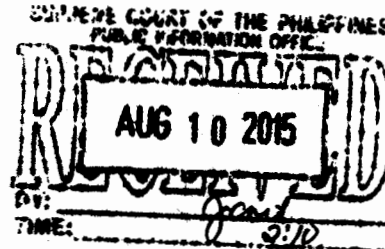




Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 22, 2015 which reads as follows:*

**“G.R. No. 218227 (Gabriel C. Dalloran v. Office of the Deputy Ombudsman for Luzon and Juliet\* Tabuñar\*\* Vda. de Vergel de Dios).** – The counsel for petitioner is required to **COMPLY** within five (5) days from notice hereof with A.M. No. 07-6-5-SC dated July 10, 2007 re: statement of contact details (*e.g.* telephone number, fax number, cellular phone number or e-mail address) of parties or their counsels in all papers and pleadings filed with the Supreme Court; and the Cash Collection and Disbursement Division is hereby required to **RETURN** to the petitioner the excess amount of ₱270.00 paid for filing fees under O.R. No. 0114310-SC-EP dated June 5, 2015.

After a judicious review of the records, the Court resolves to **DISMISS** the instant petition for failure to show that the Office of the Deputy Ombudsman for Luzon (Office of the Ombudsman) gravely abused its discretion in issuing the assailed October 7, 2014 Resolution<sup>1</sup> and December 5, 2014 Order<sup>2</sup> holding that probable cause exists to charge petitioner Gabriel C. Dalloran (petitioner) with 18 counts of Falsification by Public Officer, as defined and penalized under paragraph 2,<sup>3</sup> Article 171 of the Revised Penal Code.

\* “Julietta” in some parts of the *rollo*.

\*\* “Tabunar” in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 27-37. Penned by Graft Investigation & Prosecution Officer I Diana Joyce N. Basco, reviewed by Director Adoracion A. Agbada, and approved by Deputy Ombudsman for Luzon Gerard A. Mosquera.

<sup>2</sup> *Id.* at 38-40. Penned by Graft Investigation and Prosecution Officer I Joyrich M. Golangco, reviewed by Director (EIO-Bureau B) Adoracion A. Agbada, and approved by Deputy Ombudsman for Luzon Gerard A. Mosquera.

<sup>3</sup> Article 171 of the RPC provides:

ART. 171. *Falsification by public officer, employee; or notary or ecclesiastic minister.* — The penalty of *prision mayor* and a fine not to exceed ₱5,000 shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x x

2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;

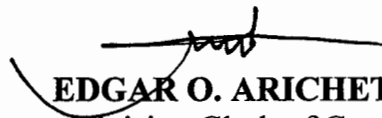
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As correctly ruled by the Office of the Ombudsman, probable cause exists to charge petitioner with Falsification as it was established that Rosita Fajardo-Ordoñez, the owner of the land distributed to the farmer-beneficiaries, was already deceased at the time that the Deeds of Transfer were purportedly signed. It is well-settled that a finding of probable cause by the Office of the Ombudsman is entitled to great weight and respect in the absence of any capricious, whimsical and arbitrary action on his part,<sup>4</sup> which was not shown in this case.

**SO ORDERED.” SERENO, C.J.**, on official leave; **PERALTA, J.**, acting member per S.O. No. 2103 dated July 13, 2015. **LEONARDO-DE CASTRO, J.**, on official leave; **LEONEN, J.**, acting member per S.O. No. 2108 dated July 13, 2015.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court  
26

THE LAW FIRM OF AVILA  
REYES LICNACHAN MACEDA  
LIM AREVALO LIBIRAN  
MARQUEZ CADIO AND  
DALLORAN

Counsel for Petitioner  
2<sup>nd</sup> Flr., Antipolo Annex Bldg.  
No. 83 Session Rd. 2600 Baguio City

Cash Collection and Disbursement  
Division (x)  
Supreme Court

OFFICE OF THE OMBUDSMAN  
National Government Center  
Diliman 1128 Quezon City  
(OMB-L-C-13-0293)

Ms. Juliet Tabunara Vda. De Vergel  
De Dios  
Respondent  
Sagat, Cordon  
3312 Isabela

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No. 12-7-1-SC)

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Supreme Court

SR

<sup>4</sup> We reiterate the rule that courts do not interfere in the Ombudsman's exercise of discretion in determining probable cause unless there are compelling reasons. The Ombudsman's finding of probable cause, or lack of it, is entitled to great respect absent a showing of grave abuse of discretion. Besides, to justify the issuance of the writ of *certiorari* on the ground of abuse of discretion, the abuse must be grave, as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined, or to act at all, in contemplation of law, as to be equivalent to having acted without jurisdiction. (See *Ganaden v. Hon. Office of the Ombudsman*, 665 Phil. 224, 232 [2011], citing *Vergara v. The Hon. Ombudsman*, 600 Phil. 26, 45 [2009]).