

Republic of the Philippines
8th Judicial Region
REGIONAL TRIAL COURT
Hall of Justice
Calbayog City

HON. JESUS REDAJA,
HON. ROSENAIDA ROSALES,
HON. PAMELA FORTALEZA,
HON. CHARLITO COÑEJOS,
HON. RENATO UY,
HON. ROGELIO T. CASURAO,
HON. CRISELDA LIM and
HON. EUNICE BARALCON
(Vice-Governor and Members
of the Sangguniang Panlalawigan,
respectively),
Petitioners,

Spl. Civil Action No. 121

For: INJUNCTION with
Prayer for the Issuance of
Writ of Preliminary Injunction

-versus-

HON. MILAGROSA TAN,
PRUDENCIO QUIMBO,
MAXIMO SISON,
ROLANDO MONTEJO,
ARIEL YBOA, ANASTACIO YONG,
FRANCISCO DESTOSIL AND
BIENVENIDO SABENECIO
(Governor, BAC Members,
Chief Accountant and Provincial
Treasurer respectively)
Respondents.

X-----/

ORDER

Acting on petitioners' Motion for the Immediate Issuance of a Temporary Restraining Order dated July 7, 2009 asking this Executive Judge to issue ex parte a temporary restraining order effective only for seventy-two (72) hours due to the extreme urgency of the matters subjects of their petition and finding the same to be impressed with merit being supported by evidence, it is granted.

WHEREFORE, pursuant to Section 5, Rule 58 of the 1997 Rules of Civil Procedure, this Executive Judge, Regional Trial Court, Calbayog City, issues this restraining order good for only seventy-two (72) hours from today and thus enjoins all the respondents, namely, HON. MILAGROSA TAN, PRUDENCIO QUIMBO, MAXIMO SISON, ROLANDO MONTEJO, ARIEL YBOA and BIENVENIDO SABENECIO, and/or any person acting in their behalf, from proceeding with the bidding, awarding, entering into contracts, implementation of any project thereunder and effecting any form of payment in favor of any party in connection with public bidding to be conducted on July 8, 2009; enjoining respondent Maximo Sison, as Provincial Budget Officer or any person acting in his behalf from certifying availability of funds in connection with said bidding and

other financial transactions whose funds are not permissible under the re-enacted 2008 Annual Budget and violative of Republic Act No. 7160 otherwise known as the Local Government Code; enjoining respondent **Bienvenido Sabenecio**, as Provincial Treasurer or any person acting in his behalf, from disbursing funds/cash in connection with said bidding and other financial transactions whose funds are not permissible under the re-enacted 2008 Annual Budget and violative of Republic Act No. 7160 otherwise known as the Local Government Code; enjoining respondent **Francasio Detosil**, as Acting Provincial Accountant or any person acting in his behalf, from processing and/or acting on claims for payment relative to said bidding and other financial transactions whose funds are not provided for in the re-enacted 2008 Annual Budget and violative of Republic Act No. 7160 otherwise known as the Local Government Code.

The enumerated involved transactions are as follows, to wit:

For Bidding on July 8, 2009
Drugs Medicines and Medical Supplies

Title	Description	Delivery of Goods	Budget
Drugs and medicines	Supply of Drugs and Medicines	Samar Provincial Hospital	16,119,980.00
Drugs and medical supplies	Supply of Drugs and Medical Supplies	Office of the Governor	10,000,000.00
Dental supplies	Supply of Dental Supplies	Governor's Office	4,999,975.00
Drugs and medicines	Supply of Drugs and Medicines	Calbayog District Hospital	7,974,340.00
Laboratory supplies	Supply of Laboratory Supplies	Samar Provincial Hospital	961,088.04
Medical Supplies	Supply medical Supplies	Gandara District Hospital	341,000.00
Dental supplies	Supply of Dental Supplies	Samar Provincial Hospital	1,476,162.00
Drugs and medicines	Supply of Drugs and Medicines	Gandara District Hospital	290,000.00
Drugs and medicines	Supply of Drugs and Medicines	Tarangnan Municipal Hospital	136,480.00
Drugs and medicines	Supply of Drugs and Medicines	Basey District Hospital	475,001.50
Medical Supplies	Supply medical Supplies	Basey District Hospital	136,458.00
Dental supplies	Supply of Dental Supplies	Basey District Hospital	99,961.00
Medical Supplies	Supply of Dental Supplies	Tarangnan Municipal Hospital	55,000.00
Drugs and medicines	Supply of Drugs and Medicines	Governor's Office	29,999,991.00
Medical Supplies	Supply medical	Samar Provincial	2,562,740.00

	Supplies	Hospital	
	TOTAL		75,628,176.54
	TOTAL		44,999,966.00

For Bidding on July 8, 2009
Construction Materials, Supplies and Others

Title	Description	Delivery of Goods	Budget
Construction materials	Supply of construction materials	Governor's Office	11,699,806.00
Commercial rice	Supply of Commercial Rice	Office of the Governor	3,999,600.00
Sand and Gravel	Supply of Sand and Gravel	Office of the Governor	3,300,010.00
Hardware Materials	Supply of Hardware Materials	Governor's Office	4,999,945.00
Rice and Noodles	Supply of Commercial Rice and Noodles	Office of the Governor	999,240.00
Office Supplies	Supply of Office Supplies	Office of the Governor	977,310.00
Office Supplies	Supply of Office Supplies	Office of the Bids and Awards Committee	251,043.00
Office Supplies	Supply of Office Supplies	Office of the Governor (Calbayog Extension Office)	100,000.00
Agricultural Seeds	Supply of Agricultural Seeds	Provincial Agriculturist Office	1,382,440.00
Office Equipment	Supply of Office Equipments	Provincial Engineering Office	175,000.00
Hardware Materials	Supply of Hardware Materials	Office of the Governor	346,350.00
	TOTAL		28,230,744.00
	TOTAL		25,519,951.00

This order is without prejudice to the action taken by the court to which this case will eventually be raffled.

SO ORDERED.

Calbayog City, July 7, 2009.


REYNALDO B. CLEMENS
Executive Judge