



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-08-CRM-0372

For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019

-versus-


**DR. PAROUK S. HUSSIN,
SERDA I. HASSAN,
RICARDO BAJADOR LUNA,
and SOCORRO FRANCO
NATIVIDAD,**

Accused,

PRESENT:

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, J, &
VIVERO, J.

Promulgated:

JUL 22 2021 

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RESOLUTION

MIRANDA, J.:

This resolves the Motion for Reconsideration dated April 5, 2021 filed by accused Socorro F. Natividad (Natividad) and Comment/Opposition dated May 17, 2021 filed by the Prosecution.

In her motion for reconsideration, accused Natividad assails the Decision dated March 22, 2021 finding her guilty of violation of Section 3(e) of R.A. No. 3019 and sentencing her to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, and the accessory penalty of perpetual disqualification from holding public office. Accused Natividad was also ordered to pay Geneve S.A. Philippines (Geneve) the amount of Five Million Pesos (Php5,000,000.00) representing the balance of the purchase price of the GPI Rescue 911 Comprehensive Disaster Medical Management Kit (GPI Rescue Kits).

Accused Natividad claims that: 1) The sixty (60) pieces of GPI Rescue Kits were procured due to the urgency of the situation and paid from the Special Purpose/Calamity/Emergency Fund; 2) The claim of private complainant Senen I. Arabaca (Arabaca) was based on unreliable documents

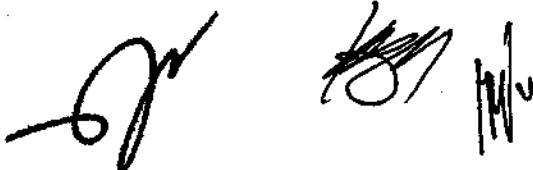
  

which showed different amounts; 3) The findings of fact in the Report on the Audit Investigation of Nestor R. Posada were based on an incomplete and inaccurate audit; 4) She could not effect the payment of the balance of the purchase price of the GPI Rescue Kits because she was no longer the Head of the Autonomous Region in Muslim Mindanao (ARMM) Manila Liaison Office as of July 17, 2003; 5) There was no conspiracy because she merely performed her duty of approving the disbursement voucher; and 6) The order to pay Php5,000,000.00 was not supported by the records.

In its comment/opposition, the Prosecution alleges that: 1) The Certification dated January 27, 2003 of accused Dr. Parouk S. Hussin (Hussin) has no probative value for failure to prove its due execution and authenticity and it does not prove the urgency of the procurement of the GPI Rescue Kits and the source of funding; 2) There were no funds allotted for the purchase of the GPI Rescue Kits; 3) The alleged urgency was negated by the delivery of the GPI Rescue Kits two (2) months after the issuance of the purchase order and its inspection by Engr. Muhtamir Hussin, the brother of accused Hussin, at Houston, Texas, USA; 4) The Affidavit of Desistance dated May 29, 2015 and Certification dated March 11, 2005 have no probative value because Arabaca denied the statements therein during his testimony; 5) Arabaca testified thru his Judicial Affidavit dated February 9, 2016 that the balance of the purchase price was about Php5,000,000.00; 6) The totality of evidence shows lack of available funds and public bidding for the GPI Rescue Kits; 7) Accused Natividad was duty bound to pay the balance of the GPI Rescue Kits because she was still the Head of the ARMM Manila Liaison Office when they were delivered on April 3, 2003; 8) Conspiracy existed between and among the accused in the perpetration of the offense; and 9) All the accused, including accused Natividad, are liable to Geneve for the balance of the purchase price because they entered into a void contract.

After a review of the records of this case and the arguments raised by both parties, the Court **DENIES** the Motion for Reconsideration dated April 5, 2021 of accused Natividad. The issues and arguments raised by accused Natividad in her motion for reconsideration are a mere rehash and a repetition of the same issues and arguments alleged in her Memorandum dated February 4, 2020. These issues and arguments have already been considered and passed upon by the Court in its Decision dated March 22, 2021.

To reiterate, the totality of evidence shows that accused Natividad and her other co-accused purchased the GPI Rescue Kits without appropriation contrary to Sections 84(1) and 85(1) of Presidential Decree (P.D.) No. 1445, Section 3.1.1 of the Implementing Rules and Regulations (IRR) of Executive



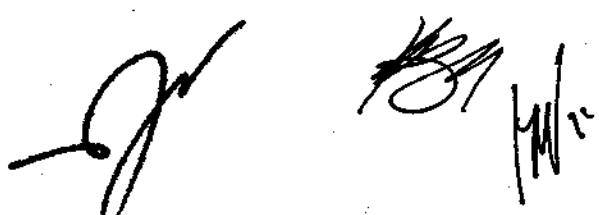
Order (E.O.) No. 262, and Section 355 of the Muslim Mindanao Autonomy (MMA) Act No. 25, and without public bidding contrary to Section 351 of MMA Act No. 25 and E.O. No. 302 dated February 19, 1996, as amended by E.O. No. 262 dated July 5, 2000.

