

## **FIRST DIVISION**

**[ G.R. No. 215104, March 18, 2021 ]**

**EUFROCINA N. MACAIRAN, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

**[G.R. Nos. 215120 & 215147]**

**IMELDA Q. AGUSTIN, PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES, RESPONDENT.**

**[G.R. No. 215212]**

**PHILIP F. DU, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,  
RESPONDENT.**

**[G.R. Nos. 215354-55]**

**ROSALINDA U. MAJARAIS, MD., PETITIONER, VS. PEOPLE OF  
THE PHILIPPINES, RESPONDENT.**

**[G.R. Nos. 215377 & 215923]**

**HORACIO D. CABRERA AND ENRIQUE L. PEREZ, PETITIONERS,  
VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

**[G.R. No. 215541]**

**ANTHONY M. OCAMPO AND PRESCILLA G. CAMPOSANO,  
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### **DECISION**

**CAGUIOA, J:**

Before the Court are consolidated Petitions for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>[1]</sup> dated April 29, 2014 (assailed Decision) and the Resolution<sup>[2]</sup> dated October 24, 2014 of the Sandiganbayan Special Fifth Division, finding petitioners Rosalinda U. Majarais (Majarais), Horacia D. Cabrera (Cabrera), Philip F. Du (Du), Imelda Q. Agustin (Agustin), Enrique L. Perez (Perez) and Anthony M. Ocampo (Ocampo) in Criminal Case No. 26492; and petitioners Majarais, Cabrera, Agustin, Perez, Priscilla G. Camposano (Camposano) and Eufrocina N. Macairan (Macairan), in Criminal Case No. 26493, guilty beyond reasonable doubt of violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

### **The Facts**

The consolidated petitions involve the purchase made by the Department of Health - National Capital Region (DOH-NCR) sometime in May 1996 of 10,000 bottles of Paracetamol Suspension 60ml 125mg/5ml (Paracetamol Suspension) and 1,500 bottles of Ferrous Sulfate 250mg with Vitamin B Complex and Folic Acid (Ferrous Sulfate with Vitamin B Complex and Folic Acid). The Office of the Ombudsman received an Anonymous Letter<sup>[3]</sup> dated May 15, 1996 complaining about the alleged irregularity in these purchases of DOH-NCR and implicating four pharmaceutical companies including Aegis Pharmaceuticals (Aegis) and Lumar Pharmaceutical Laboratory (Lumar).

On December 4, 1996, the Office of the Ombudsman issued a Resolution finding probable cause to charge petitioners of violation of Section 3(e) of R.A. No. 3019.

Subsequently, an Information charging petitioner Majaraes, Camposano, Cabrera, Du, Agustin, Perez, and Ocampo for violation of Section 3(e) of R.A. No. 3019, in relation to the purchase of 10,000 bottles of Paracetamol Suspension by the DOH-NCR from Aegis, was filed with the Sandiganbayan. The Information, docketed as Criminal Case No. 26492, reads:

That on or about May 4, 1996, or sometime prior or subsequent thereto, in Manila, Philippines, and within the jurisdiction of the Honorable Office, the above-named accused Rosalinda U. Majaraes, Priscilla G. Camposano, Horacia D. Cabrera, Philip F. Du, Imelda Q. Agustin and Enrique L. Perez, all public officer[s] being the Director IV, Financial Management Chief II, Administrative Officer III, Accountant III, Accountant I and Supply Officer III, respectively, of the Department of Health, National Capital Region, while in the performance of their official functions, together with ANTHONY M. OCAMPO, owner of Aegis Pharmaceuticals, conspiring and confederating and mutually helping one another, acting with evident bad faith, did then and there willfully, unlawfully and criminally give unwarranted benefits to Aegis Pharmaceuticals, by awarding to Aegis Pharmaceuticals the contract for the supply of 10,000 bottles of Paracetamol Suspension, 60ml., 125mg. at a price of Php 25.00 per bottle or a total of Php 250,000.00 despite the fact that the prevailing price of Paracetamol Suspension, 60ml., 125mg., is Php 5.63 as quoted in the price list for the eleven (11) hospitals in 1996 obtained from DOH-Procurement and Logistics Services or a total amount of [Php 56,300.00] and thereafter, did and there facilitate the release of payment for the said contract to the damage and prejudice of the government in the amount of [Php] 193,700.00.

CONTRARY TO LAW.<sup>[4]</sup>

Except for Du and Ocampo, the aforementioned petitioners, together with Macairan, were also charged before the Sandiganbayan with the same offense but in connection with the purchase by the DOH-NCR of 1,500 bottles of Ferrous Sulfate with Vitamin B Complex and Folic Acid from Lumar. The Information, docketed as Criminal Case No. 26493, reads:

That on or about May 13, 1996, or sometime prior or subsequent thereto, in Manila, Philippines, and within the jurisdiction of the Honorable Office,

the above-named accused Rosalinda U. Majarais, Priscilla G. Camposano, Horacio D. Cabrera, Imelda Q. Agustin and Enrique L. Perez, all public officer[s] being then the Director IV, Financial Management Chief II, Administrative Officer III, Accountant I and Supply Officer III, respectively, of the Department of Health, National Capital Region, while in the performance of their official and administrative functions and acting with evident bad faith and manifest partiality, conspiring and confederating with one another, did then and there willfully, unlawfully and criminally give unwarranted benefits to Eufrocina N. Macairan, doing business under the name Lumar Pharmaceutical Laboratory, by awarding Lumar Pharmaceutical Laboratory the contract for the supply of 1,500 bottles of Ferrous Sulfate with Vitamin Band Folic Acid at the amount of Php220.00 per bottle or a total price of Php330,000.00 without any public bidding, in violation of existing government rules and regulations, and thereafter did then and there facilitate the release of the payment for the said contract in the amount of Php330,000.00 despite the fact that another supplier offered the same product at a price of Php73.37 per bottle or a total price of Php110,055.00 and, thereafter, did then and there facilitate the release of the payment for the said contract to the damage and prejudice of the government in the amount of [Php]219,945.00.

