

Republic of the Philippines
DEPARTMENT OF JUSTICE
NATIONAL PROSECUTION SERVICE
DOJ Compound, Padre Faura, Manila

ANTONIO “SONNY” F. TRILLANES IV,
Complainant,

-versus-

RODRIGO “DIGONG” ROA
DUTERTE,
CHRISTOPHER LAWRENCE
TESORO “BONG” GO,
DECIDERIO LIM GO, *and*
ALFREDO ARMERO GO,

CASE NO. _____

*For: Plunder, in violation
of Republic Act No. 7080,
otherwise known as “The
Anti-Plunder Act;
Graft and Corruption, in
violation of Republic Act
No. 3019, otherwise known
as “The Anti-Graft and
Corrupt Practices Act”;
and culpable violation the
1987 Constitution.*

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COMPLAINT-AFFIDAVIT

I, ANTONIO “SONNY” F. TRILLANES IV, Filipino, of legal age, a taxpayer, and a resident of No. 42 Ninang Virginia Street, BF Homes, Barangay 169, Caloocan City, Philippines, after being sworn in accordance with law, hereby depose and state that:

1. I served as Senator of the Republic of the Philippines from July 2007 until June 2019. At present, I am a Professor of Praxis at the Ateneo de Manila University School of Government.
2. Respondent **RODRIGO “DIGONG” ROA DUTERTE** (hereinafter referred to as “*Respondent Duterte*”) is a Filipino politician who served as the 16th President of the Philippines, as member of the House of Representatives representing Davao City’s 1st District, as well as Mayor and Vice Mayor of Davao City, of legal age, with residence at 458 Taal Road, Central Park Subdivision, Bangkal, Davao City, Davao Del Sur 1500 where he may be served with subpoena, notices, orders, resolutions, and other coercive processes of this Honorable Office.

3. Respondent **CHRISTOPHER LAWRENCE TESORO “BONG” GO** (hereinafter referred to as “**Respondent Bong Go**”) is an incumbent Senator of the Republic, a former Executive Assistant of then Davao City 1st District Representative Rodrigo Duterte, former member of the Cabinet of then President Duterte as Special Assistant to the President and former Head of the Presidential Management Staff, Filipino, of legal age, with office address at Rooms 507 and 14 (Extension), GSIS Building, Financial Center, Diokno Boulevard, Pasay City where he may be served with subpoena, notices, orders, resolutions, and other coercive processes of this Honorable Office.
4. Respondent **DECIDERIO LIM GO** (hereinafter referred to as “**Respondent Deciderio Go**”) is a Filipino businessman, of legal age, with regular place of business located at 166 Gardenia St., San Pedro Village Buhangin (Pob.), Davao City, Davao del Sur where he may be served with subpoena, notices, orders, resolutions, and other coercive processes of this Honorable Office.
5. Respondent **ALFREDO ARMERO GO** (hereinafter referred to as “**Respondent Alfredo Go**”) is a Filipino businessman, of legal age, with regular place of business located at 55 Asia St., Hillside Subd., Bajada, Davao City, Davao del Sur where he may be served with subpoena, notices, orders, resolutions, and other coercive processes of this Honorable Office.

LOCUS STANDI TO FILE THE INSTANT SUIT

6. Time and again, “*in cases where serious legal issues were raised or where public expenditures of millions of pesos were involved, the court did not hesitate to give standing to taxpayers.*”¹
7. The case subject of this Complaint-Affidavit involves public expenditures of billions of pesos, resulting in far-reaching implications of paramount public interest and transcendental importance.
8. Guided by the foregoing jurisprudential backdrop, herein Complainant initiates this Complaint-Affidavit as taxpaying and a concerned citizen of the Republic of the Philippines.

¹ *Constantino, Jr. v. Cuisia*, G.R. No. 106064, October 13, 2005, 472 SCRA 505, 518-519

BACKGROUND

9. On September 6, 2018, the Philippine Center for Investigative Journalism (PCIJ) released an investigative journalism series entitled “*Build, Build, Build Hits Chokepoint.*”², a landmine of disturbing information, dragging the name of Respondent Bong Go. The subject article exposes the top contractors in the Davao Region particularly the **CLTG Builders**, and **Alfredo Builders & Supply**, which are allegedly owned, individually and separately, by Respondents **Deciderio Go** and **Alfredo Go**, the father and half-brother, respectively, of Respondent Bong Go. The article discussed, among others, how the two mid- and bottom- tiered contractors were able to successfully secure billions of pesos worth of government infrastructure projects with the DPWH despite their limited financial and operational capacity and the extended delays and unfinished public works of said construction firms, to the prejudice of the government and the people of Davao.
3. Pursuant to this information, on September 12, 2018, I forthwith filed a *Proposed Resolution*³ before the Senate Committee on Civil Service, Government Reorganization and Professional Regulation for the purpose of conducting an inquiry regarding the matter, in aid of legislation.
4. Accordingly, I issued request letters to the Department of Trade and Industry (DTI)⁴ and the Commission on Audit (COA)⁵ on October 2, 2018. I requested said agencies to furnish my office with pertinent documents and/or records concerning CLTG Builders and Alfredo Builders & Supply, as well as audit reports and other records on file pertaining to the government contracts between the DPWH and the aforementioned construction firms.
5. All of the foregoing are obligations which I fulfilled as Senator, pursuant to the congressional power of inquiry of Congress, which is expressly

²*Firms of Bong Go kin, top contractors: Many JVs, delayed projects in Davao*, Malou Mangahas and Karol Ilagan (September 06, 2018) Information retrieved from https://pcij.org/article/1395/firms-of-bong-go-kin-top-contractors-many-jvs-delayed-projects-in-davao?fbclid=IwAR1kvRWHKyH1m7_YVHBg33PFBp3duG7e5biw20bFdEUQIlgH7NkZ4fMzTbw.

³ A faithful reproduction of Proposed Senate Resolution No. 889 introduced by herein Complainant is appended hereto as **ANNEX “A”** and is made an integral part hereof.

⁴ A faithful reproduction of the request letter issued to the DTI dated October 2, 2018 is appended hereto as **ANNEX “B”** and is made an integral part hereof.

⁵ A faithful reproduction of the request letter issued to COA dated October 2, 2018 is appended hereto as **ANNEX “C”** and is made an integral part hereof.

recognized by the Constitution⁶, time and again affirmed by the Court⁷, and inherent in the power of Congress to legislate.

