THIRD DIVISION

[G.R. No. 264558. August 27, 2025]

SOL Z. BARGAN, PETITIONER, VS. FACT-FINDING INVESTIGATION BUREAU, OFFICE OF THE DEPUTY OMBUDSMAN FOR THE MILITARY AND OTHER LAW ENFORCEMENT OFFICES, RESPONDENT.

D E C I S I O N

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*[1] filed by Sol Z. Bargan (Bargan) assailing the Resolutions dated April 26, 2022[2] and November 14, 2022,[3] of the Court of Appeals (CA) in CA-G.R. SP No. 172005. The CA dismissed Bargan's Petition for Review of the Decision[4] dated May 22, 2018, and Order[5] dated December 9, 2021, of the Office of the Ombudsman (OMB) in OMB-P-A-14-0763 that found her guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.

The Antecedents

From 2011 to 2013, the Philippine National Police (PNP) issued firearm licenses for 1,004 units of AK-47 rifles in favor of *(1)* two security agencies: Caraga Security Agency, and ISLA Security Agency and *(2)* two mining corporations: Claver Mineral Development Corporation (Claver) and JTC Mineral Mining Corporation (JTC).

The licenses were granted based on 23 falsified or incomplete applications and supporting documents.[6]

At that time, Bargan was a processor of the Juridical Section of the Firearms Licensing Division-Firearms and Explosive Office (FEO) of the PNP. She checked Application Nos. J-A062539 and J-A062542 of Claver, a corporation engaged in conducting geological and geophysical exploitation, and mining exploration. Both applications were deficient as follows: *(1)* no Board Resolution authorizing Renato Adobas (Adobas) to represent Claver or apply on its behalf; *(2)* lack of notarization of Adobas's Affidavit; and *(3)* no Authority to Purchase Firearms from the PNP Supervisory Office for Security and Investigation Agency. For Application No. J-A062539, 20 units of rifles were released on November 17, 2011. With respect to Application No. J-A062542, 10 units were released after February 24, 2012.[7]

On November 12, 2014, respondent Fact-Finding Investigation Bureau (FFIB), Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices, filed a complaint against Bargan and other officers and employees of the PNP in relation to the firearm licenses. In her defense, Bargan explained that she merely verified the application, after which, Claver paid the corresponding fees. She was not obligated to determine if the documents were falsified.[8]

The Ruling of the OMB

The OMB found Bargan liable for Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service in its Decision dated May 22, 2018, viz.:

> WHEREFORE, the Office FINDS P/CSUPT. RAUL D. PETRASANTA, P/SSUPT. REGINO S. CATIIS, P/SSUPT. EDUARDO P. ACIERTO, P/SSUPT. ALLAN A. PARREÑO, P/CINSP. NELSON L. BAUTISTA, P/CINSP. RICARDO S. ZAPATA JR., P/CINSP. RICKY C. SUMALDE, SPO1 ERIC D. TAN, SPO1 RANDY M. DE SESTO, NORA B. PIROTE and SOL Z. BARGAN all members of the Philippine National Police, GUILTY of Grave Misconduct, Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service, and imposes upon them the penalty of Dismissal from the Service with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.
>
> In the event that the penalty of Dismissal from the Service can no longer be enforced due to respondent's separation from the service, the same shall be converted into a Fine in the amount equivalent to respondent's salary for one (1) year, payable to the Office of the Ombudsman, and may be deductible from respondent's accrued leave credits or any receivable from his or her office that is not otherwise forfeited, or respondent may opt to directly pay the fine.
>
> It shall be understood that the accessory penalties attached to the principal penalty of Dismissal from the Service shall continue to be imposed.
>
> The complaint against P/CINSP. RODRIGO BENEDICTO H. SARMIENTO JR. and ENRIQUE DV. DELA CRUZ is DISMISSED for lack of substantial evidence. The complaint against P/DIR. GIL C. MENESES, P/CSUPT. NAPOLEON R. ESTILLES AND P/CSUPT. TOMAS G. RENTOY III is DISMISSED for lack of disciplinary jurisdiction over them in view of their retirement from the service prior to the filing of the complaint.
>
> SO ORDERED.[9]

