



Office of the Ombudsman

"Manindigan Kontra Katiwalian"

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE OMBUDSMAN
NATIONAL CAPITAL REGION



SUPPLEMENTAL COMPLAINT AFFIDAVIT IC-OC-13-0826

WE:

PERFECTO "**BAMBI**" M. **SANTOS**
KAAGAPAY NG BAYAN Chairman
2587 Espiritu corner Pablo Ocampo Streets, Santa Ana, Manila

DANTE L.A. JIMENEZ
VOLUNTEERS AGAINST CRIME & CORRUPTION (VACC)
Founding Chairman/President
Unit 601 Pacific Corporate Center 131 West Avenue, Quezon City

GREGORIO T. FABROS
31 Dao Street, Mapayapa Village, Barangay Pasong Tamo, Quezon City

MELCHOR G. MAGDAMO
54 Sarimanok Street, Mira Nila Homes 1107 Quezon City

all of legal age; Filipinos; after having been duly sworn in accordance with law, do hereby depose and state that:

This is a supplemental to the complaint-affidavit filed by KAAGAPAY NG BAYAN Chairman PERFECTO "**BAMBI**" M. **SANTOS** which the Honorable OFFICE OF THE OMBUDSMAN'S (National Capital Region) "DIBISYON NG REKORDS SENTRAL" received on 10 April 2013 and docketed as IC-OC-13-0826.

SUMMARY

The case is a reflection of the "**dagdag bawas**" notoriety of the COMELEC similar to the counting of votes but with one main difference = in the costing of supplies involving over hundreds of millions of pesos the overpricing is always "**dagdag**" and never "**bawas**". In this case, AIR21's bid price for deployment of election paraphernalia was originally only **302.19586256 Million Pesos**. Mysteriously, long after completion of post qualification proceedings, in another document that is almost identical word-for-word and in appearance to the original document, in exactly the same bid of AIR21 for exactly the same deployment services, the bid price "**dagdag**" by **187.88542240 Million Pesos** (38.33%) skyrocketing up to a total of **490.08128496 Million Pesos**. Who did it? For whom? Why?

The COMELEC Chairman had an opportunity to rectify the error involving almost **Half Billion Pesos** because of the Letter (dated March 18, 2013) of the *Kaagapay ng Bayan* (see pages 15 & 16 of this supplemental) which the COMELEC Chairman's Office received on the same date.

REASON FOR IMPLEADING THE COMELEC CHAIRMAN

In the CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (Republic Act Nº 6713), Section 5(a) reads:

Section 5. *Duties of Public Officials and Employees.* In the performance of their duties, all public officials and employees are under obligation to:

- (a) *Act promptly on letters and requests.* —All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

In the Ombudsman Act (Republic Act Nº 6770), Section 22 reads:

Section 22. *Investigatory Power* — The Office of the Ombudsman shall have the power to investigate any serious misconduct in office allegedly committed by officials removable by impeachment, for the purpose of filing a verified complaint for impeachment, if warranted.

Counting from 18 March 2013 (taking into consideration that the 28th and 29th of March 2013 are Maundy Thursday and Good Friday and therefore not working days), the 15th working day (after the said Letter's receipt by the COMELEC Chairman's Office) lapsed on 10 April 2013. Let us add a reasonable extension of one week or until around 17 April 2013 to accommodate the usual delays in postal services.

Today, 17 April 2013, the COMELEC Chairman's Office has no indication yet whatsoever about showing interest in investigating a brazen scam involving almost a Half Billion Pesos belonging to the Republic of the Philippines! Why?

The next pages will present the facts in chronological order, starting with a summary table (page 3), invitation to bid (pages 4 to 6), the original recommendation (pages 7 to 9) and the mysterious "*dagdag*" documents (pages 10 to 14), the Letter to the COMELEC Chairman (pages 15 & 16), and a short discussion until the last page (page 17).

