



Mis-DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

JAN 24 2020
SUPREME COURT OF THE PHILIPPINES
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DEPARTMENT OF FINANCE-
REVENUE INTEGRITY
PROTECTION SERVICE
(DOF-RIPS),

Petitioner,

-versus-

G.R. Nos. 220632 and 220634

Present:

LEONEN, J., Chairperson,
GESMUNDO,*
CARANDANG,
LAZARO-JAVIER,** and
ZALAMEDA, JJ.

EDITA CRUZ YAMBAO and
OFFICE OF THE OMBUDSMAN,
Respondents.

Promulgated:
November 6, 2019

Mis-DC Batt

X-----X

RESOLUTION

LEONEN, J.:

This Court resolves a Petition for Certiorari¹ under Rule 65 of the Rules of Court, praying that the Office of the Ombudsman's Joint Resolution² and Joint Order³ be reversed and set aside, and that the Office of the Ombudsman be ordered to file the necessary informations against Edita Cruz Yambao (Yambao).

* On leave.

** On official leave.

¹ *Rollo*, pp. 3-26, Verified Petition.

² Id. at 27-70. The Joint Resolution dated December 28, 2012 was penned by Graft Investigation and Prosecution Officer II Hilario A. Favila, Jr. and approved by Overall Deputy Ombudsman Melchor Arthur H. Carandang.

³ Id. at 71-78. The Joint Order dated July 20, 2015 was penned by Graft Investigation and Prosecution Officer II Richard E. Buban, reviewed by PIAB-C Acting Director Ruth Laura A. Mella, and approved by Overall Deputy Ombudsman Melchor Arthur H. Carandang.

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On August 16, 2011, the Department of Finance-Revenue Integrity Protection Service (Revenue Integrity Protection Service) filed a Joint Complaint-Affidavit⁴ (Complaint) before the Office of the Ombudsman against Yambao, then a Customs Operation Officer III at the Bureau of Customs. It accused her of falsification of public documents and perjury, violation of Republic Act No. 6713, or the Code of Conduct and Ethical Standards for Public Officials and Employees, and violation of Republic Act No. 1379.

As set forth in the Complaint,⁵ the Revenue Integrity Protection Service was created through Executive Order No. 259, series of 2003, to conduct lifestyle checks, investigate graft and corruption allegations, and, when warranted, to file the corresponding complaints against officials and employees of the Department of Finance and its attached agencies.⁶

Pursuant to this mandate, the affiants to the Complaint conducted an investigation on Yambao's lifestyle, assets, and properties acquired during her tenure at the Bureau of Customs.⁷ Based on a comparative analysis of her Statements of Assets, Liabilities, and Net Worth and her expenditures,⁸ they claimed to have discovered the following: (1) Yambao did not file her Statement of Assets, Liabilities, and Net Worth in 2000 and 2003; (2) she amassed wealth that was grossly disproportionate to her income; and (3) over the years, she had made false, misleading, and incomplete statements in her Statements of Assets, Liabilities, and Net Worth.⁹

The table¹⁰ of her total net worth from 2004 to 2009 is as follows:

ASSETS	2004	2005	2006	2007	2008	2009
Real Properties						
Land Para[ñ]aque (1986)	115,400	115,400	115,400	115,400	115,400	115,400
House Para[ñ]aque (1987)	200,000	200,000	200,000	200,000		
House w/ 2 door Apartment					2,900,000	2,900,000
Land (Para[ñ]aque) 1997	320,000	320,000	320,000	320,000	320,000	320,000
Personal and						

⁴ Id. at 79-95.

⁵ Id. at 79.

⁶ Id. at 79-80.

⁷ Id. at 80.

⁸ Id. at 82.

⁹ Id. at 81.

¹⁰ Id. at 82-83.

