

PRESS RELEASE

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**OMBUDSMAN DISMISSES CASES FILED BY UFS' RAMIREZ
AGAINST MARINA ADMINISTRATOR, ET AL**

In a 14-page Joint Resolution signed by Justice Conchita Carpio Morales on October 01, 2015, **the Office of the Ombudsman finds no bases on criminal and administrative complaints** filed by Mr. Nelson Ramirez, President of the United Filipino Seafarers (UFS) against MARINA officials **and resolves the dismissal of said cases.**

The complaints which were filed on 16 May 2014, alleged violations of Section 3(e) and (g), Republic Act (RA) 3019, as amended (The Anti-Graft and Corrupt Practices Act) and Republic Act 9184 (Government Procurement Reform Act), and Republic 9845 (Anti-Red Tape Act of 2007), for the first case; and Dishonesty, Grave Abuse of Authority, Conduct Prejudicial to the Best Interest of the Service, and Gross Neglect of Duty for the second case.

Mr. Ramirez alleged that the proponents committed the said offenses when they awarded the contract for the printing, supply and delivery of SIRB to APO Production Unit, Inc. (APO) without any supporting Bids and Awards Committee (BAC) Resolution. He further claimed that the MOA between MARINA & APO downgraded the features of the SIRB by removing the symbology and security features, among others.

The Ombudsman enunciates that with regard to the charge of violation of Section 3(e) of RA 3109, as amended, **complainant failed to establish that the respondents acted with manifest partiality, evident bad faith, or gross inexcusable negligence.** Further, the Ombudsman resolves that contrary to complainant's allegation, the award of the contract to APO Production Unit, Inc. (APO) for the procurement of 200,000 pieces of SIRBs (Seafarers Identification and Record Books) and stickers was duly covered by PBAC Resolution No. 2014-07 dated 6 February 2014.

Moreover, the Ombudsman avers that **the complainant did not present any proof that the removal of the symbology features in the SIRB was done in bad faith or that it compromised the SIRB's integrity or quality as machine-readable, International Civil Aviation Organization standard-compliant document.** Significantly, the removal of the symbology features resulted in savings for MARINA of PhP107.00 per SIRB.

As one of the recognized government printers authorized to print government accountable forms, APO submitted the lowest quotation for the procurement of 200,000 pieces of SIRBs and stickers for 2014, amounting to PhP 59 million, or PhP 295.00 per SIRB. The price quoted was well within the approved budget for the contract of PhP 60 million.

MARINA has penalized APO for its delay in the delivery of the SIRBs and stickers by imposing the appropriate penalty based on the contract. A total amount of PhP 517,869.55 is deducted from the payables due APO.

The Ombudsman also **finds that the government did not suffer undue injury in the procurement** of the 200,000 pieces of SIRBs and stickers from APO. **There is likewise no basis to indict respondents for violation of Section 3(g) of RA 3019, as amended.** Further, "to reiterate, MARINA awarded the subject contract to APO which submitted the lowest price quotation. Said contract amply protected MARINA's interests as it, in fact, provided for the imposition of penalties for APO's delay, aside from APO's performance bond."

As for the case on Dishonesty, Grave Abuse of Authority, Conduct Prejudicial to the Best Interest of the Service, and Gross Neglect of Duty, the Ombudsman establishes, "**in light of the discussion in the criminal aspect of this case, there is likewise no substantial evidence to find public respondents guilty of the foregoing administrative charges. Wherefore, the criminal and administrative complaints are dismissed.**"

Respondents are the MARINA Administrator, Maximo Q Mejia Jr and Members of the MARINA Bids and Awards Committee, for both cases, and APO for the first case.

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