COMPLAINANTS		ADDRESS	
1	Perfecto "Bambi" M. Santos	KAAGAPAY NG BAYAN 2587 Espiritu corner Pablo Ocampo Streets Santa Ana, Manila pbms_1952@yahoo.com	
2	Dante LA Jimenez	Unit 601 Pacific Corporate Center 131 West Avenue, Quezon City dlajimenez.mgnt@unlad.ph	
3	Gregorio T. Fabros	31 Dao Street, Mapayapa Village Barangay Pasong Tamo, Quezon City gregfabros@yahoo.com	
4	Melchor G. Magdamo	54 Sarimanok Street Mira Nila Homes 1107 Quezon City attymelchormagdamo@gmail.com	
RESPONDENTS		POSITION	ADDRESS
1	Sixto Serrano Brillantes	COMELEC CHAIRMAN	Commission on Elections (COMELEC) Palacio Del Gobernador Intramuros Manila
2	Alberto D. Lina	AIR21 Chairman	AIR21 3F Cargohaus Building NAIA Complex Old MIA Road Paranaque City
3	Sean E. Pestaño	AIR21 Representative	
4	Helen G. Aguila Flores	Special Bids & Awards Committee (SBAC) Chairperson	COMELEC Palacio Del Gobernador Intramuros Manila
5	Jubil S. Surmieda	SBAC Vice Chairman	
6	Divina E. Blas Perez	SBAC member	
7	Erna T. Malinao	SBAC member	
8	John Rex C. Laudengco	SBAC member	
RESPONDENTS		CHARGES	
1	Sixto Serrano Brillantes	Republic Act № 6713 Section 5(a) Republic Act № 6770 Section 22	
2	Alberto D. Lina	Anti Graft & Corrupt Practices Act	
3	Sean E. Pestaño	Republic Act № 3019 Section 4(b)	
4	Helen G. Aguila Flores	Republic Act № 3019 Section 3(e) "... causing undue injury to government ..."	
5	Jubil S. Surmieda	"... giving private party unwarranted benefits ..." Republic Act № 3019 Section 3(g)	
6	Divina E. Blas Perez	"... grossly disadvantageous ..." UNIFORM RULES ON ADMINISTRATIVE CASES (URAC) URAC Section 52.A.1 = Dishonesty	
7	Erna T. Malinao	URAC Section 52.A.2 = Neglect of Duty	
8	John Rex C. Laudengco		

<http://www.comelec.gov.ph/?r=mediareleases/InvitationtoBid/2012Bid/ITBDeploymentLot9D>



Special Bids and Awards Committee

Invitation to Bid

Deployment of AUTOMATED ELECTION SYSTEM (AES) Equipment and Paraphernalia (Regions IX, X, XI, XII, CARAGA and ARMM)

Reference N^o SBAC 009D – 2012

Date: 29 November 2012

The **COMMISSION ON ELECTIONS (COMELEC)**, through its **SPECIAL BIDS AND AWARDS COMMITTEE (SBAC)**, invites interested bidders to apply for eligibility and to bid for the hereunder one (1) Lot with the **APPROVED BUDGET FOR THE CONTRACT (ABC) of SEVEN HUNDRED FORTY EIGHT MILLION TWO HUNDRED TWENTY ONE THOUSAND EIGHT HUNDRED TWENTY FOUR PESOS AND 18/100 PESOS (PHP 748,221,824.18), inclusive of all taxes, such as, but not limited to, VALUE ADDED TAX (VAT), income tax, local taxes, and other fiscal levies** intended for the **DEPLOYMENT OF AUTOMATED ELECTION SYSTEM (AES) EQUIPMENT AND PARAPHERNALIA (Regions IX, X, XI, XII, CARAGA and ARMM) (Reference N^o SBAC 009D – 2012)** for the May 13, 2013 National and Local Elections. Bids received in excess of the ABC shall be automatically rejected at bid opening. Bidders should have completed, within **SEVEN (7) years** from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II - INSTRUCTIONS TO BIDDERS (ITB). Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the IMPLEMENTING RULES AND REGULATIONS (IRR) of **Republic Act (RA) N^o 9184**, otherwise known as the Government Procurement Reform Act. Bidding is restricted to Filipino citizens, sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to **RA 5183** and subject to Commonwealth Act N^o 138. Interested bidders may obtain further information from SBAC Secretariat Office, **COMELEC**, and inspect the Bidding Documents at the address given below during 8:00 AM to 5:00 PM, Monday to Friday. A complete set of Bidding Documents may be purchased by interested Bidders on **November 29, 2012 (before the deadline of the submission of bids)**, weekdays only from **8:00 AM to 5:00 PM** from the address below and upon payment of a nonrefundable fee for the Bidding Documents in the amount of **Fifty Thousand Pesos (PHP 50,000.00)**. It may also be downloaded free of charge from the website of the PHILIPPINE GOVERNMENT ELECTRONIC PROCUREMENT SYSTEM (PhilGEPS) and the website of the Procuring Entity at "www.comelec.gov.ph", provided that Bidders who wish to submit their bids shall pay the nonrefundable fee not later than the date of submission of bids.

