

# FIRST DIVISION

[ G.R. No. 207154, December 05, 2019 ]

**OFFICE OF THE OMBUDSMAN, PETITIONER, VS. VENANCIO G. SANTIDAD, RESPONDENT.**

[G.R. No. 222046]

**VENANCIO G. SANTIDAD, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

## D E C I S I O N

**PERALTA, C.J.:**

Before the Court are two consolidated cases involving two Petitions for Review on *Certiorari*. The petition filed by the Office of the Ombudsman (*OMB*), docketed as G.R. No. 207154, seeks to reverse and set aside the May 29, 2012 Decision<sup>[1]</sup> and the April 29, 2013 Resolution<sup>[2]</sup> of the Court of Appeals in C.A. G.R. SP No. 119936; while the petition filed by Venancio G. Santidad, docketed as G.R. No. 222046, seeks to reverse and set aside the September 24, 2015 Decision<sup>[3]</sup> and the November 25, 2015 Resolution<sup>[4]</sup> of the Sandiganbayan in Criminal Case Nos. SB-10-CRM-0261 to SB-10-CRM-0281.

### The Facts

The cases emanated from an Affidavit-Complaint<sup>[5]</sup> dated February 2, 2007 filed by Special Investigator Claro C. Ramos of the National Bureau of Investigation (*NBI*), Isabela District Office, before the *OMB* charging Santidad and several others, who had signed the Invoice Receipts for Property (*IRPs*), in relation to the transfer and receipt of twenty-one (21) units of Mitsubishi Delica vans, in violation of Article 171 of the Revised Penal Code and Republic Act No. 3019. After evaluation of the complaint, it was determined that Santidad and the other named respondents therein may also be held administratively liable for their actions and, thus, an administrative complaint for Dishonesty and Gross Neglect of Duty was later filed against them by the *NBI* before the *OMB* which was docketed as *OMB-L-A-07-0166-B*.

Upon a finding of probable cause, Santidad was indicted for twenty one (21) counts of Falsification of Public Documents defined and penalized under Article 171, paragraph 4 of the Revised Penal Code, in twenty-one (21) separate Informations filed before the Sandiganbayan. The accusatory portion of each of the Informations is similarly worded except as to the Engine Number, Chassis Number and Plate Number of the Mitsubishi Delica vans involved, to wit:

That on 29 March 2003, or sometime prior or subsequent thereto, in Mandaluyong City, and within the jurisdiction of this Honorable Court, the above-named accused, Venancio G. Santidad, a public officer, being then the Director of the Procurement Supply and Property Management Service of the Department of Transportation and Communications, acting in relation to his office and taking advantage of his official position, did there and then deliberately, willfully and feloniously falsify the Invoice Receipt of Property by making it appear that he had transferred to Congressman Antonio Abaya of the 4<sup>th</sup> District of Isabela a Delica Van with Engine No. x x x, Chassis No. x x x and Plate No. x x x, when in truth and in fact, no such vehicle was transferred by him, to the damage and prejudice of public interest.

CONTRARY TO LAW.<sup>[6]</sup>

When arraigned on August 2, 2012, Santidad pleaded not guilty to the charges. After the pre-trial was terminated, trial on the merits ensued.<sup>[7]</sup>

The prosecution evidence tends to show that the late Congressman Antonio M. Abaya of the 4<sup>th</sup> District of Isabela requested from the Office of the President for the release of funds to be utilized for the purchase of multi cab vehicles to be distributed to and used by some 235 *barangays* in his district. Said request was approved and the amount of P10 million was allocated for the multi-cab vehicle project. The Department of Transportation and Communications (*DOTC*) was the procurement agency for the purchase of the vehicles.<sup>[8]</sup>

In a letter dated November 25, 2002, the DOTC informed Cong. Abaya of the availability of P8 million for his multi-cab vehicle project and was advised to directly coordinate with the Director of the DOTC's Procurement, Supplies, Property Management Service (*PSPMS*), who at the time was Santidad, for the immediate utilization of the amount lest it be reverted to the Bureau of the Treasury if remained unobligated at the end of the year. In his December 2, 2002 letter, Cong. Abaya requested Santidad to facilitate the procurement of one (1) unit of Mitsubishi L-200 and one (1) unit of Nissan Pathfinder, while the remaining allotted amount shall be devoted for the purchase of several units of Mitsubishi Delica vans. On December 4, 2002, Allotment and Obligation Slip (*ALOBS*) No. LF (CO) 02-12-00478, with the PSPMS as payee, was prepared to allocate the amount of P7,720,000.00 for the purchase of the vehicles. On even date, Requisition and Issue Voucher (*RIV*) No. H-413-2002, for the amount of P7,720,000.00, was approved wherein Santidad certified that the requisitioned eighteen (18) units of Mitsubishi Delica vans, and the pick-up 4-wheeler and 6-wheeler trucks were necessary and would be used for the purposes for which they were intended.<sup>[9]</sup>