The OMB observed that Bargan, as Juridical Section staff, had the first opportunity to check and review the completeness of Claver's application. Despite Claver's non-

submission of complete supporting documents as required under PNP Standard Operating Procedure No. 13, Bargan signed the Action Slips for it. Thus, the OMB held her liable for her participation in the issuance of firearm licenses to Claver. The OMB found the infraction so gross considering that the firearms involved are high-powered assault rifles.[10]

The OMB dismissed the complaint against Verifier Enrique Dela Cruz (Dela Cruz) and Chief of the Records Section Police Chief Inspector (PC/INSP) Benedicto H. Sarmiento, Jr. (PC/INSP Sarmiento, Jr.). On the part of Dela Cruz, his only act was to issue a factual narrative of the total number of firearms registered in the name of JTC and those reported stolen or lost. The data came from the Firearms Information Management System. As for PC/INSP Sarmiento, Jr., he committed no infraction because his office only acted after the applications have already been recommended for approval. He had no participation in the receipt, evaluation, and review of the applications, as well as in the release of the firearms.[11]

Further, the OMB dismissed the complaint with respect to Police Director Gil C. Meneses (PDIR Meneses), Police Chief Superintendent (PC/SUPT) Napoleon R. Estilles, and PC/SUPT Tomas G. Rentoy III, because it was filed after their retirement from the service.[12]

Bargan, along with her co-respondents in the complaint, filed a motion for reconsideration. However, the OMB denied the same.[13]

This prompted Bargan to file a Petition for Review before the CA.[14]

The Ruling of the CA

In its Resolution dated April 26, 2022, the CA dismissed the petition for being defective, viz.: *(1)* it was filed one day after the extended period granted by the CA; *(2)* a photocopy of the OMB Decision was attached but not its Certified True Copy; *(3)* no copy of the motion for reconsideration was attached; and *(4)* Bargan mentioned another petition pending before the CA that was filed by her co-respondents.[15]

The CA similarly denied Bargan's motion for reconsideration[16] in its Resolution dated November 14, 2022. Thereafter, Bargan filed the present Petition before the Court.

Petitioner Bargan 's Arguments

Bargan raises the following arguments in her Petition and Reply:[17]

First, there is sufficient basis to excuse her procedural lapses. Due to the refusal of her former counsel to give her copies of the relevant documents, she had to ask for copies thereof from the OMB. She did not receive the documents immediately because of the COVID-19 pandemic. She will be deprived of her livelihood if the rules are strictly

applied against her, despite the merits of her petition.[18]

Second, her role was limited to verifying that the documents submitted by Claver were proper and complete. PDIR Meneses exerted undue pressure on her, an employee of lower rank, when he issued a note to "*please process*" the application of Claver, notwithstanding its incomplete documentary requirements. The Chief of the Juridical Section of the FEO, PC/INSP Jean Ibarra-Dela Torre (PC/INSP Dela Torre), personally directed her to comply with PDIR Meneses' instruction. If at all, she should only be held liable for simple negligence, reprimand, or suspension for her alleged violation.[19]

Respondent FFIB's Arguments

The FFIB, through the Office of the Solicitor General, presents the following arguments in its Comment:[20]

First, Bargan did not submit a certified true copy of the Decision of the OMB as well as a copy of her Motion for Reconsideration before the OMB, to the CA.[21]

Second, the refusal of Bargan's former counsel to release the documents and the belated release thereof by the OMB do not justify her late filing of the petition.[22]

The Issues

The issues before the Court are *first*, whether the CA erred in dismissing Bargan's petition based on procedural grounds; and *second*, whether the OMB erred in holding Bargan guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service.

The Ruling of the Court

The ruling of the OMB should be revisited.

