



Republic of the Philippines
Supreme Court
Manila

EN BANC

PMAJ ALFRED C. ARTURO,
Petitioner,

G.R. No. 250804

Present:

— versus —

PGEN OSCAR D.
ALBAYALDE and PGEN
RONALD M. DELA ROSA
(both in their former capacities
as the Chief of the Philippine
National Police),
Respondents.

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and,
SINGH, JJ.

Promulgated:

February 25, 2025

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DECISION

LOPEZ, M., J.:

“[E]very effort must be made to harmonize seemingly conflicting laws.
It is only when harmonization is impossible that resort must be made to

* On official leave.

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choosing which law to apply.”¹ This case once more illustrates how statutory construction works to maintain a uniform system of jurisprudential interpretation.

Antecedents

In January 2016, Petitioner Police Major Alfred Arturo (PMAJ Arturo) was assigned tasks related to the parade and flag raising ceremony in celebration of the 25th founding anniversary of the Philippine National Police (PNP). However, PMAJ Arturo did not attend the scheduled rehearsal on January 21, 2016 for the Friday Flag Lowering Ceremony. As a result, the PNP Directorate for Investigation and Detective Management filed against PMAJ Arturo an administrative case for two counts of Less Grave Neglect of Duty when he failed to attend the rehearsal and to comply with his duties as a member of the parading elements.² In his Affidavit, PMAJ Arturo explained that he was absent at the rehearsal because he needed to get the medical results of his mother before her check-up at the PNP General Hospital. PMAJ Arturo was present at the PNP foundation day, but did not join the parade because he was just a filler or reserve to the battalion staff.³

On October 27, 2017, former PNP Chief Ronald Dela Rosa (PNP Chief Dela Rosa) found PMAJ Arturo guilty of Less Grave Neglect of Duty when he did not attend the rehearsal and meted him the penalty of 50 days suspension. However, PNP Chief Dela Rosa absolved PMAJ Arturo from alleged noncompliance with his duties as a member of the parading elements for lack of substantial evidence,⁴ to wit:

WHEREFORE, premises considered, this Office finds respondent **PCINSP ALFRED C. ARTURO GUILTY** of Less Grave Neglect of Duty [Fail (sic) to comply with any lawful order or instruction of a superior officer (failure to attend the rehearsal on January 21, 2016)] and is hereby meted the **penalty of 50 days suspension**. However, this Office finds the respondent **NOT GUILTY** of Less Grave Neglect of Duty [Fail (sic) to comply with any lawful order or instruction of a superior officer (failure to comply his task as parading element on January 25, 2016 activity)], hence, he is hereby Exonerated from the charge and the administrative case filed against him is dismissed for lack of substantial evidence.⁵ (Emphasis in the original)

Unsuccessful at a reconsideration, PMAJ Arturo questioned the PNP Chief's finding on his administrative liability before the Court of Appeals (CA) through a special civil action for *certiorari* docketed as CA-G.R. SP No.

¹ *Dreamwork Construction, Inc. v. Janiola*, 609 Phil. 245, 254 (2009) [Per J. Velasco, Jr., Third Division].

² *Rollo*, pp. 20–21, 86–87.

³ *Id.* at 87.

⁴ *Id.* at 88.

⁵ *Id.*

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156768. On August 16, 2018, the CA dismissed outright the Petition for *Certiorari* for being a wrong remedy.⁶ The CA held that the proper course of action is an appeal to the Civil Service Commission (CSC) since the administrative penalty imposed upon PMAJ Arturo exceeded suspension of 30 days,⁷ thus:

We resolve to dismiss outright the instant petition for certiorari for being a wrong mode of remedy of appeal.

Section 1, Rule 65 of the Rules of Court explicitly provides that a petition for [*certiorari*] is available only when there is no appeal, or any plain, speedy and adequate remedy in the ordinary course of law. Accordingly, the existence and availability of the right of appeal prohibits the resort to [*certiorari*].

....

Here, petitioner was meted the penalty of suspension of fifty (50) days by the head of his office. As such, his right recourse was to file an appeal with the Civil Service Commission (CSC), pursuant to Section 61 of the Revised Rules on Administrative Cases in the Civil Service which provides that decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities imposing a penalty exceeding thirty (30) days suspension may be appealed to the CSC. We quote:

Rule 12

APPEAL IN DISCIPLINARY CASES

Section 61. Filing. – Subject to Section 45 of this Rules, decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities *imposing a penalty exceeding thirty (30) days suspension* or fine in an amount exceeding thirty (30) days salary, *may be appealed to the Commission* within a period of fifteen (15) days from receipt thereof. In cases the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and then finally to the Commission.

....

While there are instances when the special civil action of *certiorari* may be resorted to despite the availability of an appeal, such as when public welfare and the advancement of public policy dictate; when the broader interests of justice so require; when the writs issued are null; and when the questioned order amounts to an oppressive exercise of judicial authority, *herein petitioner failed to show that this case falls under any of the said exceptions.*

Moreover, certiorari is not and cannot be made a substitute for an appeal where the latter remedy is available but was lost through fault or

⁶ *Id.* at 9–12. The Resolution dated August 16, 2018 in CA-G.R. SP No. 156768 was penned by Associate Justice Ramon R. Garcia with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Ronaldo Roberto B. Martin of the Twelfth Division, Court of Appeals, Manila.

⁷ *Id.* at 10–11.

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negligence. In this case, petitioner received on May 28, 2018 a copy of the Resolution dated May 6, 2018 which denied his motion for reconsideration. Under Section 61 of the Revised Rules on Administrative Cases in the Civil Service, he [had] fifteen (15) days therefrom, or until June 13, 2018, within which to file an appeal. Petitioner let this period lapse and, instead, belatedly filed this petition for certiorari on July 26, 2018.

WHEREFORE, premises considered, the instant petition for [certiorari] is hereby **DISMISSED**. Accordingly, this case is considered **CLOSED** and **TERMINATED**.

SO ORDERED.⁸ (Emphasis supplied)

PMAJ Arturo sought reconsideration. On December 3, 2019, the CA maintained that the proper recourse to assail the administrative penalty exceeding 30 days suspension is an appeal before the CSC in keeping with the doctrine of exhaustion of administrative remedies. In any event, the CA ruled that PNP Chief Dela Rosa did not commit grave abuse of discretion in finding PMAJ Arturo administratively liable,⁹ viz.:

The issues raised in the instant motion are but mere reiterations of the grounds already judiciously evaluated and passed upon in Our aforementioned Resolution. We, therefore, find no compelling reason to modify or reverse the same.

