



Republic of the Philippines
SUPREME COURT
Manila

THIRD DIVISION

EDELBERT C. UYBOCO,
Petitioner,

G.R. No. 211703

Present:

- versus -

VELASCO, JR., J., Chairperson,
PERALTA,
VILLARAMA, JR.,
MENDOZA,* and
REYES, JJ.

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

December 10, 2014 .

X-----*[Signature]*-----X

RESOLUTION

VELASCO, JR., J.:

This resolves the Petition for Review on Certiorari filed by petitioner assailing the *Sandiganbayan*'s Decision¹ dated January 9, 2014 and Resolution² dated March 14, 2014, finding petitioner and his co-accused Rodolfo G. Valencia guilty beyond reasonable doubt for violating Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, in Criminal Case No. 24461, entitled *People of the Philippines v. Rodolfo G. Valencia, Carlo A. Maramot, & Edelbert C. Uyboco*.

Petitioner asserts that the *Sandiganbayan* erred in declaring the existence of a conspiracy and in convicting him in the absence of proof beyond reasonable doubt of such conspiracy. More importantly, petitioner finds fault in the *Sandiganbayan*'s denial of his *Motion to Reconsider the Decision of this Honorable Court (Promulgated on January 9, 2014) with a Plea to Re-Open the Proceedings* dated January 22, 2014. In his motion, petitioner prayed for the reopening of the proceedings on the ground that his constitutional rights to due process and to competent counsel were violated when his former counsel, due to blatant error, abuse of discretion, and gross incompetence, did not present any evidence in his defense, causing serious prejudice to him.

* Acting member per Special Order No. 1896 dated November 28, 2014.

¹ *Rollo*, pp. 34-60. Penned by Associate Justice Rodolfo A. Ponferrada and concurred in by Associate Justices Efren N. De La Cruz and Associate Justice Rafael R. Lagos.

² *Id.* at 61-68.

According to petitioner, he was “accorded grossly insufficient legal assistance by his former lawyer” who informed him that “there was no necessity for a preliminary investigation and to present any evidence.” His former counsel also “failed to cross examine the main prosecution witness because said counsel was inexplicably absent on the trial date” and even “failed to prepare and file a memorandum” and “merely relied on the defense presented by the lawyers of co-accused Valencia and Maramot by adopting the defenses of the other accused and all their pleadings and manifestations, even when these were clearly not applicable to petitioner’s defense.” Thus, petitioner avers that his constitutional rights to procedural and substantive due process and of law and to competent counsel were violated.

In its Comment dated September 30, 2014, the Office of the Special Prosecutor opposed petitioner’s plea to reopen the case on the ground of denial of due process. In citing *Lagua v. CA*,³ they claim there is no basis to set aside the assailed decision and resolution since “a client is bound by the action of his counsel.”

After a careful review of the records of the case, We find that the petition has no merit.

Section 1, Rule 45 of the Rules of Court states that petitions for review on certiorari shall raise only questions of law which must be distinctly set forth, as held by this Court in *Microsoft Corp. v. Maxicorp, Inc.*,⁴ to wit:

A petition for review under Rule 45 of the Rules of Court should cover only questions of law. Questions of fact are not reviewable. A question of law exists when the doubt centers on what the law is on a certain set of facts. A question of fact exists when the doubt centers on the truth or falsity of the alleged facts.

Findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case, those findings should not be ignored.⁵ Absent any clear showing of abuse, arbitrariness or capriciousness committed by the lower court, its findings of facts, especially when affirmed by the Court of Appeals, are binding and conclusive upon this Court.⁶

This rule admits of exceptions, as follows: (1) where the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) where the inference made is manifestly mistaken; (3) where there is grave abuse of discretion; (4) where the judgment is based on misapprehension of

³ G.R. No. 173390, June 27, 2012, 675 SCRA 176.

⁴ 481 Phil. 550, 561 (2004).

⁵ *Navallo v. Sandiganbayan*, G.R. No. 97214, July 18, 1994, 234 SCRA 175, 185-186.

⁶ *Plameras v. People*, G.R. No. 187268, September 4, 2013.

facts; and (5) the findings of fact of the Sandiganbayan are premised on the absence of evidence and are contradicted by evidence on record.⁷

Even if the foregoing rules were to be relaxed in the interest of substantial justice, this Court nevertheless finds no reason to disagree with the factual findings of the *Sandiganbayan*. A meticulous scrutiny of the records of the case persuades Us to conclude that the *Sandiganbayan* did not err in its finding that petitioner is guilty of the crime charged. The evidence on record amply supports the findings and conclusions of the *Sandiganbayan* and petitioner has shown no cause for this Court to apply any of the foregoing exceptions.

