



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated August 14, 2023, which reads as follows:

“G.R. Nos. 241020-22 (Romulo De Mesa Festin, Petitioner v. People of the Philippines and the Sandiganbayan [Third Division], Respondents). — The instant Petition for *Certiorari*¹ challenges the Resolutions dated March 12, 2018² and June 6, 2018³ of the Sandiganbayan, which denied the Motion to Dismiss⁴ lodged by Romulo de Mesa Festin (petitioner) and denied his Motion for Reconsideration⁵ thereof, respectively, in Criminal Cases Nos. SB-16-CRM-0765 to 0767.

The case has its roots in three separate Informations⁶ filed before the Sandiganbayan against petitioner, in his capacity as the former Municipal Mayor of San Jose, Occidental Mindoro along with other former officials, namely: Municipal Treasurer Chonna C. Santos, Municipal Accountant Pablo Ilao Alvaro, and Provincial Auditor Ethelita E. Ornedo (Ornedo), as well as certain private individuals— Lourdes D. Castillo, Marlon Mercado Lim (Lim), and Christel B. Daguio (Daguio). They shall all be collectively referred to as the “accused.” The inculpatory averments of the Informations state:

Criminal Case No. SB-16-CRM-0765⁷

That on July 7, 2008 or sometime prior or subsequent thereto, in the Municipality of San Jose, Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, [petitioner], Chonna Santos, Pablo Ilao Alvaro and Ethelita E. Ornedo, all public officers, being then the Municipal Mayor, Municipal Treasurer, Municipal Accountant and Provincial Auditor respectively, of San Jose, Occidental Mindoro, acting in relation to their official duties and taking advantage of their official positions, conspiring and confederating with one another and with Lourdes D. Castillo, owner and

¹ *Rollo*, pp. 3-43.

² *Id.* at 44-53. Penned by Presiding Justice Amparo M. Cabotaje-Tang, with the concurrence of Associate Justices Bernelito R. Fernandez and Zaldy V. Trespeses.

³ *Id.* at 54-68.

⁴ *Id.* at 110-117.

⁵ *Id.* at 118-126.

⁶ *Id.* at 101-109.

⁷ *Id.* at 102.

proprietor of JABL Information Solutions with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to accused Castillo by awarding the contract for the computerization of the Municipal Real Property Tax and Assessment (RPTA) to JABL Information Solutions in the amount of Four Million Four Hundred Ninety Nine Thousand Seven Hundred Twelve Pesos ([P]4,499,712.00) without the benefit of a public bidding and the required Bids and Awards Committee (BAC) resolution recommending to [petitioner] to resort to alternative mode of procurement, and based solely on the recommendation of accused Ornedo and Castillo that JABL Information Solutions was the only company accredited by the COA that could supply such service when it was not, to the prejudice of public interest.

CONTRARY TO LAW.

Criminal Case No. SB-16-CRM-0766⁸

That in September 2008 or sometime prior or subsequent thereto, in the Municipality of San Jose, Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the accused, all public officers, [petitioner], being then the Municipal Mayor, Pablo Ilaos Alvaro, then Municipal Accountant, Chonna C. Santos, then Municipal Treasurer, and Ethelita Ornedo, then the Provincial Auditor, Commission on Audit (COA), all of the [sic] San Jose, Occidental Mindoro, acting in relation to their official duties and taking advantage of their official positions, conspiring and confederating with one another, with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to Minco Enterprise, by purchasing four (4) units of multi-cab from Minco Enterprise in the amount of Eight Hundred Fifty Thousand Pesos ([P]850,000.00), paid through cash advances, without benefit of a public bidding and the required Bids and Awards Committee (BAC) resolution recommending to [petitioner] to resort to negotiated procurement and in violation of COA Circular No. 90-331 dated May 3, 1990 to the prejudice of public interest.

CONTRARY TO LAW.

Criminal Case No. SB-16-CRM-0767⁹

That between the period of October and December 2009, or sometime prior and subsequent thereto, in the Municipality of San Jose, Occidental Mindoro, Philippines and within the jurisdiction of the Honorable Court, [petitioner] and Pablo Ilaos Alvaro, both public officers, being then the Municipal Mayor and Municipal Accountant, respectively, of San Jose, Occidental Mindoro, acting in relation to their official positions, conspiring and confederating with one another and with accused Christel B. Daguio, and Marlon Mercado Lim, with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally approve and release the salaries of accused Christel B. Daguio and Marlon Mercado Lim, employees of JABL

⁸ Id. at 105.

⁹ Id. at 107-108.

Information Solutions, in the total amount of Ninety Thousand Pesos ([P]90,000.00) for the period October 1, 2009 to December 31, 2009 under the Contract of Services, without proof of submission of their Daily Time Records (DTRs) to show that they rendered services to the municipality, thereby causing undue injury to the government in the said amount.

CONTRARY TO LAW.

