



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Third Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case Nos.
SB-18-CRM-0508
*For: Violation of Section 3(e),
R.A. No. 3019, as amended*

-versus-

SB-18-CRM-0509
*For: Malversation of Public
Funds (Art. 217 of the Revised
Penal Code)*

Present:

HERMINIO GUIVELONDO TEVES,
ET AL.,
Accused.

Cabotaje-Tang, A.M., *PJ,*
Chairperson
Fernandez, B.R., *J.* and
Moreno, R.B. *J.*

Promulgated:

FEBRUARY 8, 2024

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RESOLUTION

Moreno, J.:

For resolution are the separate *Motions for Reconsideration* filed by accused **MARIVIC V. JOVER** (“Jover”),¹ **BELINA A. CONCEPCION** (“Concepcion”),² **DENNIS L. CUNANAN** (“Cunanan”),³ and **SAMUEL S. BOMBEIO** (“Bombeio”),⁴ assailing the Court’s *Decision* promulgated on September 15, 2023, finding them guilty of violation of Section 3(e) of R.A.

¹ Record, Vol. VI, pp. 360-369.

² *Id.*

³ Record, Vol. VI, pp. 372-390.

⁴ Record, Vol. VI, pp. 429-463.

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No. 3019, as amended, and Malversation of Public Funds under Article 217 of the Revised Penal Code (“RPC”).

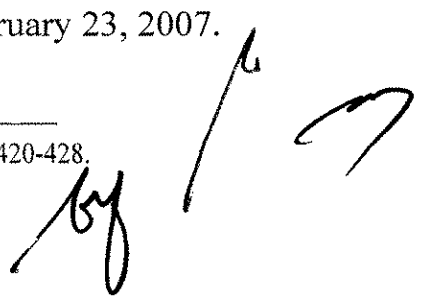
Motion for Reconsideration of Accused Jover and Concepcion

Accused Jover and Concepcion seek reconsideration of the Court’s Decision, raising the following assignment of errors: (a) the Court gravely erred in finding that they acted in conspiracy with all other accused in committing the crimes charged despite the failure of the prosecution to sufficiently establish the presence of conspiracy; and (b) the Court gravely erred in finding that they acted with evident bad faith, manifest partiality or gross inexcusable negligence.

Accused argue that other than their signatures in the DV and MOA, no other evidence was presented to establish that they acted in evident bad faith, manifest partiality, or gross inexcusable negligence in signing the same. Their participation in the assailed transaction failed to establish unity of action to commit the offenses for which they were charged with the other accused. In the absence of evidence to the contrary, they enjoy the presumption of good faith and regularity of performance of official functions, and the conspiracy theory advanced by the prosecution necessarily fails. As regards malversation of public funds, accused Jover and Concepcion aver that the presumption that the public funds were misappropriated and that the program was not implemented exists only against MFI as it was the one that failed to properly account for and liquidate the said funds. While records prove the non-implementation of the project, there is insufficient evidence to establish that Jover and Concepcion participated in the preparation and submission of the NGO’s disbursement and liquidation reports.

In its *Opposition (To Accused Marivic V. Jover and Belina A. Concepcion’s “Motion for Reconsideration” dated October 01, 2023)*,⁵ the prosecution contends that conspiracy need not be proven by direct evidence. Accused Jover, in utter disregard of Item No. 3 of COA Circular No. 96-003 requiring the release of funds in tranches when the amount involved is more than ₱300,000.00, proceeded to sign the Disbursement Voucher without raising any question as to why the funds amounting to ₱9,600,000.00 were released in full to MFI. The act of signing the Disbursement Voucher is not merely a ministerial duty and the signatories are not precluded from raising questions on the legality or regularity of the transaction involved. As for accused Concepcion, the prosecution points out that Concepcion issued a Memorandum dated February 22, 2007, recommending the release of Congressman Teves’ PDAF in accordance with the MOA, which was executed only on February 23, 2007.

⁵ Record, Vol. VI, pp. 420-428.



