

MALACAÑANG
Manila

ADMINISTRATIVE ORDER NO. 135

CENSURING MR. ROMEO N. ALCASID, DIRECTOR OF
THE BUREAU OF ANIMAL INDUSTRY, WITH WARNING

This refers to the Administrative case filed by Messrs. Romulo S. Directo and Crisanto P. Cerezo against Director Romeo N. Alcasid, Martiniano dela Cruz, Lilia B. Bernal, Aurora Capiral and Lolita Castillo, all of the Bureau of Animal Industry for Graft and Corruption, and Harassment arising from the withholding of complainants' salaries from July 1, 1994 until they report to their place of assignment at the Domarao Livestock Production Center in Capiz. The case was investigated by the Presidential Commission Against Graft and Corruption (PCAGC).

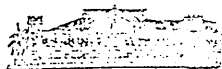
Records show that on September 1, 1991, complainant Directo was appointed as Agriculturist II, and was assigned at the Domarao Livestock Production Center in Domarao, Capiz. The other complainant Cerezo applied for the position of Agricultural Technologist at the Livestock Development Division, Central Office (Manila). His appointment was approved, but instead of being assigned to the Central Office, he was likewise deployed to Domarao Livestock Production Center in Capiz.

On September 6, 1991, complainants were each asked to sign a Certification by respondent Romeo N. Alcasid, Director of the Livestock Development Division, to the effect that they were agreeable to the assumption of their duties at the Domarao Livestock Production Center in Capiz. This Certification was presented as common evidence by both parties during the trial.

On September 23, 1991, respondent Alcasid wrote a Memorandum to complainant Directo informing him that his appointment was already approved, and that he has to report, effective October 1, 1991, to the Chief, Livestock Development Division, for assignment to duty at the Domarao Livestock Production Center in Domarao, Capiz.

However, instead of reporting to Domarao, complainant Directo continued to report for work at the main office in Manila up to the present time. He visited his work station in Capiz only on certain occasions, at least eight (8) times since his appointment in 1991. But despite such arrangement, complainant never stopped receiving his salary until July 1994. Hence, this complaint for alleged illegal withholding of his salary.

Respondents justified the withholding of complainant's salary for the month of July, 1994 on the sole ground that since "complainant has not assumed his duties as Agriculturist II at Domarao, Capiz, he certainly is not entitled to receive the increased



salaries corresponding to said position." (Memorandum of Arguments for the Respondents).

Complainant Directo countered that he reported for work to their main office in Manila for the whole month of July 1994, as evidenced by his daily time record for the said month, duly signed by his supervisor. He further alleged that he was reluctant to sign the said Certification, but he was prevailed upon by his immediate head, Director Onofre S. Bonifacio, and was assured that such Certification would not in any way disturb his present work assignment in their main office, as he was actually proposed for the vacant position existing at the office of the Livestock Development Division in Manila.

Complainant Directo further contended that the Certification requirement was being applied by respondent Alcasid on a selective basis, as not all those who were newly-appointed and assigned to the field were asked to sign the same. Complainant alleged that he and the other complainant Cerezo were the first to be asked to do so for no other reason but to harass them.

Incidentally, a complaint against herein complainants Directo and Cerezo was filed by respondent Alcasid before the Office of the Ombudsman on September 16, 1993 for alleged violation of Section 3(e) of Republic Act No. 3019, for their willful refusal to report to their place of assignment in Domarao Livestock Production Center in Capiz. In a Resolution dated August 19, 1994, the Office of the Ombudsman dismissed said complaint on the ground that no injury was caused to the government by Directo and Cerezo's failure to stay permanently in Domarao, Capiz. Furthermore, the Office of the Ombudsman found that the Certification-requirement of complainant Alcasid (respondent herein) was applied on a "selective basis" Thus,

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xxx From the facts gathered herein, the assignment of respondents to Domarao, Capiz was unnecessary and therefore uncalled for. It appearing that (the other personnel (who were) promoted were not subjected to the same requirement of signing a certification of willingness to be assigned any where, it can only (be) surmised that complainant is biased against herein respondents, as further shown by complainant's inaction on the two previous recommendations of the promotion of herein respondent Directo, Jr. When asked why Director Alcasid is (sic) prejudiced against them, respondents alleged that they have been active in exposing anomalies and graft in the Bureau of Animal Industry. The very satisfactory performance ratings of herein respondents belie the charge that they are causing undue injury to the government by their failure to assume



their assignments in Domarao, Capiz. It also appears that herein respondents are effective and productive in their present work at the LDD Central Office.

