

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 97

REMOVING MR. GODOFREDO TRINCHERA FROM OFFICE AS CITY ENGINEER OF ORMOC.

This is an administrative case against Ormoc City Engineer Godofredo Trinchera for malversation of public funds; dishonesty and falsification of public documents; illegal use of government property; violation of the civil service law, rules and regulations; and violation of the Anti-Graft and Corrupt Practices Act. Respondent was investigated in compliance with Department Order No. 107 dated February 3, 1967, of the Secretary of Public Works and Communications.

From a careful review of the records, the following appears duly established:

Malversation of public funds

Santiago Magallanes, Jorge Yunting and Severino Cayson in their complaint alleged that they were assigned by respondent to work on the road to and on the latter's private sugarcane field situated in Sitio Hagnaya-on, Bo. Naghalin, Kananga, Leyte, and that he thereafter made it appear in the government payrolls that they worked in government projects specified therein, thereby paying their salaries and wages out of government funds.

Severino Cayson specifically claimed that from July 16 to August 31, 1964, he was made to work as a helper in the operation of a Bureau of Public Highways tractor which plowed the land of respondent. He also stated that he likewise worked on a culvert within the land of respondent, for which services he was paid from government funds.

Respondent denies the charge of complainant Cayson by showing true copies of the index payment of payrolls wherein the latter appears not to have been paid for the period stated therein. However, as observed by the investigators, the exhibits presented by respondent were only true copies and not true copies duly certified by the proper custodian of said documents, hence entitled to little or no weight. Moreover, although the entries may represent payments made to employees for the periods stated therein, it does not necessarily mean that what does appear from said documents has not indeed been paid. Actual payments through payrolls may have been made although the same were not entered in said index cards.

The second complainant, Jorge Yunting, corroborated the testimony of Severino Cayson and further testified that from May 29 to August 1964,

upon the assurance of respondent that his service record would not be affected because the payment of his services would be charged against government funds, he plowed the latter's sugarcane plantation. This particular witness even remembered identifying numbers of certain accompanying supporting papers or payrolls which he signed covering the period during which he worked on respondent's plantation. Respondent tried to avoid responsibility by manifesting that Yunting at that time was on rotation and that he was paid out of his (respondent's) personal funds. This defense is entitled to scant consideration, for as earlier observed the identifying numbers which Yunting recalled indeed exist in the payrolls covering the period during which he worked in respondent's plantation.

To the same effect is the testimony of complainant Santiago Magallanes who claims that while his official assignment for the period of February to April 1964 was at the Libungan Detour Project, he was made to work in the road leading to the hacienda of respondent for six days during the last half of April 1964. Again respondent denied the allegation of this complainant on the theory that the latter was officially assigned to some government project and he could therefore not be anywhere else than at his official station. This argument suffers from a fatal fallacy, for it does not inevitably follow that when a laborer is officially assigned to a certain place he cannot physically be in another place. Precisely, all the above-named complainants admitted being officially assigned to certain projects but were detached from their assignments and made to perform private undertakings in favor of respondent. The finding of the investigators that respondent is guilty of this charge on three counts is therefore sustained.

Illegal use of government property

This charge is related to the first one in that in undertaking work in his hacienda at Sitio Hagnaya-on, Bo. Naghalin, Kananga, Leyte, respondent used government laborers and workers and government equipment. Respondent, in defense, sought originally to establish that the road leading to his sugarcane plantation on which, admittedly, a government bulldozer and a grader were used, was actually a long existing feeder road and, therefore, the government equipment in question was used to improve and not to construct the same. On cross-examination, however, respondent abandoned this theory, when evidence was shown to negate his claim that the road in question was a feeder road. Truly, it is not among the roads listed for improvement by the 2nd Leyte Engineering District, of which respondent is the Ex Officio District Engineer. His subsequent stand is to the effect that upon representations of the barrio folks within the vicinity through Representative Dominador Tan he allowed the use of the bulldozer and grader in the side-cutting of the road in question, utilizing the services of a government equipment operator on government

time and paid out of government funds. At any rate, he maintained, the construction or improvement of the road in question had not benefited him alone for other real estate owners are now using the road and therefore similarly benefited.

Respondent's arguments fail to impress me. It is an undeniable fact that government labor and equipment were used in the prosecution of a project other than that for which it was intended. It is also significant to note that the road in question leads to and actually ends at the landholding of respondent, thereby indicating that the road was really made primarily for his benefit.

Violation of Republic Act No. 3019


Sometime in September 1965 the former President released the total sum of ₱250,000 as a calamity fund for the 4th Congressional District of Leyte. The charge that this fund was used in buying votes during the 1965 elections is not borne out by direct evidence. There, however, is evidence showing that respondent, in an apparent design to avoid calling for bids with regard to the supply of gravel and sand, broke up the requisitions for the same by reducing the value of each to amounts less than ₱10,000. Significantly, too, there was only one supplier, who was paid varying sums of less than ₱10,000. The calamity fund was clearly dissipated by the employment of numerous laborers to work on the repair of certain roads, which when inspected during the investigation, were found to be mere trails or outright ricefields as in the case of Curba-San Vicente-Pikoy-Manlilinao Road. Grave damage has therefore been caused the government by respondent's mismanagement of the calamity fund under his care.

In view of the foregoing, respondent is therefore found guilty of malversation of public funds on three counts, illegal use of government property and violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act). The offenses committed are of a serious nature to warrant his removal from office.

WHEREFORE, Mr. Godofredo Trinchera is hereby removed from office as City Engineer of Ormoc effective as of the date of his preventive suspension.

Done in the City of Manila, this 4th day of December , in the year of Our Lord, nineteen hundred and sixty-seven.

By the President:


RAFAEL M. SALAS
Executive Secretary