Other Properties						
Vehicle (2001)	950,000	950,000	950,000	950,000	950,000	950,000
Jewelries	175,000	200,000	200,000	200,000	210,000	210,000
Appliances	100,000	100,000	100,000	100,000	120,000	120,000
Cash	380,000	400,000	400,000	420,000	450,000	480,000
Total (Real + Personal Property)]	2,240,400	2,285,400	2,285,400	2,305,000	5,065,400	5,095,400
LIABILITIES						
Car Loan	250,000	200,000				
Personal Loan	300,000	350,000	320,000	300,000	280,000	250,000
Bank Loan-Housing					2,000,000	1,900,000
TOTAL NET WORTH ([A]ssets-Liabilities)	1,690,400	1,735,400	1,965,400	2,005,400	2,785,400	2,945,400

The Office of the Ombudsman summarized the charges in the Complaint as follows:

. . . **that** with an annual salary of Php9,756.00 as Customs Clerk II, respondent purchased *in cash* a 256 sq./m lot in Better Living Subdivision, Parañaque City, known to be an expensive residential community, in 1986; **that** she financed her acquisition with her annual earnings of only P15,264.00; **that** in 1987, with an annual income of P16,027.00, she acquired, through loan, a house worth P200,000.00; **that** in 1997, with four (4) school age children and with an annual salary of P86,988.00, respondent purchased a 261 square meters lot in Better Living Subdivision, Parañaque City; **that** when her annual salary was P215,052.00, she bought a house with a two-door apartment amounting to P2,900,000.00; **that** in 1993, she purchased a Lite Ace vehicle worth P500,000.00. In 2002, her husband, who was then an employee of "Arnold L. Cruz Custom Brokerage" bought a Honda CRV 2.0 Li AT SS metallic with Plate Number XGG-115 worth P950,000.00; **that** aside from these large purchases, she also bought jewelries and accumulated cash over the years; **that** in her SALN, she declared her house with two-door apartment as having market value of P3,000,000.00. The Property Tax Declaration, however specified that its market value was P261,000.00 and assessed value was P52,200.00; **that** in her 2002 SALN, she stated that she purchased a 2002 CRV 2.0 Li AT SS Metallica in 2001, although the acquisition was only in 2002. There is a deliberate false declaration of the date of purchase on the part of the respondent in order to shield and conceal from public scrutiny, the true nature of her accumulation of unexplained wealth; **that** she extensively traveled to expensive foreign destinations like in Osaka, Japan in year 1999 and San Francisco, U.S.A.[] in 2002. These travels entail spending thousands of pesos in airfare, food, lodging and other expenses. The purpose of her travel to the USA in 2002 was to accompany her minor daughter for medical treatment of her skin problem at Camp Discovery, Camp Knutton, Cross Lake, Minnesota, USA; **that** despite her travel to the USA with her two minor children (Cedric and Cermina) in 2002, she was able to purchase in cash a Honda

CRV which is considered a luxury vehicle; **that** it is highly irregular for a government employee receiving a meager salary to afford such extensive expenses apart from the fact that she has five children which entail massive family expenditures; **that** when she traveled to Japan in 1999, she failed to secure the necessary travel authority from her superiors at the Department of Finance; **that** respondent consistently declared in her SALNs that she has business interest or is connected with “Arnold L. Cruz Customs Brokerage” (Brokerage). In her 2001 and 2002 SALNs, she declared that her husband Cesar Yambao (Cesar) is the Operations Manager of the Brokerage while in her 2005, 2006 and 2007 SALNs [s]he declared her husband as self-employed. Significantly, the Brokerage was still declared as part of her business interest despite the fact that in her 2005, 2006 and 2007 SALNs she declared that her husband is no longer connected with the same; **that** in her March 21, 2007 Personal Data Sheet, she disclosed that Cesar was employed in the Customs Brokerage contrary to what she stated in her 2007 SALN; in her 2008 and 2009 SALNs, she continued to declare that Cesar was an employee of the said Customs Brokerage. Her connection with the Customs Brokerage is highly questionable since the verification from the Business Permit and Licensing Office of the City of Manila showed that the Brokerage or Arnold L. Cruz Customs Brokerage has no permit to operate business in Manila from 2006 to present and yet she maliciously declared such business in her 2007, 2008, and 2009 SALNs; **that** respondent continued to declare the Brokerage as her business interest at the time that she declared that her husband was self-employed, thus, making such declaration highly suspicious; **that** because of these inconsistencies, respondent is inferred to be the owner of the Brokerage, which is strengthened by her husband’s declaration in his application of Philippine Ports Authority Pass Control that he is a representative of such Brokerage, and as such, it is definitely in conflict with her duties and responsibilities as Chief of the Assessment Division, DHL Customs Composite Unit, MICP, Bureau of Customs; **and that** she misdeclared that she operates a piggery farm in Sto. Cristo, Pulilan, Bulacan to cover up her accumulation of unexplained wealth, when in truth, no property in Sto. Cristo is registered in her name.¹¹ (Emphasis in the original)

In a December 28, 2012 Joint Resolution,¹² the Office of the Ombudsman dismissed the charges against Yambao.

