



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **26 August 2020** which reads as follows:*

**“G.R. No. 252364 (*Bruno G. Dumlao v. Hon. Samuel R. Martires, in his capacity as Ombudsman, Sec. Eduardo M. Año, in his capacity as Secretary of Department of Interior and Local Government, and Dolores M. Clemente*).** – After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the June 7, 2019 Decision<sup>1</sup> and the February 17, 2020 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 157219 for failure of Bruno G. Dumlao (petitioner) to sufficiently show that the CA committed any reversible error in its assailed decision as to warrant the exercise of this Court's appellate jurisdiction.

Petitioner claims that: (1) the Office of the Ombudsman (Ombudsman) and the CA turned a blind eye to the fact that he attended the Vice Mayors League of the Philippines (VMLP) event and disregarded the documentary evidence he submitted; and (2) in the absence of a categorical ruling by the trial court, it was premature to assume that the official receipt he submitted was falsified.

These arguments are untenable.

The Court agrees with the Ombudsman and the CA that the documents belatedly submitted by petitioner were not newly discovered evidence which warranted their consideration. This Court has repeatedly held that if an alleged newly discovered evidence could have very well been presented during the trial with the exercise of reasonable diligence, the same cannot, at all, be considered newly discovered.<sup>3</sup>

<sup>1</sup> Penned by Associate Justice Danton Q. Bueser, with Associate Justices Mariflor P. Punzalan Castillo and Rafael Antonio M. Santos, concurring; *rollo*, pp. 29-41.

<sup>2</sup> *Id.* at 43-44.

<sup>3</sup> *Santos v. Field Investigation Office, Office of the Ombudsman*, G.R. No. 227986, August 7, 2019.


Meanwhile, the pendency or even the dismissal of the criminal case against petitioner has hardly any bearing on the administrative case mainly because the quantum of evidence required to support a finding of guilt in a criminal case is proof beyond reasonable doubt. Administrative cases are, as a rule, separate and independent from criminal suits and are governed by differing evidentiary criteria. The acquittal of an accused who is also a respondent in an administrative case does not conclude the administrative proceedings, nor carry with it relief from administrative liability. This is because unlike in criminal cases where the threshold quantum of evidence required is proof beyond reasonable doubt, only substantial evidence is necessary in administrative cases.<sup>4</sup>

On a final note, the Court firmly held that as a rule, factual findings of the Ombudsman and the CA are conclusive and binding in the absence of grave abuse of discretion. We find no reason to deviate from the factual findings of both the Ombudsman and the CA in the case at bar.

**WHEREFORE**, the instant Petition for Review on *Certiorari* is **DENIED**. The Decision dated June 7, 2019 and the Resolution dated February 17, 2020 of the Court of Appeals in CA-G.R. SP No. 157219 are hereby **AFFIRMED**.

**SO ORDERED.**" (*Baltazar-Padilla, J., on official leave.*)

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court  
28 SEP 2020

<sup>4</sup> *Gupilan-Aguilar v. Office of the Ombudsman*, 728 Phil. 210, 241 (2014).

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