6. The COA Regional Office XI transmitted the requested audit reports. Further, in its Memorandum⁸ dated December 19, 2018, said Office submitted the certified true copies of the Consolidated Management Letters of DPWH Regional Office XI pertinent to the subject, but referred my request for the records of contracts executed by DPWH with CLTG Builders and Alfrego Builders & Supply to DPWH Regional Office XI and its District Engineering Offices, considering the fact that such offices were in possession and custody of said documents.
7. Consequently, in a Letter dated December 20, 2018,⁹ COA Regional Director (Region XI) Atty. Roy Ursal recommended to DPWH Regional Director (Region XI) Allan Borromeo that my request be complied with.
8. Thus, through an Urgent Memorandum dated January 11, 2019,¹⁰ DPWH Regional Director Allan Borromeo directed the District Engineers, OIC-District Engineers/Acting District Engineers to submit the certified true copies of Notice to Proceed (NTP) and contracts of projects implemented by DPWH Engineering Offices with CLTG Builders and Alfrego Builders & Supply. After receipt of the requested documents by DPWH Region XI, the latter attached and transmitted the same in its Letter dated January 16, 2019¹¹ to COA Region XI which, in turn, forwarded the documents to the COA National Office in its Memorandum dated January 17, 2019.¹² Finally, on January 29, 2019,¹³ the COA National Government Sector (Cluster 7 – Public Works, Transport and Energy) submitted to my office

⁶ 1987 CONSTITUTION, ART. VI, S. 21,

⁷ "Congress undoubtedly has a right to information from the executive branch whenever it is sought in aid of legislation." *Senate vs. Ermita* (G.R. No. 169777, 20 April 2006)

⁸ A faithful reproduction of Memorandum dated December 19, 2018 by COA Regional Office XI is appended hereto as **ANNEX "D"** and is made an integral part hereof.

⁹ A faithful reproduction of the Letter to DPWH Regional Director (Region XI) dated December 20, 2018 signed by COA Regional Director (Region XI), Atty. Roy Ursal is appended hereto as **ANNEX "E"** and is made an integral part hereof.

¹⁰ A faithful reproduction of the Urgent Memorandum dated January 11, 2019 signed by DPWH Regional Director Allan Borromeo is appended hereto as **ANNEX "F"** and is made an integral part hereof.

¹¹ A faithful reproduction of the Letter of DPWH Region XI to COA Region XI dated January 16, 2019 is appended hereto as **ANNEX "G"** and is made an integral part hereof.

¹² A faithful reproduction of the Memorandum of COA Region XI to COA National Office dated January 17, 2019 is appended hereto as **ANNEX "H"** and is made an integral part hereof.

¹³ A faithful reproduction of the January 29, 2019 Letter from COA National Government Sector (Cluster 7 – Public Works, Transport and Energy) OIC Director IV Estelita B. Catubay is appended hereto as **ANNEX "I"** and is made an integral part hereof.

the documents pertaining to the contracts between CLTG Builders and Alfrego Builders & Supply, upon the one hand, and DPWH Regional and District Engineering Offices (DEOs), upon the other, particularly: a) Regional Office No. XI; b) Compostella Valley DEO; c) Davao City DEO; d) Davao City II DEO; e) Davao del Norte DEO; f) Davao del Sur DEO; and g) Davao Oriental 2nd DEO, for Calendar Years 2007 to 2017.

Faithful reproduction of the records transmitted by the COA National Office (Cluster 7 – Public Works, Transport and Energy) which pertain to the contracts between CLTG Builders and Alfrego Builders & Supply as well as those with reference to the DPWH Regional and District Engineering Offices, are appended hereto as ANNEX “J”, for the perusal and reference of the Honorable Office, and are made an integral part hereof.

9. Parenthetically, the aforementioned *Proposed Resolution*¹⁴ was primarily referred by the leadership of the Senate then to the Committee on Rules, where no hearing was had. All the afore-stated documents and records were hence, archived accordingly.
10. It is on this note that the Complainant has decided to execute this Complaint-Affidavit, this time for the purpose of requesting the Honorable National Prosecution Service to conduct the necessary investigation, with the end in view of determining the liability of the above-mentioned Respondents for their obvious and apparent violation of existing laws and of indicting the above-mentioned Respondents for the same.

FACTUAL ANTECEDENTS

11. Following a perusal of the documents submitted by the COA, my office was able to confirm the data exhibited in the above-mentioned PCIJ article – and significantly more. The PCIJ investigation exposed that CLTG Builders “has been awarded PhP4.6 billion worth of projects, all from the DPWH, in the past decade”¹⁵, whereas “[f]rom 2005 to early 2016, Alfrego Builders & Supply won PhP88 million worth of projects” and was able “to carry out projects worth a total of half a billion pesos”¹⁶ through joint venture.

¹⁴ Proposed Senate Resolution No. 889, Annex “A” hereof.

¹⁵ *Supra* note 2

¹⁶ *Ibid.*

12. The records submitted by the COA to my Committee, on the other hand further revealed that from the period of 2007 to 2018, at least **Php 6.6 billion** worth of government contracts were awarded to CLTG Builders and Alfrego Builders & Supply, combined.
13. The **Certification** issued by the DTI dated October 8, 2018¹⁷ confirms that the subject construction companies are Davao-based **sole proprietorships**. CLTG Builders, which bears initials which actually corresponds to the initials of the full name of Respondent Go, i.e., “*Christopher Lawrence Tesoro Go*”, thus “*CLTG*”, with address at 166 Gardenia St., San Pedro Village Buhangin (Pob.), Davao City, Davao del Sur, is registered under the name of Respondent **Bong Go’s father**, herein Respondent **Deciderio Lim Go**, as owner thereof.
14. Alfrego Builders & Supply, with address at 55 Asia St., Hillside Subd., Bajada, Davao City, Davao del Sur, is registered under the name of Respondent **Alfredo Armero Go**, Respondent **Bong Go’s half-brother**, as owner thereof.
15. An extrapolation of the COA official records reveals that from March 2007 to May 2018, CLTG Builders was awarded **125 public works projects** by the government worth around **Php 4.89 billion**. In 2017 alone, pursuant to the first ever General Appropriations Act passed under the Duterte Administration, CLTG Builders was able to secure 27 projects worth approximately **Php 3.2 billion**.
16. Alfrego Builders & Supply, meanwhile, bagged **59 public works projects** around the same span of time (June 2007 to July 2018) amounting to **Php 1.74 billion**.
17. In 2018 alone, when Duterte was President, it acquired 23 projects worth almost **Php 1.3 billion**.
18. In sum, based on the records submitted to my office, which were previously appended hereto and now form part of herein Complaint-Affidavit, CLTG Builders and Alfrego Builders & Supply combined were awarded government projects, from 2007 to 2018, valued at a staggering amount of at least **Php 6.6 billion**.