Moreover, it must be reiterated that petitioner PCINSP Alfred C. Arturo's correct recourse to assail the Decision dated October 27, 2017 of public respondent Police Director General Ronald M. Dela Rosa, Chief of the Philippine National Police (PNP) should have been an appeal with the Civil Service Commission (CSC), pursuant to Section 61, Rule 12 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS). *This is also in keeping with the doctrine of exhaustion of administrative remedies which states that before parties are allowed to seek the intervention of the court, they should have availed himself or herself of all the means of administrative processes afforded them.*

....

In any case, even assuming that a petition for [certiorari] before this Court is proper to assail the decision of a head of an agency which imposed a penalty exceeding thirty (30) days of suspension, the instant petition must still fail.

....

Viewed from the foregoing standards, it becomes clear that public respondent Police Director General Dela Rosa did not err, much less commit grave abuse of discretion amounting to lack of or excess of jurisdiction, when he found petitioner guilty of less grave neglect of duty. A

⁸ *Id.* at 10–12.

⁹ *Id.* at 5–8. The Resolution dated December 3, 2019 in CA-G.R. SP No. 156768 was penned by Associate Justice Ramon R. Garcia with the concurrence of Associate Justices Eduardo B. Peralta, Jr. and Ronaldo Roberto B. Martin of the Former Twelfth Division, Court of Appeals, Manila.

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reading of his assailed Decision would readily show the reasons for the course of action he had taken were thoroughly and sufficiently discussed. There was no hint of whimsicality, no gross and patent abuse of discretion as would amount to *an evasion of positive duty or a virtual refusal to perform a duty enjoined by law or to act at all in contemplation of law*.

....

WHEREFORE, premises considered, the instant Motion for Reconsideration is hereby **DENIED**.

SO ORDERED.¹⁰ (Emphasis in the original, italics supplied)

Hence, this Petition for Review on *Certiorari*.¹¹ PMAJ Arturo points out that Section 45 of Republic Act No. 6975 or the Department of the Interior and Local Government (DILG) Act of 1990 provided that “[t]he disciplinary action imposed upon a member of the PNP shall be final and executory” and that “the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board[.]” Any penalty other than demotion or dismissal, like suspension of 50 days, is not subject to ordinary appeal, but to a special civil action for *Certiorari*. Also, PMAJ Arturo argues that Republic Act No. 6975 is a later special law that repealed Executive Order No. 292 which is an earlier general law. Republic Act No. 6975 is a statute of special application that must be treated as an exception to the general civil service laws.¹²

The PNP, in its Comment¹³ through the Office of the Solicitor General (OSG), contends that Book V, Title I(A), Section 47 of Executive Order No. 292 or the Administrative Code of 1987 states that the penalty of suspension for more than 30 days shall be appealable to the CSC. Notwithstanding, there is no irreconcilable conflict between Executive Order No. 292 and Republic Act No. 6975 since their pertinent provisions on disciplinary jurisdictions and actions may be harmonized. This is because Republic Act No. 6975 allowed the application of civil service laws to PNP members and personnel. Thus, the administrative penalty of 50 days suspension imposed upon PMAJ Arturo is not deemed final following Executive Order No. 292 and must be appealed to the CSC. Yet, PMAJ Arturo availed the wrong remedy when he resorted to a special civil action for *certiorari* before the CA which merits outright dismissal.¹⁴

In his Reply,¹⁵ PMAJ Arturo insists that the administrative penalty of suspension regardless of its period is final and executory under Section 45 of Republic Act No. 6975, hence, unappealable. PMAJ Arturo cites the ruling in

¹⁰ *Id.*

¹¹ *Id.* at 18–26.

¹² *Id.* at 21–22.

¹³ *Id.* at 86–105.

¹⁴ *Id.* at 86–102.

¹⁵ *Id.* at 140–142.

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*National Appellate Board v. Mamauag*¹⁶ that “a decision imposing suspension on a PNP member is not subject to appeal to a higher authority.”¹⁷

Ruling

The 1987 Constitution underscored the civilian character of the national police force.¹⁸ This is pursuant to the State policy to establish and maintain a highly efficient and competent police force which is national in scope and civilian in character administered and controlled by a national police commission.¹⁹ The Congress enacted Republic Act No. 6975, as amended by Republic Act No. 8551²⁰ which affirmed the status of PNP members and personnel as employees of the National Government subject to civil service laws and regulations.²¹ Relevantly, Executive Order No. 292 outlined the roles of the CSC as the Government’s central personnel agency,²² its mandate to promote the morale, efficiency, and integrity of civil servants, and the scope of the civil service embracing all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or -controlled corporations with original charters.²³ President Corazon C. Aquino signed Executive Order No. 292 on July 25, 1987 not merely as an executive act, but as an actual law in the exercise of her transitory legislative powers under the Freedom Constitution.²⁴ On December 13, 1990, President Corazon C. Aquino approved Republic Act No. 6975 to establish the PNP under the DILG. Remarkably, both Executive Order No. 292 and Republic Act No. 6975, as amended, contained provisions pertaining to disciplinary actions and jurisdictions.

Book V, Title I(A), Sections 12 and 47 of Executive Order No. 292 authorized the CSC to hear and decide administrative cases brought before it directly or on appeal. The decisions shall be final when the administrative penalty imposed is suspension for not more than 30 days or fine not exceeding 30 days’ salary. If the administrative penalty went beyond 30 days period or salary, the same may be appealed to the concerned department and then to the CSC, to wit:

[Book V, Title I(A), Sections 12 and 47 of Executive Order No. 292]

¹⁶ 504 Phil. 186 (2005) [Per J. Carpio, First Division].

¹⁷ *Id.* at 195. *See rollo*, pp. 140–140-A

¹⁸ *Capablanca v. Civil Service Commission*, 620 Phil. 62, 65 (2009) [Per J. Del Castillo, *En Banc*].

¹⁹ CONST., art. XVI, sec. 6. *See also* Republic Act No. 6975 (1990), sec. 2, as amended by Republic Act No. 8551 (1998).

²⁰ Republic Act No. 8551 (1998), Philippine National Police Reform and Reorganization Act of 1998.