SBAC SECRETARIAT OFFICE

Commission on Elections

7th Floor, Palacio del Gobernador Building,

General Luna corner Postigo Streets, Intramuros, Manila


sbac@comelec.gov.ph

comelecsbac@gmail.com

www.comelec.gov.ph

The COMELEC will hold a **Pre-Bid Conference on December 7, 2012** at 10:00 AM at the **Project Management Office Ground Floor, Palacio del Gobernador Building, General Luna corner Postigo Streets, Intramuros, Manila**, which shall be open only to all interested parties who have purchased the Bidding Documents. **Submission of Bids** shall be on **January 04, 2013 on or before 09:00 AM** at the **SBAC Secretariat Office, 7th Floor Palacio del Gobernador Building, General Luna corner Postigo Streets, Intramuros, Manila**. **Opening of Bids** shall be on the same day **January 04, 2013 at 10:00 AM** at the **Bureau of the Treasury Convention Hall, 3rd Floor, Palacio del Gobernador Building, General Luna corner Postigo Streets, Intramuros, Manila**. Bids will be opened in the presence of the Bidders' representatives who choose to attend at the address above. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18. Late bids shall not be accepted.

Invitation to Bid
Page 1



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

Invitation to Bid
For

**DEPLOYMENT OF AUTOMATED ELECTION SYSTEM (AES)
EQUIPMENT AND PARAPHERNALIA
(Regions IX, X, XI, XII, CARAGA and ARMM)**
Reference No. SBAC 009D - 2012

The COMMISSION ON ELECTIONS (COMELEC), through its Special Bids and Awards Committee (SBAC), invites interested bidders to apply for eligibility and to bid for the hereunder one (1) Lot with the Approved Budget for the Contract (ABC) of SEVEN HUNDRED FORTY EIGHT MILLION TWO HUNDRED TWENTY ONE THOUSAND EIGHT HUNDRED TWENTY FOUR PESOS AND 18/100 PESOS (PHP 748,221,824.18), inclusive of all taxes, such as, but not limited to, value added tax (VAT), income tax, local taxes, and other fiscal levies intended for the DEPLOYMENT OF AUTOMATED ELECTION SYSTEM (AES) EQUIPMENT AND PARAPHERNALIA (Regions IX, X, XI, XII, CARAGA and ARMM) (Reference No. SBAC 009D - 2012) for the May 13, 2013 National and Local Elections.

Bids received in excess of the ABC shall be automatically rejected at bid opening.

Bidders should have completed, within SEVEN (7) years from the date of submission and receipt of bids, a contract similar to the Project. The description of an eligible bidder is contained in the Bidding Documents, particularly, in Section II. Instructions to Bidders.

Bidding will be conducted through open competitive bidding procedures using a non-discretionary "pass/fail" criterion as specified in the Implementing Rules and Regulations (IRR) of Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act".

Bidding is restricted to Filipino citizens/sole proprietorships, partnerships, or organizations with at least sixty percent (60%) interest or outstanding capital stock belonging to citizens of the Philippines, and to citizens or organizations of a country the laws or regulations of which grant similar rights or privileges to Filipino citizens, pursuant to RA 5183 and subject to Commonwealth Act 138.

