brand new when they are actually not brand new is tantamount to making false entries in public documents, which makes petitioner also guilty of the offense of conduct prejudicial to the best interest of the service.³¹

The dispositive portion of the herein assailed Decision thus reads:

WHEREFORE, the petition for review is DENIED.

SO ORDERED.³²

Petitioner interposed a motion for reconsideration of the foregoing, but the same was denied by the CA in the herein assailed Resolution dated August 2, 2017.

²⁹ Id. at 215-219.

³⁰ Id. at 396-414.

³¹ Id. at 37.

³² Id. at 38.

Hence, the present recourse.

Issue

Petitioner raises the following issue for the Court's consideration:

WHETHER OR NOT THE COURT OF APPEALS ERRED IN UPHOLDING THE DECISION OF THE OFFICE OF THE OMBUDSMAN IN FINDING PETITIONER ADMINISTRATIVELY LIABLE FOR SERIOUS DISHONESTY AND CONDUCT PREJUDICIAL TO THE [BEST] INTEREST OF [THE] SERVICE³³

The Ruling of the Court

The petition is impressed with merit.

Procedural considerations

In petitions filed under Rule 45 of the Rules of Court, only questions of law may be raised³⁴ because the Supreme Court is not a trier of facts.³⁵ It is not the Court's function to examine, review, or evaluate the evidence all over again.³⁶ Equally true in this jurisdiction is the well-settled principle that findings of fact and conclusions by the Office of the Ombudsman are conclusive when supported by substantial evidence,³⁷ or "such relevant evidence which a reasonable mind might accept as adequate to support a conclusion, even if other minds equally reasonable might conceivably opine differently."³⁸

Nevertheless, these precepts are not ironclad. When stringent application of the rules will result in manifest injustice, the Court may set aside technicalities and proceed with the substantial merits of the petition.³⁹ Moreover, when the conclusion of the CA and the Ombudsman is a finding grounded entirely on speculation, surmises or conjectures, or when the inference made is manifestly mistaken, absurd or impossible, or when the judgment is based on a misapprehension of facts,⁴⁰ the Court may pass upon

³³ Id. at 14.

³⁴ *Office of the Ombudsman v. Tanco*, G.R. No. 233596, September 14, 2020.

³⁵ *Heirs of Teresita Villanueva v. Heirs of Petronila Mendoza*, 810 Phil. 172, 177 (2017).

³⁶ *Carbonell v. Carbonell-Mendes*, 762 Phil. 529, 536 (2015).

³⁷ *Office of the Ombudsman v. Mallari*, 749 Phil. 224, 249 (2014).

³⁸ *Fajardo v. Corral*, 813 Phil. 149, 156 (2017).

³⁹ *Philippine Bank of Communications v. Court of Appeals*, 805 Phil. 964, 971 (2017).

⁴⁰ *Medina v. Asistio, Jr.*, 269 Phil. 225, 232 (1990).

the said findings and conclusions. As discussed below, We find these exceptions obtaining in the present case.

A review of the offenses involved in the case at bar

Petitioner was found guilty of Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service. A cursory review of the nature and manner of commission of these offenses is, thus, imperative.

As an administrative offense, dishonesty is defined as the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of his or her duty.⁴¹ It is the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of honesty, probity, or integrity in principle; lack of fairness and straightforwardness and disposition betray.⁴² It is a malevolent act that puts serious doubt upon one's ability to perform duties with the integrity demanded of a public officer or employee⁴³ because it reflects on the person's character and exposes the moral decay which virtually destroys his or her honor, virtue, and integrity.⁴⁴

Dishonesty is classified in three gradations: serious, less serious, and simple.⁴⁵

Serious dishonesty, which is punishable by dismissal from the service,⁴⁶ entails the presence of any of the following circumstances:

- (a) [T]he dishonest act caused serious damage and grave prejudice to the Government;
- (b) [T]he respondent gravely abused his/her authority in order to commit the dishonest act;
- (c) [W]here the respondent is an accountable officer, the dishonest act directly involves property, accountable forms or money for which he/she is directly accountable and the respondent shows an intent to commit material gain, graft and corruption;
- (d) [T]he dishonest act exhibits moral depravity on the part of respondent;

⁴¹ *Ramos v. Rosell*, G.R. No. 241363, September 16, 2020.

⁴² *Domingo v. Civil Service Commission*, G.R. No. 236050, June 17, 2020.

⁴³ *Gupilan-Aguilar v. Office of the Ombudsman*, 728 Phil. 210, 232 (2014).