²¹ Republic Act No. 6975 (1990), sec. 36 and sec. 91.

²² REV. ADM. CODE, Book V, Title I(A), Chapter 1, sec. 1.

²³ REV. ADM. CODE, Book V, Title I(A), Chapter 2, sec. 6.

²⁴ *Department of Trade and Industry v. Enriquez*, 873 Phil. 208, 259–260 (2020) [Per J. J. Reyes, Jr., *En Banc*]. *See* CONST., art. XVIII, sec. 6, states that “[t]he incumbent President shall continue to exercise legislative powers until the first Congress is convened.” (Emphasis supplied)

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SECTION 12. *Powers and Functions.* — The Commission shall have the following powers and functions:

....

(11) *Hear and decide administrative cases instituted by or brought before it directly or on appeal*, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it.

....

SECTION 47. *Disciplinary Jurisdiction.* — (1) *The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary[.]*

(2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. *Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission[.]* (Emphasis supplied)

Consequently, Sections 49 and 66 of the 2017 Rules on Administrative Cases in the Civil Service²⁵ (2017 RACCS) adopted similar rule that a penalty of suspension for not more than 30 days or fine not exceeding 30 days' salary shall not be appealable. If the penalty of suspension or fine exceeds 30 days, the decision may be appealed to the concerned department and then to the CSC, thus:

SECTION 49. *Finality of Decisions.* — *A decision rendered by the disciplining authority or CSC ROs whereby a penalty of reprimand, or suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.*

If the penalty imposed is suspension exceeding thirty (30) days, or fine in an amount exceeding thirty (30) days' salary, the decision shall be final and executory after the lapse of the reglementary period for filing a motion for reconsideration or an appeal and no such pleading has been filed. (Emphasis supplied)

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SECTION 66. *Filing.* — Subject to Section 49 of these Rules, decisions of disciplining authorities, imposing a penalty exceeding thirty

²⁵ CSC Resolution No. 1701077, July 3, 2017.

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(30) days suspension or fine in an amount exceeding thirty (30) days['] salary, may be appealed to the Commission within a period of fifteen (15) days from receipt thereof. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department head and then finally to the Commission and pending appeal, the same shall be executory except when the penalty is dismissal from the service, in which case the same shall be executory only after confirmation by the Secretary concerned. (Emphasis supplied)

Whereas Section 45 of Republic Act No. 6975 provided for the finality of disciplinary actions imposed upon PNP members and personnel. However, the decisions of the PNP Chief, the People's Law Enforcement Board (PLEB), and Police Regional Directors involving demotion or dismissal from the service may be elevated to the proper Disciplinary Appellate Boards without prejudice to an appeal before the Secretary of DILG, viz.:

SECTION 45. Finality of Disciplinary Action. — The disciplinary action imposed upon a member of the PNP shall be final and executory: Provided, That a disciplinary action imposed by the regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the regional appellate board within ten (10) days from receipt of the copy of the notice of decision: Provided, further, That the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: Provided, furthermore, That the regional or National Appellate Board, as the case may be, shall decide the appeal within sixty (60) days from receipt of the notice of appeal: Provided, finally, That failure of the regional appellate board to act on the appeal within said period shall render the decision final and executory without prejudice, however, to the filing of an appeal by either party with the Secretary. (Emphasis supplied)

The same provision is echoed in Section 3(b), (c), and (d), Rule 7, Section 2(a), Rule 8, and Section 19, Rule 17 of the National Police Commission Memorandum Circular No. 2016-002 (NAPOLCOM MC No. 2016-002) or the Revised Rules of Procedure Before the Administrative Disciplinary Authorities and the Internal Affairs Service of the Philippine National Police, to wit:

RULE 7

REGIONAL APPELLATE BOARD

....

Section 3. *What are Appealable.* —The following are appealable to the RAB.

....

b) Decisions of the PLEB or the PNP Regional Director in the exercise of their disciplinary powers under Section 41(a) of RA 6975 as amended where

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the penalty imposed is demotion or dismissal from the service;

c) Decision of the PNP Regional Director or equivalent supervisor in the exercise of their disciplinary powers under Section 41(b) of RA 6975 as amended, where the *penalty imposed is demotion or dismissal from the service;*

d) Decisions of the PNP Regional Director in the exercise of its summary dismissal power under Section 42 of RA 6975 as amended where the *penalty imposed is demotion or dismissal from the service[.]*

RULE 8

NATIONAL APPELLATE BOARD

....

Section 2. *What are Appealable.* – The following are appealable to the NAB:

a) Decisions of the Chief of the PNP where the *penalty imposed is demotion or dismissal from the service[.]*

....

RULE 17

SUMMARY PROCEEDING AND DISPOSITION OF CASES

....

Section 19. *Finality of Decision.* – The disciplinary action imposed upon a member of the PNP shall be final and executory: *Provided*, that a disciplinary action imposed by the PNP regional director or by the PLEB involving demotion or dismissal from the service may be appealed to the RAB within ten (10) days from receipt of the copy of the notice of decision: *Provided, further*, that the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the NAB within ten (10) days from receipt thereof. (Emphasis supplied)

On this score, PMAJ Arturo raised a conflict between Executive Order No. 292 and Republic Act No. 6975 with respect to the correct remedy in assailing disciplinary actions involving PNP members and personnel when the administrative penalty imposed is more than 30 days suspension. PMAJ Arturo relied on Section 45 of Republic Act No. 6975 and argued that administrative penalties other than demotion and dismissal are final, executory, and unappealable. Hence, the proper remedy to question the penalty of suspension for more than 30 days is a special civil action for *certiorari*. PMAJ Arturo pointed out that Republic Act No. 6975, as a later special law, should prevail over Executive Order No. 292, an earlier general law. In contrast, the PNP maintained that Republic Act No. 6975 must be

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harmonized with Executive Order No. 292 and concluded that what the laws declare as final and executory are decisions in disciplinary cases involving suspension for not more than 30 days. Hence, the administrative penalty of suspension of 50 days that the PNP Chief imposed upon PMAJ Arturo is appealable to the CSC.

