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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 7, 2020 which reads as follows:

***“G.R. No. 251426 – RENATO B. BALGOS v. OFFICE OF THE OMBUDSMAN, LEONARDO R. SIBBALUCA, and URSULO SANICO, JR.*”**

RESOLUTION

Petitioner Renato B. Balgos charges the Office of the Ombudsman (OMB) with grave abuse of discretion amounting to lack or excess of jurisdiction for rendering its: (a) Joint Resolution¹ dated June 18, 2018 which dismissed the criminal complaint for violation of Republic Act No. 3019 (RA 3019) otherwise known as the Anti-Graft and Corrupt Practices Act docketed as OMB-V-C-16-0335 and administrative complaint for grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service docketed as OMB-V-A-16-0407 both of which he filed against respondents Leonardo R. Sibbaluca (Sibbaluca) and Ursulo S. Sanico, Jr. (Sanico); and (b) Order² dated April 8, 2019 which denied his motion for reconsideration.³

According to petitioner, there was a clear showing that the Department of Environment and Natural Resources (DENR) officials Sibbaluca and Sanico acted with manifest partiality, evident bad faith, and gross inexcusable negligence when they ruled in favor of the persons who opposed his (petitioner) and his son’s applications for free patent. This was purportedly evident when Sibbaluca, in denying

¹ *Rollo*, pp. 21-28.

² *Id.* at 29-31.

³ *Id.* at 59-63.

his application, relied on the unnotarized waiver allegedly executed by one Teodorico Adante (Adante) who denied he ever owned the land which he sold to him. Sibbaluca failed to verify the authenticity of the documents submitted to his office. Sibbaluca even held that he had nothing to prove his claim except a photocopy of the deed of sale that he and Adante executed, when in fact, he submitted no less than the original copy to Sibbaluca's office. Sanico, on the other hand, did not state in his Investigation Report that he was in actual possession of the land. Both Sibbaluca and Sanico substituted the aforesaid original copy of the deed of sale with a mere photocopy. The Provincial Prosecutor of Leyte found probable cause to indict Sanico for removal or concealment of document under Article 226 of the Revised Penal Code.⁴

Sibbaluca and Sanico failed to verify whether he had actually received the DENR Decision dated October 4, 2006. In truth, he only learned of the adverse decision on March 15, 2015, when the decision had long been considered as final and executory.⁵ Sibbaluca and Sanico's acts caused damage and injury to him and his son because they were deprived of the right to the free patents they applied for. He had proved that Sibbaluca and Sanico should be indicted for violation of RA 3019 or the Anti-Graft and Corrupt Practices Act, and they should be administratively charged for grave misconduct, dishonesty, and conduct prejudicial to the best interest of service.

The petition must fail.

Primarily, the Court cannot take cognizance of the administrative case docketed as OMB-V-A-16-0407 for grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service. Section 7, Rule III of the Rules of Procedure of the Office of the Ombudsman reads:

Section 7. Finality and execution of decision. - Where the respondent is **absolved of the charge**, and in case of conviction where the penalty imposed is public censure or reprimand, suspension of not more than one month, or a fine equivalent to one month salary, **the decision shall be final, executory and unappealable.** In all other cases, the decision may be appealed to the Court of Appeals on a verified petition for review under the requirements and conditions set forth in Rule 43 of the Rules of Court, within fifteen (15) days from receipt of the written Notice

⁴ *Id.* at 11-14.

⁵ *Id.* at 14.

of the Decision or Order denying the Motion for Reconsideration.
(Emphasis supplied)

Verily, the OMB's dispositions in OMB-V-A-16-0407 are within the appellate jurisdiction of the Court of Appeals, not this Court. *Duyon v. The Former Special Fourth Division of the Court of Appeals, et al.*⁶ reiterates that the Court of Appeals has jurisdiction over orders, directives and decisions of the Office of the Ombudsman (OMB) in administrative disciplinary cases.

As for OMB-V-C-16-0335, the OMB dismissed it for lack of merit. The OMB observed that Sibbaluca decided the free patent applications based on the evidence presented by the contending parties in the DENR proceedings. The OMB noted that petitioner never questioned the authenticity of the documents presented by claimants-oppositors in support of their asserted right over the land in question. It also noted that petitioner himself contradicted his own allegation that Sibbaluca and Sanico conspired with each other when he also stated in his complaint that Sibbaluca actually resolved in favor of claimants-appellants notwithstanding Sanico's findings to the contrary. More, petitioner filed the case only after around ten (10) years following the issuance of the now final and executory DENR Decision dated October 4, 2006. By accusing DENR officials Sibbaluca and Sanico of graft for rendering this ten-year-old Decision, petitioner is trampling upon the doctrine of immutability of final judgment, nay, flagrantly abusing the legal processes all for his own personal interest. This we cannot countenance.

Finally, we bring to fore the DENR Certification⁷ dated April 2, 2007, showing that contrary to petitioner's protestation, he actually received copy of the DENR Decision dated October 4, 2006 on November 28, 2006. He is therefore bound by the finality of the aforesaid Decision.

All told, the OMB did not act with grave abuse of discretion amounting to excess or lack of jurisdiction in rendering the assailed dispositions.

WHEREFORE, the petition is **DISMISSED** for utter lack of merit. The Joint Resolution dated June 18, 2018 and Order dated April

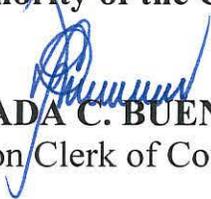
⁶ 748 Phil. 375, 385 (2014).

⁷ *Rollo*, pp. 76-77.

8, 2019 of the Office of the Ombudsman in OMB-V-C-16-0335 and OMB-V-A-16-0407 are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *off cols*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
12-A

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JLP