⁴⁴ *Carbonel v. Civil Service Commission*, 644 Phil. 470, 479 (2010).

⁴⁵ *Ombudsman v. Espina*, 807 Phil. 529, 541 (2017).

⁴⁶ *Light Rail Transit Authority v. Salvaña*, 736 Phil. 123, 153 (2014).

- (e) [T]he respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment;
- (f) [T]he dishonest act was committed several times or in various occasions;
- (g) [T]he dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to impersonation, cheating and use of crib sheets; and
- (h) [O]ther analogous circumstances.⁴⁷

A dishonest act without the attendance of any of these circumstances can only be characterized as simple dishonesty.⁴⁸ In between the aforesaid two forms of dishonesty is less serious dishonesty which obtains when: (a) the dishonest act caused damage and prejudice to the government which is not so serious as to qualify as serious dishonesty; (b) the respondent did not take advantage of his/her position in committing the dishonest act; and (c) other analogous circumstances.⁴⁹

On the other hand, Conduct Prejudicial to the Best Interest of the Service, an administrative offense which need not be connected with⁵⁰ or related to a person's official functions,⁵¹ is not defined by the Civil Service Law and its rules, but is so inclusive as to put within its ambit any conduct of a public officer that tarnishes the image and integrity of his/her public office.⁵² The imposable penalty is suspension from the service for six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense.⁵³

In previous cases, this Court had already identified the persons who must be held administratively liable for the "chopper scam" controversy

The facts obtaining in the instant case are not novel to the Court. Jurisprudence shows that liability for the subject "chopper scam" controversy was pinned on the officials who signed and issued IAC Resolution No. IAC-09-045.

⁴⁷ *Sabio v. Field Investigation Office*, 825 Phil. 848, 858-859 (2018).

⁴⁸ *Ombudsman v. Espina*, supra note 45 at 542.

⁴⁹ Id.

⁵⁰ *Villanueva v. Reodique*, G.R. Nos. 221647 & 222003, November 27, 2018.

⁵¹ *Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68, 81 (2015).

⁵² *Civil Service Commission v. Catacutan*, G.R. Nos. 224651 & 224656, July 3, 2019.

⁵³ *Civil Service Commission v. Rodriguez*, G.R. No. 248255, August 27, 2020.

In the recent case of *Office of the Ombudsman v. Saligumba*,⁵⁴ the Court, through Justice Jose C. Reyes, Jr., ruled that the penalty of dismissal was rightfully imposed by the Ombudsman against P/CSupt. Saligumba, one of the approving authorities who signed IAC Resolution No. IAC-09-045.

We held that P/CSupt. Saligumba should have easily been alerted by the LPOH units' failure to meet the required specifications because the same were readily revealed in WTCD Report No. T2009-04A. Yet, he turned a blind eye and certified that the said units met the minimum requirements under NAPOLCOM Resolution No. 2008-260. We declared:

To reiterate, the above-mentioned WTCD Report No. T2009-04A has irregular entries on its face such that two items therein, *i.e.*, endurance and ventilating system, were equivocal as to their conformity with the approved technical specifications. Moreover, the requirement of the helicopters being brand new was nowhere indicated. Still, respondent, together with others, signed the same and confirmed the adherence of said helicopters with the criteria of the PNP despite such blatant irregularities in the Report.⁵⁵

However, with regard to the other persons who were involved in the entire procurement process of the LPOH units but were nevertheless not signatories to IAC Resolution No. IAC-09-045, the Court found that they were undeserving of administrative sanctions.

In *Philippine National Police–Criminal Investigation and Detection Group v. Villafuerte*⁵⁶ (*Villafuerte*) the Court *en banc*, speaking through Justice Alfredo Benjamin S. Caguioa, exculpated P/Supt. Ermilando O. Villafuerte (P/Supt. Villafuerte) from administrative liability.

As a member of the BAC Secretariat, P/Supt. Villafuerte was accused of conspiring to defraud the government due to his role in drafting the documents related to the award of the contract in favor of MAPTRA. The Ombudsman intimated that P/Supt. Villafuerte should have raised inquiries on the propriety of the procurement instead of “simply closing his eyes to the apparent and obvious irregularities surrounding the procurement process.”

The Court did not give credence to the Ombudsman's obtuse reasoning because P/Supt. Villafuerte did not possess any recommendatory authority. Rather, his role was purely ministerial. Thus, the Court decreed:

⁵⁴ G.R. No. 212293, June 15, 2020.

