



Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Agham Road, Diliman, Quezon City 1104



Spouses **TYRONE JASON D. VALENCIA**
and **SARAH MAE G. VALENCIA**

Complainants,

- versus -

OMB-C-A-15-0099

For: Grave Misconduct,
Gross Neglect of Duty, and
Failure to act promptly on
letters and requests

MANUEL T. CHUA CHIACO
(SG 29)
Executive Director

ATHENA ACEDILLO¹ (SG 15)
Nurse II

MARIA LINDA G. BUHAT (SG 26)
Assistant Director for Nursing Services

JOSE MONTEMAYOR, Jr.² (SG 25)
Legal Officer

REYRITA KATRINA TARIGA³
(SG 20)
Quality Assurance Coordinator

CARMENCITA D. ESPELETA
(SG 22)
Customer Relations Department Chief

LEYDA E. DELA CUESTA⁴ (SG 23)
Clinical Areas Department Chief

NOEMI S. HERNANDEZ (SG 18)
Secretary

¹ Full name is **ATHENA MAE P. ACEDILLO** as appearing in her Counter-Affidavit, Records, Folder I, pp. 0124-0126.

² Full name is **JOSE C. MONTEMAYOR, Jr.** as appearing in his Counter-Affidavit, Records, Folder I, pp. 0103-0108.

³ Full name is **REYRITA KATRINA P. TARIGA** as appearing in her Counter-Affidavit, Records, Folder I, pp. 0148-0153.

⁴ The surname "Dela Cuesta" was changed to "Galindez" after respondent's marriage. See Records, Folder I, p. 0131.

REMEDIOS D. J. TRINIDAD (SG 9)

Secretary

MERCY R. DE JESUS (SG 15)

Social Welfare Officer

PRECIOUS JOY S. GONORA

(SG 15)

Nursing staff

MARIA ESTRELLA IBE-ILUSTRE

Neurologist

GERARDO S. MANZO (SG 27)

MAGDALENA J. LAGAMAYO

(SG 24)

DONNABELLE C. ALLAUIGAN (SG 17)

JANE DOES

All of: Philippine Heart Center

Respondents.

X-----X

ORDER

This pertains to the Motion for Reconsideration⁵ filed on 6 April 2018 by Spouses Tyrone Jason D. Valencia and Sarah Mae G. Valencia (complainants) and the Motion for Reconsideration filed by respondent Reyrita Katrina Tariga (Tariga) on 19 April 2018,⁶ through their respective counsels, assailing this Office's 30 May 2017 Decision,⁷ the dispositive portion of which reads:

WHEREFORE, this Office finds as follows:

1. MANUEL T. CHUA CHIACO, REYRITA KATRINA P. TARIGA and MAGDALENA J. LAGAMAYO are found

⁵ Records, Folder II, pp. 1135-1161.

⁶ Records, Folder II, pp. 1163-1166.

⁷ Records, Folder II, pp. 1111-1132.



guilty of failure to act promptly on letters and requests under RA 6713. Section 46 (F) of the Revised Rules in Administrative Cases in the Civil Service (RRACS) considers such violation a light offense. It appearing that this is respondents' first offense, the penalty of **REPRIMAND** is imposed, with a stern warning that a repetition of the same shall be dealt with more severely.

2. The administrative charge of failure to act promptly on letters and requests against **JOSE C. MONTEMAYOR, Jr., MARIA LINDA G. BUHAT, CARMENCITA D. ESPELETA, LEYDA E. DELA CUESTA (GALINDEZ), NOEMI S. HERNANDEZ, REMEDIOS D.J. TRINIDAD, MERCY R. DE JESUS, PRECIOUS JOY S. GONORA, GERARDO S. MANZO, and DONABELLE C. ALLAUIGAN** is **DISMISSED** for insufficiency of evidence.

Likewise, the administrative charges of Grave Misconduct and Gross Neglect of Duty against **ATHENA MAE P. ACEDILLO** are **DISMISSED** for insufficiency of evidence.

