



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

Quezon City

Fourth Division

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

versus

**SB-17-CRM-1431**

**ENRICO R. CORVERA, ET AL.,**  
Accused .

X-----X

## DECISION

Accused Lucio Deriquito Lapidez stands charged before this Court with Violation of Section 3 (e) of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, in SB-17-CRM-1431 under the Information dated October 26, 2016, the accusatory portion of which reads as follows:

“That in April 2004 or sometime prior or subsequent thereto, in the Municipality of Nasipit, Agusan Del Norte, and within the jurisdiction of this Honorable Court, accused public officers Municipal Mayor Enrico R. Corvera, Bids and Awards Committee (BAC) Chairperson, Municipal Budget Officer Luzminda L. Lagura, and BAC Members, Municipal Treasurer Fregie Luz Bangahon, Arnel C. Suguitan, and Municipal Health Officer Nelson David T. Obeñita, all of the Municipality of Nasipit, Agusan Del Norte, and while in the performance of their official functions and committing the offense in relation to office, taking advantage of their official position, acting with manifest partiality, evident bad faith, or gross inexcusable negligence, conspiring and confederating with one another and with private individual Lucio Deriquito Lapidez, representative of Feshan Philippines Inc. (Feshan), did then and there wilfully, unlawfully, and criminally, give Feshan unwarranted benefits, privilege and advantage by causing and/or approving the procurement of 2,000 liters of Bio-Nature liquid organic fertilizer from Feshan without public bidding, in violation of the provisions of Republic Act No. 9184 (The Government Procurement Reform Act), and causing the payment of P1,500.00 per liter of Bio-Nature liquid organic fertilizer or a total amount of P3,000,000.00, when other commercial liquid fertilizers, with equal or higher micronutrient content than Bio-Nature liquid organic fertilizer, were readily available at the time of the procurement for only P125.00 per liter thereby resulting in an overprice in the total of P2,725,000.00, more or less, and causing undue injury to the local government of Nasipit, Agusan Del Norte, in the total of P2,725,000.00.

CONTRARY TO LAW.”

*Cup*

When this case was called today, accused Lapidez, represented by his counsel Atty. Alejandro G. Yrreverre, Jr., moved that his earlier plea of not guilty be considered withdrawn and that he be re-arraigned. The prosecution did not object so the accused was re-arraigned.

Upon being re-arraigned, the accused Lapidez, assisted by his counsel, waived the reading of the Information and pleaded guilty to the lesser offense of Frauds Against the Public Treasury and Similar Offenses, defined and penalized under Article 213, par. 1, of the Revised Penal Code. The prosecution gave its consent for and in behalf of the offended party as contained in its Compliance dated 16 February 2023.

**WHEREFORE**, premises considered, the Court finds the accused Lucio Deriquito Lapidez guilty beyond reasonable doubt of violation of Article 213, par. 1, of the Revised Penal Code, as amended, otherwise known as Frauds Against the Public Treasury and Similar Offenses.

Considering the voluntary plea of guilt, the Court hereby sentences accused Lapidez to pay a fine of PhP10,000.00 with subsidiary imprisonment in case of insolvency.

According to the prosecution, the civil liability in this case has already been settled.

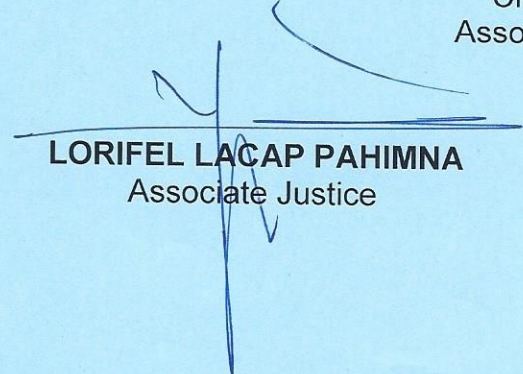
The Court hereby authorizes the release to accused Lapidez of the cash deposited as bail for his provisional liberty in the amount of PhP30,000.00 which shall be applied to the payment of fine imposed upon him conformably with Section 14, Rule 114 of the Revised Rules of Court.

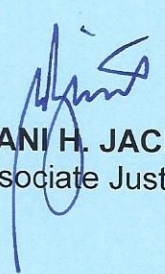
The Hold Departure Order issued by this Court by reason of this case is hereby **LIFTED** and **SET ASIDE**.

**SO ORDERED.**

Given in Open Court, this 27<sup>th</sup> day of February 2023, Quezon City, Philippines.

  
**MICHAEL FREDERICK L. MUSNGI**  
Chairperson  
Associate Justice

  
**LORIFEL LACAP PAHIMNA**  
Associate Justice

  
**BAYANI H. JACINTO**  
Associate Justice

### ATTESTATION

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MICHAEL FREDERICK L. MUSNGI**  
*Chairperson, Fourth Division*

### CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice*