

SECOND DIVISION

[G.R. No. 212293, June 15, 2020]

OFFICE OF THE OMBUDSMAN, PETITIONER, VS. P/C SUPT. LUIS L. SALIGUMBA, RESPONDENT.

DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari* are the Decision^[1] dated October 23, 2013 and Resolution^[2] dated April 23, 2014 of the Court of Appeals (CA) in CA-G.R. SP No. 127885, exonerating P/C Supt. Luis Saligumba (respondent) from the administrative charges filed against him.

Relevant Antecedents

Devoid of the non-essentials, the facts of the case are as follows:

The subject of the controversy is the procurement of three Light Police Operation Helicopters (LPOH) by the Philippine National Police (PNP) as part of its modernization program included in the Annual Procurement Plan (APP) for calendar year (CY) 2008 with the approved budget for a contract (ABC) of P105,000,000.00.^[3]

After several revisions, Resolution No. 2008-260^[4] (Prescribing the Standard Specification for Light Police Operational Helicopters) was issued by the National Police Commission (NAPOLCOM). The following specifications were stated:

Specifications	
Power Plant	Piston
Power Rating	200 HP (minimum)
Speed	100 knots (minimum)
Range	300 miles (minimum)
Endurance	3 hours (minimum)
Service Ceiling (Min. Height Capability)	14,000 feet (maximum)
T/O Gross Weight	2,600 lbs. (maximum)
Seating Capacity	1 pilot + 3 pax (max.)
Ventilating System	Air-conditioned ^[5]
AIRCRAFT INSTRUMENTS	Standard to include Directional Gyro Above Horizon with Slip Skid Indicator and Vertical Compass

STANDARD POLICE EQUIPMENT

a. Fold Down Monitor Mount;
b. Digital Recorder;
c. Searchlight, 15-29 million candlepower;
d. Dual Audio Controller;
e. Nine (9) Memory Channel, Cyclic Grip Control;
f. GPS (Moving Map, Colored);
g. Transponder with Remote Mode C Altitude Encoder;
h. PA System and Siren (100 Watts);
i. Two (2) David Clark H10-13 Headsets;
j. FSI Ultra 8000 Infrared (10x continuous zoom, In SB Infrared Sensor and 18x continuous zoom, colored TV camera, Gyrostabilised Monitor 10.4 inch, Sunlight Readable Color, LCD Active Matrix TFT);
k. Expanded Landing Gear;
l. Bubble Windows, Both Forward Doors;
m. Transmit and Intercom Floor Switches, Observer Side;
n. Observer Overhead Light, Foot Activated;
o. HID Landing Lights;
p. 130-Ampere Alternator;
q. Slave System, Searchlight to Nose Gymbal; and
r. Real Time Transmission Downlink (optional).

On the basis of said specifications, the PNP National Headquarters-Bids and Awards Committee (NHQ-BAC) scheduled a public bidding for the procurement of three LPOHs on August 27, 2008. However, the same was deferred because of the information received by the office that the budget of P105,000,000.00 or P35,000,000.00 for each unit was insufficient as the police equipment and accessories included in the technical specifications were equally expensive.^[6]

To address such problem, the following schemes were adopted: (a) to join together two sets of aircraft that the PNP is scheduled to procure, *i.e.*, three units of rotary aircraft under the second Addendum for APP 2007 with an ABC of P111,000,000.00 and the other three units of LPOHs under the PNP Modernization Program with an ABC of P105,000,000.00 to be bid out as a single lot with a modified ABC of P216,000,000.00; and (b) only three out of six helicopters to be procured would be equipped with police operational equipment as required under NAPOLCOM Resolution No. 2008-260, and the other three to be delivered as basic or bare units.^[7]

A public bidding then ensued. Two bidders, Manila Aerospace and Aerotech Industries, bought their respective bid documents. However, none of them submitted eligibility requirements. Hence, a failure of bidding was declared.^[8]

On March 18, 2009, Hilario de Vera (de Vera) of Manila Aerospace Products Trading (MAPTRA) Sole Proprietorship approached Archibald Po (Po) and Renato M. Sia (Sia) for a possibility of buying Robinsons Helicopters, to which the latter replied that four units, owned by then First Gentleman Atty. Jose Miguel Arroyo (FG Arroyo), were immediately available.^[9] After a series of negotiations, the sale of three helicopters, two of which are pre-owned and one brand new, proceeded.^[10]

On May 8, 2009, the Negotiations Committee of the PNP held negotiations with MAPTRA which proposed to deliver one fully-equipped and two standard helicopters for P105,000,000.00; and Beeline which proposed the delivery of two standard helicopters for P119,000,000.00. However, as the proposals were non-compliant with the PNP's minimum requirement of three equipped LPOHs, the negotiations failed.^[11]

The persistent failed biddings prompted SAF Director Leocadio Santiago, Jr. to request the procurement of at least one equipped LPOH and two standard LPOHs. PDIR Luizo Ticman (Ticman) indorsed said request to the PNP NHQ-BAC. In turn, the latter issued a BAC Resolution No. 2009-22 dated May 29, 2009 which recommended the procurement of at least one equipped and two units of standard LPOH.^[12]

On June 8, 2009, Ticman issued a Request for Quotation (RFQ) stating that the PNP, through its Negotiation Committee, shall procure through negotiated procurement pursuant to Section 53(b) of the Implementing Rules and Regulations of Republic Act (R.A.) No. 9184 from legally, technically, and financially competent and PhilGEPS-registered suppliers and manufacturers for the supply and delivery of one fully equipped and two standard LPOHs with an ABC of P105,000,000.00^[13]

