20

35

Item No.: 35
Date: 28 OCT 2022

Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Office of the Ombudsman (Visayas)
M. Velez Street, Guadalupe, Cebu City 6000

SANGGUNIANG PANLALAWIGAN
SP Rec 10/19/22
SP. Records
PROVINCE OF LEYTE
OCT 19 2022

INDORSEMENT
Cebu City

SEP 21 2022

Respectfully forwarded to **SANGGUNIANG PANLALAWIGAN** through **ATTY. CARLO P. LORETO**, Vice-Governor, Office of the Vice-Governor, Province of Leyte, the herein copy of the approved **Order** dated June 28, 2022, in connection with the administrative case docketed as OMB-V-A-18-0130, entitled GRACE FERNANDEZ SANTILLANO-FIEL vs. BIANITO MUEVA FIEL JR., for information, with the **request** to acknowledge receipt within five (5) days from receipt thereof.

DANTE F. VARGAS
Deputy Ombudsman for the Visayas

j/

Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Office of the Ombudsman (Visayas)
M. Velez Street, Guadalupe, Cebu City 6000

GRACE FERNANDEZ SANTILLANO FIEL

Complainant,

-versus-

OMB-V-A-18-0130
For: Conduct Prejudicial to the Best Interest of the Service / Grave Misconduct

BIANITO MUEVA FIEL JR.
Member, Sangguniang Bayan
Municipality of Tanauan
Province of Leyte

Respondent.

x----------x

ORDER

This resolves the Motion for Reconsideration[1] (MR) dated May 6, 2022 filed by respondent Sangguniang Bayan (SB) Member Bianito M. Fiel Jr. (SB Fiel), assailing the Office's Decision[2] of July 26, 2019, the dispositive portion of which states:

> **WHEREFORE**, finding substantial evidence against BIANITO MUEVA FIEL JR. for Conduct Prejudicial to the Best Interest of the Service, he is hereby meted the penalty of **SUSPENSION FROM SERVICE** without pay for a period of **NINE (9) MONTHS.**

To recall, a complaint was filed by respondent's wife Grace Santillano Fiel (Grace) after a tumultuous family affair, even going so far as to accuse her respondent husband SB Fiel of having a hand in the killing of their son Bianito IV (Bien), months after the latter filed a case for child abuse against

[1] Records, Folder II, pp. 189-194. Received by the Office on May 26, 2022 and by the undersigned Graft Investigation and Prosecution Officer on May 31, 2022.
[2] Id. at 173-185.

CERTIFIED MACHINE COPY

his father. The Office found no evidence of respondent's connection to the extra-judicial killing of Bien, but found respondent liable for Conduct Prejudicial to the Best Interest of the Service for severe corporal punishment where the Office found:

> When respondent SB Fiel struck his son Bien with an aluminium stick causing the latter to suffer multiple injuries, a fracture on his face, and a two-week long hospitalization, while not related to respondent's official duties, tarnished the image and integrity of his public office as SB Member.[3]
>
> x x x
>
> Under the circumstances, respondent SB Fiel overstepped his role as a father in trying to discipline his son when he haplessly struck Bien with an aluminium curtain rod, leading to the latter's admission for two weeks in the hospital.[4] x x x

In his MR, respondent argued that the injuries he inflicted on his son was not the cause for the latter's two-week hospitalization, but rather it was due to a pre-existing bronchitis. Also, respondent's act of hitting his son Bien had nothing to do with his public office as he was merely instilling discipline on his son who refused to go to school. As such, his act was not motivated by criminal intent.

The Office denies respondent's MR.

The question in an administrative proceeding is not the presence of criminal intent, but whether there is substantial evidence to show that respondent's act qualifies as an administrative offense. Since the start of this proceeding, respondent did not deny hitting his son with an aluminum rod, but he stresses now that his act was in no way connected to his public office and, therefore, he cannot be punished administratively. This notion is erroneous.

---

[3] Records, Folder I, p. 179 (p. 7 of Decision).
[4] Records, Folder II, p. 182 (p. 10 of Decision).