The allotment releases of the ARMM as of December 31, 2002, Agency Budget Matrix FY 2003, and Detailed Program of Expenditures of the ARMM for FY 1999-2003 do not show that the GPI Rescue Kits were allotted with funds or that they were sourced from the Special Purpose Fund (Calamity and Medical Fund) of the ARMM. This was confirmed by the request of accused Hussin to the Department of Budget and Management (DBM) for the release of Sixteen Million Five Hundred Thousand Pesos (Php16,500,000.00) for the payment of the GPI Rescue Kits from the remaining unfunded allotment of the ARMM.

There was no urgency in the purchase of the GPI Rescue Kits because they were delivered 2 months after the purchase order was issued and were even inspected by the brother of accused Hussin at Houston, Texas, USA. Accused Natividad also failed to show proof that direct contracting-emergency procurement was approved by accused Hussin in the bidding documents, and that Geneve was asked to submit a price quotation or a pro-forma invoice together with the conditions of sale. To recall, it was accused Hussin and Ruben Odasco who gave Arabaca the undated and unnumbered purchase order for 60 pieces GPI Rescue Kits which was prepared beforehand by the representatives of the ARMM.

The balance of Php5,000,000.00 was supported by the evidence on record. It was stipulated in the Pre-trial Order dated January 20, 2014 that the purchase price of the GPI Rescue Kits was Php16,500,000.00 with a 50% down-payment amounting to Eight Million Two Hundred Fifty Thousand Pesos (Php8,250,000.00). Arabaca was then partially paid twice leaving a balance of Php5,000,000.00.

Accused Natividad was in a position to pay the balance of the purchase price of the GPI Rescue Kits. Although accused Natividad was relieved as Head of the ARMM Manila Liaison Office on July 17, 2003, the GPI Rescue Kits were delivered on April 3, 2003, or before the said date, and upon her instructions. Arabaca even requested for full payment thru his Letters dated April 14, 2003 and July 9, 2003 when accused Natividad was still the Head of the ARMM Manila Liaison Office. Clearly, accused Natividad had knowledge of the full delivery of the GPI Rescue Kits which warranted payment of the balance of the purchase price.


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Moreover, the allegation of incomplete and inaccurate audit report has no merit. Posada based his findings on documents provided by the ARMM and its Manila Liaison Office. In the absence of grave abuse of discretion, the factual findings of Posada, a special investigator from COA, which are undoubtedly supported by the evidence on record, must be accorded great respect and finality.¹

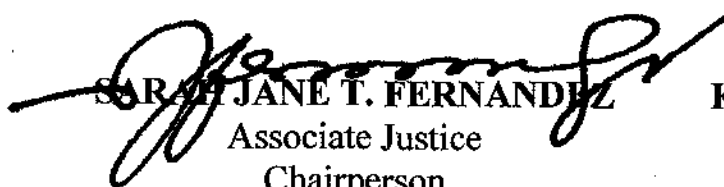
Finally, taken together, the overt acts of accused Natividad, Serda I. Hassan-Bangsa, and Hussin point to a joint purpose and design, concerted action, and community of interest, which is the processing and approval of the disbursement vouchers and purchase order for the down-payment of the GPI Rescue Kits to Geneve without public bidding, available funds, and incomplete documents. In addition, partly because of the said deficiencies, they and the ARMM failed to pay the balance of the purchase price amounting to Php5,000,000.00.

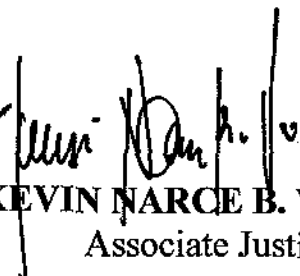
WHEREFORE, the Motion for Reconsideration dated April 5, 2021 of accused Socorro F. Natividad is **DENIED** for lack of merit. The Decision of the Court promulgated on March 22, 2021 is **AFFIRMED**.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice

¹ *Daraga v. COA and Department of Education ARMM*, G.R. No. 201042, June 16, 2015.