¹⁷ A faithful reproduction of the Certification issued by the DTI dated October 9, 2018 signed by Assistant Secretary Mary Jean T. Pacheco is hereby appended as “**ANNEX K**” and is made an integral part hereof.

19. A table based on the records of the COA, showing the breakdown of the government contracts awarded to CLTG Builders and Alfrego Builders & Supply is appended hereto as **ANNEX “L”** and **ANNEX “L-1”**, respectively, for the ready reference of this Honorable Office.
20. It is crucial to note at this juncture that **Republic Act No. 4566**, otherwise known as the **Contractor’s License Law** proscribes any contractor, including sub-contractors, from engaging in the business of contracting without first having secured the proper license issued by the Philippine Contractors Accreditation Board (PCAB). Pursuant to thereto, Section 17 of its Implementing Rules and Regulation provides that:

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Section 17. Power to classify and limit operations. The Board may adopt reasonably necessary rules and regulations to effect the **classification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which he is classified to engage...**
[Emphasis ours]

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21. The category of license issued by the PCAB is a function of the contractor’s *“financial capacity, equipment capacity, experience of the firm, and experience of the technical personnel of the contractor. The law was enacted to ensure the safety of the public by allowing only qualified and reliable contractors to undertake construction in the country.”*¹⁸
22. The financial requirements for license categorization and the schedule of allowable ranges of contract costs for registration for contractors for government projects corresponding thereto, are laid down by the **Philippine Contractors Accreditation Board (PCAB) Board Resolution No. 201 Series of 2017**.¹⁹ PCIJ reports that CLTG Builders and Alfrego Builders & Supply fall under the classification of **mid- and bottom- tiered contractors**, respectively.²⁰

¹⁸ *Contractor’s Licensing and Registration.* Information accessed from http://construction.gov.ph/program_and_services/contractors-licensing-and-registration/#:~:text=Republic%20Act%20No.,PCAB%20license%20to%20conduct%20business.

¹⁹ A faithful reproduction of DPWH Department Memorandum Circular No. 27 Series of 2018 (May 11, 2018) is attached hereto as **Annex “M”** for the reference of the Office and is made an integral part hereof. Information accessed from https://www.dpwh.gov.ph/dpwh/sites/default/files/issuances/DMC_027_s2018.pdf

²⁰ *Supra* note 2

23. With only a **“B license”** in the license category with size range of **“Medium A”**, CLTG Builders was only allowed to implement a Single Largest Project (SLP) worth above **P10 million to P50 million**, and **can only take on projects with a total cost not exceeding P100 million** simultaneously as the **Allowable Range of Contract Cost (ARCC)**. Notwithstanding the above project cap, the largest contracts awarded to CLTG Builders amounted to P245.7 million²¹, P208.8 million²², P187.9 million²³, P180.5 million²⁴ and P177 million²⁵, all of which were acquired in 2017.
24. **Clearly, not only did each of the above contract cost greatly exceed the allowed SLP, each of them also surpassed the ARCC as a whole already.** Otherwise stated, the awarding of just a single one of any of the above contracts in favor of CLTG Builders should have disqualified the latter from bidding for, and thereafter being awarded, another contract/s before the former contract is accomplished.
25. Alfrego Builders & Supply, on the other hand, has a mere **“D license”** falling under the size range of **“Small B”**. This means that it can only implement a SLP costing not more than Php10 million, with an ARCC not exceeding Php15 million.
26. **Simply put, Alfrego Builders & Supply should not have been awarded any project worth more than P10 million, and is prohibited from taking on projects with a total cost of more than P15 million at**

²¹ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Const./Widening/Impvt. Of Bypass Rd @ JCT Davao City Div. Rd-Tigatto Rd-JCT. Davao City Div. Rd Inc are hereto appended and marked as **ANNEX “N”** for the easy reference of the Honorable Office and are made an integral part hereof.

²² See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Rehab./Reconst./Widening of Daang Maharlika (MN) incl. slope protection (Brgy. Canocotan-Brgy. Bincu are hereto appended and marked as **ANNEX “O”** for the easy reference of the Honorable Office and are made an integral part hereof.

²³ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Widening/Reconst./Impvt. Of Bypass Road at JCT. Daang Maharlika-Licanan-Bunawan-Mahayag-Indangan-Cab are hereto appended as **ANNEX “P”** for the easy reference of the Honorable Office and are made an integral part hereof.

²⁴ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Widening/Impvt. Of Bypass Rd at JCT. Daang Maharlika-Licanan-Bunawan-Mahayag-Indangan-Cabantian-JCT are hereto appended and sub-marked as **ANNEX “Q”** for the easy reference of the Honorable Office and is made are integral part hereof.

²⁵ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Widening/Reconst./Impvt. Of Bypass Road at JCT. Daang Maharlika-Licanan-Bunawan-Mahayag-Indangan-Cabantian are hereto appended and sub-marked as **ANNEX “R”** for the easy reference of the Honorable Office and are made an integral part hereof.

- once. Curiously, some contracts obtained by Alfrego amounted to **Php181.5 million**²⁶, **Php140 million**²⁷, **Php132.5 million**²⁸, and **Php108 million**²⁹, all of which were awarded in 2017 to 2018 when Duterte was President and herein Respondent Bong Go was Cabinet of President Rodrigo Duterte as Special Assistant to the President and Head of the Presidential Management Staff .
27. Similar to CLTG Builders, each of these amounts was way above Alfrego Builders & Supply's allowed SLP and total ARCC.
28. Significantly, both CLTG Builders and Alfrego Builders & Supply entered into joint ventures with bigger contractors who possess qualified licenses. This was evidently done with the end in view of meeting the project cost ceiling and contracting capacity requirements effectively circumventing the law and its concomitant Implementing Rules and Regulation, and Resolution.
29. The Revised Implementing Rules and Regulations of Republic Act No. 9184 otherwise known as the Government Procurement Reform Act of 2004 makes mention of the concept of Joint Venture with respect to bidding for consulting services. Section 23.5.1.1(e) of the Revised IRR of the aforementioned law defines "Joint Venture" as "a group of two (2) or more persons/entities that intend to be jointly and severally responsible or liable for a particular contract". With respect to Design and Build infrastructure project requirements, Section 9.1, ii (c) paragraph 2 of the subject Revised IRR provides that:

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“Joint ventures/consortia among Filipino contractors and consultants or among Filipino contractors and foreign

²⁶ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Conc. Of Jct. Padada (along Digos-Makar Rd) - Kiblawan-Jct. Malungon (along Digos-Makar Rd) bypass Rd, PA are hereto appended and sub-marked as **ANNEX “S”** for the easy reference of the Honorable Office and is made an integral part hereof.