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After due evaluation, the PCAGC issued a resolution on September 28, 1994, finding respondent Alcasid guilty of discrimination against complainants and recommending that he be censured, with a warning that any repetition of said act shall be dealt with more severely. As to the other respondents, the complaint against them was dismissed for lack of evidence of their complicity to the discriminatory act of respondent Alcasid.

After careful study, this Office concurs in the findings and recommendation of the PCAGC.

The evidence veritably shows that complainants were indeed discriminated against by respondent Alcasid, as shown by the fact that they were the only ones asked to sign a Certification that they were willing to report to their place of assignment at Dumarao Livestock Production Center in Capiz, while the other newly-appointed personnel of the same Division were not; or if they were, their salaries were not withheld even if they did not report regularly to their designated work station.

If the sole reason for the withholding of complainants' salaries was their refusal to assume their duties as Agriculturist II and Agricultural Technologist, respectively, in Domarao Livestock Production Center, Capiz, it strikes us that it was only their salary for the month of July 1994 that was withheld, and not those for the past months, years even, after their appointment as Agriculturist II and Agricultural Technologist in Domarao, Capiz was approved in September, 1991.

Respondent Alcasid's explanation that he allowed complainants to collect their salaries from September 1991 up to June 1994 although they were not regularly reporting to their duly designated station at Domarao, Capiz, because at first, he was lenient with the complainants, but later decided to be strict for their continued defiance of his orders to report to their designated station, only to relent later, and direct the release of their salaries starting 1995 upon threats of being haled to court, fails to impress us. If respondent Alcasid believed in the lawfulness of his orders, no amount of threats, real or imagined, could have stopped him from implementing the same for then, he would have the law to protect him from any lawsuit the complainants may file against him.



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Parenthetically, this Office, cannot countenance complainants' conduct of agreeing to their promotion as Agriculturist II and Agricultural Technologist, respectively, in Domarao, Capiz without reporting regularly to their place of assignment . Complainants committed mental dishonesty when they signed their promotion papers without meaning to carry out the corresponding duties of the same because they were assured that such Certification would not in any way disturb (their) present work assignment in the main office While this practice may have been tolerated in the past, this Office finds the same reprehensible.

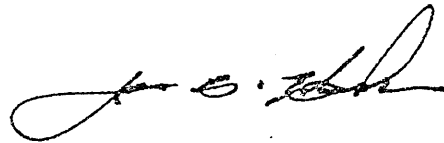
If complainants did not want to go to Capiz because their families were in Manila, and in the case of complainant Directo, he was at that time pursuing his Ph. D. in a university in the same place, then they should not have agreed to their promotion as Agriculturist II and Agricultural Technologist, respectively in Domarao Livestock Production Center. Instead, they should have held on to their former positions in the main office and waited for any vacancy which they could apply for.

Consequently, this Office is convinced that the withholding of ROMULO DIRECTO JR. and CRISANTO CEREZO'S salaries for the month of July, 1994, was justified.

WHEREFORE, Director Romeo N. Alcasid of the Bureau of Animal Industry is hereby censured and warned that repetition of the same act in the future will be dealt with more severely.

The complaint against the other respondents is dismissed for lack of evidence that will establish their complicity with the discriminatory act of respondent Alcasid.

Done of the City of Manila, Philippines this 14th day of Sept. in the year of our Lord Two Thousand.



By the President:



RONALDO B. ZAMORA
Executive Secretary