The Office of the Ombudsman found that the evidence presented was insufficient to prove Yambao’s non-filing of her Statements of Assets, Liabilities, and Net Worth in 2000 and 2003, especially as weighed against her proof that she filed them.¹³

Moreover, the Office of the Ombudsman found that her disclosures in her Statements of Assets, Liabilities, and Net Worth appeared substantially true or compliant with the law. As for any discrepancies in her disclosures, it found no deliberate intent to falsify on her part.¹⁴

¹¹ Id. at 30–33.

¹² Id. at 27–70.

¹³ Id. at 50.

¹⁴ Id. at 54.

Finally, the Office of the Ombudsman found that the Revenue Integrity Protection Service did not substantiate its allegation that Yambao had unexplained wealth, in violation of Republic Act No. 1379.¹⁵ The charge rested on the allegation that Yambao was the only breadwinner in her family, but the Office of the Ombudsman did not find sufficient evidence to establish this claim.¹⁶

The dispositive portion of the Joint Resolution read:

FOREGOING CONSIDERED, the charges filed against **EDITA CRUZ YAMBAO**, Customs Operation Officer III, Bureau of Customs, Manila, are hereby **dismissed**.

SO RESOLVED.¹⁷ (Emphasis in the original)

The Revenue Integrity Protection Service filed a Motion for Reconsideration,¹⁸ which the Office of the Ombudsman denied in a July 20, 2015 Joint Order.¹⁹

Thus, petitioner Revenue Integrity Protection Service filed this Petition.²⁰ Private respondent Yambao filed her Comments/Opposition,²¹ and public respondent Office of the Ombudsman filed its Comment.²² Thereafter, petitioner filed its Consolidated Reply.²³

Petitioner insists that public respondent gravely abused its discretion by disregarding jurisprudential parameters in determining probable cause.²⁴ It argues that public respondent disregarded the evidence that established a *prima facie* presumption of ill-gotten wealth, which private respondent was not able to overturn.²⁵ It insists that it presented sufficient evidence, as preliminary investigation only requires evidence that “may engender well-grounded belief that an offense has been committed and that the accused is probably guilty thereof.”²⁶

Petitioner prays that public respondent be ordered to file informations for violations of: (1) Section 9 in relation to Section 11 of Republic Act No.

¹⁵ Id. at 69.

¹⁶ Id. at 67.

¹⁷ Id. at 69.

¹⁸ Id. at 388–399.

¹⁹ Id. at 71–78.

²⁰ Id. at 3–26.

²¹ Id. at 506–547.

²² Id. at 855–876.

²³ Id. at 882–901.

²⁴ Id. at 883.

²⁵ Id. at 19.

²⁶ Id. at 884.

6713; (2) Section 7 of Republic Act No. 3019; (3) Articles 171(4) and 183 of the Revised Penal Code; and (4) Republic Act No. 1379.²⁷

The only issue for this Court's resolution is whether or not public respondent the Office of the Ombudsman committed grave abuse of discretion in determining that no probable cause exists to charge private respondent Edita Cruz Yambao with any of the offenses charged by petitioner Department of Finance-Revenue Integrity Protection Service.

Special civil actions for certiorari do not correct errors of fact or law that do not constitute grave abuse of discretion. Thus, as a general rule, this Court does not interfere with the exercise of the Office of the Ombudsman's discretion in determining the existence of probable cause when there is no showing that it acted in an "arbitrary, capricious, whimsical[,] or despotic manner."²⁸

This Court explained the reasons for this deference in *Dichaves v. Office of the Ombudsman*.²⁹

An independent constitutional body, the Office of the Ombudsman is "beholden to no one, acts as the champion of the people[,] and [is] the preserver of the integrity of the public service." Thus, it has the sole power to determine whether there is probable cause to warrant the filing of a criminal case against an accused. This function is *executive* in nature.