²⁷ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Conc./Widening (Substandard to Standard) of Brgy Fatima, Paquibato Dist Going to Brgy Dalagdag-Lam are hereto appended and sub-marked as **ANNEX “T”** for the easy reference of the Honorable Office and is made an integral part hereof.

²⁸ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Reconst/Conc/Widening of Slaughter House Rd Until F Torres Br. Incl Row, Davao City, 1st LD are hereto appended and sub-marked as **ANNEX “U”** for the easy reference of the Honorable Office and is made an integral part hereof.

²⁹ See **Annex “J”**. A faithful reproduction of the Notice to Proceed (NTP) and the Contract Agreement of the Reconst/Conc/Widening of Slaughter House Rd until F. Torres Br. Incl Row, Davao City, 1st LD are hereto appended and sub-marked as **ANNEX “V”** for the easy reference of the Honorable Office and is made an integral part hereof.

consultants shall be allowed **subject to pertinent laws and the relevant provisions of the IRR of R.A. 9184.**” (Emphasis supplied)

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30. It is a cardinal rule in statutory construction that “*endeavor should be made to harmonize the provisions of a law or two laws so that each shall be effective.*”³⁰
31. Hence, the allowance of joint ventures in the bidding of infrastructure projects should be subject and not repugnant to the qualifications laid down by the aforementioned Contractor’s License Law and its IRR and Resolution. Herein Respondents Deciderio Go and Alfredo Go have incessantly executed a cunning arrangement violative of the Contractor’s License Law.
32. In its investigative series, the PCIJ interviewed “several contractors who, on the condition of anonymity, revealed that joint ventures have provided a legal backdoor for smaller contractors to win big projects which they would not have qualified for on their own, by “using” or “borrowing” the license of bigger contractors. On paper, both contractors are supposed to implement the project, but in reality, only the small contractor gets the project and implements it. To compensate, a “royalty fee” worth two to five percent of the contract amount is paid to the big contractor for “lending” its license.”³¹
33. In theory, this arrangement implies that each participant contractor in the joint venture must actually contribute in the implementation of the project. Such contribution may either be in the form of manpower, equipment, or finance. This is so, for joint venture essentially denotes the pooling of resources of two or more entities for the purpose of achieving a common end.
34. In all joint venture arrangements of CTLG Builders and Alfrego Builders & Supply with the top licensed contractors, namely, FFJJ Construction (AAA), Three W Builders (AAA), Relya Construction (AA), and St. Gerrard Construction (AA), the names of herein Respondents **Deciderio Go** (owner of CTLG Builders) and **Alfredo Go** (owner of Alfrego Builders & Supply) appear as “**Authorized Managing Officer**” as signatories of the Contract Agreements. They are also the addressees of the Notices to Proceed.

³⁰ *Valera v. Tuason, Jr.* G.R. No. L-1276 (April 30, 1948)

³¹ *Supra* note 2

35. Clearly, while CTLG Builders and Alfrego Builders & Supply teamed up with the above-mentioned big firms to qualify them for bidding, their small firms are the only ones to actually implement the numerous and massive projects simultaneously after being awarded the same, in spite of their limited financial and operational capacity.
36. Consequently, PCIJ reports that in 2017, all of CLTG Builder's and Alfrego Builders & Supply's joint venture projects with the said big ticket contractors were not completed or accomplished by the original deadline. PCIJ discovered that **"[t]he projects status records of the DPWH's Bureau of Construction show that as of April 30, 2018, Davao Region has 295 unfinished projects, including 136 or 46 percent bidded out by the DPWH regional office as implementing agency, and another 75 projects, by the Davao City District Engineering Office."**³² PCIJ further compared "Davao Region's negative 2.64 slippage rate [to] three regions — Metro Manila, Zamboanga Peninsula, and Central Luzon — [which] did not have project delays in 2017. The other regions with much smaller public-works budgets than Davao posted slippage rates of as low as negative 0.44 percent (Bicol Region) to as high as negative 6.68 percent (Western Visayas)."³³
37. Obviously, allowing CLTG Builders and Alfrego Builders & Supply to take on substantial bigger projects beyond their operational capability by simply making it appear that it has joint ventures with bigger firms, without examining the authenticity of the arrangements, violates the letter and spirit of the law. *Quando aliquid prohibetur ex directo, prohibetur et per obliquum* – what cannot be done directly, should not also be done indirectly.

THE CHARGES

38. For the foregoing reasons, I hereby officially charge the above-named Respondents with the following crimes and/or offenses:
- a. Violation of Republic Act No. 7080, otherwise known as "*The Anti-Plunder Act*";
 - b. Violation of Republic Act No. 3019, otherwise known as "*The Anti-Graft and Corrupt Practices Act*";

³² *Supra* note 2.

³³ *Ibid.*

- c. Violation of Republic Act No. 6713, otherwise known as the “*Code of Conduct and Ethical Standards for Public Officials and Employees*”;
- d. Culpable violation of the Constitution, particularly Article VI Section 14; and Article VII Section 13 thereof;
- e. Violation of related laws, rules and regulations.

Respondents are guilty of the crime of Plunder

39. **Section 2 of Republic Act No. 7080**, as amended by **Republic Act No. 7659** defines the crime of Plunder as follows:

Sec. 2. Definition of the Crime of Plunder; Penalties. - Any public officer who, by himself or in connivance with members of his family, relatives by affinity or consanguinity, business associates, subordinates or other persons, amasses, accumulates or acquires ill-gotten wealth through a combination or series of overt criminal acts as described in Section 1 (d) hereof in the aggregate amount or total value of at least Fifty million pesos (P50,000,000.00) shall be guilty of the crime of plunder and shall be punished by reclusion perpetua to death. Any person who participated with the said public officer in the commission of an offense contributing to the crime of plunder shall likewise be punished for such offense. In the imposition of penalties, the degree of participation and the attendance of mitigating and extenuating circumstances, as provided by the Revised Penal Code, shall be considered by the court. The court shall declare any and all ill-gotten wealth and their interests and other incomes and assets including the properties and shares of stocks derived from the deposit or investment thereof forfeited in favor of the State.

