



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special Second Division, issued a Resolution dated **25 November 2019** which reads as follows:*

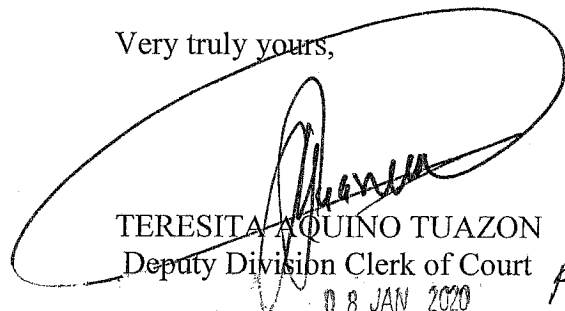
"G.R. No. 249811 (Eloy C. Eclar v. Office of the Ombudsman, Sandiganbayan, and Arvin C. Salonga)

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ for failure of petitioner Eloy C. Eclar (Eclar) to sufficiently show that the Office of the Ombudsman (Ombudsman) gravely abused its discretion in finding probable cause to indict him for violation of Section 3 (e) of Republic Act No. (RA) 3019.²

The Ombudsman did not gravely abuse its discretion in finding probable cause to indict Eclar for violation of Section 3 (e) of RA 3019, considering that: (a) Eclar, then General Manager of MB Eclar Trading and Construction (MBETC), entered into a contract with Antonio R. Lustre, former Municipal Mayor of San Antonio, Nueva Ecija, for the construction of the Integrated Terminal Complex and Slaughterhouse despite the irregularities in the bidding process, thereby consummating the act of giving unwarranted benefits, advantage, and preference in favor of petitioner; and (b) MBETC was paid the ten percent (10%) retention money prior to the completion and final acceptance by the municipality of the projects, which is in violation of Article 5 of the subject contracts. Time and again, the Court's consistent policy has been to maintain non-interference in the Ombudsman's determination of the existence of probable cause, provided there is no grave abuse in the exercise of such discretion,³ as in this case.

SO ORDERED. (REYES, A., Jr., J., on leave. ZALAMEDA, J., designated as Additional Member per Special Order No. 2727 dated October 25, 2019.)"

Very truly yours,



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court

08 JAN 2020

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¹ Rollo, pp. 3-43.

² Otherwise known as the "ANTI-GRAFT AND CORRUPT PRACTICES ACT" (August 17, 1960).

³ *Cambe v. Ombudsman*, 802 Phil. 190, 213-214 (2016).

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