The executive determination of probable cause is a highly factual matter. It requires probing into the "existence of such *facts and circumstances* as would excite the belief, in a reasonable mind, *acting on the facts within the knowledge of the prosecutor*, that the person charged was guilty of the crime for which he [or she] was prosecuted."

The Office of the Ombudsman is armed with the power to investigate. It is, therefore, in a better position to assess the strengths or weaknesses of the evidence on hand needed to make a finding of probable cause. As this Court is not a trier of facts, we defer to the sound judgment of the Ombudsman.

Practicality also leads this Court to exercise restraint in interfering with the Office of the Ombudsman's finding of probable cause. *Republic v. Ombudsman Desierto* explains:

[T]he functions of the courts will be grievously hampered by innumerable petitions assailing the dismissal of investigatory proceedings conducted by the Office of the Ombudsman with regard to complaints filed before it, in much the same way that the courts would be extremely swamped if they could be compelled to review the exercise

²⁷ Id. at 20.

²⁸ *Joson v. Office of the Ombudsman*, 816 Phil. 288, 320 (2017) [Per J. Leonen, Second Division].

²⁹ 802 Phil. 564 (2016) [Per J. Leonen, Second Division].

of discretion on the part of the fiscals or prosecuting attorneys each time they decide to file an information in court or dismiss a complaint by a private complainant.³⁰ (Emphasis in the original, citations omitted)

In its assailed Joint Resolution, public respondent carefully considered the evidence presented, and its conclusions were based on the case records.

On the claim that private respondent did not file her 2000 and 2003 Statements of Assets, Liabilities, and Net Worth, public respondent did not give credence to petitioner's evidence: the October 1, 2010 Certification issued by the Human Resource Management Division of the Bureau of Customs. Public respondent noted that although the Human Resource Management Division receives or collates the statements of Bureau of Customs employees, it is not the repository of these statements.

Furthermore, public respondent noted that private respondent presented proof that she filed her 2000 and 2003 Statements of Assets, Liabilities, and Net Worth, with stamps showing when they were received by the Bureau of Customs.³¹ Petitioner did not refute this. Thus, public respondent concluded that there was insufficient evidence to prove its allegation.³²

On the charge that private respondent falsified her Statements of Assets, Liabilities, and Net Worth, public respondent found that her disclosures in her Statements of Assets, Liabilities, and Net Worth appeared substantially true or compliant with the law, and found insufficient proof of any deliberate intent to falsify.³³

Meanwhile, in support of its claim that private respondent's husband did not have any income, making her the family's only breadwinner,³⁴ petitioner only presented private respondent's Statements of Assets, Liabilities, and Net Worth and service records. As public respondent pointed out, the Statements themselves show that her husband was, in fact, engaged in the custom brokerage business, particularly employed at Arnold L. Cruz Customs Brokerage.³⁵ Thus, petitioner did not sufficiently establish that private respondent was the only income earner in her family.

Moreover, public respondent noted that private respondent presented sufficient evidence to show that her husband was gainfully employed and

³⁰ Id. at 589-591.

³¹ *Rollo*, p. 50-51.

³² Id. at 51.

³³ Id. at 54.

³⁴ Id. at 66-69.

³⁵ Id. at 67.

contributed to their family assets and expenses. Aside from her Statements of Assets, Liabilities, and Net Worth, she also presented affidavits from her husband's employer, Arnold L. Cruz (Cruz), the owner of the brokerage firm declared in the Statements of Assets, Liabilities, and Net Worth, which confirmed, among others, that her husband was an income earner.³⁶

Now, petitioner claims that public respondent gravely abused its discretion in disregarding a Bureau of Permits Certification it presented, which showed that Arnold L. Cruz Customs Brokerage has not operated since 2006.³⁷ It insists that this Certification establishes that private respondent's husband had no income to contribute to the family.³⁸ Petitioner argues that Cruz's Affidavit showing her husband's employment was not enough to overturn the Certification.³⁹

Petitioner places unfounded weight on this Certification. Quite the contrary, it only certifies:

... that based on the available records of this Office, no business permit was issued to ARNOLD L CRUZ CUSTOM BROKERAGE located at 260 Padilla delos Reyes Bldg., 232 J Luna St., Manila to operate any business in Manila from CY 2006 to present.⁴⁰

Public respondent found that such a certification, without any other evidence, was insufficient to establish that private respondent's husband was unemployed and had no income. This is not grave abuse of discretion.

