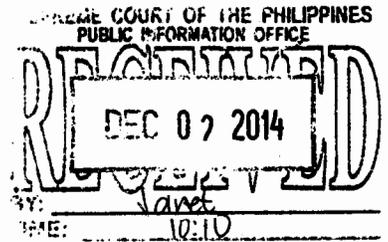


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Republic of the Philippines
Supreme Court
Manila

SPECIAL FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Special First Division, issued a Resolution dated **September 24, 2014** which reads as follows:*

“G.R. No. 200402 (Privatization and Management Office, Petitioner, v. Strategic Alliance Development Corporation and/or Philippine Estate Corporation, Respondents); G.R. No. 208127 (Strategic Alliance Development Corporation as substituted by Philippine Estate Corporation, Petitioner, v. Privatization and Management Office and Philippine National Construction Corporation, Respondents). – The Court **DENIES** the Motion for Reconsideration filed on 1 August 2014 by Philippine Estate Corporation (PHES), which assailed the Resolution of this Court promulgated on 18 June 2014.

In our Resolution rendered on 18 June 2014, we denied the prayer of Strategic Alliance Development Corporation and/or Philippine Estate Corporation to compel the Privatization and Management Office (PMO) to award the bidded Philippine National Construction Corporation (PNCC) properties to Strategic Alliance Development Corporation.

In the instant Motion for Reconsideration, PHES rehashes the earlier grounds alleged in their various pleadings before this Court. Additionally, it avers that the Court blames the parties for not informing the Court that the Court of Appeals (CA) had already reversed its decision in CA-G.R. CV No. 96368.

However, nowhere in our assailed Resolution can it be found that the Court blames the parties. Instead, our ruling sufficiently contains a detailed narration of the sequence of pleadings and incidents before the Court, stating clearly that none of the parties informed us of the development in the CA. In fact, the only submission made by PHES before we resolved the Petition for Review of the PMO was its Motion for Early Resolution filed on 31 January 2013. Prior to this submission, PHES never submitted a Comment despite the directive of the Court.

- over – two (2) pages

Aside from the rehashed arguments, PHES also admits that the government cannot be compelled to award a bid to any bidder in case of an invalidated public bidding. It nevertheless argues that should the public bidding fail, the Court's power of judicial review "allows it to declare the winning bidder and direct the issuance of the corresponding notice of award." This argument is meritless. In *National Power Corporation vs. Philipp Brothers Oceanic, Inc.*,¹ we have already ruled that the exercise of discretion in accepting a bid is a policy decision that necessitates prior inquiry, investigation, comparison, evaluation, and deliberation, which task can best be discharged by the concerned government agencies, not by the courts.

Accordingly, the Court **DENIES** the Motion for Reconsideration with **FINALITY**. Ultimately, the PMO cannot be compelled to award the bidded PNCC properties to PHES. Since the basic issues of these consolidated cases were already passed upon, and given that the movant failed to raise substantial arguments, no further pleadings shall be entertained. Let an Entry of Judgment be issued in due course.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court
1 / 3

The Solicitor General (x)
Makati City

Court of Appeals (x)
Manila
(CA-G.R. CV No. 96368)

OFFICE OF THE GOVERNMENT
CORPORATE COUNSEL
3/F, MWSS Administration Bldg.
Katipunan Rd., Balara
1119 Quezon City

MUTIA AND TRINIDAD
LAW OFFICES
Counsel for Strategic Alliance Dev.
Corp. (now Phil. Estate Corp.)
12th Flr., The Taipan Place
F. Ortigas, Jr. Road, Ortigas Center
1605 Pasig City

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¹ G.R. No. 126204, 20 November 2001, 369 SCRA 629.