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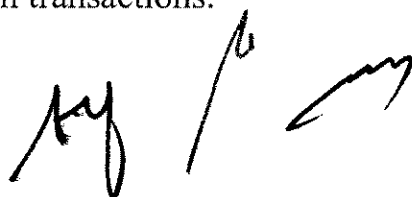
The prosecution concludes that the individual acts of accused Jover and Concepcion, when taken together with the acts of their co-accused, are so connected and closely interrelated, demonstrating that they acted in concert and cooperated to achieve the very same objective of defrauding the government. Accused Jover, in signing Box B of the Disbursement Voucher, and accused Concepcion, in issuing the Memorandum, facilitated the release of the subject funds to MFI despite the fact that NGOs are not among the identified implementing arms of PDAF projects, the selection of MFI was not in accordance with existing laws, rules and regulations, the legal existence of MFI is questionable, and the documents submitted are deficient. Accused ensured that the said funds were diverted to the possession and custody of accused Bombeo, through MFI, for personal use and benefit. They are equally liable and with their conspirators regardless of whether they participated in each and every stage of the commission of the offenses charged.

Motion for Reconsideration of Accused Cunanan

In his motion, accused Cunanan moves for reconsideration of the Court's *Decision* based on the following grounds: (a) the elements of the crime charged were not proven beyond reasonable doubt; (b) Cunanan is not part of any conspiracy, his signature in one Disbursement Voucher does not show his participation as a co-conspirator; (c) Cunanan's constitutional right to due process and equal protection will be violated if the same consideration given to Atty. Figura is not appreciated in his favor; (d) there is no showing that Cunanan is a public officer as defined under Article 217 of the Revised Penal Code.

For the first ground, accused Cunanan argues that the last element of R.A. No. 3019 cannot exist because the *Decision* relied mainly on the evidence that he signed the Disbursement Voucher. Assuming that accused Cunanan was manifestly partial to MFI when he signed the Disbursement Voucher, such could not consummate the crime charged as there are other steps to be taken before the actual release of funds: (1) Congressman Teves has to trigger the process by writing the endorsement letter; (2) the MOA has to be signed and endorsed before the Disbursement Voucher reached Cunanan; (3) the other signatories to the Disbursement Voucher has to sign; (4) the check has to be prepared, routed, and signed; and (5) the recipient has to cash-in the check.

Second, accused Cunanan asserts that his signature in the Disbursement Voucher is not an overt act tantamount to acquiesce, cooperation, or acting in unison with his other co-accused. His act of signing the Disbursement Voucher is part of his function as the TLRC Deputy Director General to approve certain transactions.



Third, Cunanan questions why he was treated differently by the Court when his act of signing the Disbursement Voucher and the act of Figura in signing the check had the same effect of releasing the PDAF to MFI. Cunanan claims that although Figura had misgivings regarding the PDAF implementation, he disregarded the same when he signed the check. Cunanan maintains that this is different from his situation when he signed the Disbursement Voucher, believing in good faith that there was nothing illegal therein. Cunanan adds that he likewise had his reservations relative to PDAF transactions.

Last, accused Cunanan claims that he is not an accountable public officer. No evidence was presented to show that he had custody or control of the funds at any point.

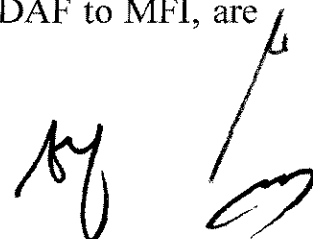
Cunanan adds that even if the failure to conduct the requisite public bidding for the questioned transaction was unjustified, no other evidence was presented to establish that his actions were animated by malicious motive or fraudulent intent to defraud the government. There is no showing that it was Cunanan's duty to accredit the NGO-partner and/or implement the PDAF-funded project; that it was Cunanan who gave unwarranted preference to the NGO; that Cunanan's actions caused undue injury; and that he acted with manifest partiality, evident bad faith, or gross inexcusable negligence in signing the Disbursement Voucher.

In its *Opposition (Re: Accused Dennis Cunanan's Motion for Reconsideration)*,⁶ the prosecution interposes that it successfully established all the elements of the offenses charged. The Court has clearly pointed out the active participation of accused Cunanan in the commission of the offenses charged, while it found no manifest partiality, evident bad faith, or gross inexcusable negligence on the part of accused Figura in the questioned transaction. Thus, the claim of accused Cunanan that his constitutional right to due process and equal protection will be violated if the same consideration given to accused Figura is not appreciated in his favor is misplaced.