Further, public respondent considered and weighed the evidence presented by petitioner against that of private respondent. It noted that the affidavit issued by Cruz explains why no mayor's permit was issued to the firm. It reads in part:

6.) As an individual customs broker, I am not required by the Bureau of Customs for accreditation, a mayor's permit after the passage of RA 9280. However, it is the "WORLD CARGO TECHNOLOGY BROKERAGE CORPORATION" that obtains the mayor's permits for the customs business operations that we conduct at Padilla De Los Reyes Building, 232 Juan Luna Street, Binondo, Manila for both the corporation and "ARNOLD L. CRUZ CUSTOMS BROKER".⁴¹

Cruz's affidavit also explained that her husband derived income from Cruz's brokerage, showing that private respondent was not the sole

³⁶ Id. at 67-68.

³⁷ Id. at 11.

³⁸ Id.

³⁹ Id. at 12.

⁴⁰ Id. at 854.

⁴¹ Id. at 310.

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breadwinner of her family. Part of it reads:

7.) For the period 2001 up to the present my uncle CESAR G. YAMBAO was employed by "ARNOLD L. CRUZ CUSTOMS BROKER" in various capacities as operations manager, marketing officer, etc. when attending to existing clients of "ARNOLD L. CRUZ CUSTOMS BROKER" where CESAR G. YAMBAO receives compensation and at the same time allowed as a free-lance self-employed.

8.) Since the volume of customs brokerage business is not constant and depends on the frequency of importations of the clients of "ARNOLD L. CRUZ CUSTOMS BROKERAGE", MR. CESAR G. YAMBAO is likewise allowed at the same time to dedicate his available free time as "self-employed" by being allowed to market his own clients and bring in additional business to "ARNOLD L. CRUZ CUSTOMS BROKER". In this manner, MR. CESAR YAMBAO's employment with "ARNOLD L. CRUZ CUSTOMS BROKER" is in no way inconsistent with his being "self-employed" when not attending to the clients of "ARNOLD L. CRUZ CUSTOMS BROKER".⁴²

Public respondent even acknowledged that the affidavit of her husband's employer may have been self-serving. Nonetheless, it found that the evidence to charge private respondent was still insufficient:

True, those affidavits may be considered as self-serving statements as far as the respondent is concerned; however, in the absence of evidence to the contrary, this Office may not be precluded of (*sic*) giving weight and credence thereof. Further, it is worthy to note that the herein affiants will not dare to come forward under pain of criminal prosecution for perjury to prove the innocence of respondent if they are not telling the truth. There is semblance of truth to their verified statements that respondent's husband is also gainfully employed, earning income for his family. Clearly, when they acquired the properties during the years indicated in her SALNs including the investments and the two foreign trips she made together with her children for medical purposes, there rises the presumption that they have the finances to support said acquisitions, investments and expenses.⁴³

Petitioner also claims that public respondent gravely abused its discretion in ignoring private respondent's perjurious act of declaring Arnold L. Cruz Brokerage as a business interest, when she had none.⁴⁴

This Court notes that public respondent did not ignore private respondent's declaration. Instead, it carefully considered this and exercised its discretion in determining that it was not perjurious. Public respondent found that when private respondent declared the brokerage firm as a business interest, she relied on her understanding that her husband worked

⁴² Id.

⁴³ Id. at 68.

⁴⁴ Id. at 9.

of evidence presented by petitioner to show otherwise.⁴⁸

Although public respondent did not conclusively find that private respondent's husband has been regularly employed since 1977, it pointed out that neither petitioner nor private respondent submitted the husband's income tax returns, which could have supported either of their claims. Thus, it followed the rule that one who accuses has the burden of proving the accusation, which should rely on the strength of his or her evidence, not the weakness of the opponent's own evidence.⁴⁹

Public respondent further noted that petitioner did not show which of private respondent's acquisitions, investments, and expenses were extravagant or lavish. It observed that the increase in private respondent's wealth was gradual, its percentage increase minimal and commensurate to private respondent's and her husband's annual income.⁵⁰

Petitioner has, thus, failed to show any basis for this Court to find grave abuse of discretion on the part of public respondent.

