



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE
PHILIPPINES,
Plaintiff,

SB18CRM0351 - SB18CRM0354
For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019

-versus-

SB18CRM0359 - SB18CRM0362
For: Malversation of Public Funds
under Article 217 of the Revised
Penal Code (RPC)

REINERIO BERMIO
BELARMINO, JR.,
FRANCISCO CABULOY
CASIL, AVELINA OSORIO
SORIANO, and LOURDES
VALDEZ GONZALES,
Accused,

PEOPLE OF THE
PHILIPPINES,
Plaintiff,

SB18CRM0355 - SB18CRM0358
For: Violation of Section 3(e) of
R.A. No. 3019

-versus-

SB18CRM0363 - SB18CRM0366
For: Malversation of Public Funds
under Article 217 of the RPC

REINERIO BERMIO
BELARMINO, JR.,
FRANCISCO CABULOY
CASIL, AVELINA OSORIO
SORIANO, LOURDES
VALDEZ GONZALES,
MARIBEL BAUTISTA
CABRADILLA, and
JONATHAN CARIÑO
BUGAOAN,
Accused,

PRESENT:

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

Promulgated:

July 7, 2023

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RESOLUTION

MIRANDA, J.:

This resolves the Partial Motion for Reconsideration dated April 13, 2023 filed by accused Francisco Cabuloy Casil (Casil) and the Comment/Opposition dated April 20, 2023 filed by the prosecution.

In his motion for reconsideration, Casil argues that the prosecution's evidence is not enough to prove his guilt beyond reasonable doubt because: 1) the Bids and Awards Committee (BAC) recommended direct contracting only upon learning, through the canvass forms they issued, that the liquid foliar fertilizers were supplied by an exclusive dealer; 2) all goods were delivered; 3) the Purchase Requests (PRs) were based on the letters of Representative Jose de Venecia Jr.; 4) R.A. No. 9184 was in its infancy, thus there were no opinions and guidelines issued by the Government Procurement Policy Board (GPPB) to guide the BAC; and 5) there is no *prima facie* case of a violation of Section 3(e) of R.A. No. 3019.

In its Comment/Opposition dated April 20, 2023, the prosecution alleges that: 1) the defense did not present an argument with respect to the Decision dated March 29, 2023; and 2) *assuming arguendo* that there was a valid argument, all elements of Section 3(e) of R.A. No. 3019 were present.

After a review of the records of the cases and the arguments raised by the parties, the Court **DENIES** the Partial Motion for Reconsideration dated April 13, 2023 of Casil. The issues and arguments raised by Casil in his partial motion for reconsideration are a mere rehash and a repetition of the same issues and arguments which have already been considered and passed upon by the court in its Decision dated March 29, 2023.

The arguments of Casil are not meritorious. *First*, the BAC improperly resorted to direct contracting. It failed to conduct a survey of the industry and determine the supply source to confirm the exclusivity of the suppliers. It merely concluded the exclusive dealership of the liquid foliar fertilizers by FITI and CLFAC after opening their canvass forms without proper documentation and further verification.

Second, the issue is the lack of evidence on the distribution of the liquid foliar fertilizers to their intended beneficiaries. As mentioned in the decision, Casil failed to present any evidence that the Farmate HMZ 2000 and Algazinc Plus liquid foliar fertilizers were distributed to the farmer-beneficiaries.

Third, the prosecution proved that there were no project specifications received from the office of Representative Jose de Venecia Jr. because the letters Casil referred to in his partial motion for reconsideration were never offered in evidence.



Fourth, the fact that R.A. No. 9184 was only in its infancy at the time of the transactions will not relieve Casil of liability because ignorance of the law excuses no one from compliance therewith.¹ Reference to opinions and guidelines by the GPPB are not crucial because R.A. No. 9184 and its IRR-A are enough to guide the BAC in conducting direct contracting.²

Lastly, the argument of Casil that there is no *prima facie* case of violation of Section 3(e) of R.A. No. 3019 is baseless. The threshold of *prima facie* is never used for criminal convictions because courts which try criminal cases use the highest quantum of evidence – proof beyond reasonable doubt. The Decision dated March 29, 2023 clearly outlines why Casil is guilty beyond reasonable doubt.

WHEREFORE, the Partial Motion for Reconsideration dated April 13, 2023 of **FRANCISCO CABULOY CASIL** is **DENIED** for lack of merit. The Decision of the Court promulgated on March 29, 2023 is **AFFIRMED**.

SO ORDERED.



KARL B. MIRANDA

Associate Justice

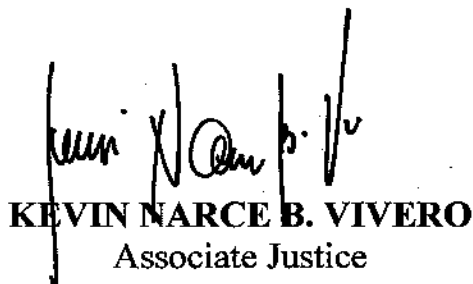
WE CONCUR:



SARAH JANE T. FERNANDEZ

Associate Justice

Chairperson



KEVIN NARCE B. VIVERO

Associate Justice

¹ Article 3, New Civil Code.

² Sections 48(b) and 50, of R.A. No. 9184 and Section 50, Rule XVI of IRR-A of R.A. No. 9184.