

**[ ADMINISTRATIVE ORDER NO. 264, January 30, 1992 ]**

**DISMISSING DIRECTOR NARCISSA V. MUNASQUE FROM THE SERVICE AS DIRECTOR OF THE NATIONAL LIBRARY**

This is an administrative complaint filed by Redempta Francia, et al., against Narcissa V. Muñasque, Director of The National Library (TNL), charging her of various acts of irregularities.

In a letter-complaint of June 5, 1990, the herein complainants, who are employees of TNL charged Muñasque of the following:

I. Entering into the following negotiated contracts for various installations/renovations/repairs in the TNL in the aggregate amount of P2,364,626.23;

- a) With Delos Santos Construction for the waterproofing of the TNL rooftop in the amount of P1,020,250.00;
- b) With TOR Construction for the supply and installation of 2 units free standing panel board, 3 phase 220 volts for feeder 1 and 2 power distribution line in the amount of P540,981.46;
- c) With Emyl Electrical and Industrial Services for permanent installation of main feeder line for P378,483.56;
- d) With Dee Reck Trading and Industrial Services for the general repair of split case water pump in the amount of P40,260.00;
- e) With Emyl Electrical and Industrial Service for the renovation and repainting of three divisions for P27,634.00; and
- f) With Emyl Electrical and Industrial Service for the construction of office cubicle for P17,700.00.

Anomalies raised by complainants relative to these contracts are: (1) lack of authority on the part of respondent to sign contracts exceeding P50,000.00; (2) no urgency to justify undertaking the projects thru negotiated contracts; (3) TOR Construction, with whom respondent entered into a contract for the supply and installation of 2 units free standing panel board (Exh. "0"), was not a bona fide contractor when the contract was entered into on November 19, 1986, for it was only registered with the Department of Trade and Industry on March 2, 1990.

In answer, respondent alleged that (1) repair of the leaking roofdeck is urgent and cannot be delayed for another 2 or 3 years, since the leak had already caused damage to the ceiling, woodworks, carpets, precious collections and other properties and nearly caused fire at TNL when it short-circuited the electrical wirings; (2) a canvass was conducted and three (3) contractors submitted their bids, which was won by Delos Santos Construction with its lowest bid; (3) projects for the other negotiated contracts were obviously emergencies; and (4) these contracts, before becoming effective, were submitted to the DECS Secretary for approval and

subjected to the normal accounting and auditing rules.

II. Use of motor vehicle (Isuzu Trooper) donated by the Japanese government for the official and personal business of the respondent, which does not bear the required marking "For Official Use Only".

Complainants allege that respondent has been using the Vehicle since its registration in May 1990. It is driven by her personal and private driver. It is not parked during the night in the TNL garage but in her house. It was only on February 15, 1991 that it was marked "For Official Use Only".

Respondent claims that the vehicle had since bore the government red plate and the "TNL-NCLIS for Official Use Only" mark; that the car is also being used by other TNL officials in official business transactions; and that she had never claimed travel or gasoline allowance.

III. Transfer of the Bindery Section in December 1989 to the Engine Room, which is poorly ventilated and hazardous to the health of the binders.

Complainants claim that the binders' transfer to the engine room by respondent was arbitrary and oppressive, and carried on despite the binders' protest. The engine room is without any window, and noise inside is constant due to the central water pump housed therein. In addition, the room is also the storage area for condemned equipment.

Contrary to the above claim, respondent avers that, on August 14, 1989, six of the nine binders were deployed to the different service areas and the rest assigned to an area outside the engine room while awaiting for their final reassignment.

IV. Despite the availability of qualified librarians within the TNL, respondent recommended outsiders for Chief of the Library for the Blind Division and Government Publications Division; and also discriminated against Redempta Francia, Librarian IV, Government Publications Division, by not designating her OIC and not giving her Representation and Transportation Allowances (RATA).

Complainants allege that Redempta Francia, Assistant Chief, Government Publications Division (GPD), has been with the unit for the past 17 years. Upon the retirement of the Chief, Marcela F. Abadilla, on December 15, 1989, Francia took over the duties of Chief and was recommended to the position by Abadilla. However, respondent recommended an outsider, Lilla Abad, to the position. This was disapproved by the DECS Secretary and so respondent recommended another outsider, Corazon Nera. When this was also disapproved, she designated one of her favorites, Prudenciana Cruz, Chief of the Reference Division, as Officer-in-Charge of the GPD. Francia and her staff protested, and she was later designated Acting Chief by the DECS Secretary.

For her defense, respondent alleges that she had prior clearance from the DECS Secretary to hire employees from outside; that all the applicants were screened, including Francia and Tominez, who refused to take the aptitude test; and that Francia lacked the qualifications and proper work attitude. As to the non-payment to Francia of RATA, respondent alleged that Francia's appointment as Acting Chief, per the Secretary's Order, was made effective July 18, 1990; hence application for RATA

prior to that date was disapproved.

V. Practising favoritism by assigning favored employees to official trips abroad and to choice locations like U.S.A., Sydney and England, while the less-favored ones are assigned to nearby Asian countries only.

