

[ADMINISTRATIVE ORDER NO. 215, September 09, 1956]

IMPOSING A FINE ON CITY ENGINEER OSCAR D. DATA OF CALBAYOG CITY.

These are administrative cases against City Engineer Oscar D. Data of Calbayog City for alleged irregularities committed in his present capacity and while he was acting City Engineer of Cebu City.

I

It is alleging that respondent, as City Engineer of Calbayog, was grossly negligent in connection with the acquisition of pipes from two dealers which were alleged unsuited for and not used in the proposed waterworks system of Calbayog City, to the prejudice of said entity.

Regarding the acquisition of cast from pipes from Florencio Reyes & Co., it appears that the requisition therefor was made in accordance with approved plans, that said requisition was submitted to the Bureau of Public Works and that the purchase was made by the Purchasing Agent. Respondent explains that lack of sufficient funds and his untimely transfer to Cebu prevented the realization of the proposed city waterworks system, which project was ultimately abandoned. Under the circumstances, respondent is absolved from alleged negligence in the acquisition of the pipes in question.

As to the invasion and black iron pipes, the record shows that the contract with Bernardo et al. for the excavation, dismantling, hauling, and transportation thereof from Guiaun to the then municipality of Calbayog was entered into by the then mayor of said municipality sometime in 1948. Said contract was considered improper because there were no public bidding and a formal contract between the contractor and the authorities concerned. Respondent came into the picture only when some of the vouchers for services rendered were presented to him for signature after the conversion of Calbayog into a city and his appointment as engineer thereof. He signed those vouchers after the same had been paid. According to him, he affixed his signatures thereto against his will and upon the request and insistence of the other city officials who had assured him that that was merely routinary. This shows weakness of character on his part for which he deserves reprobation. Said pipes, it turned out, were not suited for the proposed waterworks system and there was therefore a mistake in obtaining the same. The damage was, however, minimized due to respondent's order stopping further delivery, although he should have advised the mayor earlier of the unsuitability of the pipes for the proposed project.

II

Respondent is next charged with (1) padding of payrolls, (2) incurring overdraft in the road and bridge fund and (3) mass employment of laborers just before the