Motion for Reconsideration of Accused Bombeo

In seeking reconsideration of this Court's *Decision*, accused Bombeo contends that there are errors of law and of fact in the judgment. Bombeo, relying on the testimonies of accused Cunanan, Jover, and Concepcion, contends that in signing the documents required for the release of the PDAF of Congressman Teves, each of them performed their official functions in accordance with their mandated duties, guidelines, and checklist. Their independent actions, which resulted in the release of the PDAF to MFI, are

⁶ Record, Vol. VI, pp. 481-490.



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purely circumstantial and the prosecution failed to show beyond reasonable doubt unanimity of design or concert of action of the accused.

Bombeo additionally contends that there is no showing that the lack of public bidding in the selection of MFI as project partner was purposely done to favor MFI over any other similar entities. He points out that there is no mention of other NGO or entity that was prejudiced by the selection of MFI.

Bombeo insists that he fully and successfully implemented the livelihood project. He claims to have submitted to TLRC the accomplishment reports relative thereto, however, his copy was lost due to typhoon Sendong.

As to the charge of malversation, Bombeo adopts by reference the entirety of his arguments and defenses in Criminal Case No. SB-18-CRM-0508 for violation of Sec. 3 of R.A. No. 3019 and interposes the defense of lack of malicious intent. He argues that there is no showing that he interceded in any way in signing and releasing Disbursement Voucher No. 012007020350 and that he had foreknowledge of any irregularity allegedly committed by the accused TLRC officials and Pulido. He only dealt with accused Ortiz from the time the latter invited him to be involved in the livelihood project up to its completion. Likewise, he has never met Congressman Teves.

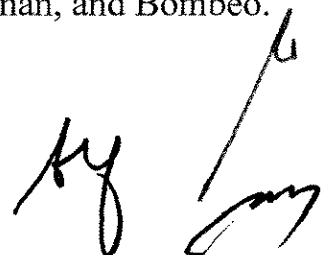
Assuming that Bombeo lacked accreditation with TLRC and other requirements, he claims to have presented adequate evidence to prove that he implemented the livelihood project of Congressman Teves.

According to the prosecution in its *Opposition to Verified Motion for Reconsideration of Accused Samuel S. Bombeo*,⁷ accused Bombeo failed to show any compelling reason for the Court to correct any error attributed to it. Neither has Bombeo raised any new, cogent, or substantial arguments that would warrant the modification or reversal of the Decision. The prosecution counters that one need not participate in every detail of the execution to be a conspirator. Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal objective.

THE COURT'S RULING

After due consideration, the Court denies the separate Motions for Reconsideration filed by accused Jover, Concepcion, Cunanan, and Bombeo.

⁷ *Id.* at 534-544.



I. On the charge for violation of Section 3(e) of R.A. No. 3019, as amended

The elements of violation of Section 3(e) of R.A. No. 3019 are as follows: (1) the accused is a public officer discharging administrative, judicial or official functions; (2) the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence; and (3) the accused 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.

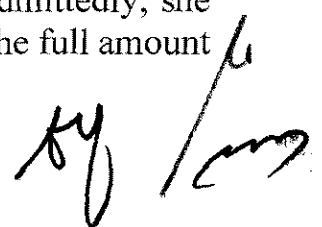
The presence of the first element is undisputed. The second element is also present. There is manifest partiality, evident bad faith and/or gross inexcusable negligence on the part of the accused-movants when they allowed the release of the PDAF of Congressman Teves to MFI.

The participation of accused Concepcion is in the preparation and issuance of the Memorandum dated February 22, 2007, recommending the release of the funds to MFI. In the assailed *Decision*, the Court held:

Concepcion cannot trivialize her role in the transaction. As LLO, she had the duty to facilitate the execution of MOAs for the utilization of the funds. It is worth mentioning that Concepcion issued the above Memorandum, with reference to the MOA, on **February 22, 2007**, while the MOA was entered into between the TLRC and MFI on **February 23, 2007**. Accused would have this Court believe that there was already a signed MOA between the TLRC Director General and the NGO representative when she issued the Memorandum, otherwise, she would not have made reference to the MOA in her recommendation. The Court is compelled to appreciate the Memorandum as it is plainly written considering that it was computerized. It shows that she already prepared and issued the Memorandum even prior to the execution of the MOA between TLRC and MFI. Such is indicative of manifest partiality toward MFI. In addition, since she was tasked to facilitate the execution of the MOA, she could have noticed the lack of requirements for the accreditation of the NGO. However, to reiterate, she issued the Memorandum when the MOA had not yet been entered into by the parties.