The Court does not question the finding of the CA that Bargan fell short on several procedural requirements which is sufficient basis for the dismissal of her petition. Even so, there are circumstances that were overlooked by the OMB which merits a review of the substantive ruling in the case. Considering that Bargan's livelihood is at stake, the application of the rules may be relaxed in her favor.

The OMB found Bargan guilty of Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. *Misconduct* is the "transgression of some established and definite rule of action, more particularly, unlawful behavior or gross neglect of duty by a public officer." It is grave when there is corruption, willful intent to violate the law, or to disregard established rules.[23]

Dishonesty is the concealment or distortion of truth, which shows a lack of integrity or a disposition to defraud, cheat, deceive or betray, or intent to violate the truth. It is

considered serious in the following instances: (1) the dishonest act caused serious damage and grave prejudice to the government; (2) the respondent gravely abused their authority to commit the dishonest act; (3) where the respondent is an accountable officer, the dishonest act directly involves property, accountable forms, or money for which they are directly accountable and the respondent shows an intent to commit material gain, graft, and corruption; (4) the dishonest act exhibits moral depravity on the part of respondent; (5) the respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to their employment; (6) the dishonest act was committed several times or in various occasions; (7) the dishonest act involves a civil service examination; and (8) other analogous circumstances.[24]

Conduct Prejudicial to the Best Interest of the Service refers to acts that tarnish the image and integrity of an official's public office. Examples of acts covered are: (1) misappropriation of public funds; (2) abandonment of office; (3) failure to report back to work without prior notice; (4) failure to safekeep public records and property; (5) making false entries in public documents; (6) falsification of court orders; (7) a judge's act of brandishing a gun; and (8) threatening the complainants during a traffic altercation.[25]

Bargan admitted that she was duty-bound to review applications for firearms licenses and its accompanying documents. If these were incomplete, she must return it to the applicant for completion. She, likewise, admitted that the documents submitted by Claver were incomplete, but she was pressured by her superiors, PC/INSP Dela Torre and PDIR Meneses, to approve the application despite this.[26]

Bargan committed misconduct when she certified that the documents submitted by Claver were complete notwithstanding her knowledge that it was not. Assuming the allegations of Bargan against her superiors to be true, it was not shown that the pressure against her was of such extent that she was deprived of autonomy, for example, they threatened her life. Hence, Bargan cannot escape liability for certifying in the action slips that Claver fully complied with the documentary requirements for an application for a firearm license.

Nonetheless, the Court does not agree with the OMB that Bargan's misconduct qualifies as grave. There is no proof that Bargan was engaged in corruption, willfully intended to violate the law, or disregarded established rules in approving the application. Her argument that she felt pressure from her superiors was not refuted. While it does not excuse her misconduct, it certainly controverts the possibility that Bargan benefited from the approval of Claver's applications.

Similarly, Bargan was dishonest in signing the Action Slips which state that she "check[ed] documents completeness, authenticity and validity" as well as issued orders of payment in relation to the applications of Claver.[27] However, there are no circumstances that would qualify her dishonesty as serious.

As for the charge of conduct prejudicial to the best interest of the service, the Court is

not convinced that Bargan' s act tarnished the image and integrity of her office. Bargan may have allowed the applications to proceed for further review, but ultimately, she was not empowered to approve the issuance of the firearm licenses to Claver.

In sum, the OMB is correct that the approval of incomplete applications for firearms licenses, especially involving assault rifles, is a grave matter. Still, it is imperative to examine the degree of participation of the concerned employee and all the surrounding circumstances in determining their liability, if any. In Bargan' s case, she is certainly at fault but not to the degree that the OMB found her liable.

Under the Revised Rules on Administrative Cases in the Civil Service,[28] the penalty for the most serious offense shall be imposed when there are two or more charges. The rest shall be considered as aggravating circumstances.[29] Simple misconduct and simple dishonesty are both less grave offenses punishable with suspension of one month and one day suspension to six months for the first offense.[30] Rule 10, Section 49 of the Revised Rules on Administrative Cases in the Civil Service states that "The *maximum* of the penalty shall be imposed where only aggravating and no mitigating circumstances are present." As such, a penalty of suspension of six months is proper against Bargan.