As borne from the records, the criminal proceedings originated from an audit report prepared by the COA relative to the procurement of software and equipment by the Municipality of San Jose, Occidental Mindoro for the computerization of the Real Property Tax and Assessment, and also its purchase in 2008 of four multi-cabs.¹⁰

Sometime in 2010, the COA forwarded its audit results to the Office of the Ombudsman (OMB), which, in turn, conducted further fact-finding investigation.¹¹ Eventually, the investigation was concluded on July 6, 2011 and the Public Assistance and Corruption Prevention Office for Luzon filed a complaint-affidavit against the accused and several other individuals for violations of Section 3(e) of Republic Act (RA) No. 3019 and RA No. 9184.¹²

In its Resolution,¹³ the OMB found probable cause to indict the accused for violations of Section 3(e) of RA No. 3019 but dismissed the other charges.¹⁴ Based on its findings, it was shown that petitioner awarded the contract for the computerization of the RPTA to JABL Information Solutions without public bidding and even allowed the payment of the contract despite this irregularity.¹⁵ Notably, none of the circumstances under RA No. 9184 which sanction direct contracting were shown to be present.¹⁶ The other municipal officials were likewise complicit through their respective acts in the processing of this payment to JABL Information Solutions.¹⁷ Similarly, they were also liable for releasing the payment of salaries to Lim and Daguio, who were contracted as Computer Operators I for the programming requirements of the municipality, when their services were not supported by daily time records (DTRs).¹⁸ In the same vein, they also caused undue prejudice to the government by procuring multi-cabs through cash advances, without the required public bidding.¹⁹ Petitioner conducted negotiated procurement and released payment therefor without following the requirements of the law and

¹⁰ Id. at 71. Resolution of the Office of the Deputy Ombudsman for Luzon.

¹¹ Id. at 4. Petition for *Certiorari*.

¹² Id. at 70. Resolution of the Office of the Deputy Ombudsman for Luzon.

¹³ Id. at 69-85. The Resolution dated February 17, 2015 was signed by Graft Investigation and Prosecution Officer I Allan John S. Atienza, reviewed by Director Joaquin F. Salazar, and approved by Ombudsman Conchita Carpio Morales.

¹⁴ Id. at 83.

¹⁵ Id. at 76.

¹⁶ Id. at 77.

¹⁷ Id. at 78.

¹⁸ Id. at 72 and 79.

¹⁹ Id. at 80.

the applicable COA rules.²⁰

Petitioner moved for reconsideration²¹ of the foregoing Resolution but his plea was given short shrift in the Order²² dated October 27, 2015. Thereupon, the aforementioned Informations were filed before the Sandiganbayan.

After his arraignment, petitioner filed his Motion to Dismiss²³ on the ground of inordinate and oppressive delay in the filing of the criminal complaint, in violation of his constitutional rights to due process and to speedy disposition of cases.²⁴ He avowed that the investigation of the OMB began in 2010, and yet the Information filed against him before the Sandiganbayan was made only in 2016.²⁵ As such, he was unduly prejudiced by the long delay in the resolution of the case *sans* any acceptable justification.²⁶ In actual fact, his political opponents used this pending case to attempt to sway the voting populace in his last mayoralty bid.²⁷

In the first impugned Resolution,²⁸ the Sandiganbayan denied for lack of merit the Motion to Dismiss, ratiocinating that the particular circumstances of the case belied petitioner's claim of inordinate delay. Records show that the last counter-affidavit was filed only on June 17, 2014 by the other accused. From then, the Graft Investigator had to thoroughly review the documents submitted before making their recommendation.²⁹ All in all, there was no showing that the prosecution deliberately delayed the proceedings to gain an advantage. Moreover, petitioner is invoking only now his right to speedy disposition and may be considered to have waived the same.³⁰ Furthermore, petitioner failed to prove that degree of prejudice required by jurisprudence.³¹

Petitioner's Motion for Reconsideration³² having been denied in the second oppugned Resolution,³³ he now comes before the Court, through the present recourse, asserting grave abuse of discretion on the part of the Sandiganbayan and reiterating his argument of inordinate delay on the part of the OMB.

²⁰ Id. at 80-82.

²¹ Id. at 86-94.

²² Id. at 95-99.

²³ Id. at 110-117.

²⁴ Id. at 110.

²⁵ Id. at 111.

²⁶ Id. at 112-115.

²⁷ Id. at 115.

²⁸ Id. at 44-53. Penned by Presiding Justice Amparo M. Cabotaje-Tang, with the concurrence of Associate Justices Bernelito R. Fernandez and Zaldy V. Trespeses.

²⁹ Id. at 49-50.

³⁰ Id. at 51.

³¹ Id. at 52.

³² Id. at 118-126.

³³ Id. at 54-68.

Issue

Did the Sandiganbayan commit grave abuse of discretion in denying petitioner's Motion to Dismiss?

THE COURT'S RULING

The Court resolves to **DISMISS** the petition for having been rendered moot and academic.

The Court takes judicial notice that the Sandiganbayan promulgated on April 14, 2023 its main Decision in Criminal Cases Nos. SB-16-CRM-0765 to 0767, which acquitted petitioner from all the crimes charged against him during the pendency of the present petition.

It is an elementary principle that "whenever the issues have become moot and academic, there ceases to be any justiciable controversy, such that the resolution of the issues no longer have any practical value."³⁴ In such instances, the Court is unable to grant any substantial relief to the petitioner owing to supervening events.³⁵ Necessarily, the Court must abstain from expressing its opinion in a case where no legal relief is needed or called for.³⁶

Indeed, the ultimate relief sought by petitioner is the dismissal of the criminal cases against him. With the rendition of the April 14, 2023 Decision of the Sandiganbayan acquitting him of the crimes charged, this prayer was effectively granted. Hence, no practical relief may be afforded to him by a ruling on the merits of his present petition, especially in light of the finality-of-acquittal doctrine.³⁷ "The verdict being one of acquittal, the case ends there."³⁸

WHEREFORE, the Petition for *Certiorari* is hereby **DISMISSED** for being moot and academic.

SO ORDERED." (Singh, J., on official leave)

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
GrR
11/10/23

³⁴ *Estrada v. Sandiganbayan (Fifth Division)*, 836 Phil. 281, 296 (2018).

³⁵ See *id.*

³⁶ See *id.*

³⁷ See *Estate of Williams v. Percy*, G.R. No. 249681, August 31, 2022.

³⁸ *Id.*; citation omitted.

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