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Invitation to Bid
Page 2

Invitation to Bid
Page | 2

Interested bidders may obtain further information from SBAC Secretariat Office, Commission on Elections, and inspect the Bidding Documents at the address given below during 8:00 am to 5:00 pm, Monday to Friday.

A complete set of Bidding Documents may be purchased by interested Bidders on **November 29, 2012 (before the deadline of the submission of bids)**, weekdays only from **8:00 AM to 5:00 PM** from the address below and upon payment of a nonrefundable fee for the Bidding Documents in the amount of **Seventy Five Thousand Pesos (Php 75,000.00)**. It may also be downloaded free of charge from the website of the Philippine Government Electronic Procurement System (PhilGEPS) and the website of the Procuring Entity at www.comelec.gov.ph, provided that Bidders who wish to submit their bids shall pay the nonrefundable fee not later than the date of submission of bids.

SBAC SECRETARIAT OFFICE

Commission on Elections

7th Floor, Palacio del Gobernador Bldg.,

Gral. Luna cor. Postigo Sts., Intramuros, Manila

E-mail Address: sbac@comelec.gov.ph / comelecsbac@gmail.com

www.comelec.gov.ph

The COMELEC will hold a Pre-Bid Conference on **December 7, 2012 at 10:00 am** at the Project Management Office Ground Floor, **Palacio del Gobernador Bldg., Gral. Luna cor. Postigo Sts., Intramuros, Manila**, which shall be open only to all interested parties who have purchased the Bidding Documents.

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Bids will be opened in the presence of the Bidders' representatives who choose to attend at the address above. All Bids must be accompanied by a bid security in any of the acceptable forms and in the amount stated in ITB Clause 18. Late bids shall not be accepted.

The COMELEC reserves the right to accept or reject any bid, to annul the bidding process, and to reject all bids at any time prior to contract award, without thereby incurring any liability to the affected bidder or bidders.


HELEN G. AGUILA-FLORES
SBAC Chairperson

SBAC Resolution N^o 14 Page 1

Date: 14 February 2013

Price: **302.19586256 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**

SBAC member **Divina E. Blas Perez**

SBAC member **Erna T. Malinao**



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

SPECIAL BIDS AND AWARDS COMMITTEE

Resolution No. 14

**LOT 9D – Deployment of Automated Election System (AES)
Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA
and ARMM
(Reference No. SBAC 009D-2012)**

After Post-Qualification Evaluation made by the **Technical Working Group (TWG)** as directed in SBAC Resolution No. 4, dated January 10, 2013, and pursuant to Rule X of the Revised Implementing Rules and Regulations of R. A. 9184, the **Special Bids and Awards Committee (SBAC)** hereby **APPROVES** the February 6, 2013 recommendation of the **TWG**, a copy of which is hereto attached and made an integral part hereof, and accordingly **DECLARES** the **AIRFREIGHT 2100, INC.**, to have submitted the **LOWEST CALCULATED RESPONSIVE BID (LCRB)** for the *Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM (Reference No. SBAC 009D-2012)*, to wit:

LOT	BIDDER WITH THE LOWEST CALCULATED RESPONSIVE BID (LCRB)	TOTAL BID PRICE
LOT 9D- Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM	AIRFREIGHT 2100, INC.	Php 302,195,862.56

For **LOT 9D** (Deployment of **Automated Election System (AES)** Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM), the eligibility documents of subject bidder had been validated and verified, and its compliance with the legal, financial and technical requirements of the bid had been ascertained. Please see attached Post-Qualification sheet for **AIRFREIGHT 2100, INC.**, (Annex "C", with attachments).

SBAC Resolution Nº 14 Page 2

Date: 14 February 2013

Price: **302.19586256 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**

SBAC member **Divina E. Blas Perez**

SBAC member **Erna T. Malinao**

IN VIEW THEREOF, this SBAC respectfully recommend as follows:

1. That the **AIRFREIGHT 2100, INC.**, be declared the Bidder with the **LOWEST CALCULATED RESPONSIVE BID** for the Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM;
2. That the Notice of Award for the Contract in the total amount of **Three Hundred Two Million One Hundred Ninety-Five Thousand Eight Hundred Sixty-Two** Pesos and Fifty-Six Centavos (Php 302,195,862.56) be correspondingly issued;
3. That the said Bidder be required to post its respective performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/manager's check, bank draft / guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter or credit issued by a Universal or Commercial Bank; Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Thirty percent (30%)
d) Any combination of the foregoing	Proportionate to share of form with respect to total amount of security

4. That the Honorable **Sixto S. Brillantes, Jr.** be authorized to sign the Notice of Award, Contract/Purchase Order and Notice to Proceed in behalf of the Commission on Elections.

