

[ADMINISTRATIVE ORDER NO. 289, June 04, 1992]

**SUSPENDING SUPERINTENDENT LEONORA O. BASALO OF THE
DIVISION OF DUMAGUETE CITY FOR ONE (1) YEAR**

This refers to the motu proprio administrative complaint, dated June 18, 1991, filed by the Secretary of Education, Culture and Sports against Superintendent Leonora O. Basalo for grave misconduct and conduct prejudicial to the best interest of the service, allegedly committed as follows:

"That on or around February 22, 1991, R and E Manufacturing delivered 1,200 pcs. of elementary school desks worth ₱435,000. 00 to the Division of Dumaguete City, in accordance with the Requisition and Issue Voucher Unnumbered dated December 28, 1990, and despite noticeable defects in quality standards of the desks delivered, which defects were confirmed by a COA Inspection Report, you still accepted the same and effected payment thereof, to the damage and prejudice of the government."

Antecedent facts show that Secretary Cariño constituted a committee composed of Attys. Marcelo M. Bacalso, Nuevas T. Montes and Generoso Capuyan to conduct a formal hearing on the complaint and submit their findings and recommendations thereon.

In her answer to the complaint, dated September 16, 1991, Supt. Basalo alleged among others that:

"1. The subject desks were accepted and subsequently paid upon the certification on Item I on the face of Voucher No. 91-201 by Supply Officer Alfredo C. Katada that he "RECEIVED SUPPLIES AND PROPERTY STATED ABOVE IN GOOD CONDITION AS PER PURCHASE ORDER AND INVOICE" which is corroborated by his certification, attached as Annex I hereof, dated February 25, 1991, and appended to the said voucher which is to the effect that he accepted each and any article delivered/ service rendered by R and E Manufacturing, Inc. listed in the attached Invoice No. 7102 dated February 22, 1991 which has been inspected and was/were found to be in accordance with the specification stipulated under Order No. Unnumbered dated December 28, 1990;

2. Likewise, the said voucher is supported by the 'Inspection Report' dated February 25, 1991 of the Division Requisition and Awards Committee which states in its 'FINDINGS: RECOMMENDATION' portion that the desks were 'Inspected checked and found correct.' x x x"

During the formal hearing, several witnesses were for the complainant, including:

- a) Victoria Pascualado, Clerk I at the DECS Dumaguete City, who testified that in the morning of February 23, 1991, respondent supervised the assembling of the desks in question; that on February 25, 1991 at about 1:15 P.M., upon request of respondent, she went with Felicidad Olarte, Sales Manager of R and E Manufacturing, to PNB Dumaguete City to encash the checks for payment of the 1,200 elementary school desks.
- b) Dr. Caridad C. Labe, Education Supervisor I, DECS Dumaguete city, alleged that on February 25, 1991 at about 1:00 P.M., respondent inquired whether she knew someone at PNB Dumaguete City who could vouch for her (Basalo) and Olarte, and when she said 'yes' she has an Auntie there, respondent requested her to go with them to PNB. that at PNB, they were told to stay until 1:30 P.M., to wait for the bank teller for more cash; that she was then instructed by Basalo to go to the airport to check-in their (Basalo and Olarte) tickets.
- c) Sergio T. Somido, Education Supervisor I, Dumaguete City and designated as Chairman of the Division's Pre-Qualification, Bidding, Awards Committee, testified that on February 23, 1991 (Saturday) respondent and Olarte supervised the assembling of the desks; that on February 25, 1991, he and Alfredo Katada, Supply Officer of the Division Office, inspected the desks and found that there were no plans and specifications for the desks at that time; that after the inspection, they reported to Basalo that the desks were not smooth and were not varnished, but respondent said that, the price of the desk was only ₱363.00 hence commensurate to the quality; that since the inspection was not based on any specifications, he was hesitant to sign the inspection report, but due to the assurance of Basalo that she would take full responsibility, he issued the inspection report; that at that time, respondent Basalo had already signed the voucher, check and the inspection report based on quality, usability and general appearance; that after receiving the Plans and Specifications for the desks on June 11, 1991, he submitted a reinspection report that the desks did not conform with the Plans and Specifications; that the usual procedure is for the PBAC Chairman to sign the voucher first but in this case, the respondent signed before he did.
- d) Alfredo Katada Supply Officer, Dumaguete City Division, testified that on or about February 14, 1991, prior to the delivery of the desks, respondent verbally instructed him and Ms. Carmelita Tan Pastor, Fiscal Clerk of respondent's office to prepare the voucher and all supporting papers for ₱ 435,600.00 (payment for the desks) "because these papers will be hand carried by Ms. Olarte, Sales Manager of R & E Manufacturing, to Cebu City for signature of the Regional Director; that on February 25, 1991., Basalo instructed him (Katada) and Ms. Tan Pastor to pay the supplier immediately because she (Basalo) was leaving for Manila on that same day; that after inspecting the desks together with Mr. Somido, he (Katada) reported the poor quality of the desks to respondent but respondent explained that "the price of each