The MOA has not yet been executed when Concepcion issued the Memorandum and could not have been the basis of her recommendation. Concepcion, with undue haste, issued the Memorandum for the release of PDAF to MFI, which demonstrates manifest partiality in favor of MFI.

For accused Jover, she had the duty to ensure that the transaction complied with existing accounting and auditing guidelines. Admittedly, she did not observe the same. Jover did not question the release of the full amount

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of P9,600,000.00 to MFI despite the mandate of COA Circular No. 96-003 that funds of such amount should be released in tranches. The Court previously stated in the presently assailed *Decision* that:

According to the Office Circular, the Chief Accounting Division/ Authorized Signatory for Box B has the duty to "review the DV and its attachments". She may return the DV and its attachments to the requesting unit for appropriate action should she find any adverse findings. The Office Circular even categorically states that the submission of all the supporting documents does not preclude reasonable questions on the funding legality, regularity, necessity or economy of the expenditure or transaction.

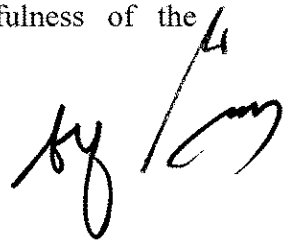
Jover, thus, exhibited gross inexcusable negligence and manifest partiality toward MFI when she signed Disbursement Voucher No. 012007020350 and certified the availability of funds despite non-compliance with COA Circular No. 96-003.

Jover and Concepcion submit that they enjoy the presumption of good faith and regularity of performance of official functions. Public officials generally enjoy the presumption of regularity in the performance of official functions. This is a disputable presumption provided for under Section 3(m) of Rule 131 of the Rules of Court. However, this presumption of regularity in the performance of duties can be overturned if there is evidence which would prove that the public officers did not properly perform their duty or that they were initiated by unlawful motives, as in this case.⁸ The above circumstances militate against their defense that they have acted in good faith and that they are entitled to the presumption of regularity in the performance of their official duty.

The Court maintains that Cunanan similarly exhibited gross inexcusable negligence and manifest partiality through his overt act of signing Box "A" of Disbursement Voucher No. 012007020350. The pertinent portion of the *Decision* is quoted hereunder:

Cunanan, in signing Box A of Disbursement Voucher No. 012007020350, certified that the expenses were necessary, lawful and incurred under his direct supervision. In certifying the necessity and the lawfulness of the expenses, Cunanan is reasonably expected to have reviewed the basis for the disbursement. The fund transfer to MFI had no basis since NGOs were not among the identified implementors of PDAF projects under the 2007 GAA. When asked regarding the statement of the State Auditor that the NGO has no right to participate in the implementation of PDAF projects of the legislator if there is no law or ordinance appropriating funds for a particular NGO, his only explanation was that the resident COA auditor never flagged them which would call their attention to stop processing the PDAF. Nonetheless, since he was the signatory to Box A of the Disbursement Voucher, he had the responsibility to verify the lawfulness of the

⁸ *People v. Tomawis*, G.R. No. 228890, April 18, 2018.

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disbursement. He should have also ensured the qualification and accreditation of the NGO to which the public funds would be disbursed. He cannot simply certify in the Disbursement Voucher without determining compliance with existing laws, rules and regulations. Admittedly, the disbursement could not have been approved without his signature in the Disbursement Voucher.

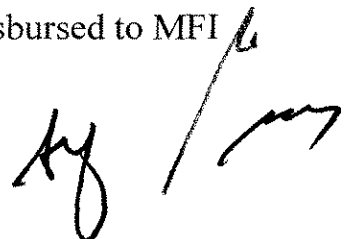
Cunanan, in signing the Disbursement Voucher, had the concomitant duty to determine whether the expenses were necessary and lawful and yet he failed to do so. The fund transfer to MFI had no basis and its selection to be the implementor of PDAF-funded projects was not in accordance with laws/rules.

There is no merit in accused Cunanan's claim that his constitutional right to due process and equal protection is violated if the same consideration given to Figura is not appreciated in his favor. In signing the Disbursement Voucher, Cunanan made a certification that the expenses were necessary, lawful and incurred under his direct supervision. Figura, on the other hand, did not make such certification. The Court reiterates that Figura had no discretion in signing the check considering that the Disbursement Voucher already contained certification that the transaction was supported by documents and was already approved for payment.