The Court agrees with PMAJ Arturo that Executive Order No. 292 and Section 45 of Republic Act No. 6975 cannot stand together through fair and reasonable interpretation. It is a cardinal rule of statutory construction that endeavor must be made to harmonize the provisions of a law or of two laws so that each shall be effective.²⁶ Every part of the statute shall be interpreted with reference to the context and kept subservient to the general intent of the enactment. The law cannot be read in truncated parts and its provisions must be construed in relation to the entire law. The clauses and phrases of a statute must not be taken as detached and isolated expressions. All words in the law must be considered in fixing the meaning of its parts to produce a harmonious whole. The best method of interpretation is that which makes laws consistent with other laws rather than having one considered repealed in favor of the other. Every statute ought to be construed and brought in accord with other laws as to form a uniform, complete, coherent, and intelligible system of jurisprudence. Diverse statutes relating to the same subject matter must be treated as if they are one law.²⁷ Inarguably, the above-quoted provisions of Executive Order No. 292 and Republic Act No. 6975 about disciplinary actions and jurisdictions are *in pari materia* or pertaining to the same subject matter and must be collectively interpreted,²⁸ thus:

Statutes *in pari materia* should be construed together to attain the purpose of an express national policy. **For the assumption is that whenever the legislature enacts a law, it has in mind the previous statutes relating to the same subject matter, and in the absence of any express repeal or amendment, the new statute is deemed enacted in accord with the legislative policy embodied in those prior statutes.** Provisions in an act which are omitted in another act relative to the same subject matter will be applied in a proceeding under the other act, when not inconsistent with its purpose. **Prior statutes relating to the same subject matter are to be compared with the new provisions, and if possible by reasonable construction, both to be construed that effect is given to every provision of each.** Statutes *in pari materia*, although in apparent conflict, are as far as reasonably possible construed to be in harmony with each other. **Similarly, every new statute should be construed in connection those already existing in relation to the same subject matter and all should be made to harmonize and stand together, if they can be done by any fair and reasonable interpretation.** *Interpretare et concordare leges legibus, est optimus interpretandi modus*, which means that the best method of interpretation is that which makes laws consistent

²⁶ *Valera v. Tuason, Jr.*, 80 Phil. 823, 827 (1948) [Per J. Tuason, *En Banc*].

²⁷ *Philippine International Trading Corp. v. Commission on Audit*, 635 Phil. 447, 454 (2010) [Per J. Perez, *En Banc*].

²⁸ *Philippine Economic Zone Authority v. Green Asia Construction & Development Corp.*, 675 Phil. 846, 857 (2011) [Per J. Sereno, Second Division].

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with other laws. Accordingly, courts of justice, when confronted with apparently conflicting statutes, should endeavor to reconcile them instead of declaring outright the invalidity of one against the other. Courts should harmonize them, if this is possible, because they are equally the handiwork of the same legislature.²⁹ (Emphasis supplied)

Yet, Section 45 of Republic Act No. 6975 reveals an unavoidable repugnancy with Executive Order No. 292. The incompatibility exists even if Section 91 of Republic Act No. 6975 provides that “[t]he Civil Service Law and its implementing rules and regulations shall apply to all personnel” of the DILG which includes PNP members. It is true that the presumption is against implied repeal.³⁰ Any doubt must be resolved in favor of harmonization of all laws on the subject.³¹ Statutes are presumed to be enacted with deliberation and full knowledge of all existing laws,³² and the courts must generally presume their congruent application.³³ In order that one law may operate to repeal another law, the two laws must actually be inconsistent. The former must be so repugnant as to be irreconcilable with the latter act.³⁴ Here, the two laws cannot operate in harmony together. The language of Section 45 of Republic Act No. 6975 is unambiguous that “[t]he disciplinary action imposed upon a member of the PNP shall be final and executory” except those involving demotion or dismissal from service. This is directly opposed to the provisions of Executive Order No. 292 which provides that the penalty of suspension for more than 30 days or fine exceeding 30 days’ salary shall be appealable. In *National Appellate Board of the National Police Commission v. Mamaug*,³⁵ the Court categorically ruled that the suspension of a PNP member is final and executory, and is not appealable to a higher authority, to wit:

Section 45 of RA 6975 provides that a “disciplinary action imposed upon a member of the PNP shall be final and executory.” Under Section 45, a disciplinary action is appealable only if it involves either a “demotion or dismissal from the service.” **If the disciplinary action is less than a demotion or dismissal from the service, the disciplinary action “shall be final and executory” as Section 45 of RA 6975 expressly mandates. Thus, a decision imposing suspension on a PNP member is not subject to appeal to a higher authority.**³⁶ (Emphasis supplied).

In *Marquez v. Mayo*,³⁷ the Court reiterated the pronouncement in

²⁹ *Grandspan Development Corp. v. Franklin Baker, Inc.*, 945 Phil. 132, August 2, 2023 [Per J. Gaerlan, Third Division], citing RUBEN AGPALO, STATUTORY CONSTRUCTION 377-378 (2009 ed.).

³⁰ *Manila Railroad Co. v. Rafferty*, 40 Phil 224, 228 (1919) [Per J. Johnson]

³¹ *Magkalas v. National Housing Authority*, 587 Phil. 152, 166-167 (2008) [Per J. Leonardo De Castro, First Division].

³² *Spouses Recaña, Jr. v. Court of Appeals*, 402 Phil. 26, 35 (2001) [Per J. Quisumbing, Second Division].

³³ *Republic v. Marcopper Mining Corporation*, 390 Phil. 708, 730 (2000) [Per J. Gonzaga-Reyes, Third Division].

³⁴ *United States v. Palacio*, 33 Phil. 208, 216 (1916) [Per J. Araullo].

³⁵ 504 Phil. 186 (2005) [Per J. Carpio, First Division].

³⁶ *Id.* at 195.

³⁷ 840 Phil. 179 (2018) [Per J. Tijam, First Division].