SBAC Resolution N^o 14 Page 3

Date: 14 February 2013

Price: **302.19586256 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**


SBAC member **Divina E. Blas Perez**

SBAC member **Erna T. Malinao**


The SBAC Secretariat is hereby directed to furnish **AIRFREIGHT 2100, INC.**, and other bidders, copy of this Resolution.

SO ORDERED.


February 14, 2013.



HELEN G. AGUILA-FLORES
Chairman

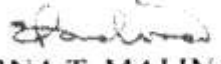


JUBIL S. SURMIEDA
Vice-Chairman



DIVINA E. BLAS-PEREZ
Third Member

JOHN REX C. LAUDIANGCO
Member



ERNA T. MALINAO
Member

SBAC Resolution N^o 14 Page 1

Date: 23 February 2013

Price: **490.08128496 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**

SBAC member **Divina E. Blas Perez**

No signature: SBAC member **Erna T. Malinao**

No signature: SBAC member **John Rex C. Laudiangco**



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

SPECIAL BIDS AND AWARDS COMMITTEE

Resolution No. 14

**LOT 9D – Deployment of Automated Election System (AES)
Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA
and ARMM
(Reference No. SBAC 009D-2012)**

After Post-Qualification Evaluation made by the **Technical Working Group (TWG)** as directed in SBAC Resolution No. 4, dated January 10, 2013, and pursuant to Rule X of the Revised Implementing Rules and Regulations of R. A. 9184, the **Special Bids and Awards Committee (SBAC)** hereby **APPROVES** the February 6, 2013 recommendation of the **TWG**, a copy of which is hereto attached and made an integral part hereof, and accordingly **DECLARES** the **AIRFREIGHT 2100, INC.**, to have submitted the **LOWEST CALCULATED RESPONSIVE BID (LCRB)** for the *Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM (Reference No. SBAC 009D-2012)*, to wit:

LOT	BIDDER WITH THE LOWEST CALCULATED RESPONSIVE BID (LCRB)	TOTAL BID PRICE
LOT 9D- Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM	AIRFREIGHT 2100, INC.	Php 409,081,284.96

For **LOT 9D** (Deployment of **Automated Election System (AES)** Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM), the eligibility documents of subject bidder had been validated and verified, and its compliance with the legal, financial and technical requirements of the bid had been ascertained. Please see attached Post-Qualification sheet for **AIRFREIGHT 2100, INC.**, (Annex "C", with attachments).

SBAC Resolution N^o 14 Page 2

Date: 23 February 2013

Price: **490.08128496 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**

SBAC member **Divina E. Blas Perez**

No signature: SBAC member **Erna T. Malinao**

No signature: SBAC member **John Rex C. Laudiangco**

IN VIEW THEREOF, this SBAC respectfully recommend as follows:

1. That the **AIRFREIGHT 2100, INC.**, be declared the Bidder with the **LOWEST CALCULATED RESPONSIVE BID** for the Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM;
2. That the Notice of Award for the Contract in the total amount of **Four Hundred Ninety Million Eighty One Thousand Two Hundred Eighty Four Pesos and Ninety Six Centavos (Php 490,081,284.96)** be correspondingly issued;
3. That the said Bidder be required to post its respective performance security in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/manager's check, bank draft / guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter or credit issued by a Universal or Commercial Bank; Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Thirty percent (30%)
d) Any combination of the foregoing	Proportionate to share of form with respect to total amount of security

4. That the Honorable **Sixto S. Brillantes, Jr.** be authorized to sign the Notice of Award, Contract/Purchase Order and Notice to Proceed in behalf of the Commission on Elections.