⁵⁵ *Id.*

⁵⁶ G.R. Nos. 219771 & 219773, September 18, 2018.

Aside from the sweeping statements of the OMB, there is a dearth of evidence on record to arrive at a conclusion that respondent Villafuerte was complicit in a conspiracy to defraud the Government. As consistently stressed by respondent Villafuerte, the following documents were drafted **upon the instruction of his superior officer**, P/SSupt. Lurimer B. Detran: (i) Negotiation Committee Resolution No. 2009-04, (ii) BAC Resolution No. 2009-36, (iii) Supply Contract between the PNP and MAPTRA, and (iv) Notice to Proceed addressed to Mr. Larry B. De Vera of MAPTRA. **None of the aforesaid documents suggest that respondent Villafuerte had a material role in the awarding of the contract to MAPTRA.**

x x x x

Here, petitioner is imputing liability to respondent Villafuerte on the simple fact that the award of the contract to MAPTRA was made through the documents that he drafted. **This is egregious error.** Using the same logic, respondent Villafuerte's participation in the alleged conspiracy thus becomes equivocal, to say the least, considering that he was also the one who drafted the demand letter to MAPTRA for the replacement of the LPOHs and a complaint-affidavit for Estafa against the officials of MAPTRA upon the instructions of P/Dir. George Quinto Piano. In other words, petitioner cannot judge respondent Villafuerte's actions based on the end result of the documents drafted.

Based on the foregoing, **petitioner miserably failed to establish a nexus between the ministerial act of drafting the said documents and a scheme to defraud the Government.** Petitioner cannot satisfy the threshold of substantial evidence using only conjectures and suppositions; the mere fact that an irregular procurement process was uncovered does not mean that all persons involved, regardless of rank or functions, were acting together in conspiracy. Moreover, as already discussed above, neither does proof of criminal conspiracy automatically impute administrative liability on all those concerned.⁵⁷

Thus guided, We now discuss the administrative charges against petitioner.

Petitioner cannot be held administratively guilty of the offenses charged

In finding petitioner administratively guilty, the Ombudsman said that WTCD Report No. T2009-04A, which petitioner signed, should have stated that the LPOH units in question were not brand new. The Ombudsman theorized that petitioner should have gone beyond performing a routine ocular inspection. It posited that petitioner should have scrutinized the units' flight logs and engine history. These circumstances led the Ombudsman to make a

⁵⁷ Id.

blanket statement that petitioner knowingly conspired with the other PNP officials to hide the LPOH units' secondhand nature.

We cannot sustain the Ombudsman's blunt hypothesis.

As a member of the inspection team, petitioner was tasked to ascertain whether the LPOH units complied with the specifications enumerated in NAPOLCOM Resolution No. 2008-260. In so doing, she declared in WTCD Report No. T2009-04A that the said units were "[n]ot airconditioned" and that there was "[n]o available data" with regard to their endurance. In making such statements in her report, the Court finds no element of dishonesty on the part of petitioner. In fact, what she stated was the truth.

It bears stressing that petitioner did not possess any authority to approve, much less make recommendations on, the LPOH units upon their delivery. That duty devolved upon the IAC signatories whose imprimatur laid the basis for the consummation of the purchase of said LPOH units. Petitioner's role was limited to confirming if the LPOH units met the requirements in literal checklist provided by NAPOLCOM Resolution No. 2008-260. In this case, she never indicated that said requirements were fully met.

In the ordinary course of the procurement process, petitioner's observations should have alerted the IAC signatories that something was amiss in the LPOH units. In particular, it is clearly shown in WTCD Report No. T2009-04A that the LPOH units did not conform with all of NAPOLCOM's specifications. And contrary to the finding of the CA, the report did not contain any declaration that the LPOH units appeared to be physically brand new. Yet, the IAC signatories declared that the same passed every single criterion.

The truthfulness of the contents of WTCD Report No. T2009-04A actually aided the Court in making a definite pronouncement that administrative liability lies with the officials who conveniently ignored the red flags indicated in the said document and proceeded to sign IAC Resolution No. IAC-09-045.

In the same vein, it is farfetched to assume that petitioner's participation in the inspection of the LPOH units, as well as her attendance in the preliminary meetings with MAPTRA officials, are tantamount to conspiring to defraud the government.