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Mamauag and clarified that the second proviso in Section 45 of Republic Act No. 6975 qualifies that general statement that disciplinary actions imposed upon a PNP member is final and executory, viz.:

Section 45 of R.A. No. 6975, as amended, provides that a disciplinary action imposed upon a member of the PNP shall be final and executory, and disciplinary actions are appealable only if it involves either a demotion or dismissal from the service. *The second proviso which renders disciplinary actions involving demotion or dismissal from the service imposed by the Chief of the PNP qualifies the general statement that disciplinary actions imposed upon a member of the PNP is final and executory.*³⁸ (Emphasis supplied)

Senior Associate Justice Marvic M.V.F. Leonen pointed out that the rigid process in place within the police force is justified. The nature of the job of PNP members requires utmost accountability and transparency to maintain public trust and confidence in law enforcement. Any leniency in the disciplinary process may compromise the integrity of the institution. Associate Justices Alfredo Benjamin S. Caguioa and Henri Jean Paul B. Inting also aptly pointed out that the people have a right to require a more stringent and stricter discipline against the police officers after trading off some of their privileges to police authorities in exchange for protection. Thus, the Congress distinguished the administrative proceedings for ordinary civilian employees and PNP members because they are involved in maintaining order and are even authorized to use force in the performance of their duties. The legislative deliberations revealed that the Congress purposely limited the remedy of appeal from disciplinary actions imposed upon PNP members to maintain the public's confidence in the police force, prevent protracted administrative proceedings, and ensure the swift discipline of erring police officers, thus:

CHAIRMAN [ERNESTO MACEDA (MACEDA)]. Yes. And, in fact, in the other sections, there are minor disciplinary punishments that are given to the mayor, and there are those that are given to the PNP *without having to go up to the National Police Commission*. Okay?

HON. [AQUILINO PIMENTEL (PIMENTEL)]. Mr. Chairman, *itong* disciplinary powers for not more than sixty days, *ano, masyado itong mababa na dalhin pa ruon sa commission*.³⁹ (Emphasis supplied).

....

CHAIRMAN MACEDA. Yeah, but while we are about to do that flow chart if there is some revision we can agree now, like there seems to be consensus that the jurisdiction of the PNP chief should be increased over sixty days. We might as well . . . Well, that is a consensus. There is consensus that there should no longer be any appeal to the National Police Commission. *We are accepting that under the existing Administrative Law*

³⁸ *Id.* at 192.

³⁹ Transcript of the Bicameral Committee (PNP Bill) meeting, May 15, 1990, p. 23.

and precedent there is appeal from the PNP chief to the department secretary and to Malacañang.

HON. [EDGARDO ANGARA (ANGARA)]. I think I would even question that in this case because then the litigation over disciplinary action will be so prolonged. *I think it would also be legal if we say that a decision at a certain level is already final[.]*⁴⁰ (Emphasis supplied)

CHAIRMAN MACEDA. No. this 30 days is the limit. All their decisions even below this would be appealable. They may have imposed a lower penalty. But meaning to say, they cannot impose more than 60 days or dismissal. Thirty (30) days here. If it is more than that, it's got to be the Chief of the PNP.

HON. [JOHN OSMEÑA (OSMEÑA)]. In the case of the Chief of Police, even one day is appealable?

CHAIRMAN MACEDA. Yes.

HON. [RONALD B. ZAMORA (ZAMORA)]. Mr. Chairman, that's an old point. I think we should really take a second look at the administrative machinery that we have set up for discipline. I think it is safe to say that *if you are going to be able to appeal every single decision including the most minor penalties, even for the most minor infractions, you are just going to create a whole jumble of administrative cases piled up on top of the other. Bakit hindi na lang natin gawin*, Mr. Chairman, if let us say – (interrupted)

CHAIRMAN MACEDA. That was the feeling last time, *to have some finalities somewhere*. But I suppose we'll have to hear from Senator Saguisag who is very careful about due process and human rights problems. If you say that my Chief of Police's decision is final and the decision is going to be a little more heavier, a little heavier than before, then you have that balance. *Depende sa ano eh . . .* if it's only reprimand, I'm sure even Senator Saguisag will agree.

HON. ZAMORA. For *instance* kung 30 days, *bakit pa natin bibigyan ng appeal?*⁴¹ (Emphasis supplied)

....

SEN. ANGARA. So the recommendation of the technical committee is to trim thick layers of proceedings, *reduce the number of appeals* and increase the jurisdiction of each body so that there'll be fewer cases coming to each body. And I think I have enclosed a copy of the amendment, Mr. Chairman. I've not gone over the amendment myself in detail, but I accept the recommendation of our technical committee that if we follow their recommendation and we rewrite the disciplinary rules, we will improve it tremendously, simplify it, and *do away with some appeal layers*. So, I hope that the members could also go over it because this, I think, is very important in the whole scheme *if an erring policeman can drag a case on and on, and there's no punishment coming quickly. Perhaps the whole scheme might not work at all.*

⁴⁰ *Id.* at 36.

⁴¹ Transcript of the Bicameral Committee (FNP Bill) meeting, May 21, 1990, pp. 21–22.

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REP. [RODOLFO ALBANO]. Mr. Chairman, it is true that there are three bodies that would take charge of the disciplinary action against policemen. We cannot disassociate the local executives because, precisely, our Constitution so states that the relationship of the local executives with the National Police shall be defined by law. And this is the law that we are creating. For all practical purposes, civilians do go to the Mayor to complain about misbehaviors and acts of policemen. And it is only proper that we give them a certain authority with which to discipline the policeman immediately. I recall in the discussion, in the last discussion, Senator Saguisag was present, and it was the Chairman, Senator Maceda, who said that *such disciplinary action should be final and executory, and that we cut the procedures of appealing this and that*. But that offenses should only be defined as to be able to know which body has jurisdiction. So that if it were a major offense, the Mayor should direct the complaint immediately to the [People's Law Enforcement Board (PLEB)] as the case [may be], but in the meantime, give a sort of maybe a temporary or stopgap discipline, so to speak. *But the action, final action, will be that particular body*. And so, we will go with the recommendation. But that, as I said, it was the opinion of the Chairman before that *there should be a quick and immediate response to the complaint of the civilians so that we can restore the confidence [in] our police authority*. Thank you, Mr. Chairman.

CHAIRMAN MACEDA. Senator Gonzales.