SBAC Resolution Nº 14 Page 3

Date: 23 February 2013

Price: **490.08128496 Million Pesos**

Signatories:

SBAC Chair **Helen G. Aguila Flores**

SBAC Vice Chair **Jubil S. Surmieda**

SBAC member **Divina E. Blas Perez**

No signature: SBAC member **Erna T. Malinao**

No signature: SBAC member **John Rex C. Laudiangco**

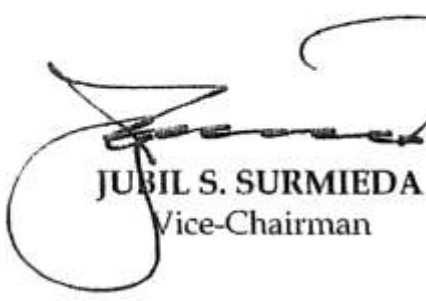
The SBAC Secretariat is hereby directed to furnish **AIRFREIGHT 2100, INC.**, and other bidders, copy of this Resolution.

SO ORDERED.

February 23, 2013.



HELEN G. AGUILA-FLORES
Chairman



JUBIL S. SURMIEDA
Vice-Chairman



DIVINA E. BLAS PEREZ
Third Member

JOHN REX C. LAUDIANGCO
Member

ERNA T. MALINAO
Member

NOTICE OF AWARD Page 1

Date: 05 March 2013

Price: **490.08128496 Million Pesos**

Signatories:

COMELEC CHAIRMAN SIXTO SERRANO BRILLANTES
AIR 21 Representative Sean E. Pestaño



Republic of the Philippines
Commission on Elections
 Manila

NOTICE OF AWARD**AIRFREIGHT2100, INC.**

3F Cargohaus Bldg.
 NAIA Complex, Old Mia Road
 Parañaque City

Attention : **Mr. Sean E. Pestaño**
 Authorized Representative

Greetings!

Pursuant to COMELEC Minute Resolution No. 13-0312 dated February 26, 2013, and in behalf of the Commission En Banc, the undersigned hereby **AWARDS** to your Company the **CONTRACT FOR THE DEPLOYMENT OF AUTOMATED ELECTION SYSTEM (AES) EQUIPMENT AND PARAPHERNALIA FOR USE IN THE MAY 13, 2013 NATIONAL AND LOCAL ELECTIONS FOR REGIONS IX, X, XI, XII, CARAGA AND ARMM (LOT 9D)**, particularly:

Description	Total Contract Price
Lot 9D – Deployment of Automated Election System (AES) Equipment and Paraphernalia for Regions IX, X, XI, XII, CARAGA and ARMM	Php 490,081,284.96

In connection hereof, you are hereby directed to post your Performance Security in favor of the Commission on Elections, in an amount equal to a percentage of the total contract price in accordance with the following schedule:

Form of Performance Security	Amount of Performance Security (Equal to Percentage of the Total Contract Price)
a) Cash, cashier's/manager's check, bank draft/guarantee confirmed by a Universal or Commercial Bank	Five percent (5%)
b) Irrevocable letter or credit issued by a	

[Handwritten signature]
 3/6/13
 10:30 AM

NOTICE OF AWARD Page 2

Date: 05 March 2013

Price: **490.08128496 Million Pesos**

Signatories:

COMELEC CHAIRMAN SIXTO SERRANO BRILLANTES
AIR 21 Representative Sean E. Pestaño

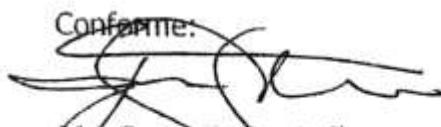
Universal or Commercial Bank: Provided, however, that it shall be confirmed or authenticated by a Universal or Commercial Bank, if issued by a foreign bank	
c) Surety bond callable upon demand issued by a surety or insurance company duly certified by the Insurance Commission as authorized to issue such security	Thirty percent (30%)
d) Any combination of the foregoing	Proportionate to share of form with respect to total amount of security

Whichever you may deem convenient, within ten (10) days from receipt of this Notice.

