

THIRD DIVISION

[G.R. No. 211703, December 10, 2014]

**EDELBERT C. UYBOCO, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

R E S O L U T I O N

VELASCO JR., J.:

This resolves the Petition for Review on Certiorari filed by petitioner assailing the *Sandiganbayan's* Decision^[1] dated January 9, 2014 and Resolution^[2] dated March 14, 2014, finding petitioner and his co-accused Rodolfo G. Valencia guilty beyond reasonable doubt for violating Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, in Criminal Case No. 24461, entitled *People of the Philippines v. Rodolfo G. Valencia, Carlo A. Maramot, & Edelbert C. Uybocho*.

Petitioner asserts that the *Sandiganbayan* erred in declaring the existence of a conspiracy and in convicting him in the absence of proof beyond reasonable doubt of such conspiracy. More importantly, petitioner finds fault in the *Sandiganbayan's* denial of his *Motion to Reconsider the Decision of this Honorable Court (Promulgated on January 9, 2014) with a Plea to Re-Open the Proceedings* dated January 22, 2014. In his motion, petitioner prayed for the reopening of the proceedings on the ground that his constitutional rights to due process and to competent counsel were violated when his former counsel, due to blatant error, abuse of discretion, and gross incompetence, did not present any evidence in his defense, causing serious prejudice to him.

According to petitioner, he was "accorded grossly insufficient legal assistance by his former lawyer" who informed him that "there was no necessity for a preliminary investigation and to present any evidence." His former counsel also "failed to cross examine the main prosecution witness because said counsel was inexplicably absent on the trial date" and even "failed to prepare and file a memorandum" and "merely relied on the defense presented by the lawyers of co-accused Valencia and Maramot by adopting the defenses of the other accused and all their pleadings and manifestations, even when these were clearly not applicable to petitioner's defense." Thus, petitioner avers that his constitutional rights to procedural and substantive due process and of law and to competent counsel were violated.

In its Comment dated September 30, 2014, the Office of the Special Prosecutor opposed petitioner's plea to reopen the case on the ground of denial of due process. In citing *Lagua v. CA*,^[3] they claim there is no basis to set aside the assailed decision and resolution since "a client is bound by the action of his counsel."

After a careful review of the records of the case, We find that the petition has no merit.

Section 1, Rule 45 of the Rules of Court states that petitions for review on certiorari shall raise only questions of law which must be distinctly set forth, as held by this Court in *Microsoft Corp. v. Maxicorp, Inc.*,^[4] to wit:

A petition for review under Rule 45 of the Rules of Court should cover only questions of law. Questions of fact are not reviewable. A question of law exists when the doubt centers on what the law is on a certain set of facts. A question of fact exists when the doubt centers on the truth or falsity of the alleged facts.

Findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case, those findings should not be ignored.^[5] Absent any clear showing of abuse, arbitrariness or capriciousness committed by the lower court, its findings of facts, especially when affirmed by the Court of Appeals, are binding and conclusive upon this Court.^[6]

This rule admits of exceptions, as follows: (1) where the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of facts; and (5) the findings of fact of the *Sandiganbayan* are premised on the absence of evidence and are contradicted by evidence on record.^[7]

Even if the foregoing rules were to be relaxed in the interest of substantial justice, this Court nevertheless finds no reason to disagree with the factual findings of the *Sandiganbayan*. A meticulous scrutiny of the records of the case persuades Us to conclude that the *Sandiganbayan* did not err in its finding that petitioner is guilty of the crime charged. The evidence on record amply supports the findings and conclusions of the *Sandiganbayan* and petitioner has shown no cause for this Court to apply any of the foregoing exceptions.

Section 3(e) of Republic Act 3019 provides:

Section 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross in excusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

For accused to be found liable under Section 3(e) of RA 3019, the following elements must concur:

- 1) The accused must be a public officer discharging administrative, judicial or official functions;
- 2) He must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
- 3) That his action caused undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.^[8]

Based on the records of the case, the elements of the crime charged exist in the present case.

On the first element, accused Valencia was a public officer at the time the acts in question were committed. Thus, while petitioner was a private individual, he was found to have been in conspiracy with accused Valencia. This is in accord with the rule that private persons may be charged in conspiracy with public officers, as We held in *People of the Philippines v. Henry T. Go*:^[9]

At the outset, it bears to reiterate the settled rule that private persons, when acting in conspiracy with public officers, may be indicted and, if found guilty, held liable for the pertinent offenses under Section 3 of R.A. 3019, in consonance with the avowed policy of the anti-graft law to repress certain acts of public officers and private persons alike constituting graft or corrupt practices act or which may lead thereto. This is the controlling doctrine as enunciated by this Court in previous cases, among which is a case involving herein private respondent.

The *Sandiganbayan* found that petitioner and accused Valencia acted in conspiracy to commit the crime charged, to wit:

The records show that conspiracy existed by and between accused Rodolfo Valencia and Edelbert Uybocho, president of Gaikoku, considering that the procurement of the subject dump trucks for an overpriced amount of PhP6,994,286.00 could not have been possible without each other's participation and cooperation, as evidenced by their execution and approval of the purchase order No. 4979 dated March 1993, and Gaikoku's proforma invoice.^[10]

Petitioner failed to dispute any of the documentary evidence presented by the prosecution and relied upon by the *Sandiganbayan*. Thus, there appears to be no reason for this Court to review such finding.

As to the second element, accused Valencia entered into a negotiated contract with Gaikoku without authority from the *Sangguniang Panlalawigan* (SP). In fact, Valencia had already approved the purchase request for the dump trucks as early as March 1993, prior to any SP resolution approving such direct acquisition.

The *Sandiganbayan* correctly ruled, and respondents aptly pointed out, that accused Valencia failed to comply with the requirements of Section 369 of the Local Government Code on negotiated purchase, which required that there must have been at least two failed public biddings before a contract for a negotiated purchase may be entered into. The defense failed to present any substantial evidence of the