Thereafter, the project was bid out. The Pre-Bid Conference was attended by Robert T. Ngo, as the representative of the Office of Cong. Abaya, by Santidad, as Head of PSPMS, and by the representatives of the bidders Super Car Center, Microvan, Inc. and First Dekra Merchandising. During the said occasion, Santidad stressed that the vehicles must be first inspected at the PSPMS office before their delivery to the 4<sup>th</sup> District of Isabela. On January 22, 2003, the DOTC Bids and Awards Committee

(BAC) declared Super Car Center as the winning bidder. Despite the award, Super Car Center, through its proprietor Super Sonic Claudio, apprised Cong. Abaya that the two (2) units of pick-up trucks previously offered for sale were no longer available. In his February 6, 2003 letter, Cong. Abaya requested the BAC Chairman to realign the budget for the two (2) trucks to cover the cost for the purchase of additional Mitsubishi Delica vans.<sup>[10]</sup> The congressman also sent Santidad a letter, likewise dated February 6, 2003, stating a schedule for the distribution of the vans and appended thereto the list of the recipients in the 4<sup>th</sup> District of Isabela.

On February 26, 2003, Cong. Abaya died of brain cancer.

In connection with Cong. Abaya's realignment request, the DOTC/PSPMS resolved to purchase three (3) more Mitsubishi Delica vans, in addition to the original procurement of 18 units. Hence, a Purchase Order (PO), with Control No. DOTC-2003-03-70, was issued in favor of Super Car Center as contractor/supplier for twenty-one (21) units of Mitsubishi Delica vans, with Land Transportation Office (LTO) Registration and Third Party Liability (TPL) Insurance, valued at Three Hundred Sixty Thousand Pesos (P360,000.00) each or for a total amount of Seven Million Five Hundred Sixty Thousand Pesos (P7,560,000.00). Santidad signed the recommending approval portion of the PO. On March 28, 2003, an unsigned Sales Invoice No. 0026, with handwritten specifications regarding the chassis and engine numbers of each van, was issued purportedly by Super Car Center in favor of the DOTC. Antonio D. Cruz, Storekeeper III of the DOTC Supply Division, executed a Certificate of Acceptance, likewise dated March 28, 2003, acknowledging receipt of the twenty-one (21) units of Mitsubishi Delica vans supposedly delivered by Super Car Center to the DOTC. The vans were allegedly inspected by Marcelo Desiderio, Jr., an Inspector of the DOTC Management Division, Ngo, as the representative of Cong. Abaya, and Cruz in Malinta, Bulacan on April 1, 2003. On even date, Desiderio prepared an Inspection Report.

Subsequently, Pablo Uy, Chief of the Property Utilization and Disposal Division (PUDD) of the DOTC, prepared twenty-one (21) IRPs to effect the turnover of the subject Mitsubishi Delica vans to the end-users/beneficiaries. Santidad had signed all the IRPs at the "Invoice" portion thereof, certifying that he had transferred the vehicle described in each of the IRPs to Cong. Abaya of the 4<sup>th</sup> District of Isabela. On the "Receipt" portion of each of the IRPs appeared the signature of the recipient certifying that he/she had received from the DOTC, through Santidad, the van indicated therein. Later, the total cost of the vehicles was paid to and received by Ngo, who was acting as attorney-in-fact of Super Car Center.

Juliet Macato, the Audit Team Leader of the Commission on Audit (COA), Region II, sent a letter dated May 30, 2005, informing Leoncio Kiat, then Mayor of Echague, Isabela, about the dropping of four (4) Mitsubishi Delica vans procured under Cong. Abaya's project from the books of the DOTC as the same should have been properly recorded in the books of accounts of the Municipality of Echague, Isabela. In the same letter, Kiat was requested to give his evaluation on the status of the Mitsubishi Delica vans referred to, as well as their whereabouts. Kiat was further notified that the vehicles would be subjected to inspection. After receipt of this letter, Kiat sought the assistance of the National Bureau of Investigation (NBI), requesting for an investigation of an alleged scam in the deliveries of the Mitsubishi Delica vans since he and the other three *barangay* captains in his municipality who had signed the

IRPs have not received the vehicles described therein. According to Kiat, he and the three *barangay* captains named in the May 30, 2005 letter of Macato had signed the IRPs merely to accommodate the request of Cong. Abaya and to facilitate the immediate release of the vehicles.

The investigation separately conducted by the COA and the NBI yielded a common result – that none of the named recipients who acknowledged or signed the IRPs has actually received the subject vans. The follow-up investigation by the NBI further revealed that a) seven (7) vans, with Plate Nos. XHF 591, XTC 688, XEB 180, XEP 316, XGU 972, XDA 793 and XDA 803, were actually sold to third parties or have different owners; b) seven (7) vans, with Plate Nos. XFG 680, XCT 853, XDU 749, VDF 854, XEV 467, XHK 463 and XGU 942, were either non-existent or not registered with the LTO or their registrations pertain to different vehicles; while c) the remaining seven (7) vans, with Plate Nos. XET 465, XCM 630, XCM 843, XEE 956, XET 495, XHB 980 and XHB 490, were still registered in the name of Microvan, Inc., without having been delivered to either the DOTC or the named recipients.