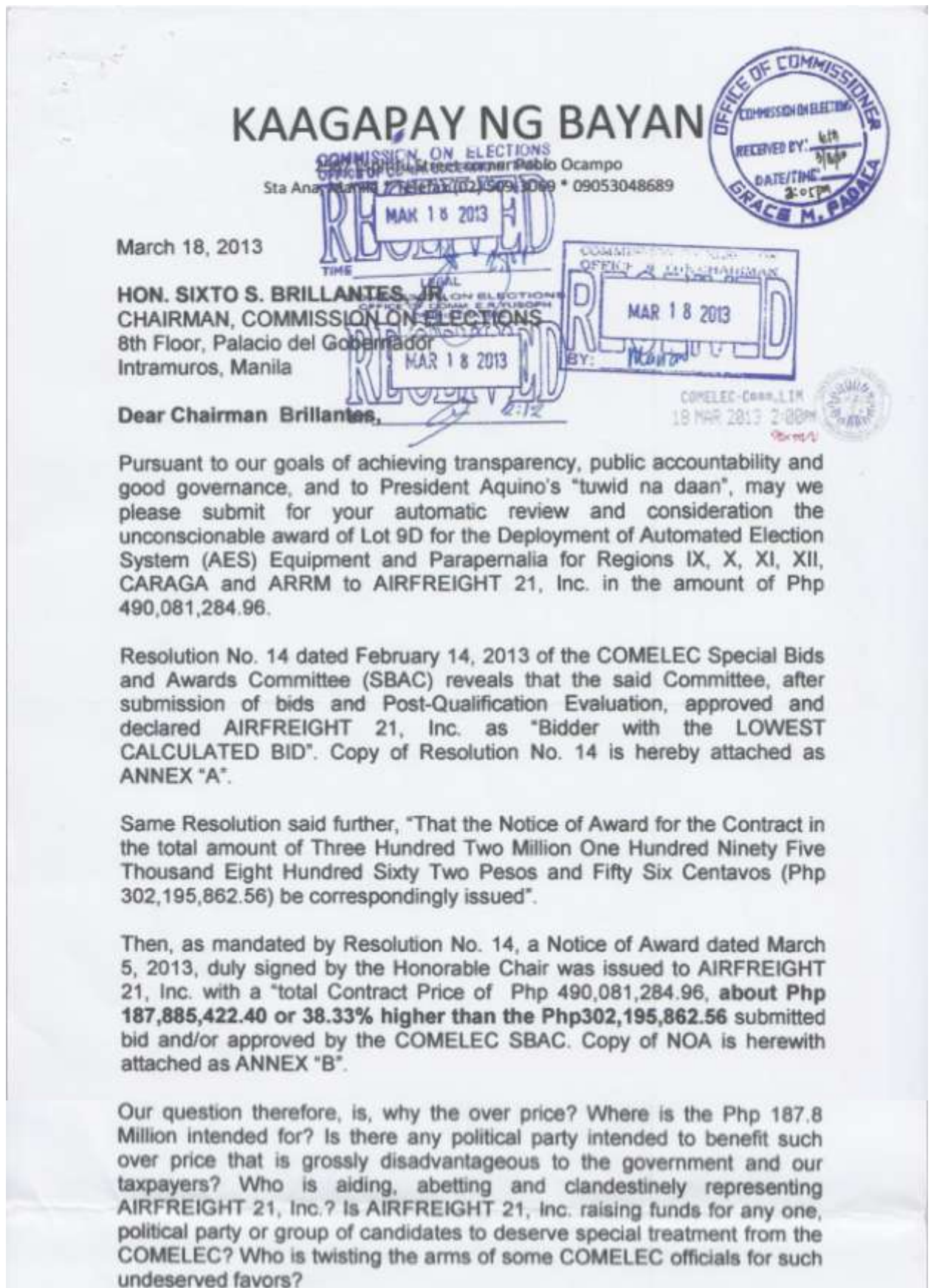
Your failure to post the required Performance Security shall constitute sufficient ground for the immediate cancellation of this award and forfeiture of your Bid Security.

March 5, 2013, Intramuros, Manila.


