

MALACANANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 149

TRANSFERRING MR. CARLOS C. MANAOIS, CITY ENGINEER OF  
BASILAN CITY, TO ANOTHER CITY.

This is an administrative case filed by Mayor Leroy S. Brown of Basilan City against City Engineer Carlos C. Manaois of the same city for violation of law, dishonesty and conduct prejudicial to the best interests of the service consisting of five (5) charges, to wit:

(1) Diverting funds provided for under Republic Act No. 2301 for the construction and repair of various schools in Basilan City, and informing city residents thereof that said funds belonged to Congressman Vincenzo Sagun, then a candidate for the position he now occupies;

(2) Utilizing and employing government laborers in the construction of his house at Roxas Avenue, Isabela, Basilan City, using government vehicles in hauling tiles and window glasses for his house, using a government payloader and loose earth in filling the perch of his house and employing government laborers for installing concrete pipes under his residence;

(3) Purchasing non-essential materials and equipment amounting to ₱19,780 and charging the same to appropriation fund NC-63 purely intended for the maintenance of national roads and bridges and also purchasing unnecessary and useless equipment at the unreasonable price of ₱11,980 without the necessary appropriation therefor; \*

(4) Employing gang-laborers during the 1965 Presidential election under the pretext that they were to repair roads, bridges and other city work projects, and using them in campaigning for Congressman Vincenzo Sagun and other candidates of the Liberal Party; and

(5) Purchasing spare part (universal cage outer) of a government payloader at the unreasonable price of ₱16,970 and defying and wilfully neglecting the

instruction of the Commissioner of Public Highways to hold payment of the balance thereof.

The charges were looked into by an investigator from the Department of Public Works and Communications (DPWC) who, on the basis of his findings, recommended that Charges Nos. 1, 3, 4 and 5 be dropped for not being fully substantiated. For Charge No. 2, the investigator found respondent to have extended influence over his subordinates in the construction of his residence and recommended that he be admonished, in which the DPWC Secretary concurs.

After a careful review of the records, I am satisfied that Charge No. 1 has not been satisfactorily proved. On the contrary, it appears that respondent's office merely prepared programs of work in accordance with allotments released by the DPWC and acquired the necessary materials. Moreover, complainant's witnesses testified that the construction and/or repairs in question were undertaken after the 1965 election.

As regards Charge No. 3, it was established that complainant's witnesses were either not qualified on the subject matter they were testifying, or that they were too old to be practically reliable. On the other hand, the shop superintendent testified that the purchase of the spare parts in question was necessary to accelerate the productive output of the principal equipment on which they were installed. Besides, said spare parts were bought under a covering general voucher containing the statement that "the charge against appropriation fund NC-63 would be adjusted against Project 2037 as soon as funds were available," and that there was corresponding authority for such an action.

With respect to Charge No. 4, the evidence on record fails to yield any direct and material evidence to substantiate the same.

Neither is there evidence to prove Charge No. 5, it appearing that respondent was virtually cleared by the BPH Commissioner who, in his indorsement dated July 25, 1967 (Exh. 12), expressly pointed out that respondent was not accountable for any anomaly in the purchase of the universal cage outer for the BPH payloader when he stated that "the procurement of the items requisitioned was done in the

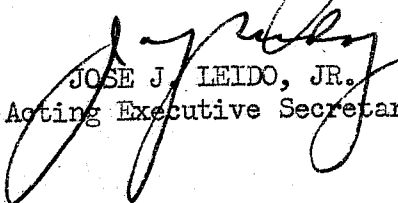
Department . . ." and "the city engineer have [sic] nothing to do with the price or prices of the items requisitioned. If there was any overpricing therefor . . . the Department Auditor and the representative of the Bureau of Supply Coordination who determined the prices, through canvass . . . should be held accountable for such an anomaly." Proof was likewise wanting that respondent defied the instruction of the BPH Commissioner to hold payment of the unpaid balance of the universal cage outer, it appearing that in a letter of the Department Head dated February 27, 1967 (Exh. 10), he was expressly authorized to pay the balance thereof.

However, respondent is not entirely faultless as regards Charge No. 2. The payloader in question was then being used on a workday (Friday) in a certain project in Pantukan, Basilan City, when respondent through an employee ordered the operator thereof to bring the machine to Isabela, which is approximately 35 kilometers therefrom, to be used the following day in the construction of his residence. While it is true that respondent paid the rental for the use thereof, it may be stated that he violated the established rule that as a public official he cannot contract with himself as a private citizen. Moreover, the records disclose that he used loose earth belonging to the government as filling material in his residence.

Considering the nature of the offenses committed by respondent and in view of the strained relations existing between him and complainant, a situation not conducive to the smooth functioning of their respective offices, it is believed that respondent's further stay in Basilan City will not redound to the interest of the service. Accordingly, City Engineer Carlos C. Manaois shall be transferred to another city, with the admonition to be more careful and cautious in his future conduct.

Done in the City of Manila, this 19th day of November ,  
in the year of Our Lord, nineteen hundred and sixty-eight.

By the President:

  
JOSE J. LEIDO, JR.  
Acting Executive Secretary