40. Working on the above express definition laid down by the law, the Court, in *Enrile v. Sandiganbayan*³⁴ held a recital of the elements of Plunder as follows:

“1) the plunderer must be a public officer, either alone or in connivance with other persons;

³⁴ G.R. No. 213455, August 11, 2015

2) *he must have amassed, accumulated, or acquired ill-gotten wealth;*

3) *the ill-gotten wealth must have been acquired through a combination or series of the enumerated overt criminal acts; and*

4) *the aggregate amount or total value of the ill-gotten wealth must be at least Fifty million pesos (P50,000,000.00).*" (Emphasis supplied)

41. There is no question that the **first element** is availing in this case. Section 1(a) of the Anti-Plunder Act defines a public officer as "*any person holding any public office in the Government of the Republic of the Philippines by virtue of an appointment, election or contract*".
42. Corollary thereto, in the case of *Jose "Jinggoy" E. Estrada v. Sandiganbayan*³⁵, the Court discussed the two structures or modes of conspiracy on the occasion that there are several accused. "[T]he so-called "wheel" or "circle" conspiracy, in which there is a single person or group (the "hub") dealing individually with two or more other persons or groups (the "spokes")" finds application in the case at bar.
43. Respondent Duterte was a long-time public officer during the period material to case. He was President of the country from June 2016 until June 2022.
44. Respondent Bong Go was also a public officer at the time material to the charge, and up to this day. He previously acted as the Personal Aide and Special Assistant to former President Rodrigo Duterte since 1998, during the latter's mayoral incumbency in Davao City.
45. He also served in Duterte's Cabinet as Special Assistant to the President and Head of the Presidential Management Staff from June 2016 to October 2018.
46. As reported by the PCIJ Investigative Article and as clearly established by the official documents procured by the undersigned Complainant which are hereto appended and made integral part of this Complaint-Affidavit, Respondent Duterte and Respondent Go awarded and/or caused the award of billions upon billions of public works contracts to sole

³⁵ G.R. No. 148965, February 26, 2002

proprietorships which were obviously owned and managed by the Father and Brother of Respondent Go, namely Respondent Deciderio Go and Respondent Alfredo Go, despite of the fact that the said sole proprietorship are clearly not qualified to bid for and be awarded the subject public works contracts, as outline above, in gross derogation and violation of existing laws.

47. Notice should be made that as Special Assistant to the President and as personal aide to the President, Respondent Go actually served as a confidential employee and confidant and principal aide of the Respondent Duterte, a well-documented fact publicly and widely known in the Philippines and to Filipinos around the world, which can, thus, be subject of judicial notice.
48. The very close and intimate personal and official relationship between Respondent Go and Respondent Duterte, whom he fondly call as "***Tatay Digong***", is widely and publicly known and universally acknowledged.
49. It is also publicly known that when Respondent Duterte was elected as President in 2016, the Office of the Special Assistant to the President was created and tailor-made specifically to accommodate Respondent Go, and he was given the rank of a Cabinet Secretary and made a Cabinet member despite of the fact that his principal duty is merely to act as the *personal aide* of then President Duterte.
50. Both as Special Assistant to the President and as principal aide of Respondent Duterte and a member of Respondent Duterte's cabinet, Respondent Go may clearly be considered as an "***alter-ego***" of Respondent Duterte under the ***doctrine of qualified political agency***, which is recognized in Political Law, and under which doctrine the acts of Respondent Go may be considered as the acts of Respondent Duterte and vice versa.
51. Indeed, as held by the Supreme Court in the case of ***NPC Board of Directors v. Commission on Audit***:³⁶

The doctrine of political agency provides that department secretaries are alter egos of the President and that their acts are presumed to be those of the latter unless disapproved or reprobated by him.³⁷ In short,

³⁶ G.R. No. 242342 (10 March 2020); *En Banc*.

³⁷ *Manubay v. Garilao*, 603 Phil 135, 139 (2009).

acts of department secretaries are deemed acts of the President. Xxx. [Emphasis supplied]

52. In sum, Respondents Duterte and Bong Go were the “*hub*” – the *main plunderers* for whose benefit the amassment, accumulation and acquisition was made; with Respondents Deciderio Go and Alfredo Go, Respondent’s father and half-brother, respectively, hence, both members of his family, as the “*spokes*” – his *co-conspirators* herein; “*and the rim that encloses the spokes is the common goal in the overall conspiracy, i.e., the amassing, accumulation and acquisition of ill-gotten wealth.*”³⁸
53. With respect to the **second element**, Section 1(d) the same law, provides that:

XXXX

*"Ill-gotten wealth" means any asset, property, business enterprise or material possession of any person within the purview of Section two (2) hereof, acquired by him directly or indirectly through dummies, nominees, agents, subordinates and/or business associates by any combination or **series** of the following means or similar schemes:*

1. *Through misappropriation, conversion, misuse, or malversation of public funds or raids on the public treasury;*
2. *By receiving, directly or indirectly, any commission, gift, share, percentage, kickbacks or any/or entity in connection with any government contract or project or by reason of the office or position of the public officer concerned;*
3. *By the illegal or fraudulent conveyance or disposition of assets belonging to the National Government or any of its subdivisions, agencies or instrumentalities or government-owned or controlled corporations and their subsidiaries;*
4. *By obtaining, receiving or accepting directly or indirectly any shares of stock, equity or any other form of interest or participation including the promise of future employment in any business enterprise or undertaking;*
5. *By establishing agricultural, industrial or commercial monopolies or other combinations and/or implementation*

³⁸ *Ibid.*

of decrees and orders intended to benefit particular persons or special interests; or

6. **By taking undue advantage of official position, authority, relationship, connection or influence to unjustly enrich himself or themselves at the expense and to the damage and prejudice of the Filipino people and the Republic of the Philippines.**
(Emphasis supplied)

XXXX

54. In light of the above definition, Affiant-Complainant submits that the above-named respondents committed the sixth predicate crime for a finding of Plunder.