SEN. [NEPTALI GONZALES]. . . And insofar as the disciplinary procedure, I think that in response to the demands not only of public service but also of the people who feel that they have a valid and legitimate grounds to complain against the members of the Police, *then we should adopt a procedure that is almost summary in nature*, provided that the basic rights of notice and hearing are afforded the respondent. To me, that is enough already. And we should, I mean, *we should provide a few grounds only for appeal*, and that the appeal should peremptorily already decide the case with finality[.]⁴² (Emphasis supplied)

Taken together, Republic Act No. 6975, a later special law, must prevail against Executive Order No. 292, an earlier general law, as regards appeal mechanisms in disciplinary cases involving the members of the police force. As PMAJ Arturo correctly argued, Republic Act No. 6975 is a statute of special application that must be treated as an exception to the general civil service laws. It is a basic principle of statutory construction that a special law prevails over a general law,⁴³ viz.:

Where there are two acts or provisions, one of which is special and particular, and certainly includes the matter in question, and the other general, which, if standing alone, would include the same matter and thus conflict with the special act or provision, *the special must be taken as intended to constitute an exception to the general act or provision*, especially when such general and special acts or provisions are contemporaneous, as the Legislature is not to be presumed to have intended

⁴² Transcript of the Bicameral Committee (PNP Bill) meeting, September 12, 1990, pp. 22-24.

⁴³ *Remo v. Secretary of Foreign Affairs*, 628 Phil. 181, 191 (2010) [Per J. Carpio, Second Division].

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a conflict.⁴⁴ (Emphasis supplied)

That a special law is passed before or after the general law does not change the principle. If the special law is enacted later, it will be regarded as an exception to, or a qualification of, the prior general act. If the general law is enacted after the special law, the special law will be construed as remaining an exception to the general law's terms, unless repealed expressly or by necessary implication.⁴⁵ Verily, the provisions of Executive Order No. 292 which are inconsistent with Republic Act No. 6975 are deemed repealed or modified with respect to finality of decision in disciplinary actions against PNP members.⁴⁶

On this point, it bears emphasis that Republic Act No. 6975, as amended by Republic Act No. 8551, specified the administrative disciplinary machineries over PNP members and personnel. These machineries include the PNP Chief, officers other than the PNP Chief (e.g. Chiefs of Police, Provincial Directors, Police Regional Directors, or equivalent supervisors), Mayors of Cities/Municipalities, and the PLEB. Apropos are Sections 41, 42, and 43 of Republic Act No. 6975, as amended, to wit:

C. Administrative Disciplinary Machineries

SECTION. 41(a). *Citizen's Complaints*.— Any complaint by a natural or juridical person against any member of the PNP shall be brought before the following:

(1) *Chiefs of Police*, where the offense is punishable by withholding of privileges, restriction to specified limits, *suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days*;

(2) *Mayors of cities and municipalities*, where the offense is punishable by withholding of privileges, restriction to specified limits, *suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days*;

(3) *People's Law Enforcement Board*, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, *suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal*.

....

⁴⁴ *Lichauco & Co., Inc. v. Apostol and Corpus*, 44 Phil. 138, 147 (1922). [Per J. Street]

⁴⁵ *Vinzons-Chato v. Fortune Tobacco Corporation*, 552 Phil. 101, 111 (2007) [Per J. Ynares-Santiago, Third Division].

⁴⁶ *Calingin v. Court of Appeals*, 478 Phil. 231, 237 (2004) [Per J. Quisumbing, Second Division]. See also *Lapid v. Court of Appeals*, 390 Phil. 236 (2000) [Per J. Gonzaga-Reyes, Third Division].

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(b) *Internal Discipline.*— On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

(1) *Chiefs of police or equivalent supervisors* may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; *forfeiture of salary or suspension; or any of the combination of the foregoing: Provided, That, in all cases, the total period shall not exceed fifteen (15) days;*

(2) *Provincial directors or equivalent supervisors* may summarily impose administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; *forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days;*

(3) *Police regional directors or equivalent supervisors* shall have the power to impose upon any member the disciplinary punishment of *dismissal from the service.* He may also impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; *suspension or forfeiture of salary; demotion; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed sixty (60) days;*

(4) *The Chief of the PNP* shall have the power to impose the disciplinary punishment of *dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days: Provided, further, That the chief of the PNP* shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or even after the filing of a criminal complaint, grave in nature, against such police personnel.

(c) *Exclusive Jurisdiction.* — A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: *Provided, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense. (Emphasis supplied)*

....

SECTION. 42. *Summary Dismissal Powers of the National Police Commission, PNP Chief and PNP Regional Directors.*— The National Police Commission, the chief of the PNP and PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

(a) When the charge is serious and the evidence of guilt is strong;

(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

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(c) When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer.

Any member or officer of the PNP who shall go on absence without official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly.

SECTION 43. *People's Law Enforcement Board (PLEB).* — ...

....

(e) *Decisions* — *The decision of the PLEB shall become final and executory: Provided, That a decision involving demotion or dismissal from the service may be appealed by either party with the regional appellate board within ten (10) days from receipt of the copy of the decision.* (Emphasis supplied)

Republic Act No. 6975, as amended, likewise defined the administrative disciplinary appellate machinery consisting of the National Appellate Board (NAB) and the Regional Appellate Boards (RABs). Sections 20(c) and 44 of Republic Act No. 6975 state that the disciplinary actions rendered by the PNP Chief shall be appealable before the NAB. On the other hand, the disciplinary actions rendered by officers other than the PNP Chief (e.g. Chiefs of Police, Provincial Directors, Police Regional Directors, or equivalent supervisors), Mayors of Cities/Municipalities, and the PLEB are appealable to the RABs, thus:

SECTION 20. *Organizational Structure.* —The Commission shall consist of the following units:

....

(c) *Disciplinary Appellate Boards* — *The Commission shall establish a formal administrative disciplinary appellate machinery consisting of the National Appellate Board and the regional appellate boards.*

The National Appellate Board shall decide cases on appeal from decisions rendered by the PNP chief, while the regional appellate boards shall decide cases on appeal from decisions rendered by officers other than the PNP chief, the mayor, and the People's Law Enforcement Board (PLEB) created hereunder.

....

SECTION. 44. *Disciplinary Appellate Boards.*— The formal administrative disciplinary machinery of the PNP shall be the National Appellate Board and the regional appellate boards.

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The National Appellate Board shall be composed of the four (4) regular commissioners and shall be chaired by the executive officer. *The Board shall consider appeals from decisions of the Chief of the PNP.*

The National Appellate Board may conduct its hearings or sessions in Metropolitan Manila or any part of the country as it may deem necessary.