Furthermore, private respondent should not be liable for inaccuracies in her Statements of Assets, Liabilities, and Net Worth if she had not first been given the opportunity to correct the defects.

The laws requiring public officers to submit declarations of their assets, liabilities, net worth, and financial and business interests recognize that defects in a statement of assets, liabilities, and net worth may occur despite the reporting individual's lack of intent to conceal wealth. An opinion in *San Diego v. Fact-Finding Investigation Committee*⁵¹ outlined the legal framework for this conclusion:

Section 7 of the Anti-Graft and Corrupt Practices Act mandates every public officer to file a statement of assets, liabilities, and net worth with the office of his or her Department Head, Office of the President, or Office of the Secretary of the House of Representatives or Senate, wherever applicable. Violating this provision is sufficient to remove or dismiss a public officer, who shall be punished with a fine and/or imprisonment. However, the law was passed decades before the enactment of Republic Act No. 6713, which particularly governs the conduct and ethical standards of public officials and employees.


The Code of Conduct and Ethical Standards for Public Officials

⁴⁸ Id. at 63–65.

⁴⁹ Id. at 66.

⁵⁰ Id. at 68–69.

⁵¹ J. Leonen, Concurring Opinion in *San Diego v. Fact-Finding Investigation Committee*, G.R. No. 214081, April 10, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65165>> [Per J. Peralta, Third Division].



and Employees specifies that a review and compliance procedure must be established to determine the existence of certain defects in a public officer's statement of assets, liabilities, and net worth. Under the procedure, if it is found that the statement of assets, liabilities, and net worth was: (1) not [f]iled on time; (2) incomplete; or (3) not in proper form, the reporting individual must be informed of this defect and directed to take corrective action.

The law places the responsibility of establishing these procedures on designated committees in the House of Representatives and the Senate, as well as heads of offices, subject to the approval of the Department of Justice Secretary or the Supreme Court Chief Justice, for the executive branch and the judiciary, respectively. The law further provides:

SECTION 10. *Review and Compliance Procedure.* — . . .

....

(b) In order to carry out their responsibilities under this Act, the designated Committees of both Houses of Congress shall have the power within their respective jurisdictions, to render any opinion interpreting this Act, in writing, to persons covered by this Act, subject in each instance to the approval by affirmative vote of the majority of the particular House concerned.

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act.

Thus, the law clearly recognizes that a defect in the statement of assets, liabilities, and net worth may have occurred despite the reporting individual's good faith, and despite his or her lack of intent to conceal wealth. Moreover, once an opinion is rendered to a reporting individual, if he or she subsequently acts upon the opinion in good faith, he or she may not be sanctioned under Republic Act No. 6713.⁵² (Citations omitted)

Thus, in *Atty. Navarro v. Office of the Ombudsman*,⁵³ this Court exonerated the reporting individual for making an over-declaration in his Statements of Assets, Liabilities, and Net Worth, and for lumping his properties. It pointed out that officials should be alerted to issues such as this to give an opportunity to rectify them:

Although it is the duty of every public official/employee to properly accomplish his/her SALN, it is not too much to ask for the head of the appropriate department/office to have called his attention should there be any incorrectness in his SALN. The DOF, which has supervision over the BIR, could have directed Navarro to correct his SALN. This is in consonance with the above-quoted Review and Compliance Procedure under R.A. No. 6713, as well as its Implementing Rules and Regulations

⁵² Id.

⁵³ 793 Phil. 453 (2016) [Per J. Mendoza, Second Division].

(*IRR*), providing for the procedure for review of statements to determine whether they have been properly accomplished. To reiterate, it is provided in the *IRR* that in the event authorities determine that a SALN is not properly filed, they should **inform the reporting individual and direct him to take the necessary corrective action.**

In this case, however, Navarro was not given the chance to rectify the nebulous entries in his SALNs. Instead, the DOF, through its RIPS, filed a complaint-affidavit with the Ombudsman on the ground that his SALN was “generalized.” Regardless, Navarro was able to show and explain the details of his SALN when he submitted his counter-affidavit with the necessary documents, to which the DOF-RIPS and the Ombudsman and the CA coldly closed their eyes.

