

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 391

IMPOSING THE PENALTY OF REPRIMAND ON CERINA C. BOLOS,
SCHOOLS DIVISION SUPERINTENDENT (DECS) OF BOHOL

In a letter-complaint directly filed with the Presidential Commission Against Graft and Corruption (PCAGC), complainant Rodulfo Abelera charged Cerina C. Bolos, formerly Officer-In-Charge, DECS Bohol, and now School Division Superintendent, DECS Bohol, with the following: (a) using government facilities; (b) appointing and promoting various relatives and bypassing other ranking government employees; (c) causing the purchase of school desks; and (d) approving payment of the same desks and armchairs in the amount of P1.6 million without evidence of satisfactory inspection.

Respondent in her counter-affidavit, dated October 1, 1996, vehemently denied the charges against her stating among other things, that (a) the complainant is a fictitious person; (b) the complainant had no factual basis; (c) on the charge of "Nepotism", the persons mentioned in the complaint were her distant relatives by affinity or consanguinity but none of them fall within the prohibited degree of relationships, and there was no abuse of authority or discretion in their appointments because they were all in accordance with law, rules and regulations of the DECS; (d) on the purchase of books from ABIVA Publishing House (Noli Me Tangere and El Filibusterismo), the same were made pursuant to DECS Order No. 6, s. of 1995. There were no other offers because ABIVA Publishing House was the exclusive publisher; (e) on the charge of causing the payment of school desks and armchairs without supporting documents, she denied the charge because it was a standard procedure in the processing of expense vouchers that the COA State Auditor pre-audited the same, checking the quantity and quality of the materials and supplies delivered; and the DECS Internal Control Unit has carefully processed the said vouchers. Respondent approved the vouchers of payment only with the initials of the State Auditor and responsible officer of the Internal Control Unit; and (f) on the charge that respondent directed and award contracts to a favored contractor, respondent specifically denied the same, stating among other things, that the notices of suspension of payment for vouchers nos. V-95-121850-2-C Filipinas, V-95-121941-Foremost Industries, and V-95-121849-Foremost Industries, were ordered lifted by the State Auditor per Certification dated October 1, 1996 (pp. 95-106, Records).

IN REPLYING, PLEASE CITE:

PFVR Letter #

L981101



L981101

W

On September 11, 1997, the PCAGC ordered the respondent to explain the following findings as contained in the 1996 Annual Audit Report (AAR): (a) in addition to the "Noli Me Tangere and El Filibusterismo", other books were purchased as supplementary materials in excess of the approved ratio on supplementary materials in violation of DECS Order No. 61, s. of 1995; (b) discount on the 1996 purchase of textbooks and instructional materials of 5-10% was not availed of; (c) withholding tax was not deducted from the claims of fourteen (14) suppliers; (d) that disbursement vouchers for the payment of the desks and armchairs were approved and paid despite the absence of evidence that the items were inspected; (e) that the two (2) contracts for the purchase of the armchairs did not provide for the inspection of liquidated damages for late delivery.

In respondent's "Explanation" dated October 29, 1997, all the five (5) findings contained in the 1995 Annual Audit Report (AAR) were controverted to the satisfaction of the PCAGC.

As regards the use of government facilities, personnel and equipment for the reunion of her husband's family, respondent admitted the same and justified it by contending (a) that the affair was only for one (1) day; (b) that since the day was a Saturday, classes were not disrupted; (c) that permission of the head of the school was sought and granted; (d) that no school property was damaged; and (e) that the building and school premises were cleaned after the affair.

Hence, of the explanation given, the PCAGC found respondent to have violated Sec. 3 (e) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act.

We do not agree with the findings of the PCAGC. It should be noted that one of the essential elements of the offense of corrupt practices committed by public officers is that they cause undue injury to any party (Mediga, Jr. vs. Sandiganbayan, 218 SCRA 219). A perusal of the records would show that this element of injury to the government or to any party, for that matter, resulting from respondent's acts, is manifestly absent. It has been sufficiently shown that there was no disruption of classes as a result of respondent's use of the school grounds. Nor was there any proof of damage to school property caused by said acts of respondent.

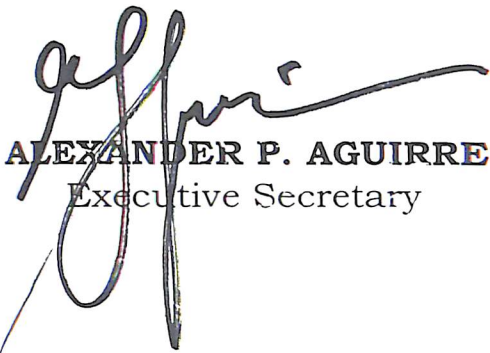
At best, therefore, respondent may be found guilty of impropriety in the use of government property. However, such impropriety is not enough to make her liable for a violation of the Anti-Graft law.

WHEREFORE, in view of the foregoing, Cerina C. Bolos, Schools Division Superintendent, DECS of the Province of Bohol is hereby reprimanded with a warning that a repetition of the same improper conduct will be dealt with more severely.

Done in the City of Manila this 22nd of April in the year of our Lord, nineteen hundred and ninety eight.



By the President:



ALEXANDER P. AGUIRRE
Executive Secretary