

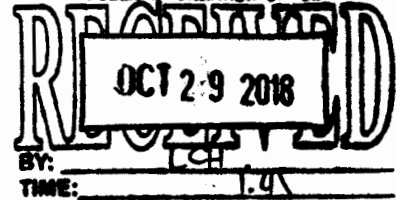


REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila

SECOND DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES  
 PUBLIC INFORMATION OFFICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **01 October 2018** which reads as follows:

**G.R. No. 241671 (Federico S. Sandoval II v. Office of the Ombudsman and Field Investigation Office)**

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition<sup>1</sup> for failure of petitioner Federico S. Sandoval II (petitioner) to sufficiently show that the respondent Office of the Ombudsman (Ombudsman) gravely abused its discretion in issuing its August 10, 2017 Resolution<sup>2</sup> and April 26, 2018 Order<sup>3</sup> in OMB-C-C-16-0385, finding probable cause to indict him for one (1) count each of violation of Section 3 (e) of Republic Act No. (RA) 3019,<sup>4</sup> and Malversation of Public Funds, as defined and penalized under Article 217 of the Revised Penal Code.

No grave abuse of discretion can be attributed on the Ombudsman's finding of probable cause against petitioner as the same was amply supported by substantial evidence. Petitioner's acts of: (a) directly endorsing the Dr. Rodolfo A. Ignacio, Sr. Foundation, Inc. to implement the livelihood projects in his district and directly receiving his Priority Development Assistance Fund;<sup>5</sup> and (b) failing to ensure that the projects were implemented in accordance with existing rules and regulations,<sup>6</sup> and the funds therefor were accordingly liquidated constituted *prima facie* showing that petitioner committed the offenses charged.<sup>7</sup> It is settled that the Ombudsman's determination of whether or not probable cause exists is entitled to great weight and respect, and should stand so long as supported by substantial evidence,<sup>8</sup> as in this case.

Petitioner's contention that conspiracy does not exist<sup>9</sup> is a matter of defense which should be passed upon after a full-blown trial on the merits.<sup>10</sup>

With the dismissal of the instant petition, petitioner's prayer for the issuance of a temporary restraining order and/or writ of preliminary injunction is necessarily **DENIED!!**

<sup>1</sup> Rollo, pp. 3-22.

<sup>2</sup> Id. at 27-65. Approved by Ombudsman Conchita Carpio Morales on October 23, 2017.

<sup>3</sup> Id. at 66-76. Approved by Ombudsman Conchita Carpio Morales on May 3, 2018.

<sup>4</sup> Otherwise known as the "ANTI-GRAFT AND CORRUPT PRACTICES ACT," approved on August 17, 1960.

<sup>5</sup> See rollo, p. 47.

<sup>6</sup> See id. at 47-48.

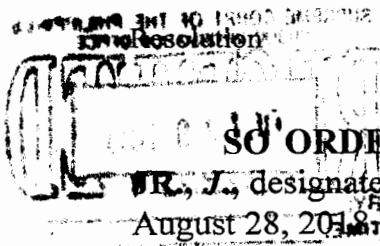
<sup>7</sup> See id. at 58.

<sup>8</sup> See *Estrada v. Ombudsman*, G.R. Nos. 212761-62, 213473-74 and 213538-39, July 31, 2018, citing *Casing v. Ombudsman*, 687 Phil. 468, 476-477 (2012).

<sup>9</sup> See rollo, pp. 17-18.

<sup>10</sup> See *Ganaden v. Ombudsman*, 665 Phil. 224, 231 (2011).

*Handwritten mark*



**SO ORDERED.** (CAGUIOA, J., on official business; REYES, J., designated as Additional Member per Special Order No. 2587 dated August 28, 2018)

Very truly yours,

MARIA LOURDES C. PERFECTO  
Division Clerk of Court

By:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court

29 OCT 2018

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