Meanwhile, Bombeo exhibited evident bad faith when he signed the MOA on February 23, 2007 when the registration of MFI with the SEC was still pending. Moreover, there is no showing that MFI was accredited by TLRC, in violation of COA Circular No. 96-003. The project site is also questionable and there is no proof that the livelihood materials had been delivered to and received by the intended beneficiaries. Additionally fatal to his case is the fact that Bombeo failed to comply and submit to COA the liquidation reports relative to the purported livelihood project.

Bombeo asserts that there is no showing that the failure to conduct public bidding in the selection of MFI was willful or purposely done to favor it over any other similar entities. The Court finds the same to be unmeritorious. Contrary to his contention, records establish that the selection of MFI was deliberate. Congressman Teves endorsed to the Committee on Appropriations the list of priority projects for the 3rd District of Negros Oriental to be funded under his allocation in the PDAF. Teves then recommended to TLRC Director General to release his PDAF to MFI despite not being included in the list of agencies allowed to implement the livelihood project.

Accused TLRC officers Concepcion, Jover, and Cunanan all had a hand in the release of the funds. The resulting release of the PDAF of Congressman Teves to MFI caused undue injury to the government and/or gave unwarranted benefits to a private party as there is no proof that the funds disbursed to MFI



were actually used in connection with the PDAF-funded project. Hence, the third element is also satisfied.

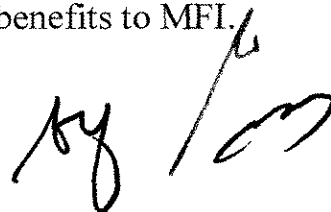
In their respective motions, the accused-movants assert that the prosecution failed to prove the existence of conspiracy among them. Jover and Concepcion argue that their participation failed to establish unity of action. Cunanan claims that his signature in the Disbursement Voucher does not show his participation as a co-conspirator. As for Bombeo, he insists that the independent actions of the accused TLRC officials are purely circumstantial. The issue on conspiracy was already settled in this Court's questioned *Decision*, to wit:

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Conspiracy does not need to be proven by direct evidence and may be inferred from the conduct - before, during, and after the commission of the crime - indicative of a joint purpose, concerted action, and concurrence of sentiments. In conspiracy, the act of one is the act of all. Conspiracy is present when one concurs with the criminal design of another, as shown by an overt act leading to the crime committed. It may be deduced from the mode and manner of the commission of the crime.

It need not be shown that the parties actually came together and agreed in express terms to enter into and pursue a common design. The existence of the assent of minds which is involved in a conspiracy may be, and from the secrecy of the crime, usually must be, inferred by the court from proof of facts and circumstances which, taken together, apparently indicate that they are merely parts of some complete whole. If it is proved that two or more persons aimed by their acts towards the accomplishment of the same unlawful object, each doing a part so that their acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiments, then a conspiracy may be inferred though no actual meeting among them to concert means is proved. Thus, the proof of conspiracy, which is essentially hatched under cover and out of view of others than those directly concerned, is perhaps most frequently made by evidence of a chain of circumstances only.

The actions (or inactions) of accused Concepcion, Cunanan, Jover, Pulido, and Bombeo are indicative of conspiracy to accord unwarranted benefits to a private party through manifest partiality, gross inexcusable negligence and/ or evident bad faith. The circumstances discussed above signify unity among them for MFI to implement the livelihood project of Teves despite its lack of accreditation, lack of legal basis as it was not one of the appointed implementors of PDAF-funded project under the 2007 GAA, and the improper release of the full amount of the funds. Were it not for their consent and participation, the funds would not have been disbursed and released to MFI, through Bombeo.

The Court maintains that the accused-movants conspired with one another and displayed manifest partiality, gross inexcusable negligence, and/or evident bad faith in causing undue injury to the government in the amount of ₱9,600,000.00 and in extending unwarranted benefits to MFI.

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The Court has already discussed and outlined the respective participation of the accused that led to the finding of their guilt beyond reasonable doubt. The existence of conspiracy and their culpability having been discussed in the questioned *Decision*, the Court sees no cogent reason to disturb its findings on the matter.

