

**[ ADMINISTRATIVE ORDER NO. 86, September 07, 1999 ]**

**IMPOSING THE PENALTY OF SUSPENSION FOR SIX (6) MONTHS ON ELLEN V. HERNANDEZ, REGIONAL DIRECTOR, BUREAU OF LOCAL GOVERNMENT FINANCE, REGION III**

This resolves the administrative case filed by Hercules M. Abela (Abela, hereinafter) against Ellen V. Hernandez (Hernandez), Regional Director, Bureau of Local Government Finance, Region III, for deliberate refusal to perform her official duty contrary to Section 4 (e) of Republic Act (RA) No. 6713 and Sec. 3 (f) of RA No. 3019, as amended.

The complaint against respondent Hernandez arose from her alleged failure to act, with dispatch, on the three (3) complaints filed by Abela against Loreto P. Azores, City Treasurer of Olongapo City, for various acts of irregularities. The complaints were filed with respondent Hernandez on August 14 and 26, 1991 as well as on September 20, 1991.

For the purpose of showing that she had indeed acted on the three (3) complaints filed by Abela, Hernandez submitted her letter/resolution to City Treasurer Azores dated December 28, 1992, clearing the latter of the charges against him. However, the Presidential Commission Against Graft and Corruption (PCAGC) gave no consideration to this piece of evidence because: (1) the complaint dated September 20, 1991 had never been referred to Azores for comment; hence, respondent Hernandez could not have included the same in her letter/resolution; and (2) complainant Abela was not furnished with a copy of the said letter/resolution of Hernandez.

In its resolution dated November 7, 1997, the PCAGC pertinently stated:

"x x x, [I]t is clear that from 1991, when Abela filed with respondent Hernandez his complaints against Azores until 1995, when Abela filed with this Commission administrative charges against said respondent Hernandez, the latter had failed to act and resolve Abela's complaints against Azores, perforce, herein respondent Hernandez has committed the following acts or omissions contrary to law, to wit:

- (a) Respondent failed to refer to Azores the complaint of Abela dated September 20, 1991;
- (b) she failed to answer the request of the Office of the Ombudsman for the status of the investigation of Abela's complaints;
- (c) respondent failed to expedite the calling of a meeting with complainant, contrary to Sec. 4 (b) and Sec. 5 (d) of Republic Act 6713;
- (d) respondent failed to inquire into the cause of Abela's non-attendance of the conference set on September 15, 1992;
- (e) respondent did not comply with the instruction of Deputy Director Angelina M. Magsino; and
- (f) that while respondent took certain initial steps in investigating Abela's