



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 17 June 2020 which reads as follows:

“G.R. No. 228812 (Office of the Ombudsman v. Caesar Singson, Victoria Petel, and Carlito Cabunot) and G.R. No. 228978 (Jonathan M. Floirendo v. Caesar Singson, Victoria Petel, and Carlito Cabunot). – After a judicious study of the case, the Court resolves to **DENY** the instant consolidated petitions¹ and **AFFIRM** the June 13, 2016 Decision² and the December 28, 2016 Resolution³ of the Court of Appeals (CA) in CA-G.R. SP No. 141388 for failure of petitioners Office of the Ombudsman and Jonathan M. Floirendo to sufficiently show that the CA committed any reversible error in declaring that: (a) the condonation doctrine applies to respondent Caesar C. Singson (Singson); and (b) respondents Singson, Carlito Cabunot, and Victoria Petel (respondents) are not administratively liable for Misconduct.

As correctly ruled by the CA, the condonation doctrine may be applied to Singson notwithstanding the fact that he was elected to a different position – from Barangay *Kagawad* to Barangay Chairman – considering that he was elected by the same electorate and constituency, *i.e.*, Barangay 480, Zone 47, District IV of the City of Manila. Case law provides that ‘the [condonation] doctrine can be applied to a public officer who was elected to a different position provided that it is shown that the body politic electing the person to another office is the same. It is not necessary for the official to have been re-elected to exactly the same position; what is material is that he was re-elected by the same electorate.’⁴

Moreover, the CA correctly held that respondents’ acts in connection with the purchase of the 18 sacks of rice cannot be considered as Misconduct,⁵ as the emergency

¹ *Rollo* (G.R. No. 228812 and 228978), pp. 9-31 and 3-11, respectively.

² *Rollo* (G.R. No. 228812), pp. 37-51. Penned by Associate Justice Renato C. Francisco with Associate Justices Apolinario D. Bruselas, Jr. and Danton Q. Bueser, concurring.

³ *Id.* at 63-65.

⁴ *Aguilar v. Benlot*, G.R. No. 232806, January 21, 2019. See also *OMB v. Vergara*, G.R. No. 216871, December 6, 2017.

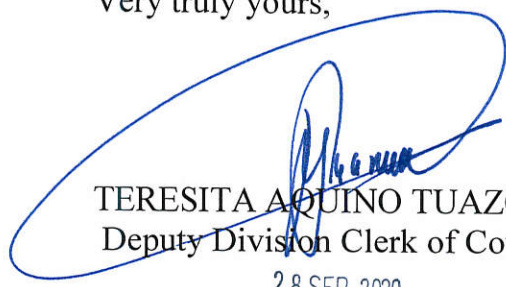
⁵ “Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves additional elements such as corruption or willful intent to violate the law or to disregard established rules, which must be proven by substantial evidence; otherwise, the misconduct is only simple. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for

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nature of the circumstances, *i.e.*, the fact that the entire City of Manila was placed under a State of Calamity due to heavy floods and that the donation was intended to benefit the flood victims, and the procurement thereof was approved by the *Sangguniang Pambarangay*, justified the abbreviated procurement process. Verily, the foregoing circumstances excused their resort to the alternative procurement method of Negotiated Procurement in emergency cases, *i.e.*, imminent danger to life or property during a state of calamity, or where time is of the essence arising from natural or man-made calamities, or other causes where immediate action is necessary to prevent damage to or loss of life or property, by directly negotiating a contract with a qualified supplier.⁶ On this note, jurisprudence instructs that '[N]egotiated [P]rocurement under Section 53 (b)⁷ of RA 9184 involves situations beyond the procuring entity's control. Thus, it speaks of 'imminent danger . . . during a state of calamity . . . natural or man-made calamities [and] other causes where immediate action is necessary,'⁸ as in this case.

SO ORDERED. (Gaerlan, *J.*, designated Additional Member per Special Order No. 2780 dated May 11, 2020.)"

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Utty*
28 SEP 2020 *9/25*

another person, contrary to duty and the rights of others. In grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be evident." (*De Guzman v. OMB*, G.R. No. 229256, November 22, 2017)

⁶ See Section 53 (b), in relation to Sections 48 (e) and 10 of Republic Act No. (RA) 9184, otherwise known as the "Government Procurement Reform Act." See also Sections 10, 53.2 and 54 of the Revised Implementing Rules and Regulations of RA 9184.

⁷ See Section 53 (b) of RA 9184.

⁸ See *OMB v. De Guzman*, G.R. No. 197886, October 4, 2017. See also *Tourism Infrastructure and Enterprise Zone Authority v. Global-V Builders Co.*, G.R. No. 219708, October 3, 2018.

Resolution

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