II. On the charge for malversation under Article 217 of the RPC

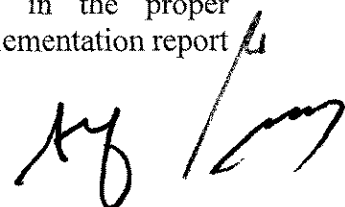
The essential elements of malversation are: (1) the offender is a public officer; (2) he has the custody or control of funds or property by reason of the duties of his office; (3) the funds or property were public funds or property for which was accountable; and (4) that he appropriated, took, misappropriated or consented or, through abandonment or negligence, permitted another person to take them.

Again, the first element, i.e., that accused Jover, Concepcion, Cunanan are public officers, is not disputed. As for Bombeo, he may be held liable for malversation if he conspires with an accountable public officer to commit malversation.

The second and third elements were satisfactorily proven. The funds allegedly misappropriated are public in character. The Court reiterates its finding that accused TLRC officials had custody or control of the funds drawn from the PDAF of Teves, which was transferred from the Bureau of the Treasury to TLRC. Concepcion, Cunanan, and Jover, as officials of TLRC, to which the PDAF of Teves was released, are accountable officers by reason of their duties. The transfer of the public funds to MFI could not be effected without their respective signatures on the release memorandum and disbursement voucher. Concepcion drafted, signed, and issued the Memorandum dated February 22, 2007, recommending the release of the PDAF of Teves to MFI; Jover and Cunanan signed Disbursement Voucher No. 012007020350. In their capacities as Deputy Director General and Chief Accountant of TLRC, Cunanan and Jover had control and responsibility over the subject funds. Their signatures and certifications in the Disbursement Voucher facilitated the transfer of the amount of ₱9,600,000.00 from TLRC to MFI. Hence, Cunanan's contention that there is no showing that he is a public officer under Article 217 is devoid of merit.

The fourth element was also established. Accused Concepcion, Jover, and Cunanan consented or permitted their co-accused Bombeo to take possession and misappropriate the PDAF of Congressman Teves. To reiterate this Court's *Decision*:

Under the MOA, MFI had the responsibility in the proper disposition/disbursement of funds as well as to submit implementation report



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including funds utilized and documents relative to their disposition. On the other hand, TLRC had the obligation to monitor the implementation of the project and the utilization of the funds. TLRC likewise had the duty under COA Circular No. 96-003 to monitor and inspect the project implementation.

No record of transaction related to the implementation of the project was found. The fact that no document related to the monitoring of the implementation of the project and the use of the funds was submitted, it can reasonably be concluded that the parties did not comply with their obligations under the MOA.

The release of the funds to MFI, through Bombeo, necessarily entailed the obligation on the part of the latter to use them for the purpose for which they were disbursed. Although Bombeo maintains that MFI implemented the livelihood project, no reports were presented as to its implementation and the public funds transferred to MFI remained completely unliquidated. Even after the COA asked him to submit liquidation reports, Bombeo failed to comply and show that the livelihood materials were actually delivered to and received by the constituents of Congressman Teves in the 3rd District of Negros Oriental. Considering that there is no proof as to the whereabouts of the funds and nothing happened to the project, this meant that the amount was not actually used for its intended purpose and that the accused misappropriated or consented, or, through abandonment or negligence, permitted Bombeo to take the public funds.

Accused public officers Concepcion, Cunanan, Jover, and Pulido consented or permitted Bombeo, through MFI, to take the PDAF-drawn public funds. MFI did not have the capacity to implement the project as it did not possess the required qualification and accreditation. Despite this, they still facilitated the release of the PDAF in the amount of ₱9,600,000.00 to MFI. Through their respective acts, they permitted Bombeo to take or misappropriate such a substantial amount of public funds.

Said accused are charged for having conspired with one another. The conspiracy among the public officers and Bombeo has already been established. They acted in unison in allowing Bombeo to take the ₱9,600,000.00 intended for the livelihood project. Pulido approved the purported livelihood project to be undertaken by MFI, which resulted to the release of the funds to MFI. Concepcion, through Memorandum dated February 22, 2007, recommended the release of the PDAF allocation of Teves to MFI. Cunanan and Jover signed Box A and Box B, respectively, of Disbursement Voucher No. 012007020350. The amount covered by the Disbursement Voucher would not have been processed without their certification.

Bombeo's asseveration that except for accused Ortiz, he never directly dealt with other accused is immaterial. Proof of a prior meeting between the perpetrators to discuss the commission of the crime is not necessary as long as their concerted acts reveal a common design and unity of purpose.⁹ As long as the prosecution was able to prove that two or more persons aimed their acts

⁹ *People v. Jugueta*, G.R. No. 202124, April 5, 2016.