SIXTO S. BRILLANTES, JR.
 Chairman

Conforme:

Mr. Sean E. Pestaño
 Authorized Representative
 3/6/13

Kaagapay ng Bayan 18 March 2013 Letter to the COMELEC Chairman
Page 1



Kaagapay ng Bayan 18 March 2013 Letter to the COMELEC Chairman
Page 2

The "Notice of Award" to AIRFREIGHT 21, Inc, dated March 5, 2013 in the amount of Php 490,081,284.96 which is 33.88% or Php 187,885,422.40 higher than the Php 302,195,862.56 submitted bid and duly approved by SBAC Resolution No. 14 dated February 14, 2013 is unconscionable, grossly disadvantageous to the government and in violation of pertinent provisions of RA 3019, otherwise known as the Anti Graft and Corrupt Practices Act for allowing **Bid Improvement** or increase in the contract amount.

Mr. Chairman, we believe in your honesty and integrity, of your crusade to cleanse the Commission of undesirable elements and of your ardent desire to conduct clean and honest election with a popularly acceptable result.

Accordingly, and in the interest of public service, accountability and good governance, we respectfully urge your honorable office to immediately conduct an investigation, inform the public of its outcome and when evidence so warrant, file appropriate criminal charges against those who are involved.

Thank you.

Very respectfully yours,



PERFECTO "Bambi" SANTOS
Chairman, Kaagapay ng Bayan

cc: Honorable Commissioners
COMELEC SBAC Chair and Members
All concerned

We respectfully adopt and incorporate the 18 March 2013 Letter of **Kaagapay ng Bayan** to the **COMELEC Chairman** as an integral part of the discussions for this affidavit complaint.

Wherefore complainants respectfully request for investigation and the filing of charges versus the respondents under the following criminal and administrative laws without prejudice to whatever other law the Honorable Ombudsman may deem relevant to this case.

RESPONDENTS		CHARGES
1	COMELEC CHAIRMAN SIXTO SERRANO BRILLANTES	Republic Act Nº 6713 Section 5(a) Republic Act Nº 6770 Section 22
2	Alberto D. Lina	Anti Graft & Corrupt Practices Act
3	Sean E. Pestaño	Republic Act Nº 3019 Section 4(b)
4	Helen G. Aguila Flores	Republic Act Nº 3019 Section 3(e) "... causing undue injury to government ..."
5	Jubil S. Surmieda	"... giving private party unwarranted benefits ..." Republic Act Nº 3019 Section 3(g) "... grossly disadvantageous ..."
6	Divina E. Blas Perez	UNIFORM RULES ON ADMINISTRATIVE CASES (URAC) URAC Section 52.A.1 = Dishonesty
7	Erna T. Malinao	URAC Section 52.A.2 = Neglect of Duty
8	John Rex C. Laudengco	

We undertake to furnish a copy of this Supplemental Complaint to the respondents and attach at the bottom of this page the Postal Registry Receipts.

In witness whereof we affix our signatures this 19 April 2013 in the presence of the Officer-on-Duty with authority to administer oaths in the Office of the Ombudsman.



PERFECTO "BAMBI" M. SANTOS
Chairman
KAAGAPAY NG BAYAN



DANTE L.A. JIMENEZ
Founding Chairman / President
Volunteers Against Crime & Corruption

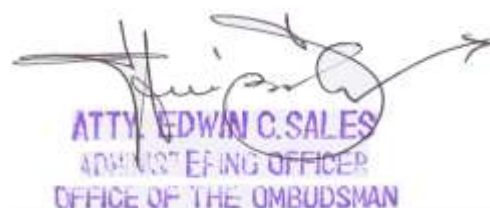


GREGORIO T. FABROS



MELCHOR G. MAGDAMO

SUBSCRIBED and SWORN to before me this **19TH** day of **APRIL 2013** in the Office of the **OMBUDSMAN**. I hereby certify that I personally examined the affiants and that I am satisfied that they understood and voluntarily executed this supplemental complaint affidavit consisting of 17 pages including this signature page.



ATTY. EDWIN C. SALES
ADMINISTRATING OFFICER
OFFICE OF THE OMBUDSMAN