CONTRARY TO LAW.<sup>[5]</sup>

The cases were jointly tried before the Fifth Division of the Sandiganbayan.

Upon arraignment, petitioners separately entered a plea of not guilty.

During the pre-trial, the parties entered into the following stipulation of facts:

For Criminal Case No. 26492

1. During the material time alleged in the Information, the following accused were public officers occupying the following positions in the Department of Health (DOH):

Rosalinda U. Majarais	Director IV
Horacia D. Cabrera	Administrative Officer III
Priscilla G. Camposano	Financial Management Chief II
Imelda G. Agustin	Accountant I
Philip F. Du	Accountant III
Enrique Perez	Supply Officer

2. On March 4, 1996, a Requisition and Issue Voucher (RIV) was prepared for 10,000 bottles of Paracetamol suspension 125mg/5m[I] 60ml bottles for the use of different districts under

the DOH-NCR;

3. On May 3, 1996, Purchase Order No. 96-97 was prepared in favor of Aegis Pharmaceuticals for the procurement of 10,000 bottles of Paracetamol suspension 60ml 125mg/5ml at a price of P25.00 per bottle, or a total of P250,000.00;
4. On May 10, 1996, Aegis Pharmaceuticals delivered 10,000 bottles of Paracetamol Suspension 125mg/5ml and a certificate of acceptance was executed on May 13, 1996;
5. Disbursement Voucher (DV) No. D1269-96-0572 was prepared and the corresponding check (Check No. 0000032668) was released on May 13, 1996; and
6. Accused Ocampo is the owner of Aegis Pharmaceuticals.

For Criminal Case No. 26493

1. During the material time alleged in the Information, the following accused were public officers occupying the following positions in the Department of Health (DOH);

Rosalinda U. Majarais	Director IV
Horacia D. Cabrera	Administrative Officer III
Priscilla G. Camposano	Financial Management Chief II
Imelda G. Agustin	Accountant I
Enrique Perez	Supply Officer

2. Accused Eufrocina N. Macairan is the owner/proprietor of Lumar Pharmaceutical Laboratory;
3. On March 4, 1996, a Requisition and Issue Voucher (RIV) was prepared in connection with the purchase of 1,500 bottles of Ferrous Sulfate capsule with Vitamin B Complex and Folic Acid;
4. On May 3, 1996, the DOH-NCR proceeded to purchase 1,500 bottles of Ferrous Sulfate capsule with Vitamin B Complex and Folic Acid at a price of P220.00 per bottle or a total of P330,000.00;
5. On May 10, 1996, Lumar Pharmaceutical Laboratory delivered 1,500 bottles of Ferrous Sulfate 250mg with Vitamin B Complex and Folic Acid Capsules 100s and a certificate of acceptance was executed on May 13, 1996. (Accused Agustin admitted this stipulation with qualification that he had no participation in said

delivery and execution of certificate of acceptance); and

6. DV No. D1269-96-05-78 was prepared and the corresponding check (Check No. 0000032670) was released on May 13, 1996.<sup>[6]</sup>

### Evidence for the Prosecution

The prosecution presented Purita S. Danga (Danga), Rogelio A. Ringpis (Ringpis) and Normita A. Palisoc (Palisoc) as its witnesses. Their testimonies were summarized by the Sandiganbayan as follows:

1. x x x [Danga was] the Regional Director of the Department of Health (DOH) Center for Health Development, Region II, Cagayan Valley. Prior to her designation as such, she was assigned as a District Health Officer in Makati City from March 1988 to 1997. On May 16, 1996, while being assigned as a district health officer, she was also designated as officer-in-charge (OIC) of the DOH-National Capital Region (NCR) because of accused Majara's suspension from office for alleged overpricing of medicine. She identified accused Majara, Cabrera and Du in court. She also identified a photocopy of the Memorandum dated September 11, 1995 issued by accused Majara's.

When she was the OIC at the DOH-NCR, Danga recalled reading some documents signed by accused Majara's such as the two (2) Requisition and Issue Vouchers (RIVs) both dated March 4, 1996 which [were] also signed by accused Cabrera and Disbursement Voucher (DV) No. D1269-95-05-78.

According to Danga, the usual mode of procurement in the purchase of medicine by the DOH-NCR is public bidding which is conducted by the Committee on Bids and Awards.

On cross examination, she admitted that she does not have personal knowledge of the transactions which are the subject matter of these cases. She knew that accused Majara's was suspended due to overpricing based on the suspension order which she had read. She also said that what she meant was that accused Majara's was suspended because an Information was filed against her.

2. x x x

x x x [Ringpis testified that] [i]n 1996, he was assigned as a resident Ombudsman in the DOH. As such, he conducted fact-finding investigations of cases assigned to him. While assigned as a resident Ombudsman, he received an anonymous letter dated May 15, 1996 requesting him to conduct an investigation on the DOH-NCR's procurement of medicine including Paracetamol suspension and Ferrous Sulfate.

As a first step of his investigation, he obtained the following documents from the Procurement and Logistics Service of the DOH-NCR relating to subject transactions which he identified in Court: RIV dated March 4,