By taking undue advantage of official position, authority, relationship, connection or influence to unjustly enrich himself or themselves at the expense and to the damage and prejudice of the Filipino people and the Republic of the Philippines

55. PCIJ reports that “[f]or his home region and bailiwick of Davao Region, [Respondent] Duterte gave the largest share of public works funds in the 2017 national budget, the first proposed and passed under his watch: PhP43.77 billion in infrastructure funds, a 119-percent increase or twice more than its PhP19.97-billion allocation in 2016.”³⁹
56. It bears stressing that all of the government projects on record awarded to both CLTG Builders and Alfrego Builders & Supply were implemented and/or are being implemented within Region XI (Davao Region) only, where Respondent Bong Go, close kin of the owners thereof, and Respondent Duterte, the Boss and principal patron of Respondent Go, undoubtedly possesses and exercised authority, connection, and/or influence.
57. Interestingly, it was during the period when Respondent Bong Go was appointed to a cabinet post by Respondent Duterte that CLTG Builders and Alfrego Builders & Supply, were awarded an overwhelming number of substantial and sizeable projects worth billions of pesos.

³⁹ *Supra* note 2

58. Incidentally, CLTG Builders stood out in PCIJ's research because all of CLTG Builders' joint-venture projects with big contractors in 2017 "*failed to complete projects by the original deadline.*"⁴⁰
59. By repeatedly awarding hundreds of public infrastructure projects worth billions upon billions of pesos to sole proprietorships undeniably owned by Respondent Go's immediate family members, one of which actually bears his initials, which projects were undeniably outside the capability and capabilities of said sole proprietorships, and by allowing the implementation of these contracts beyond the projects' respective deadlines, herein Respondents have indeed unjustly favored Respondent Go's next-of-kin and unjustly enriched themselves at the expense and to damage and prejudice of the Filipino people and the Republic of the Philippines.
60. How CLTG Builders and Alfrego Builders & Supply still managed to continuously win billions of pesos worth of government projects in Davao despite their limited contracting capacity and numerous shortcomings, is hardly a conundrum. While CLTG Builders and Alfrego Builders & Supply were purportedly qualified by some color of legality, a review of the number of their pending and unfinished projects alone should have been an additional sufficient criterion to eliminate them from the list of candidates for succeeding contracts. CLTG Builders and Alfrego Builders & Supply could not have been awarded the enormous projects were it not for Respondent Bong Go and his connection to the seat of power – Respondent Duterte, who is constitutionally responsible for the annual budget proposal which serves as the basis for the annual general appropriation bill⁴¹, and who is also constitutionally vested with the power of control over all executive departments including the Department of Budget and Management and the Department of Public Works and Highways⁴².
61. With respect to the **third element**, the Court, in the same aforesaid case, also reiterated the two means by which Plunder is committed, one of which is "*through a series of overt or criminal acts as described in Section 1(d) of Republic Act No. 7080,*"⁴³ thus:

"For in Estrada v. Sandiganbayan, we held that where these two terms are to be taken in their popular, not

⁴⁰ *Ibid.*

⁴¹ 1987 PHILIPPINE CONSTITUTION, Art. VII, S. 22

⁴² 1987 PHILIPPINE CONSTITUTION, Art. VII, S. 17

⁴³ Republic Act No. 7080, Sec. 2

technical, meaning, the word "series" is synonymous with the clause "on several instances." "Series" refers to a repetition of the same predicate act in any of the items in Section 1 (d) of the law." (Emphasis and underlining supplied, citation omitted)

62. Section 4 of the same law further provides that:

"SEC. 4. Rule of Evidence. - For purposes of establishing the crime of plunder, it shall not be necessary to prove each and every criminal act done by the accused in furtherance of the scheme or conspiracy to amass, accumulate or acquire ill-gotten wealth, it being sufficient to establish beyond reasonable doubt a pattern of overt or criminal acts indicative of the overall unlawful scheme or conspiracy." (Emphasis supplied)

63. Here, Complainant charges the Respondents with Plunder committed by a series of the same predicate act under Section 1 (d) (6) of the law. The persistent pattern of CLTG Builders and Alfrego Builders & Supply qualifying for and bagging contracts despite repeatedly, or on several instances, exhibiting their inability to finish the previously awarded projects on time is evidence of a series of events that appeared to be means in a coherent scheme to effect a design to amass, accumulate, or acquire ill-gotten wealth.
64. Finally, the **last element of the crime of Plunder** is clearly present. The aggregate amount of government contracts illicitly and dubiously awarded by and/or upon the behest of Respondent Duterte and his personal aide, Respondent Go, to CLTG Builders and Alfrego Builders & Supply, entities owned by Go's immediate family members, when combined – run up to Php 6.6 billion – far exceeds the threshold amount for the application of the **Anti-Plunder Act**, as amended, which is merely "at least Fifty million pesos (Php 50,000,000.00)".
65. In sum, Respondents Duterte and Respondent Go – both public officers of the Republic of the Philippines at the time of the commission of offense, as "**main plunderers**" in connivance with Respondent Bong Go's father, Respondents Deciderio Go, and his half-brother, Respondent Alfredo Go, together were able to amass at least P6.6 billion pesos worth of contracts with DPWH through a series of dubious transactions with unqualified Davao-based construction companies by taking undue advantage of their official positions, authority, relationship, connection or influence to successfully secure billions of pesos worth of contracts or projects which

unjustly enriched themselves at the expense, to the damage and prejudice of the Filipino people and the Republic of the Philippines.

66. Clearly enough, there is a concurrence of all the elements of Plunder in this case.
67. Thus, Respondents Duterte, Bong Go, Deciderio Go, and Alfredo Go should all be held liable for Plunder and punished accordingly.

Respondents are guilty of violation of the provisions of Republic Act No. 3019, otherwise known as "The Anti-Graft and Corrupt Practices Act and the 1987 Constitution.

68. **Section 3 of Republic Act No. 3019** enumerates the corrupt practices of public officers, to wit:

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:*

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other part, wherein the public officer in his official capacity has to intervene under the law.

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or

to be given, without prejudice to Section thirteen of this Act.

(d) *Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.*

(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.*

(f) *Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.*

(g) *Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.*

(h) *Directly or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.*

(i) *Directly or indirectly becoming interested, for personal gain, or having a material interest in any transaction or act requiring the approval of a board, panel or group of which he is a member, and which exercises discretion in such approval, even if he votes against the same or does not participate in the action of the board, committee, panel or group.*

Interest for personal gain shall be presumed against those public officers responsible for the approval of manifestly unlawful, inequitable, or irregular transaction or acts by the board, panel or group to which they belong.

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

(k) Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized persons, or releasing such information in advance of its authorized release date.

The person giving the gift, present, share, percentage or benefit referred to in subparagraphs (b) and (c); or offering or giving to the public officer the employment mentioned in subparagraph (d); or urging the divulging or untimely release of the confidential information referred to in subparagraph (k) of this section shall, together with the offending public officer, be punished under Section nine of this Act and shall be permanently or temporarily disqualified in the discretion of the Court, from transacting business in any form with the Government.

