

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 89

**IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) YEAR ON
AMBROSIO F. CONLU, ASSISTANT REGIONAL DIRECTOR,
DEPARTMENT OF AGRICULTURE, REGIONAL OFFICE NO. III**

This refers to an anonymous complaint dated April 12, 1994 addressed to then President Fidel V. Ramos, through the Presidential Commission Against Graft and Corruption (PCAGC), against Assistant Regional Director Ambrosio F. Conlu, and three (3) others for their alleged involvement in the irregular and anomalous purchase by the Department of Agriculture, Regional Office No. III, of a set of books and tapes for staff development, in the amount of thirteen thousand pesos (P 13,000.00).

Initially, the PCAGC took cognizance of the complaint against all respondents. Subsequently, however, the proceedings continued only against Assistant Regional Director Ambrosio F. Conlu (the "respondent"), a presidential appointee.

On October 31, 1997, the PCAGC issued a resolution finding respondent guilty of conduct prejudicial to the best interest of the service, and recommending the penalty of suspension for one (1) year on the strength of the following premises:

"The complaint alleged, among other things that: (1) respondent pressured Libertad A. Rivera, Agriculturist II of the Research Division, into purchasing said books and tapes; (2) said books and tapes were actually owned by respondent and did not belong to the supplier named Proteus Trade Ventures; (3) while the requisitioning officer was ISAGANI O. HERRERA, Sales Invoice No. 1984 and Official Receipt No. 4903 both dated 7 October 1993 were issued by the said supplier in the name of respondent; (4) respondent claimed for a reimbursement in the amount of thirteen thousand pesos (P 13,000.00), which amount was more than his (respondent's) salary; (5) Check No. 695461 dated 26 October 1993 in the amount of thirteen thousand pesos (P 13,000.00) was issued in the name of respondent as reimbursement for the payment of said books and tapes; and (6) respondent defrauded the government in the amount of thirteen thousand pesos (P 13,000.00).



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Respondent's comment dated 27 July 1994 alleged, that:

(1) As Assistant Regional Director for Administration, his responsibility involved administrative and support services needed in the day-to-day operation of the agency, including personnel matters and upkeep/maintenance of the department facilities. The Procurement Unit of the General Services Section which is tasked to procure supplies and materials requisitioned by operating units/end-users is directly under his office; (2) he denied exerting pressure on anybody as there was no need for it nor was he capable of doing so; (3) he advanced the payment of the books and tapes as Assistant Regional Director for Administration using his own funds and subsequently requested for a reimbursement through his subordinate personnel; and (4) as Assistant Director, he received a gross compensation of more than thirteen thousand pesos (P 13,000.00) excluding allowances and fees derived from consultation jobs undertaken after office hours.

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Evidently, in his attempt to extricate himself from the charges, and to explain his financial capacity as a consequence of his claim to have advanced money for the procurement of the books and tapes for the use of his Office, respondent was caught in a dilemma, admitting the commission of an act - exercising his profession without the required permission to do so - equally violative of the law.

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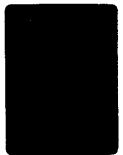
...[A] public office is a public trust, it must not be used as an instrument of self-aggrandizement by the person holding it. The public officer is a steward who must perform his powers and duties for the benefit of the people and not for the enhancement of his own interests. For this reason, and to insure against a contrary persuasion, the law imposes upon him certain inhibitions in the discharge of his office.

It being shown that respondent had not secured prior authority to act as a consultant to private individuals/enterprises, perforce, he must be found guilty of unlawfully engaging in the practice of his profession.

Going back to the main issue raised by the complainant, of whether or not the payment made in advance by the respondent using his personal funds for the purchase of a set of 'Successful Achievement Books and



PJEE Hologram # 7610



Tapes' in the amount of P 13,000.00 is permitted by the rules, the commission finds the same to be highly irregular.

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Respondent's acts of applying his personal funds for the purchase of a set of books and tapes in disregard of established rules on the procurement of government property and consequently obtaining a reimbursement of such payment is irregular.

The term 'irregular expenditure' signifies an expenditure incurred without adhering to established rules, regulations, procedural guidelines, policies, principles or practices that have gained recognition in law. Irregular expenditures are incurred without conforming with prescribed usages and rules of discipline. There is no observance of an established pattern, course, mode of action, behavior, or conduct in the incurrence of an irregular expenditure. A transaction conducted in a manner that deviated or departs from, or which does not comply with standards set is deemed irregular. An anomalous transaction which fails to follow or violate appropriate rules or procedures is likewise irregular.

Being an Assistant Regional Director, it is respondent's duty to observe the rules and regulations pertaining to the procurement of government property. While it appeared that respondent was prompted by his belief that the transaction would be useful to the Agency as a whole, however, the end is not justified by the means employed.

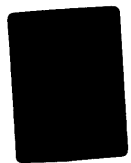
There was no cogent reason for the respondent to depart from the accepted rules and regulations in the procurement of supplies and equipment for the government."

I concur with the findings of the PCAGC that respondent, by disregarding established rules on the procurement of government property, engaged in conduct grossly prejudicial to the best interest of the service. Thus, I feel it is more than appropriate under the circumstances to impose upon respondent the penalty of suspension for one (1) year without pay.

WHEREFORE, and as recommended by the Presidential Commission Against Graft and Corruption, Ambrosio F. Conlu, Assistant Regional Director, DA Regional Office No. III, is hereby adjudged guilty of conduct prejudicial to the best interest of the

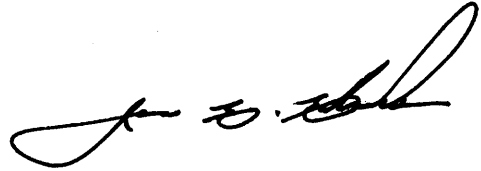


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service, and is accordingly suspended for a period of one (1) year without pay, effective upon receipt hereof.

Done in the City of Manila, this 1st day of October in the year of Our Lord Nineteen Hundred and Ninety-Nine.



By the President:



RONALDO B. ZAMORA
Executive Secretary

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