Jurisprudence instructs that the offense of Conduct Prejudicial to the Best Interest of the Service is an administrative offense which need not be related to the respondent's official functions.[5] Acts may constitute Conduct Prejudicial to the Best Interest of the Service as long as they tarnish the image and integrity of respondent's public office.[6] As stated in the Decision:

> x x x Assumption of public office is impressed with the paramount public interest that requires the highest standards of ethical conduct,[7] such that a person, like respondent, who strikes his own child with such force and with the use of a perilous material causing multiple injuries, indubitably tarnished the image and integrity of his public office for which he must be punished.[8]

Respondent likewise argues that he was not the cause of his son's two-week hospitalization, stating that it was a pre-existing bronchitis that led to admission. The truth of such claim cannot be tested at this stage on MR because it is not supported by evidence. Respondent quotes in his MR[9] the supposed July 9, 2019 Transcript of Stenographic Notes (TSN) of the proceedings before the MTC of Tanauan, Leyte, where a certain Dr. Vera Cruz testified that the patient was suffering a "mild form of severe bronchitis," but it was not clear whether the proceedings recorded in the TSN was related to the case of respondent SB Fiel and his son Bien. Neither a certified copy of the TSN, nor the Medical Certificate issued by Dr. Vera Cruz was presented as an annex to his MR.

What is clear from the records is that Bien, during his lifetime, executed a judicial affidavit[10] narrating the incident, and that per medico-legal certificate,[11] he suffered multiple injuries, a fracture on his face, and a

---

[5] *Ombudsman Visayas v. Castro*, G.R. No. 172637, April 22, 2015.
[6] *Pia v. Gervacio, G.*R. No. 172334, June 5, 2013.
[7] See *Catipon v. Japson,* G.R. No. 191787, June 22, 2015.
[8] Records, Folder II, p. 182 (p. 10 of Decision).
[9] Id. at 190, referring to p. 2 of MR.
[10] Records, Folder I, pp. 18-20.
[11] Id. at 13-15 (Medico Legal Certificate, February 17, 2017)

two-week hospitalization, and further supported by a social worker's case study.[12] Clearly, this incident cannot be rebranded as a father's loving act of trying to discipline his son, but should rather be considered an odious offense of mauling perpetrated by a public officer - in this case respondent SB Fiel towards his son, thereby tarnishing the image and integrity of the office he holds.

As such, the Office finds no cogent reason to alter, modify or reverse the assailed Decision.

WHEREFORE, respondent-movant's Motion for Reconsideration is DENIED. The Decision of July 26, 2019 STANDS.

SO ORDERED.

Cebu City, June 28, 2022.

TERRENCE ANTON T. CALLAO
Graft Investigation and Prosecution Officer II

REVIEWED BY:

JUN 30 2022

EUPHEMIA B. BACALSO
Director, Preliminary Investigation, Administrative Adjudication and Prosecution Bureau-A (PIAAPB-A)

RECOMMENDING APPROVAL:

JANE AGUILAR
Acting Assistant Ombudsman – Visayas
Pursuant to Office Order No. 157, Series of 2022

[12] Id. at 21-22.

The dispositive portion of this Decision reads:

> **WHEREFORE**, respondent-movant's Motion for Reconsideration is DENIED. The Decision of July 26, 2019 STANDS.

APPROVED/~~DISAPPROVED~~:

OFFICE OF THE OMBUDSMAN 063130

7/4/22

DANTE F. VARGAS
Deputy Ombudsman for the Visayas

Copy Furnished:

GRACE S. FIEL
Barangay Bislig
Tanauan 6502
Leyte

BIANITO M. FIEL JR.
Office of the Sangguniang Bayan
Tanauan 6502
Leyte

ANTONNI CLEMENTE CERA
Counsel for Respondent
146 P. Carillo St.
Sawang, Carigara 6529
Leyte

CERTIFIED MACHINE COPY

ALLISTER [illegible]
Administrative Officer I
Ombudsman Visayas, Records Section