There shall be at least one (1) regional appellate board per administrative region in the country to be composed of a senior officer of the regional Commission as Chairman and one (1) representative each from the PNP, and the regional peace and order council as members. *It shall consider appeals from decisions of the regional directors, other officials, mayors, and the PLEBs: Provided, That the Commission may create additional regional appellate boards as the need arises.* (Emphasis supplied)

NAPOLCOM MC No. 2016-002 provided that the decisions of the NAB and RABs may be appealed to the Secretary of DILG and then to the CSC. The appeal from decisions of disciplinary authorities and appellate boards shall be through notice of appeal with the office that rendered the judgment, thus:

RULE 9

SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT

Section 1. *Jurisdiction of the Secretary.* – *Decisions of the RAB and the NAB may be appealed to the Secretary of the Department of the Interior and Local Government.*

RULE 10

CIVIL SERVICE COMMISSION

Section 1. *Appellate Jurisdiction of the Civil Service Commission.* – The following are appealable to the Civil Service Commission (CSC):

a. *Decisions of the Secretary of the Interior and Local Government in the exercise of his appellate jurisdiction except the Decision of the NAB affirming the resolution of the National IAS dismissing the complaint for lack of probable cause;*

b. *Decisions of the NAPOLCOM en banc as summary dismissal authority except Decisions approving the dismissal of the complaint for lack of probable cause.*

....

RULE 20

APPEAL

Section 1. *How Appeal is Taken; Time of Filing.* – *Appeals from the*

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decisions of the Disciplining Authority or Appellate Body shall be taken by the party adversely affected by filing a notice of appeal within the office that rendered the decision or resolution, copy furnished the other party, within ten (10) days from receipt of a copy of the decision. (Emphasis supplied)

Notably, under Section 41 of Republic Act No. 6975, only the PNP Chief, the Police Regional Directors, and the PLEB are authorized to impose the penalty of demotion or dismissal from the service. Corollary, Section 45 of Republic Act No. 6975 provides that disciplinary actions involving demotion or dismissal from the service rendered by the PNP Chief may be appealed to the NAB, while those rendered by the Police Regional Directors and the PLEB may be appealed to the RABs. Moreover, the PNP Chief, the Police Regional Directors, and the PLEB may impose the administrative penalty of suspension or forfeiture of salary for a period not exceeding 180 days, not exceeding 60 days, and not exceeding 30 days, respectively. The other administrative disciplinary machineries may also impose the penalty of suspension or forfeiture of salary subject to specified limits, namely, for a total period not exceeding 15 days for Chiefs of Police, for a total period not exceeding 30 days for Provincial Directors, and for a period of not less than 16 days, but not exceeding 30 days for Mayors of Cities/Municipalities.

For clarity and uniformity, the proper remedies in administrative disciplinary cases concerning PNP members and personnel are as follows:

(1) The decisions or resolutions of the PNP Chief, Police Regional Directors, Provincial Directors, Chiefs of Police or their equivalent supervisors, Mayors of Cities/Municipalities, and the PLEB in disciplinary actions where the penalty imposed is other than demotion or dismissal from service shall be final, executory, and unappealable. The proper mode of review is a special civil action for *certiorari* under Rule 65 of the Rules of Court filed before the CA.

(2) The decisions or resolutions of the PNP Chief, Police Regional Directors or their equivalent supervisors, and the PLEB in disciplinary actions where the penalty imposed is demotion or dismissal from the service shall be appealable. The decisions of the PNP Chief may be appealed to the NAB, while those rendered by the Police Regional Directors and the PLEB may be appealed to the RABs.

(3) The decisions or resolutions of the NAB and the RABs in the exercise of their administrative appellate jurisdiction may be appealed to the Secretary of DILG. The decisions or resolutions of the Secretary of DILG may be appealed to the CSC through an appeal/petition for review. A party may elevate the decisions

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or resolutions of the CSC before the Court of Appeals by way of a petition for review under Rule 43 of the Rules of Court.

Applying these guidelines, the CA erred in dismissing outright the special civil action for *certiorari* for being a wrong remedy. It is undisputed that PNP Chief imposed upon PMAJ Arturo the administrative penalty of 50 days suspension which is final, executory, and unappealable. Contrary to the CA's theory, PMAJ Arturo cannot be faulted when he sought judicial intervention. The doctrine of exhaustion of administrative remedies also cannot bar PMAJ Arturo's resort to judicial action given that no administrative appeal mechanisms are available in his case. Ordinarily, the Court remands the case to the CA for proper disposition on the merits. Nevertheless, to avoid further delay, we deem it more appropriate and practical to resolve the question of whether the PNP Chief gravely abused his discretion in finding PMAJ Arturo guilty of Less Grave Neglect of Duty when he did not attend the rehearsal scheduled on January 21, 2016 for the Friday Flag Lowering Ceremony.

In a petition for *certiorari* under Rule 65 of the Rules of Court, the primordial issue is whether the respondent tribunal committed grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the assailed decision or resolution. The burden is on the part of petitioner to prove not merely reversible error, but grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the public respondent. Mere abuse of discretion is not enough; it must be grave.⁴⁷ Here, PMAJ Arturo failed to substantiate any grave abuse of discretion or violation of due process on the part of the disciplining authority. The records show that the PNP Chief gave PMAJ Arturo ample chance to plead his defenses when he filed answer/counter-affidavit and sought for reconsideration. The PNP Chief then carefully studied the evidence and arguments of the parties before rendering his decision. We quote with approval the PNP Chief's factual and legal findings based on substantial evidence, viz.:

[Decision dated October 27, 2017]

During summary proceedings, Summonses dated September 7 and 19, 2016 were sent to the respondent, directing him to submit his Answer, containing a list of witness/es and their individual addresses, accompanied by documentary or other evidence he may have in support of his defense, within five days upon receipt. Further, Notices of Pre-Hearing Conference, dated September 28, 2016, were sent to respondent and complainant, informing them of the scheduled Pre-Hearing Conference on October 5, 2016. At the Pre-Hearing Conference, both parties signed an Agreement to Dispense Summary Hearing Proceedings and agreed that the summary hearing proper be dispensed with and that their position papers be submitted

⁴⁷ *Land Transportation Franchising and Regulatory Board v. Valenzuela*, 848 Phil. 917, 927-928 (2019) [Per J. Perlas-Bernabe, Second Division].

instead.

In his Answer dated September 26, 2016, respondent reiterated his defense stated in his Counter-Affidavit and submitted photocopies of Official Receipt, Out-Patient Consultation Sheet, and Certification from SPO1 Renato S. Tagahan, PCO Attendance Checker, to support his claims.