Another instance of favoritism was when Prudenciana Cruz went on study leave to Northern Illinois University in August 1989. Since she cannot finish her M.A. in that school because her masteral units from U.P. were not credited, she stayed and worked there while studying a computer course at the same time. She continued to receive her salary from TNL and charged her one-way fare ticket to the U.S. against the TNL funds. This is highly irregular.

Per complainants' allegations, Cruz has no scholarship grant; hence respondent violated Republic Act (R.A.) 3019 when she knowingly approved the grant of her basic salary during her study leave and the reimbursement of her one-way ticket to the U.S. by means of a spurious scholarship grant contract.

Respondent denies the charge of favoritism, observing that even complainants were also sent abroad on several occasions. She added that the travel of Mrs. Cruz was approved by then DECS Secretary Quisumbing upon request of respondent; that the scholarship contract was executed to have a tie-up between the grantor and the grantee; and that the reimbursement of the plane fare to Northern Illinois University was approved by the DECS Secretary.

VI. Recommending Assistant Director Adoracion Bolos to be detailed to Malacañang and, at the same time, recommending Prudenciana Cruz as Acting Assistant Director. The question is, why detail the Assistant Director, if after all, another one is needed to take her place?

According to complainants, Mrs. Bolos is a Career Executive Service eligible. When she was detailed to the Malacañang Palace Library to inventory and classify library materials, the Presidential Staff Director even noted that she is CESO III, a position that may be a bit too high for the library. To get rid of Mrs. Bolos, respondent (1) recommended her detail on full-time basis, together with Miss Gilda Antiquera, Supervising Librarian I, effective December 5, 1986; (2) requested that separate items be provided or created for Bolos and Antiquera by the Presidential Library, which was however rejected by the Presidential Personnel Officer; (3) favorably endorsed the extension of the detail of Mrs. Bolos to Malacañang, the phaseout of her position and eventual separation from TNL; (4) reprimanded and stripped Mrs. Bolos of her functions, per respondent's memorandum of April 22, 1991, after Mrs. Bolos was recalled by DECS Secretary Cariño on April 30, 1990; (5) denied Mrs. Bolos of the use of her old office and, instead, assigned her to the Legal Deposit Office; and (6) designated her OIC for the Library for the Blind, which to date has not been operational, all of which constitute harassment, oppression and unwarranted abuse of discretion.

Respondent avers that, upon her assumption of Directorship in October 1986 she gave Mrs. Bolos the chance to prove herself, but she did not come up to expectations. To further give her a chance, she was detailed to Malacañang. She was not stripped of her functions but given special functions and appointed OIC, Library for the Blind.

VII. Alleged kickbacks in the use of the TNL premises in the filming of "Braddock: Missing in Action III," where the TNL was closed to the reading public for three (3) days from June 3-5, 1987.

Complainants claim that respondent's act of entering into a contract with PMP Motion Pictures Production, Inc., for the exclusive use of the TNL premises for three (3) days and the suspension of work during the same period constitute conduct prejudicial to the best interest of the service. The time cards of the employees were noted O.B. and no deductions were made from the salaries of the employees.

Respondent denied receipt of kickbacks, but admitted that PMP Production outfit donated to TNL two (2) computers, which were entered in its books. TNL was opened to the public during the filming and work was not suspended.

VIII. Termination of employment of security guards who were regular employees of TNL and replacing them with newly-hired guards from a private agency, requiring a, higher salary for the same security services.

Complainants allege that the contract for services entered into by respondent is manifestly disadvantageous to the government.

For her part, respondent claims that the abolition of security guard positions was recommended during the DECS reorganization. Four (4) of the eight (8) security guards were absorbed by TNL, two (2) were taken in by the National Historical Institute (NHI) and two (2) opted to avail of the benefits of reorganization.

IX. Allowed the collection from TNL of P250.00 as convention fee for Mrs. Gretchen Hammerstein on March 25, 1987, when she was not connected with the Library, but was only a volunteer consultant to the TNL.

Respondent claims that Mrs. Hammerstein offered free consultancy to TNL and, on March 26-27, 1987, she was sent by TNL to attend a conference at Camp Aguinaldo, and this is where the P250.00 went.

After a comprehensive evaluation of the respective evidence presented by the parties, DECS Secretary Isidro D. Cariño gave the following recommendation:

"On the basis of the foregoing findings of irregularities which attended the execution of the various negotiated contracts entered into by the respondent, her perpetuation of acts of oppression and harassment against her subordinates, particularly, Asst. Director Bolos, and her disregard of the basic provisions or requirements of laws, we respectfully recommend to her Excellency the suspension of Director Narcissa Muñasque for a period of one (1) year;"

At the outset, it must be stressed that the finding of DECS Secretary Cariño is only recommendatory in nature (*Cuyegikeng vs. Cruz*, 108 Phil. 1147), since the President has administrative disciplinary authority over respondent who is a presidential appointee.

This brings to the fore the core issue of whether or not respondent is