Section 3(e) of Republic Act 3019 provides:

Section 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

For accused to be found liable under Section 3(e) of RA 3019, the following elements must concur:

- 1) The accused must be a public officer discharging administrative, judicial or official functions;
- 2) He must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
- 3) That his action 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.⁸

Based on the records of the case, the elements of the crime charged exist in the present case.

On the first element, accused Valencia was a public officer at the time the acts in question were committed. Thus, while petitioner was a private individual, he was found to have been in conspiracy with accused Valencia. This is in accord with the rule that private persons may be charged in

⁷ *Pareño v. Sandiganbayan*, G.R. Nos. 107110-20, April 17, 1996, 256 SCRA 242, 265.

⁸ *Uriarte v. People*, G.R. No. 169251, December 20, 2006, 511 SCRA 471.

conspiracy with public officers, as We held in *People of the Philippines v. Henry T. Go*.⁹

At the outset, it bears to reiterate the settled rule that private persons, when acting in conspiracy with public officers, may be indicted and, if found guilty, held liable for the pertinent offenses under Section 3 of R.A. 3019, in consonance with the avowed policy of the anti-graft law to repress certain acts of public officers and private persons alike constituting graft or corrupt practices act or which may lead thereto. This is the controlling doctrine as enunciated by this Court in previous cases, among which is a case involving herein private respondent.

The *Sandiganbayan* found that petitioner and accused Valencia acted in conspiracy to commit the crime charged, to wit:

The records show that conspiracy existed by and between accused Rodolfo Valencia and Edelbert Uybocho, president of Gaikoku, considering that the procurement of the subject dump trucks for an overpriced amount of Php6,994,286.00 could not have been possible without each other's participation and cooperation, as evidenced by their execution and approval of the purchase order No. 4979 dated March 1993, and Gaikoku's proforma invoice.¹⁰

Petitioner failed to dispute any of the documentary evidence presented by the prosecution and relied upon by the *Sandiganbayan*. Thus, there appears to be no reason for this Court to review such finding.

As to the second element, accused Valencia entered into a negotiated contract with Gaikoku without authority from the *Sangguniang Panlalawigan* (SP). In fact, Valencia had already approved the purchase request for the dump trucks as early as March 1993, prior to any SP resolution approving such direct acquisition.

The *Sandiganbayan* correctly ruled, and respondents aptly pointed out, that accused Valencia failed to comply with the requirements of Section 369 of the Local Government Code on negotiated purchase, which required that there must have been at least two failed public biddings before a contract for a negotiated purchase may be entered into. The defense failed to present any substantial evidence of the two failed biddings. In fact, it was proved by presented evidence that the alleged failed biddings were merely simulated.

The present case is similar to the case of *Plameras v. People*,¹¹ wherein this Court upheld the conviction of the accused, to wit:

As correctly observed by the *Sandiganbayan*, certain established rules, regulations and policies of the Commission on Audit and those mandated under the Local Government Code of 1991 (R.A. No. 7160) were knowingly sidestepped and ignored by the petitioner which enabled CKL Enterprises/Dela Cruz to successfully get full payment for the school

⁹ G.R. No. 168539, March 25, 2014.

¹⁰ *Rollo*, p. 100.

¹¹ *Supra* note 6.

desks and armchairs, despite non-delivery – an act or omission evidencing bad faith and manifest partiality.

It must be borne to mind that any procurement or “acquisition of supplies or property by local government units shall be through competitive public bidding”. This was reiterated in the Local Government Code of 1991 on procurement of supplies which provides:

Sec. 356. General Rule in Procurement or Disposal. –
Except as otherwise provided herein, acquisition of supplies by local government units shall be through competitive public bidding. x x x

The petitioner admitted in his testimony that he is aware of such requirement, however, he proceeded just the same due to the alleged advice of the unnamed DECS representative that there was already a negotiated contract – a representation or misrepresentation he willfully believed in, without any verification. As a Governor, he must know that negotiated contract can only be resorted to in case of failure of a public bidding. As it is, there is no public bidding to speak of that has been conducted. Intentionally or not, it is his duty to act in a circumspect manner to protect government funds. To do otherwise is gross inexcusable negligence, at the very least, especially so, that petitioner acted on his own initiative and without authorization from the Provincial School Board. This can be proved by his failure to present even a single witness from the members of the Board whom he consulted as he claimed.¹²

Finally, the third element of the crime is also present since it had been proven that an overpayment was made for the dump trucks, since these were directly imported by the Provincial Government from the distributor in Japan. With this direct importation, the Provincial Government should have only paid the tax-free amount of ₱4,594,119.85. Instead, accused Valencia had already authorized and caused the disbursement of ₱6,994,286, or an excess of ₱2,400,166.15, in favor of petitioner’s company, Gaikoku. This has clearly caused undue injury to the government.