As the Court expounded in *Villafuerte*:

In the first place, conspiracy as a means of incurring liability is strictly confined to criminal cases; even assuming that the records indicate the existence of a felonious scheme, the administrative liability of a person allegedly involved in such scheme cannot be established through conspiracy, considering that one's administrative liability is separate and distinct from penal liability. Thus, in administrative cases, the only inquiry in determining liability is simply whether the respondent, through his individual actions, committed the charges against him that render him administratively liable.

In any case, it bears stressing that while the OMB's factual findings in their entirety tend to demonstrate a sequence of irregularities in the procurement of the LPOHs, **this does not *ipso facto* translate into a conspiracy between each and every person involved in the procurement process.** For conspiracy to be appreciated, it must be clearly shown that there was a conscious design to commit an offense; **conspiracy is not the product of negligence but of intentionality on the part of cohorts. Conspiracy is never presumed.**⁵⁸

The abbreviated discussions of the Ombudsman and the CA, bordering on sweeping generalizations, do not show that petitioner acted in consonance with a conscious design to defraud the government. Lumping her as a member of the inspection team is not enough. Mere assumption of petitioner's guilt cannot justify the imposition of the harshest administrative penalties against her.

Had petitioner truly conspired to defraud the government, she could have easily indicated that the air-conditioning units in the LPOH units conformed with the required specifications, or that the LPOH units provided data as to their engine endurance. This would have even created an opportunity for PNP officials like P/CSupt. Saligumba to successfully invoke as a defense the doctrine laid down in *Arias v. Sandiganbayan*⁵⁹ that "all heads of office cannot be convicted of a conspiracy charge just because they did not personally examine every single detail before they, as the final approving authority, affixed their signatures on the subject documents."⁶⁰ As it stands, WTCD Report No. T2009-04A serves as a sufficient explanation as to why the *Arias* doctrine cannot be applied in favor of the persons who signed IAC Resolution No. IAC-09-045.

To recall, dishonesty, like bad faith, is not simply bad judgment or negligence, but rather a question of intention.⁶¹ It requires a malicious intent to conceal the truth or to make false statements.⁶² Neither dishonesty nor conduct prejudicial to the service can be attributed to petitioner in the instant

⁵⁸ Id.

⁵⁹ 715 Phil. 722, 731 (1989).

⁶⁰ *Lihaylihay v. People*, 715 Phil. 722, 731 (2013).

⁶¹ *Wooden v. Civil Service Commission*, 508 Phil. 500, 512 (2005).

⁶² *Daplas v. Department of Finance*, 808 Phil. 763, 772 (2017).

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case. The evidence propounded against her, being based entirely on speculations and conjectures, are not sufficient substantial evidence to sustain a finding of administrative liability.⁶³


The Court reiterates its sentiment in *Villafuerte* that “the dismissal of an officer based on nothing but conjecture and a talismanic invocation of conspiracy is, aside from being manifestly unjust, a gross disservice”⁶⁴ to the mandate of the Ombudsman. We cannot condone this scorched earth practice of enforcing *en masse* administrative sanctions against government employees, without proof of bad faith or intent to defraud, simply because they had even the most minute and innocuous involvement in any anomaly concerning the disbursement of public funds.

WHEREFORE, premises considered, the petition is **GRANTED**. The Decision dated October 25, 2016 and Resolution dated August 2, 2017 of the Court of Appeals in CA-G.R. SP No. 128050 are hereby **REVERSED** and **SET ASIDE**.

Petitioner SPO4 Ma. Linda A. Padojinog is hereby **REINSTATED** to her former position without loss of seniority rights and with payment of back salaries and all benefits which would have accrued as if she had not been illegally dismissed.

Let a copy of this Decision be reflected in the permanent employment record of petitioner SPO4 Ma. Linda A. Padojinog.

SO ORDERED.



SAMUEL H. GAERLAN
Associate Justice


WE CONCUR:

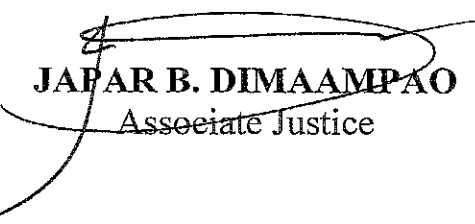
(*On official leave*)
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

⁶³ *Ombudsman v. De Villa*, 760 Phil. 937, 953 (2015).

⁶⁴ *Philippine National Police-Criminal Investigation and Detection Group v. Villafuerte*, supra note 56.



RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


JAPAR B. DIMAAMPAO
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.


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.


ALEXANDER G. GESMUNDO
Chief Justice