3. For lack of jurisdiction, the present case against **MARIA ESTRELLA IBE-ILUSTRE** is **DISMISSED**.

4. The charges against the **JANE DOES** are dismissed.

5. All other administrative charges against all respondents are **DISMISSED**. (Emphasis supplied.)

The Motions are **DENIED**.

This Office's Decision of reprimand imposed upon respondent Tariga, along with her earlier-named co-respondents and absolution of the other respondents, is *final and unappealable* pursuant to the ruling in *Almario-Templonuevo vs. Office of the Ombudsman et al.*⁸ and Section 7, Rule III (Procedure in Administrative Cases) of the Rules of Procedure of the Office of the Ombudsman, Administrative Order No. 7, viz:

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**. (Emphasis supplied.) x x x

⁸ G.R. No. 19853, 28 June 2017.



In *Reyes, Jr. vs. Belisario*⁹ the Supreme Court expounded that the penalty of reprimand and absolution are final and unappealable, viz:

This rule (absolution of the respondent in the administrative charge is final and unappealable) is based on Section 27 of Republic Act No. 6770 (RA No. 6770) or the Ombudsman Act, that in turn states:

SECTION 27. *Effectivity and Finality of Decisions.* — (1) All provisional orders of the Office of the Ombudsman are immediately effective and executory.

X X X

Notably, **exoneration is not mentioned in Section 27 as final and unappealable.** However, its inclusion is **implicit** for, as we held in *Barata v. Abalos*, if a sentence of censure, **reprimand** and a one-month suspension is considered **final and unappealable**, so should **exoneration**.


X X X

The clear import of Section 7, Rule III of the Ombudsman Rules is to deny the complainant in an administrative complaint the right to appeal where the Ombudsman has exonerated the respondent of the administrative charge, as in this case. The complainant, therefore, **is not entitled to any corrective recourse, whether by motion for reconsideration in the Office of the Ombudsman, or by appeal to the courts, to effect a reversal of the exoneration. Only the respondent is granted the right to appeal but only in case he is found liable and the penalty imposed is higher than public censure, reprimand, one-month suspension or fine equivalent to one month salary.** (Emphasis supplied) x x x.

FOREGOING CONSIDERED, the Motions for Reconsideration are **DENIED**. The assailed 30 May 2017 Decision **STANDS**.

SO ORDERED.

Quezon City, Philippines, 18 April 2018.


ANTHONY L. ENDRENAL
Graft Investigation and Prosecution Officer II

⁹ G.R. No. 154652, 14 August 2009.



Reviewed By:

Ri 5/10/18
ANNA ISABEL G. AURELLANO

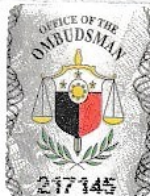
Acting Director,
Preliminary Investigation, Administrative
Adjudication Bureau (PIAB) – E

Recommending Approval:

MJM 21 May 2018
MARILOU B. ANCHETA-MEJICA

Assistant Ombudsman,
Preliminary Investigation, Administrative
Adjudication and Monitoring Office (PAMO) II

APPROVED/~~DISAPPROVED~~:¹⁰



Conchita Carpio Morales
CONCHITA CARPIO MORALES
Ombudsman *4 June 18*

Copy furnished:

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¹⁰ The dispositive portion of this Order reads:

“FOREGOING CONSIDERED, the Motions for Reconsideration are **DENIED**. The assailed 30 May 2017 Decision **STANDS**.”



Dr. Manuel T. Chua Chiaco
Maria Linda G. Buhat
Atty. Jose C. Montemayor, Jr.
Carmencita D. Espeleta
Leyda E. Dela Cuesta (Galindez)
Noemi S. Hernandez
Remedios D.J. Trinidad
Mercy R. De Jesus
Precious Joy S. Gonora
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PAMO II, This Office