As to petitioner’s claim that his right to due process was denied due to his former counsel’s error, abuse of discretion or gross incompetence, We find no merit in this claim. Time and again, this Court has ruled that a client is bound by his counsel’s conduct, negligence and mistake in handling a case,¹³ and to allow a client to disown his counsel’s conduct would render proceedings indefinite, tentative, and subject to reopening by the mere subterfuge of replacing counsel.¹⁴ While this rule has recognized exceptions,¹⁵ We find that there is no reason for this Court to deviate from the findings of the *Sandiganbayan*. We held in *Gotesco Properties, Inc. v. Moral*:¹⁶

¹² Citations omitted.

¹³ *Saint Louis University v. Cordero*, G.R. No. 144118, July 21, 2004, 434 SCRA 575, 584.

¹⁴ *Gomez v. Montalban*, G.R. No. 174414, March 14, 2008, 548 SCRA 693, 708.

¹⁵ *Sarraga, Sr. v. Banco Filipino Savings and Mortgage Bank*, G.R. No. 143783, December 9, 2002, 393 SCRA 566.

¹⁶ G.R. No. 176834, November 21, 2012, 686 SCRA 102.

The general rule is that a client is bound by the acts, even mistakes, of his counsel in the realm of procedural technique. The basis is the tenet that an act performed by counsel within the scope of a “general or implied authority” is regarded as an act of the client. While the application of this general rule certainly depends upon the surrounding circumstances of a given case, there are exceptions recognized by this Court: “(1) where reckless or gross negligence of counsel deprives the client of due process of law; (2) when its application will result in outright deprivation of the client’s liberty or property; or (3) where the interests of justice so require.”

The present case does not fall under the said exceptions. In *Amil v. Court of Appeals*, the Court held that “to fall within the exceptional circumstance relied upon x x x, it must be shown that the negligence of counsel must be so gross that the client is deprived of his day in court. Thus, where a party was given the opportunity to defend its interests in due course, it cannot be said to have been denied due process of law, for this opportunity to be heard is the very essence of due process.” To properly claim gross negligence on the part of the counsel, the petitioner must show that the counsel was guilty of nothing short of a clear abandonment of the client’s cause.¹⁷

In the present case, the *Sandiganbayan* correctly denied petitioner’s motion to re-open the proceedings on the ground of violation of his due process, to wit:

In the same vein, accused-movant Uyboco’s clear admission that “*he had been given the opportunity to present his evidence*” and despite said opportunity, he and his counsel decided/opted not to present any evidence for his defense, as shown by their written *Manifestation* dated November 20, 2012, that “*after earnest assessment and evaluation, the accused EDELBERT C. UYBOCO has deemed it unnecessary to present further evidence in his defense, thus he is waiving his right to present further testimonial and documentary evidence,*” militates against his claim of miscarriage of justice, and hence, his motion to reopen proceedings must likewise fail. Accused-movant Uyboco cannot attribute any serious misjudgment or fault or gross incompetence on his counsel *alone* as the decision not to present further evidence in his defense bears his conformity as shown by his signature in the said manifestation.¹⁸

The Office of the Special Prosecutor correctly pointed out that petitioner was given an opportunity to be heard during trial. This opportunity to be heard is the essence of due process. While petitioner claims that he was incorrectly advised by his former counsel that the presentation of evidence is no longer necessary, this unfortunate mistake cannot qualify as gross negligence or incompetence that would necessitate a reopening of the proceedings. In fact, not once did petitioner refute, or at the very least, address the *Sandiganbayan*’s finding that he had expressly consented to the waiver of the presentation of evidence by affixing his signature as conformity to the manifestation submitted by his former counsel.

¹⁷ Citations omitted.


¹⁸ *Rollo*, pp. 108-109.

Petitioner also erroneously claims that his former counsel “failed to prepare and file a memorandum for him” since the records show that petitioner’s former counsel had belatedly filed a memorandum on his behalf, which the *Sandiganbayan* had admitted in the interest of justice.

Based on the foregoing, this Court finds that the *Sandiganbayan* committed no reversible error in finding petitioner guilty beyond reasonable doubt for violation of Section 3(e) of Republic Act No. 3019.

WHEREFORE, the petition is **DENIED**. The Decision dated January 9, 2014 and Resolution dated March 14, 2014 issued by the *Sandiganbayan* in Criminal Case No. 24461 are hereby **AFFIRMED**.

SO ORDERED.



PRESBITERO J. VELASCO, JR.
Associate Justice


WE CONCUR:



DIOSDADO M. PERALTA
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice

ATTESTATION


I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARIA LOURDES P. A. SERENO
Chief Justice