

[OP ADMINISTRATIVE ORDER NO. 390, April 20, 1998]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF
DR. ROSALINDA U. MAJARAIS, DIRECTOR IV, DEPARTMENT OF
HEALTH**

This refers to the Anonymous Complaint, dated March 15, 1996, received on even date by the Office of the Secretary of Health, thru the Office of Public Health Services, Department of Health (DOH) regarding alleged anomalous purchase of hospital medical kits and community health care medical kits by herein respondents, namely: Dr. Rosalinda U. Majarais, Director IV, Horacio D. Cabrera, Administrative Officer III and Priscilla Camposano, Financial Management Chief II, all of DOH-National Capital Region (NCR).

Acting thereon, the Secretary of Health issued Department Order No. 104-D, series of 1996, creating a committee to undertake an inquiry on the said complaint. In its report, dated May 07, 1996, the Committee found prima facie case for grave misconduct, gross incompetence, violation of law, rules and regulations and conduct prejudicial to the best interest of the service against the respondents.

On December 02, 1996, the Presidential Commission Against Graft and Corruption (PCAGC) directed the DOH to stop all investigations and turn over to the Commission all records of the case pursuant to Administrative Order (AO) No. 298, dated October 25, 1996, issued by then Executive Secretary Ruben D. Torres.

Briefly, the facts of the case are as follows:

1. On November 10, 1995, Horacio D. Cabrera prepared and filed Requisition Issue Vouchers (RIVs) for six hundred (600) units of Community Health Care Medical Kits and two Hundred (200) units of Hospital Medical Kits.
2. Dr. Rosalinda U. Majarais approved both RIVs.
3. Dr. Roland L. Cortez, Chairman, Bids and Awards Committee sent on November 10, 1995 letter-requests to suppliers for quotations.

The following responses were received:

"For: Community Health Care Medical Kit (Kit I)

Supplier	Price Quoted/Kit	Date of Response
Sapphire Pharma Medical	P 19,500	Nov. 20, 1995
Mc Andilles Drug Chemical Trading	P 18,000	Nov. 17, 1995

San Marino Laboratories Corp.	P 15,000	Nov. 10, 1995
Metro Drug Distribution, Inc.	–	Dec. 01, 1995

"For: Hospital Medical Kit (Kit II)

Supplier	Price Quoted/Kit	Date of Response
Sapphire Pharma Medical	P 19,500	Nov. 20, 1995
Mc Andilles Drug Chemical Trading	P 18,000	Nov. 17, 1995
San Marino Laboratories Corp.	P 15,000	Nov. 10, 1995
Metro Drug Distribution, Inc.	–	Dec. 01, 1995

4. On November 14, 1995, Memorandum of Agreements between the DOH, represented by Dr. Rosalinda U. Majaraes and San Marino Laboratories Corporation and JohnTann International Pharmaceutical Corporation were signed, authorizing the two suppliers to supply the medical kits to DOH.

On the basis of the foregoing facts, respondents were charged of the following:

1. No public bidding;
2. Splitting of transaction in violation of COA Circular No. 76-41 dated July 30, 1976; and
3. Grossly overpriced purchase price.

Both complainants and respondents invoke Executive Order No. 301, dated July 28, 1987, the former stressing the general rule that there must be public bidding, and the latter relying on the exception to the general rule. The PCAGC had this to say on the matter:

"The law is very clear and explicit which leaves no room for doubt. Such public bidding is a must before the procurement of said medical kits can be made. The allegation that the purchase was due to an urgent need to meet an emergency is of no moment as records show that 700 boxes of those medicines/medical kits were delivered to seven (7) senators and six (6) congressmen on different dates and occasions.

"In addition, record is bereft of any evidence of such declaration of calamity, including the names of the different provinces supposedly hit by the alleged super typhoon.

"Records further show that San Marino Laboratories Corporation and JohnTann International Pharma Corporation submitted their price quotations on November 10, 1995. Whereas, the three (3) other suppliers submitted their price quotations on November 17, 20 and December 1, 1995, pretty much late as the Memorandum of Agreements for the supply of said medical kits, between DOH-NCR and San Marino