

Title:

****Jomadio and Pastor v. Arboleda, 871 Phil. 372****

Facts:

The Bureau of Soils and Water Management (BSWM) of the Department of Agriculture (DA) implemented a Small Water Impounding Project (SWIP) with a budget of P9,000,000 for Looc, Romblon. The local government's Bids and Awards Committee (BAC) decided to split this amount into seven different projects. During a meeting on September 24, 2007, minutes were recorded and signed by all necessary parties including Jessie L. Jomadio and Wilma F. Pastor.

The Invitation to Apply for Eligibility and to Bid (IAEB) was published in the local newspaper, Romblon Sun, from September 25 to October 8, 2007, and on the municipal bulletin board. The lone bidder, R.G. Florentino Construction and Trading, offered a bid of P8,999,500. The BAC accepted the bid and awarded the project. Subsequent notices were issued, and the project was completed by late 2008.

In May 2009, the Commission on Audit (COA) pointed out violations of Republic Act No. 9184 (RA 9184), Government Procurement Reform Act. Manuel Arboleda filed a complaint before the Office of the Ombudsman, citing multiple infractions including improper publication and acceptance of bid without complete security documentation.

The Office of the Ombudsman found the BAC members guilty of grave misconduct and recommended their dismissal from service. Jomadio and Pastor filed motions for reconsideration and later elevated the case to the Court of Appeals (CA), which sustained the Ombudsman's findings. Hence, the case was brought before the Supreme Court for resolution.

Issues:

1. Whether the CA erred in sustaining the findings of the Office of the Ombudsman despite the alleged lack of evidence.
2. Whether the CA wrongly applied jurisprudence from the case of ****Lagoc v. Malaga, et al.****.
3. Whether Jomadio and Pastor willfully violated procurement processes favoring R.G. Florentino Construction.

Court's Decision:

The Supreme Court ruled that Jomadio and Pastor did not collude with Fiel and other BAC

members but found them guilty of simple neglect of duty, imposing a penalty of six months suspension.

Advertising of the IAEB:

The Supreme Court clarified that the responsibility for publishing IAEB fell on the BAC Secretariat and not on the provisional BAC members. The funding, although partly paid by R.G. Florentino, actually promoted transparency by attracting bidders. However, non-compliance with Section 21 of R.A. 9184 failed the requirement for wider dissemination in a newspaper of general nationwide circulation.

Validity of the Bid Security:

The Court found that the bid security document was in compliance with RA 9184, contrary to the Ombudsman's findings. Documents showed the Bidder's Bond was notarized on November 11, 2007, in time for the bidding. Hence, the BAC's acceptance of R.G. Florentino's bid was proper.

Simple Neglect of Duty:

The misinterpretation and non-posting of the IAEB on a national newspaper revealed carelessness. This, along with other minor oversights, amounted to simple neglect of duty rather than grave misconduct.

Doctrine:

The ruling reiterated that procedural adherence under RA 9184 is crucial for maintaining integrity in public procurement. Errors due to misinterpretation of laws can attract sanctions, albeit lesser if there is no evidence of malfeasance.

Class Notes:

- **RA 9184**: Procurement bids must be posted in general national circulation and on PhilGeps.
- **Neglect of Duty**: Even provisional members must ensure comprehension and adherence to procurement laws.
- **Bid Security**: Must be submitted and compliant at the time of the opening of bids.
- **Responsibility of BAC**: BAC members must ensure fair conduct and transparency in procurement processes.

Historical Background:

This case emphasizes the accountability and diligence expected from government officials in the procurement of public projects. It also highlights the changes and stringent

requirements put in place by RA 9184 to foster transparency and fair competition in government procurement, which have been a part of Philippine administrative reforms aimed at curbing corruption.