On the other hand, the nominal complainant in his undated Position Paper averred that the respondent's admission coupled with evidence contained in the case folder is already sufficient to hold him liable of the offense charged. He further averred that the medical records of his mother from PNPGH disclosed that the latter was undergoing treatment at the hospital and was impliedly required to undergo 2D Echo and Chest X-Ray, however, in the same record, said patient was scheduled for follow-up check up on January 20, 2016. Thus, it is safe to conclude, based on evidence presented by the respondent that her mother, undergone 2D Echo on January 18, 2016 and the result of which was already submitted on the scheduled follow-up check up on January 20, 2016. As regards to the respondent's failure to attend the Monday Flag Raising Ceremony, the complainant left to prudent/judicious discretion of the Summary Hearing Officer (SHO) the defense interposed by the respondent. Complainant further averred that although not in connection with the case, it is imperative to mention that the respondent was also charged for Serious Neglect of Duty for incurring 21 days of unauthorized absences, which clearly shows that the respondent has a habit of disregarding his duties as a public servant.

The SHO found the respondent guilty of Less Grave Neglect of Duty for failure to attend the rehearsal for Friday Flag Lowering on January 21, 2016[.]

Basic is the principle in administrative law that in order to hold any public officer as administratively culpable, the prosecution must prove its case by substantial evidence and must rely on the strength of its own evidence through the inherent merit of its case and cannot depend on the frailties or weakness of the defense. This is because, administrative proceedings are governed by the substantial evidence rule and the burden of proof lies on the side of the complaining parties to establish convincingly the alleged wrongdoing or culpability of the respondent as a public officer.

In the instant case, respondent failed to rebut the allegations hurled against him. The receipts he submitted only showed that his mother had undergone 2D Echo on January 18, 2016, likewise, the respondent failed to adduce evidence that will show that he personally received the result and if indeed he received the same on January 21, 2016 at the time of the scheduled rehearsal. Further, he could have easily asked for the logbook showing the time, date, and the name of the person who received the result of the medical test which is a common practice of most diagnostic clinics, but he failed to do so. More so, respondent knew that he was included in the parading elements and the schedule of their rehearsal, thus, he should have asked someone from his family to get it for his mother since the result can be acquired by someone who has the receipt and authorized by his mother. Hence, he is liable of Less Grave Neglect of Duty for failure to attend the rehearsal on January 21, 2016.⁴⁸ (Emphasis supplied)

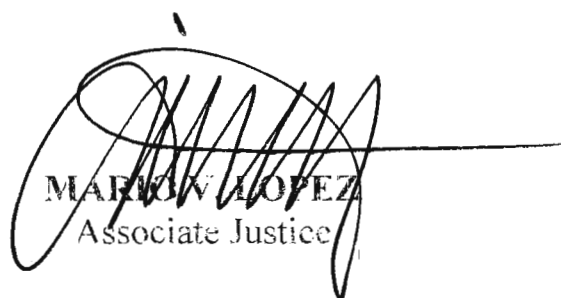
⁴⁸ Rollo, pp. 125-126.

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We reiterate that PMAJ Arturo has the burden to prove the alleged arbitrariness on the part of the PNP Chief. Yet, PMAJ Arturo failed to establish that the PNP Chief committed grave abuse of discretion defined as a capricious and whimsical exercise of judgment so patent and gross amounting to an evasion of duty.⁴⁹

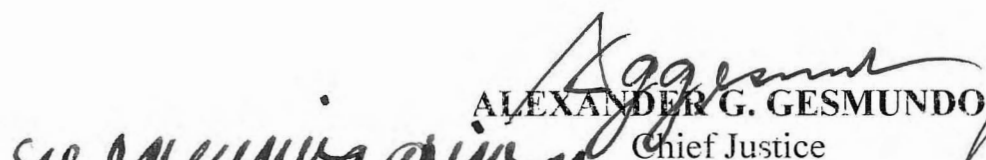
ACCORDINGLY, the Petition for Review on *Certiorari* is **DISMISSED**. The Court of Appeals' Resolution dated August 16, 2018 in CA-G.R. SP No. 156768 is **AFFIRMED**.

SO ORDERED.




MARION LOPEZ
Associate Justice

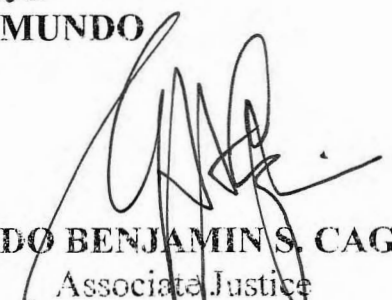
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice




MARVIC M.V.F. LEONEN
Senior Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On official leave
RAMON PAUL L. HERNANDO
Associate Justice



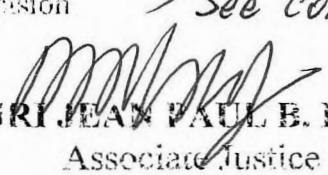
AMY C. LAZARO-JAVIER
Associate Justice

⁴⁹ *Romiro Lim & Sons Agricultural Co., Inc. v. Gutierrez*, 846 Phil. 497, 515 (2019) [Per J. Carpio, Second Division].

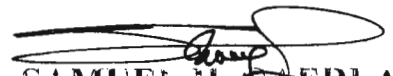
Decision

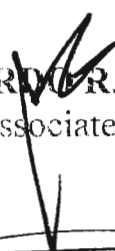
*See Concurring
Opinion* 23


G.R. No. 250804


HENRI JEAN PAUL B. INTING
Associate Justice

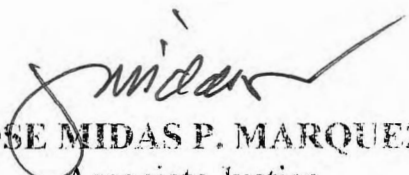

RODIL V. ZALAMEDA
Associate Justice



SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

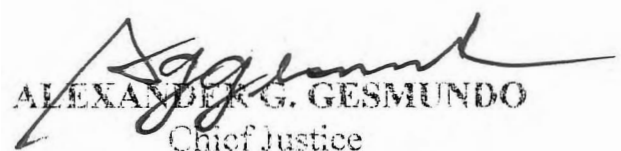

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified 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.


ALEXANDER G. GESMUNDO
Chief Justice