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towards the accomplishment of the same unlawful object, each doing a part so that their combined acts, though apparently independent, were in fact connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment, the conspiracy may be inferred even if no actual meeting among them was proven.¹⁰

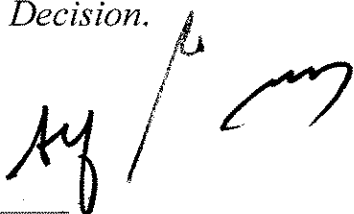
Bombero invokes lack of malicious intent. In the absence thereof, there is no liability for intentional felony. His argument fails to persuade. MFI was not yet registered with the SEC when Bombero signed the MOA. Neither was MFI accredited by TLRC to undertake the livelihood project. Further, there is no proof that the livelihood materials had been delivered to and received by the intended beneficiaries. As discussed in the *Decision*, Bombero was unable to sufficiently substantiate his allegation that he successfully implemented the project. He failed to account the amount of public funds he received. Be that as it may, by reason of the existence of conspiracy, the felonious act of the accountable public officers is also imputable to him.

Jover and Concepcion argue that the presumption that the public funds were misappropriated exists only against MFI. They claim that there is insufficient evidence that they participated in the preparation and submission of MFI's disbursement and liquidation reports. It bears noting that herein accused-movants acted in conspiracy. As a consequence, Jover and Concepcion are equally liable with their co-accused regardless of their respective participation. As the Supreme Court explained in *People v. Peralta*,¹¹ the moment it is established that the malefactors conspired and confederated in the commission of the felony proved, collective liability of the accused conspirators attaches by reason of the conspiracy, and the court shall not speculate nor even investigate as to the actual degree of participation of each of the perpetrators.

The prosecution was able to establish the participation of accused Concepcion, Cunanan, Jover, and Bombero. Their respective actions show that they participated in the transaction with a view to the furtherance of a common criminal design and purpose, that is to malverse or misappropriate public funds through MFI, represented by accused Bombero.

Hence, it is clear that there is adequate evidence warranting the conviction beyond reasonable doubt of the accused.

All told, the Court finds no cogent or compelling reason to warrant a reconsideration of its *Decision*.



¹⁰ *Napoles v. Sandiganbayan (Third Division)*, G.R. No. 224162, November 7, 2017.

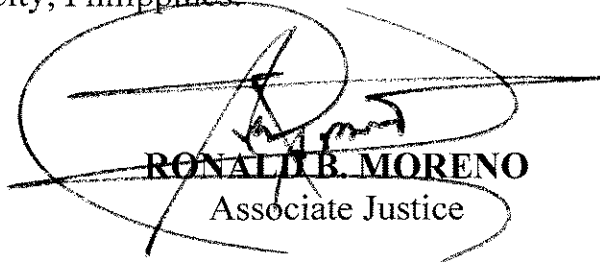
¹¹ G.R. No. L-19069, October 29, 1968.

X-----X

WHEREFORE, premises considered, the Motions for Reconsideration filed by **MARIVIC V. JOVER** (“Jover”), **BELINA A. CONCEPCION** (“Concepcion”), **DENNIS L. CUNANAN** (“Cunanan”), and **SAMUEL S. BOMBEO** (“Bombeo”) are hereby **DENIED** for lack of merit.

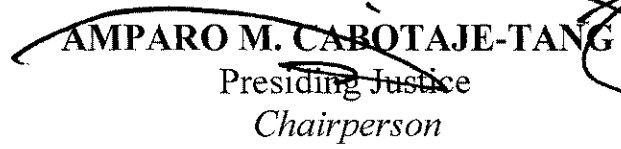
SO ORDERED.

Quezon City, Philippines

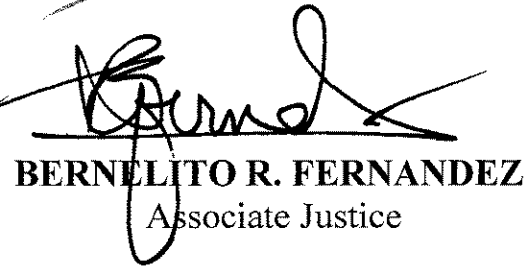


RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson



BERNELITO R. FERNANDEZ
Associate Justice