Thereafter, the prosecution rested its case and formally offered its documentary evidence.

The defense presented Santidad who maintained that he affixed his signature on the IRPs because the same were duly supported by pertinent documents and the beneficiaries/end-users had already affixed their respective signatures therein. He contended that he was merely performing a ministerial duty when he signed the IRPs considering that the procurement of the subject vehicles was made with the approval of the higher authorities of the DOTC.

Santidad testified that the late Cong. Abaya requested him to facilitate the purchase of the vehicles for the latter's multi-cab vehicle project; on January 22, 2003, the DOTC-BAC passed Resolution No. PD-220-07 declaring Super Car Center as the winning bidder for Cong. Abaya's project; the Accounting Division of the DOTC prepared PO No. 2003-03-70 and, later, Super Car Center issued Sales Invoice No. 0026 dated March 28, 2003 indicating the total selling price of P7,560,000.00; a Certificate of Acceptance, also dated March 28, 2003, was issued by Cruz who purportedly received the subject vans; on April 1, 2003, the DOTC, through its Management Division under the Finance and Comptroller Service, inspected the subject vans in Malinta, Bulacan; Management Division Inspector Desiderio prepared and certified as correct an Inspection Report dated April 1, 2003 which was noted by Management Division Chief Lalaine P. Cortes; thereafter, Uy prepared the IRPs and transmitted them to the named local officials of the 4<sup>th</sup> District of Isabela; payments for the purchased twenty-one (21) units of Mitsubishi Delica vans were processed by the Accounting Division; and, later, Land Bank Check No. 41232, dated June 11, 2003, and Check No. 31883, dated August 28, 2003, were released in favor of Super Car Center with the face values of P2,000,000.00 and P5,216,363.63, respectively, representing payment for the twenty-one (21) units of Mitsubishi Delica vans.

Insisting on his innocence of the offenses charged, Santidad pointed out that he cannot be faulted for relying on the regularity of the abovementioned documents prepared by the DOTC employees to support the IRPs. Santidad asserted that as the Director of PSPMS, he cannot be expected to personally inspect the vans delivered to the DOTC since the same is the responsibility of the Management Division. He

disclaimed any knowledge anent the fraud committed in the purchase of the subject vans. He alleged that he did not obtain any advantage or benefit from the anomalous transaction and that he signed the IRPs in good faith.

Santidad recalled that as a matter of procedure then observed in his office, the recipient must first sign the IRP confirming receipt of the property before he affixes his signature thereon; he signs the IRP only when all the attachments are complete, in particular, he would look for and evaluate the Inspection Report and the Certificate of Acceptance specially when the supporting documents of the IRP are voluminous; he never inquired from Uy nor from Desiderio about the delivery of the subject vans; and the PUDD and the Management Division are tasked to deliver the vans to the actual end-users. With respect to the two IRPs which bore his signature but without the signature of the recipients, Santidad explained that he signed these IRPs because they were properly supported by a Certificate of Acceptance and an Inspection Report.

Santidad filed his Formal Offer of Evidence on November 27, 2014, while the prosecution filed its Comment/Opposition thereto on December 12, 2014.

Meanwhile, on July 13, 2010, the OMB rendered its assailed Decision<sup>[11]</sup> in OMB-L-A-07-0166-B, finding Santidad guilty of Serious Dishonesty and meted upon him the penalty of dismissal from the service with cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification from employment in the government service. The OMB held that when Santidad certified in the IRPs the transfer of possession of the subject twenty-one (21) units of Mitsubishi Delica vans to the beneficiaries, he knew that said act never took place since said vehicles were never delivered by the contractor to the DOTC. The OMB rejected the defense of good faith interposed by Santidad declaring that he was very much aware of the falsity of the statements contained in the IRPs at the time he signed them.

Santidad filed a motion for reconsideration but the same was denied by the OMB in its Order<sup>[12]</sup> dated April 28, 2011.

Aggrieved, Santidad filed a Petition for Review under Rule 43 of the Rules of Court before the Court of Appeals seeking for the reversal of the July 13, 2010 Decision of the OMB.

On May 29, 2012, the Court of Appeals rendered its assailed Decision absolving Santidad of his administrative liability for Serious Dishonesty on the ground of insufficiency of evidence. The dispositive portion of the said Decision states:

WHEREFORE, premises considered, the petition is hereby GRANTED. The Decision dated July 13, 2010 of the Office of the Deputy Ombudsman for Luzon and its Order dated April 28, 2011 are hereby REVERSED and SET ASIDE and a new one entered ordering the reinstatement of petitioner Venancio G. Santidad with full back salaries and such other emoluments that he did not receive by reason of his removal[.]

SO ORDERED.<sup>[13]</sup>