

PRESS RELEASE
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**OMBUDSMAN JUNKS THE MOTION FOR RECONSIDERATION FOR THE DISMISSAL OF
CASES FILED AGAINST MARINA OFFICIALS**

The Office of the Ombudsman denied the Motion for Reconsideration filed by the Nelson P. Ramirez, President of the United Filipino Seafarers (UFS), as the Complainant-Movant, to reconsider the dismissal of the criminal and administrative complaints filed against MARINA Officials.

In a Joint Order, Ombudsman Conchita Carpio Morales denied the Motion for Reconsideration asserting that the present Motion does not present any newly discovered evidence or meritorious material arguments to warrant a reconsideration of the assailed Joint Resolution dated 04 June 2015.

She stressed that neither does it show that grave errors of law or serious irregularities were committed by the Ombudsman prejudicial to Complainant-Movant's interest.

The dismissed complaints were filed by Nelson P. Ramirez against public respondents, MARINA Administrator Maximo Q Mejia Jr, Deputy Administrator and Primary Bids and Award Committee (PBAC) Chairperson, Atty. Gloria J. Victoria-Bañás, BAC members: Atty. Bashirudin U. Adil, Ma. Concepcion C. Arbolario, Arnie F. Santiago, Sonia B. Malaluan, Atty. Maria Rowena B. Hubilla; BAC-Technical Working Group members: Nenita Atienza, Fe M. Calaoagan, Cristine D. San Luis and private respondent, Jaime H. Aldaba, Executive Vice President and General Manager, APO Production Unit Inc. (APO) for violation of Section 3 (e) and (g), Republic Act (RA) 3019, as amended (The Anti-Graft and Corrupt Practices Act), Republic Act 9184, (Government Procurement Act) and Republic Act 9485 (Anti-Red Tape Act of 2007) for the criminal case; and administrative case for Dishonesty, Grave Abuse of Authority, Conduct Prejudicial to the Best Interest of the Service, and Gross Neglect of Duty for all aforementioned MARINA Officials, with the exclusion of Jaime H. Aldaba of APO.

The complaints alleged that the respondents committed the said offenses when they awarded the contract for the printing, supply and delivery of Seafarers Identification Record Book (SIRB) to APO without any supporting BAC Resolution. He further claimed that the Memorandum of Agreement (MOA) between MARINA and APO downgraded the features of the SIRB by removing the symbology and security features, among others.

In the Joint Resolution, the Ombudsman enunciated 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. It resolves that contrary to Complainants allegation, the award of the contract to APO for the procurement of 200,000 pieces of SIRBs and stickers was duly covered by PBAC Resolution No. 2014-07 dated 6 February 2014.

The Ombudsman further averred 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. When the APO failed to deliver the SIRB's and stickers based on its contracted schedule, MARINA has penalized APO for its delay in the delivery 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 found 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. 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 established, that there is likewise no substantial evidence to find public respondents guilty of the administrative charges.

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