69. The same law also forbids the following:

“Section 4. Prohibition on private individuals. (a) It shall be unlawful for any person having family or close personal relation with any public official to capitalize or exploit or take advantage of such family or close personal relation by directly or indirectly requesting or receiving any present, gift or material or pecuniary advantage from any other person having some business, transaction, application, request or contract with the government, in which such public official has to intervene. Family relation shall include the spouse or relatives by consanguinity or affinity in the third civil degree. The word "close personal relation" shall include close personal friendship, social and fraternal connections, and professional employment all giving rise to intimacy which assures free access to such public officer.” xxxx (Emphasis supplied)

70. On the other hand, the ***Code of Conduct and Ethical Standards for Public Officials and Employees*** embodied in Republic Act No. 6713 expressly provides:

Section 2. Declaration of Policies. - *It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.*

Section 3. Definition of Terms. - *As used in this Act, the term:*

(a) xxx.

(b) ***"Public Officials" includes elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.***

(c) xxx.

(d) xxx.

(e) xxx.

(f) xxx.

(g) xxx.

(h) ***"Person" includes natural and juridical persons unless the context indicates otherwise.***

(i) ***"Conflict of interest" arises when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties***

therein, may be opposed to or affected by the faithful performance of official duty.

(j) "Divestment" is the transfer of title or disposal of interest in property by voluntarily, completely and actually depriving or dispossessing oneself of his right or title to it in favor of a person or persons other than his spouse and relatives as defined in this Act.

(k) "**Relatives**" refers to any and all persons related to a public official or employee within the fourth civil degree of consanguinity or affinity, including bilas, inso and balae.

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Section 7. Prohibited Acts and Transactions. - In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) **Financial and material interest.** - **Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.**

(b) Outside employment and other activities related thereto. - **Public officials and employees during their incumbency shall not:**

(1) **Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;**

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Section 11. Penalties. - (a) **Any public official or employee, regardless of whether or not he holds office or**

employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000). If another sanction hereunder or under any other law is heavier, the latter shall apply.

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[Underscoring and emphasis supplied]

71. No less than the 1987 Constitution declares that “[N]o **Senator** or Member of the House of Representatives may personally appear as counsel before any court of justice or before the Electoral Tribunals, or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be

interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the Government for his pecuniary benefit or where he may be called upon to act on account of his office."⁴⁴ (Emphasis supplied)

72. The Constitution further enunciates in part that "[T]he President, Vice-President, the Members of the Cabinet, **and their deputies or assistants shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office.**"⁴⁵ (Emphasis supplied)
73. During the period material to the charges, Respondent Duterte was President of the Philippines. On the other hand, Respondent Bong Go has held the following office: Senator of the Republic, member of the Cabinet of then Respondent Duterte as Special Assistant to the President and former Head of the Presidential Management Staff. Respondents Deciderio Go and Alfredo Go, meanwhile, are both immediate relatives by consanguinity of Respondent Bong Go within the third civil degree.
74. Undeniably, Respondent Duterte, who exercised direct control and supervision over the Department of Public Works and Highways,⁴⁶ the implementing agency of the projects subject of the cornered contracts, clearly acted in concert with Respondent Go in this illicit scheme. The acts and relationships of herein Respondents, thus, fall squarely under the above constitutional and statutory proscriptions against conflicts of interest in the public sector, undermining the fundamental integrity of the government.
75. Respondent Go clearly took advantage of his public positions as an aide and alter-ego of Respondent Duterte in cornering illicitly billions upon

⁴⁴ 1987 PHILIPPINE CONSTITUTION, Art. VI, S. 14

⁴⁵ *Ibid*, Art. 7, S. 13.

⁴⁶ *Supra* Note 39

billions of public infrastructure projects in favor of the unqualified sole proprietorship registered in the names of his father and brother, thus, unduly enriching himself and members of his immediate family, and Respondent Duterte, who is a lawyer and a former public prosecutor, consciously, knowingly and deliberately connived with him and/or indulged him in this illicit scheme, obviously as a reward for Respondent Go's blind and canine loyalty to the Respondent Duterte, as shown by his oft repeated self-proclaimed and publicly-admitted willingness to even die for Respondent Duterte, as reported even by State Media,⁴⁷ which Respondent Go reaffirmed in a recent article, in which Respondent Go "*committed to serve Duterte until his last breath, as he expressed his undying love for the former President*".⁴⁸

76. The fact that Respondent Duterte was well aware and very much conscious of Respondent Go's illicit scheme of unduly enriching himself and his family by raiding the public coffers can be seen by the fact that Respondent Duterte repeatedly and publicly chided him for being "*billionaire*", a fact which Respondent Go himself confirmed, when he virtually admitted that he and his family were indeed "*billionaires*", as shown by this featured quote from Inquirer.Net published on 17 October 2019, a printed copy of which is hereto appended, which is still available online.⁴⁹
77. Obviously, in our country, it is virtually impossible for Respondent Go and his family to become "*billionaires*" merely on his salary and legitimate income as personal aide of Respondent Duterte and his family's operation of two (2) second and third-tier sole proprietorships were it not for the fact that Respondent Go used and took advantage of his public positions to illicitly cornered billions upon billions of public works contracts for the said clearly unqualified contractors, with the consent and connivance of Respondent Duterte, and to the grave and utter prejudice of the public coffers.

⁴⁷ See: Philippine News Agency published article dated 14 June 2018 captioned "*My loyalty to President Duterte, Filipinos: SAP Go*", last accessed on 28 June 2024 at 9:42 a.m. at: <https://www.pna.gov.ph/articles/1038196>

⁴⁸ See: "*Til Death Do Us Part: Bong Go Reaffirms Loyalty To Rody Duterte*", publish by Politiko.com.ph on June 22, 2024; last accessed on 28 June 2024 at 9:49 a.m. at: <https://politiko.com.ph/2024/06/22/til-death-do-us-part-bong-go-reaffirms-loyalty-to-rody-duterte/headlines/>

⁴⁹ See: **Annex "W"**; Last accessed and download from Inquirer.Net on 28 June 2024 at 10:10 a.m. at: <https://www.facebook.com/inquirerdotnet/photos/a.10150441841044453/10158376331974453/?type=3>

78. It is against the foregoing factual and legal milieu that I am initiating this Complaint-Affidavit. Herein Respondents have maliciously and blatantly breached the Constitution and laws of the land, which should not be countenanced in a civilized society governed by the rule of law.
79. I am executing this Complaint-Affidavit to attest to the truth of all the foregoing facts and the authenticity of all the documents appended herewith, for the purpose of requesting the Honorable NATIONAL PROSECUTION SERVICE to initiate and/or conduct the appropriate investigation and/or case build-up, as specified in the PRAYER for reliefs, as stated below.

