

## POLI

The Ombudsman retains administrative supervision over the Special Prosecutor, even if the latter is appointed by the President.— *Villa-Ignacio v. Barreras-Sulit* (2022)

## COMM

Without proof of actual corporate transformation, it is presumed to be a mere change of name, which does not create a new legal entity nor extinguish existing liabilities.— *Bantogon v. PVC Master Mfg. Corp.* (2020)

## CIV

Unconscionable interest and penalties imposed without prior demand may be equitably reduced by the courts.— *Aclado v. Government Service Insurance System* (2023)

## LABOR

Repeated rehiring for necessary tasks makes workers regular, not seasonal employees, even if the business operation itself is seasonal.— *Espina v. Highlands Camp/Rawlings Foundation, Inc.* (2020)

## CRIM

Actions taken to restore order, without specific intent to debase, degrade, or demean a child's intrinsic worth, even though causing injuries, are not considered child abuse under RA 7610.— *Javarez v. People* (2020)

## ETHICS

The withdrawal of a complaint does not bar the Supreme Court from disciplining court personnel for misconduct.— *Mabanag v. Ramos* (2024)

## 1

Atty. Rufino, the newly appointed Special Prosecutor of the Office of the Ombudsman, was subjected to an administrative investigation by the Ombudsman for alleged grave misconduct and abuse of authority. Rufino questioned the proceedings, arguing that as a presidential appointee, only the President has disciplinary authority over him. **Does the Ombudsman have disciplinary power over the Special Prosecutor?**

*Suggested answer:* Yes. The Ombudsman has disciplinary authority over the Special Prosecutor.

In *Villa-Ignacio v. Barreras-Sulit*, the Supreme Court ruled that the Special Prosecutor is an official under the Office of the Ombudsman and thus falls under its administrative supervision. While the Special Prosecutor is appointed by the President, this does not remove the Ombudsman's constitutional power to investigate and discipline its subordinate officials, including the Special Prosecutor. The Court emphasized that this ensures the Ombudsman's independence and integrity in fulfilling its constitutional mandate to combat corruption.

## 2

Swift Moldings Inc. allegedly sold its assets, including its factories, to Eagle Plastics Corp. Leo Santos, a longtime employee of Swift Moldings, was barred from entering the factory. He filed a complaint for illegal dismissal against Eagle. Eagle claimed it was not Leo's employer, as it was a newly established corporation. However, no evidence was presented to prove any asset sale between the two companies. **Was Eagle liable?**

*Suggested answer:* Yes. Eagle was liable.

In *Bantogon v. PVC Master Mfg. Corp.*, the Supreme Court ruled that a mere change in corporate name does not create a new legal entity. Without proof of an actual asset sale, the supposed corporate transformation is presumed to be a name change only. As in Bantogon, Eagle Plastics remained the same entity as Swift Moldings and is liable for Leo's illegal dismissal. Corporate identity and obligations remain unchanged by name alone.

## 3

Luz Mendoza, a retired government employee, applied for a reduction of the 12% interest and 6% penalties per annum compounded monthly on her GSIS loans. Due to these charges, her original loan of ₱147,000 ballooned to ₱638,000. GSIS also did not issue prior demands for payment. GSIS denied her request. **Is Luz entitled to the reduction of interest and penalties?**

*Suggested answer:* Yes. Luz is entitled to a reduction of interest and penalties.

In *Aclado v. GSIS*, the Supreme Court ruled that courts may equitably reduce penalties and interest that are iniquitous or unconscionable under the Civil Code. The Court found GSIS's 12% interest and 6% penalties per annum compounded monthly, unreasonable and oppressive, causing the loan amount to multiply over four times. Additionally, GSIS failed to send prior payment demands, a requirement before declaring default and imposing penalties. Accordingly, Luz is entitled to a waiver of unconscionable interest and the reduction of penalties, in line with equitable principles and to prevent unjust enrichment.

#### 4

Anna, Ben, and Carlo worked as kitchen and maintenance staff at Eden Life Camp. For five years, they were repeatedly hired every Holy Week, summer, and Christmas. They received no notice of termination between seasons. One year, they were no longer rehired. They filed for illegal dismissal. Eden claimed they were merely seasonal workers and their employment was terminated after every seasonal year. **Is Eden correct?**

*Suggested answer:* No. Eden is incorrect. Anna, Ben, and Carlo are not seasonal but regular employees.

In *Espina v. Highlands Camp*, the Supreme Court ruled that workers repeatedly rehired over time to perform tasks necessary and desirable to the employer's usual business are considered regular employees. The periodic nature of the business does not negate regular status if the employment pattern shows continuity. Since Anna, Ben, and Carlo were consistently rehired without termination notices, their work formed part of the regular operations of Eden Foundation. Thus, they enjoyed security of tenure as regular employees.

#### 5

During lunch break, Mr. Santiago, a teacher, saw a male student forcibly grabbing a rice pop from a female classmate. The girl was crying and tightly holding her lunchbox. To stop the scuffle, Mr. Santiago used a broomstick to separate them and tapped the boy's legs. He also pushed another student who got in the way, causing the child to fall and suffer minor injuries. The students filed a complaint for child abuse under RA 7610. **Should Mr. Santiago be held guilty?**

*Suggested answer:* No. Mr. Santiago should not be held guilty.

In *Javarez v. People*, the Supreme Court ruled that child abuse under RA 7610 requires a specific intent to debase, degrade, or demean a child's intrinsic worth. Here, Mr. Santiago's actions were taken solely to stop a scuffle and restore order, without any intent to humiliate or harm. Thus, he cannot be held liable for child abuse under the law.

#### 6

Sheriff Mateo Alcaraz of RTC of Manila, Branch 174, received ₱50,000 from a litigant's representative for safekeeping during execution proceedings. He later admitted to using the funds for personal needs during the COVID-19 lockdown. The complainant eventually filed an affidavit of desistance. Despite this, the court imposed disciplinary sanctions. **Can Sheriff Alcaraz be held administratively liable even if the complainant withdraws the complaint?**

*Suggested answer:* Yes. Sheriff Alcaraz can still be held administratively liable.

In *Mabanag v. Ramos*, the Supreme Court ruled that the withdrawal of a complaint does not divest the Court of its disciplinary authority over court personnel. The Court emphasized that administrative proceedings are instituted to maintain the integrity of the judiciary and are not dependent on the complainant's interest. Thus, even with an affidavit of desistance, the Court proceeded to impose sanctions on Sheriff Ramos for misconduct. Similarly, Sheriff Alcaraz can still be held administratively liable.