As there was only a failure to give proper attention to a task expected of an employee because of either carelessness or indifference, Navarro should have been informed so he could have made the necessary explanation or correction. *There is nothing wrong with a generalized SALN if the entries therein can be satisfactorily explained and verified.*

....

The Court is mindful of the duty of public officials and employees to disclose their assets, liabilities and net worth accurately and truthfully. In keeping up with the constantly changing and fervent society and for the purpose of eliminating corruption in the government, the new SALN is stricter, especially with regard to the details of real properties, to address the pressing issue of transparency among those in the government service. Although due regard is given to those charged with the duty of filtering malicious elements in the government service, it must still be stressed that such duty must be exercised with great caution as grave consequences result therefrom. Thus, some leeway should be accorded the public officials. They must be given the opportunity to explain any *prima facie* appearance of discrepancy. To repeat, where his explanation is adequate, convincing and *verifiable*, his assets cannot be considered unexplained wealth or illegally obtained.⁵⁴ (Emphasis in the original, citation omitted)

In this case, there is no showing that private respondent had been given the opportunity to correct the defects in her Statements of Assets, Liabilities, and Net Worth before the Complaint was filed against her. If her or her husband’s connection to Arnold L. Cruz Customs Brokerage was too ambiguous or a cause for concern, she should have been allowed to clarify the matter—especially since she expressly disclosed a connection with the firm. Thus, this Court reiterates its pronouncement in *Atty. Navarro*:

Lest it be misunderstood, the corrective action to be allowed should only refer to typographical or mathematical rectifications and explanation of disclosed entries. It does not pertain to hidden, undisclosed or undeclared acquired assets which the official concerned intentionally concealed by one way or another like, for instance, the use of dummies. There is actually no hard and fast rule. If income has been actually


⁵⁴ Id. at 476–478.

reported to the BIR in one's ITR, such fact can be considered a sign of good faith.⁵⁵

The purpose of requiring public officials to submit statements of assets, liabilities, and net worth is to defeat corruption. Providing an opportunity to correct a defect before being sanctioned is aligned with this purpose.⁵⁶

WHEREFORE, the Petition for Certiorari is **DISMISSED**. The Office of the Ombudsman's December 28, 2012 Joint Resolution and July 20, 2015 Joint Order are **AFFIRMED**.

SO ORDERED.



MARVIC M.V.F. LEONEN
Associate Justice

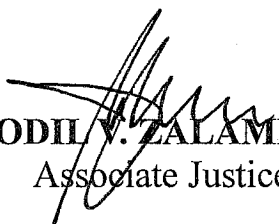
WE CONCUR:

On leave
ALEXANDER G. GESMUNDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

On official leave
AMY C. LAZARO-JAVIER
Associate Justice



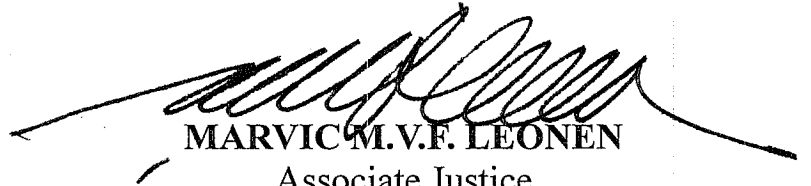
RODIL V. ZALAMEDA
Associate Justice

⁵⁵ Id. at 477.

⁵⁶ J. Leonen, Concurring Opinion in *San Diego v. Fact-Finding Investigation Committee*, G.R. No. 214081, April 10, 2019, <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65165>> [Per J. Peralta, Third Division].

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



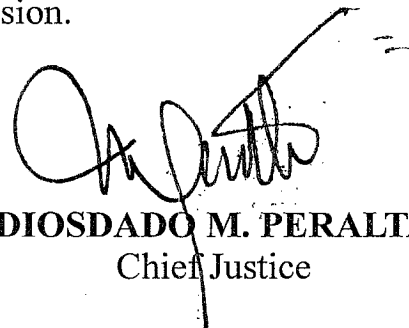
MARVIC M.V.F. LEONEN

Associate Justice

Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA

Chief Justice

CERTIFIED TRUE COPY

Mis-DCBatt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court
Third Division

JAN 24 2020