VENUE & JURISDICTION OF THIS HONORABLE OFFICE

80. Respondent Go, as principal by induction and direct participation, and Respondent Duterte, as principal by indispensable cooperation, obviously committed some parts of the crimes they are being charged with where they held office, particularly in Davao and Manila⁵⁰ and/or Pasay⁵¹ (in the case of Respondent Go).
81. Hence, Complainant opted to file this COMPLAINT-AFFIDAVIT before the National Prosecution Service, Department of Justice (DOJ), in view of the national scope of the jurisdiction of this Office.
82. In the case of **Republic v. Sandiganbayan**⁵² (2020), the Supreme Court likewise held:

In recognition of the Office of the Ombudsman's mandate as the people's protector and its specific role of prosecuting erring government officials, the Ombudsman Act of 1989 bestowed the Office of the Ombudsman with "primary jurisdiction over cases cognizable by the Sandiganbayan"⁵³ and "it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases."⁵⁴

*Uy v. Sandiganbayan*⁵⁵ explains that while the Ombudsman has primary jurisdiction over cases which may

⁵⁰ Where the Office of the President is located and where the Special Assistant to the President held office.

⁵¹ Where the Senate is located.

⁵² G.R. Nos. 207340 & 207349, 16 September 2020.

⁵³ Republic Act No. 6770 (1989), sec. 15(1).

⁵⁴ Republic Act No. 6770 (1989), sec. 15(1).

⁵⁵ 407 Phil. 154 (2001) [Per J. Pardo, En Banc].

be filed before the Sandiganbayan, his or her power of investigation and prosecution is not limited to cases cognizable by the Sandiganbayan but covers "all kinds of malfeasance, misfeasance and non-feasance committed by public officers and employees during their tenure of office."⁵⁶

Nonetheless, the grant of primary jurisdiction to the Office of the Ombudsman to investigate and prosecute complaints against government employees is not an exclusive power as it is shared with other government agencies with similar authorities.⁵⁷

[Emphasis ours]

83. Complainant decided to invoke this Honorable Office's concurrent jurisdiction to investigate and prosecute the charges leveled against the Respondents, being the Office with the "*primarily responsibility for the preliminary investigation and prosecution of all cases involving violations of penal laws,*"⁵⁸ in the sincere hope that this Honorable Office would be in a better position to investigate the charges more expeditiously, with the same passion and conviction in upholding our laws as any other government agency.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the **Complainant** most respectfully **MOVES** and **PRAYS** of the Honorable **NATIONAL PROSECUTION SERVICE** to initiate the appropriate preliminary investigation against the Respondents specified herein and other Respondents it may find liable under the premises, for the purpose of filing the appropriate **INFORMATION** against said Respondents before the proper Court(s) for:

- a. Violation of **Republic Act No. 7080**, otherwise known as "**The Anti-Plunder Act**";
- b. Violation of **Republic Act No. 3019**, otherwise known as "**The Anti-Graft and Corrupt Practices Act**";
- c. Violation of **Republic Act No. 6713**, otherwise known as the "**Code of Conduct and Ethical Standards for Public Officials and Employees**";

⁵⁶ Id. at 165.

⁵⁷ *Office of the Ombudsman v. Galicia*, 589 Phil. 314 (2008) [Per J. Reyes, R.T., En Banc], citing *Panlilio v. Sandiganbayan*, 285 Phil. 927 (1992) [Per J. Nocon, En Banc]; and *Cojuangco, Jr. v. Presidential Commission on Good Government*, 268 Phil. 235 (1990) [Per J. Gancayco, En Banc].

⁵⁸ See: Section 3, Republic Act No. 10071, otherwise known as the *Prosecution Service Act of 2010*.

- d. For culpable violation of the Constitution, particularly **Article VI Section 14 and Article VII Section 13** of the **1987 Constitution**; and
- e. For violation of other relevant laws, rules and regulations, as may be warranted by the evidence appended to the Complaint-Affidavit, as well as those which may be uncovered and/or discovered by this Honorable Office in the course of preliminary investigation of the case.

OTHER RELIEF AND REMEDIES as may be just and equitable under the premises are also prayed for.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ day of July 2024 at Quezon City, Metro Manila, Philippines.



ANTONIO "SONNY" F. TRILLANES IV

Affiant/Complainant

SUBSCRIBED AND SWORN to before me this _____ day of July 2024 in Quezon City; Affiant known to me and to me known to be the person who executed the above-captioned **COMPLAINT-AFFIDAVIT**, having identified himself through his credible proof of his identity in the form of his **Philippine Passport No. P1548938B** issued by the **DFA Manila** with Expiry Date on **29 April 2029**.

I certify that I have personally examined the Affiant and I am satisfied that he has read and understood the contents of his **COMPLAINT-AFFIDAVIT** and that he freely and voluntarily signed the same.

Administering Officer

**VERIFICATION AND
CERTIFICATION OF NON-FORUM SHOPPING**

I, **ANTONIO F. TRILLANES IV**, of legal age, currently employed as a Professor of Praxis in Public Policy, a Filipino Citizen and a Taxpayer, under oath depose and state: *That* –

1. I am the Complainant in in the above-entitled case and I have caused this **COMPLAINT-AFFIDAVIT** to be prepared;
2. I read and understood its contents which are true and correct of my own personal knowledge and/or based on authentic and true records;
3. I have not commenced any action or proceeding involving the same issue and same Respondents in the Supreme Court, the Court of Appeals or any other tribunal or agency;
4. To the best of my knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals or any other tribunal or agency; and
5. If I should learn thereafter that a similar action or proceeding has been filed or is pending before these courts or tribunal or agency, I undertake to report that fact to the Court within five (5) days therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of July 2024 at the City of Manila, Philippines.



ANTONIO "SONNY" F. TRILLANES IV
Affiant

SUBSCRIBED AND SWORN to before me this _____ day of July 2024 in the City of Manila, Philippines; Affiant known to me and to me known to be the person who executed the above-captioned **COMPLAINT-AFFIDAVIT**, having identified himself through his credible proof of his identity in the form of his **Philippine Passport No. P1548938B** issued by the **DFA Manila** with Expiry Date on **29 April 2029**.

Administering Officer