In the meantime, a Certificate of Incorporation was issued by the Securities and Exchange Commission in favor of Manila Aerospace Products Trading Corporation (MAPTRA Corporation).^[14]

On June 15, 2009, a scheduled negotiation proceeded, which resulted in the award of the contract to MAPTRA Sole Proprietorship (thereafter referred to as MAPTRA). In Resolution 2009-4, it stated that the proposal of MAPTRA was acceptable because the helicopter that they would deliver were consistent with the approved specifications; the total price quoted was within the ABC; and MAPTRA was a legally, technically and financially capable supplier of helicopters.^[15]

Resolution No. 2009-36 dated July 9, 2009 affirmed the recommendation of the Negotiation Committee to endorse to the PNP Chief the award of the supply contract to MAPTRA. The same was approved by then PNP Chief Jesus Versoza.^[16]

Thus, a Supply Contract was entered into between the PNP and MAPTRA whereby the latter obligated itself to deliver to the former one fully-equipped and two standard LPOHs, while the former obligated itself to pay P104,985,000.00 as consideration therefor. Accordingly, a Certification under Oath, which states among others, that the helicopters subject of the contract are brand new, was executed by de Vera.^[17]

Purchase Order No. 0(M)220909-017 dated September 22, 2009, ordering MAPTRA to deliver two standard and one fully-equipped helicopters, was issued.^[18]

Upon delivery of the two standard helicopters by MAPTRA, the team of inspectors was tasked to examine the same and to determine if they conformed to the specifications of the PNP. On the other hand, the task of accepting procured helicopters belonged to the Inspection and Acceptance Committee (IAC), to which respondent belonged as a member.^[19]

Consequently, Weapons and Tactics and Communications Division (WTCD) Report No. T2009-04A^[20] was issued. Among those who signed the report was herein respondent. Said Report stated that the method of inspection was through "visual and functional" and the specifications of said helicopters, to wit:

PNP Specifications for Light Police Operational Helicopter	Specifications of Robinson 44 Raven 1 Helicopter	Remark(s)
Power Plant: Piston	Piston-type	Conforming
Power Rating: 200 hp (minimum)	225	Conforming
Speed: 100 knots (minimum)	113 knots	Conforming
Range: 300 miles (minimum)	400 miles	Conforming
Endurance: 3 hours (minimum)	No available data	Conforming
Service Ceiling (Height Capability): 14,000 feet (maximum)	14,000 feet	Conforming
T/O Gross Weight: 2,600 lbs (maximum)	2,400 lbs	Conforming
Seating Capacity: 1 Pilot + 3 pax (maximum)	1 pilot + 3 passengers	Conforming
Ventilating System: Air-conditioned	Not airconditioned	Standard helicopter
Aircraft Instruments: Standard to Include Directional Gyro Above Horizon with Slip Skid Indicator and Vertical Compass	Equipped with Directional Gyro Above Horizon with Slip Skid Indicator and Vertical Compass	Conforming
Colors and Markings: White with appropriate markings specified in NAPOLCOM Res No.	White with appropriate markings as specified in	Conforming

99-002 dated January 5, 1999 (Approving the Standard Color and Markings for PNP Motor Vehicles, Seacraft and Aircraft)	NAPOLCOM Res. No. 99-002	
Warranty: The supplier warrants any defect in material and workmanship within the most advantageous terms and conditions in favor of the government.	The supplier will warrants (sic) any defect in material and workmanship within the most advantageous terms and conditions in favor of the government for two (2) years	Indicated in the contract (To include time-change parts as suggested by DRD Test and Evaluation Board)
Requirements: Maintenance Manual Operational Manual	Provided Provided	Conforming Conforming

On November 11, 2009, the PNP IAC Committee issued Resolution No. IAC-09-045, stating, among others that it found the items to be in conformity with the approved specifications and passed the acceptance criteria.^[21]

After several resolutions approving the sale, MAPTRA Corporation was paid by the PNP in the amount of P49,680,401.80 for the sale of two standard helicopters.^[22] Thereafter, one fully-equipped helicopter was delivered to the PNP. The same was paid in the amount of P42,312,913.10.^[23]

The purchase of the helicopters, however, prompted the Field Investigation Office to file a Complaint before the Office of the Ombudsman (Ombudsman) anent several irregularities which surrounded the sale. The Complaint specifically alleged that respondent, *et al.* committed a violation of Section 3, paragraphs (e) and (g) of Republic Act (R.A.) No. 3019 in relation to R.A. No. 9184, Falsification by Public Officers under Article 171, paragraphs 2 and 4 under the Revised Penal Code and administrative offenses, namely: dishonesty, gross neglect of duty and conduct prejudicial to the best interest of service.^[24]

In a Resolution^[25] dated May 30, 2012, the Ombudsman found the respondent, *et al.* guilty of serious dishonesty and conduct prejudicial to the best interest of the service and dismissed them from the service or if not feasible, it imposed the penalty of fine equivalent to their one year salary, among others. The Ombudsman ratiocinated that respondent, together with his co-respondents, conspired with one another to falsify public documents, skirt procedures, circumvent rules, and defraud the government while in the exercise of their respective public duties.

Respondent filed a Motion for Reconsideration, which was denied in a Resolution dated November 5, 2012.

Seeking relief, respondent elevated the matter to the CA *via* an appeal. He asserted that the findings as to his administrative liability was bereft of basis for he had no