



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **29 June 2020** which reads as follows:*

“G.R. No. 251829 (*Joy Anne W. Lorenzo v. The Honorable Office of the Ombudsman and Andres D. Lacson (Municipal Mayor, Concepcion, Tarlac)*). – After a judicious study of the case, the Court resolves to **DENY the instant petition and **AFFIRM** the Decision dated 28 October 2019 and the Resolution dated 5 February 2020 of the Court of Appeals (CA) in CA-G.R. SP No. 159891 for failure of the petitioner to show that the CA committed any reversible error in ruling that the Office of the Ombudsman (OMB) did not commit grave abuse of discretion when it dismissed the administrative complaints for oppression/abuse of authority filed by petitioner Joy Anne W. Lorenzo against the private respondent, Mayor Andres D. Lacson, for lack of substantial evidence.**

At the outset, basic is the rule that the findings of fact of the OMB are conclusive when supported by substantial evidence and are accorded due respect and weight, especially when, as in this case, they are affirmed by the CA. It is only when there is grave abuse of discretion by the OMB that a review of factual findings may aptly be made. In reviewing administrative decisions, it is beyond the province of this Court to weigh the conflicting evidence, determine the credibility of witnesses, or otherwise substitute its judgment for that of the administrative agency with respect to the sufficiency of evidence. It is not the function of this Court to analyze and weigh the parties’ evidence all over again except when there is serious ground to believe that a possible miscarriage of justice would thereby result.¹

For the extraordinary writ of *certiorari* to issue against the actions of the OMB, the petitioner must show that the latter’s exercise of power had been done in an arbitrary or despotic manner. Such abuse of power must be

¹ *Dagan v. Office of the Ombudsman*, 721 Phil. 400, 414 (2013).

so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.²

Thus, for the instant petition to prosper, the petitioner has the burden to show to this Court that the OMB's findings are tantamount to a virtual refusal to perform a duty under the law. Regrettably, the petitioner miserably failed to do so.

Oppression is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflicts upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority.³ To be held administratively liable for Oppression or Grave Abuse of Authority, there must be substantial evidence presented proving the complainant's allegations.⁴ Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.⁵

In this case, the CA correctly upheld the OMB's findings and conclusions that the petitioner failed to prove that Mayor Lacson acted with ill-motive and bad faith in issuing the 19 July 2016 Memorandum assigning the petitioner as Interim MDRRMO, and Executive Order No. 18 designating the BAC Secretariat as the municipality's procurement unit. As revealed by the OMB, the 19 July 2016 Memorandum issued by Mayor Lacson would show that the petitioner was duly apprised of the need and exigency for the assignment of an MDRRMO in the Municipality of Concepcion, Tarlac, in compliance with Republic Act (RA) No. 10121 mandating all provinces and municipalities to establish their respective Disaster Reduction Risk Management Officer. Anent the legality of the issuance of Executive Order No. 18 designating the BAC Secretary as the municipality's procurement unit, the CA pointed out that the preparation of procurement documents is one of the main functions and duties of the BAC Secretariat under RA No. 9184, and its 2016 Implementing Rules and Regulations. Verily, Mayor Lacson merely acted within the ambit of his power and authority as municipal mayor, and in consonance with existing laws, when he issued the questioned 19 July 2016 Memorandum and Executive Order No. 18. There is therefore wanting in evidence to hold Mayor Lacson administratively liable for the charges. Perforce, the Court sustains the CA that the OMB did not act with grave abuse of discretion in dismissing the administrative complaints against Mayor Lacson.

² Cf. *Public Attorney's Office v. Office of the Ombudsman*, G.R. No. 197613, November 22, 2017.

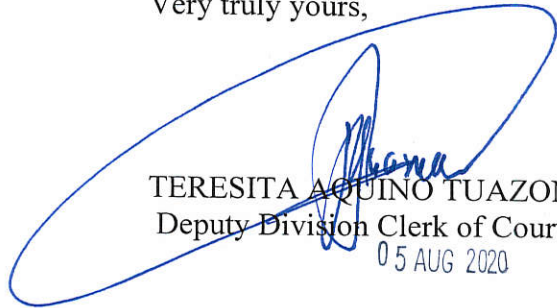
³ *Romero v. Villarosa, Jr.*, 663 Phil. 196, 207 (2011).

⁴ *Nedia v. Judge Laviña*, 508 Phil. 9, 19 (2005).

⁵ *Miro v. Vda. de Erederos*, 721 Phil. 772, 788 (2013).

SO ORDERED.” (J. Gaerlan, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
05 AUG 2020

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