Based on the records of the case, the PNP implemented the OMB's ruling to dismiss Bargan through its Dismissal Order[31] effective August 14, 2018. Considering that Bargan was born on January 24, 1957,[32] she would have compulsorily retired in 2022. The period during which Bargan did not render service has far exceeded the penalty of suspension determined by the Court. Thus, she is deemed to have fully served the penalty imposed upon her. However, Bargan is not entitled to back salaries pursuant to the Court's ruling in *Sadain v. Office of the Ombudsman*[33] that "public officers are entitled to payment of salaries only if they render service."[34]

ACCORDINGLY, the Petition for Review on *Certiorari* is **PARTIALLY GRANTED**. The Resolutions dated April 26, 2022, and November 14, 2022, of the Court of Appeals in CA-G.R. SP No. 172005 are **REVERSED** and **SET ASIDE**. Petitioner Sol Z. Bargan is found **GUILTY** of Simple Misconduct and Simple Dishonesty. In view of her dismissal effective August 14, 2018, she is deemed to have fully served her penalty of **SUSPENSION** from office for six months reckoned from the implementation of the Decision of the Office of the Ombudsman dated May 22, 2018.

All of petitioner Sol Z. Bargan's rights, emoluments, benefits, and privileges removed by, and forfeited in, the assailed Decision of the Office of the Ombudsman dated May 22, 2018, are hereby **RESTORED**.

SO ORDERED.

Caguioa (Chairperson), Gaerlan, and *Dimaampao, JJ.*, concur.

Singh,[*] *J.*, on leave.

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[*] On leave.

[1] *Rollo*, pp. 8-30.

[2] *Id.* at 41-42. Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Rex Bernardo L. Pascual of the Twelfth Division, Court of Appeals, Manila.

[3] *Id.* at 33-35. Penned by Associate Justice Tita Marilyn B. Payoyo-Villordon and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Rex Bernardo L. Pascual of the Former Twelfth Division, Court of Appeals, Manila.

[4] *Id.* at 113-142. Penned by Graft Investigation and Prosecution Officer II Julius G. Matibag and approved by Ombudsman Conchita Carpio-Morales.

[5] *Id.* at 143-164. Penned by Graft Investigation and Prosecution Officer III Carl De Liz L. Acosta and approved by Overall Deputy Ombudsman Warren Rex H. Liong.

[6] *Id.* at 115.

[7] *Id.* at 123-124.

[8] *Id.* at 114, 129.

[9] *Id.* at 141-142.

[10] *Id.* at 132-135, 137-138.

[11] *Id.* at 139-140.

[12] *Id.* at 140.

[13] *Id.* at 62-63.

[14] *Id.* at 41.

[15] *Id.* at 41-42.

[16] *Id.* at 33.

[17] *Id.* at 328-335.

[18] *Id.* at 26-27, 333.

[19] *Id.* at 27-28.

[20] *Id.* at 305-319.

[21] *Id.* at 312.

[22] *Id.* at 314.

[23] **Aragon-Mabang v. Office of the Ombudsman**, 952 Phil. 36, 44 (2024).

[24] **Chen v. Field Investigation Bureau**, 922 Phil. 531, 549 (2022).

[25] **Dr. Samonte v. Jumawak**, 933 Phil. 186, 197 (2023).

[26] CA *rollo*, pp. 222, 224-225, 227.

[27] *Id.* at 246.

[28] CSC Resolution No. 1101502, November 8, 2011.

[29] Rule 10, sec. 50. *Penalty for the Most Serious Offense*. — If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

[30] Rule 10, sec. 46. *Classification of Offenses*. ....

> D. The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:
> 2. Simple Misconduct;
> E. The less grave offense of Simple Dishonesty is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; six (6) months and one (1) day to one (1) year for the second offense; and dismissal for the third offense.

[31] CA *rollo*, p. 242.

[32] *Id.* at 240.

[33] 935 Phil. 740 (2023).

[34] *Id.* at 759.

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