

MALACAÑANG

RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER No. 369

EXONERATING MR. SALVADOR NARCELLES, CHIEF
OF THE FIRE DEPARTMENT OF QUEZON CITY

This is an administrative case against Mr. Salvador Nercelles, Chief of the Fire Department of Quezon City, for alleged (1) dishonesty on two counts (use of government employees for private purposes and excessive issues of gasoline to the vehicles of the Fire Department) and (2) conduct prejudicial to the best interest of the public service on two counts (entering into an illegal contract with Mr. Francisco Bocobo to put up a benefit show for the Quezon City Fire Department Trust Fund and failure to account for the proceeds thereof. The charges, which respondent denied and claimed to be malicious and baseless, were investigated by the Committee appointed by the President.

Charge I—Dishonesty

(a) The respondent is charged with having used government employees for private purposes; such as, driving his personal car and doing electrical installations in his private residence during office hours. In support thereof, the complainant submitted the purported affidavit dated March 23, 1959, of Fireman-Driver Pablo Quiñones of the Quezon City Fire Department wherein he stated that from September to December, 1958, he had been driving the private car of the respondent, and those of Electricians Alfonso Santos and Cecilio Tadeña of the same Department, dated December 14, 1954, wherein they averred that they made electrical installations in the home of the respondent on certain days in November, 1954.

During the hearing of the case, Pablo Quiñones disclaimed his purported affidavit of March 23, 1959, and testified that the signature "Pablo Quiñones" appearing therein is not his own and genuine signature. As a matter of fact, he expressly disclaimed such signature in a sworn statement dated May 24, 1960, which was submitted as evidence and identified by him as his. In this later affidavit, he stated that if he drove any vehicle from September to December, 1958, he did so in his official capacity as driver for the Quezon City Fire Department. The Notary Public, Atty. Felipe Galian, could not even identify the real Pablo Quiñones, who was just two meters away

in front of him, as the person who purportedly subscribed the questioned affidavit of March 23, 1959.

No evidence was presented by the complainant to prove the alleged personal services of Messrs. Alfonso Santos and Cecilio Tadeña in the form of electrical installations. As a matter of fact, these two retracted the contents of their previous affidavits dated December 14, 1954 in statements subscribed before the City Attorney on May 5, 1955. They were not even presented by the complainant as witnesses to substantiate the charge.

(b) As to the alleged excessive issuance of gasoline to the vehicles of the Fire Department, the prosecution submitted as evidence thirteen (13) requisitions and issue vouchers for gasoline allowance of PI Jeep No. 3001 assigned to Deputy Chief Fortunato Pinacate, covering the period from July 11 to August 11, 1959, when the said Jeep was allegedly under repair. The requisitions were prepared by the requisitioning officer of the said Department, approved by the Office of the City Engineer and the respondent. There was no proof that the gasoline requisitioned during the said period was excessive. Witnesses for the prosecution themselves testified that the unused gasoline was kept in the bodega of the Central Office and sent to the different-branch stations for use in cases of emergency. Neither was there proof to show that said gasoline or any part thereof was appropriated by the respondent for the personal use and benefit.

Charge II—Conduct Prejudicial to the Public Service

(a) The respondent is charged with having entered into an illegal contract with Mr. Francisco Bocobo to put a benefit show for the Quezon City Fire Department. It appears that on October 12, 1959, the respondent entered into a contract with Francisco Bocobo to put up a benefit show for the Quezon City Fire Department Trust Fund, under which the latter shall have 15% of the gross income thereof. The said contract is assailed as violative of paragraph 15 of Administrative Order No. 28, series of 1958, of the Social Welfare Administration, implementing Act No. 4075 which limits the expenses incident to the holding of any fund drive to not more than 30% of the total gross income. In an agreement signed on December 4, 1959, by and among the respondent herein, Francisco Bocobo, Ernesto Madriaga, and Emigdio Hapatinga, the said Mr. Bocobo pledged to limit the expenses of the benefit show to not more than 30% of the gross income and not to share in the proceeds derived therefrom. Upon the recommendations of the Mayor of Quezon City and the Social Welfare Administration, the corresponding application of Francisco Bocobo as representative of the Quezon

City Fire Department Trust Fund for a solicitation permit to raise funds by means of benefit show was approved by the Office of the President. Under these facts, the contract may not be assailed as illegal.

(b) The respondent is charged with failure to account for the proceeds of the benefit show. The evidence shows that Francisco Bocobo assumed responsibility as to the financial and operational aspects of the enterprise; that the respondent entrusted to Lt. Ernesto Madriaga the actual and direct participation of the Quezon City Fire Department therein; and that this officer, in his deposition before the Presidential Committee on Administration Performance Efficiency, assumed the responsibility to account for the proceeds accruing to the said Fire Department. Lt. Madriaga submitted his statement of account. Francisco Bocobo also submitted the corresponding accounting and financial statement. Both the Social Welfare Administration and the General Auditing Office have made demands upon the latter for the restitution of money claims arising from the enterprise. Under these facts, the respondent should be cleared of this charge.

In view of the foregoing, and as recommended by the Investigating Committee, Mr. Salvador Narcelles, Chief of the Fire Department of Quezon City, is hereby exonerated of the afore-mentioned charges against him. His preventive suspension is hereby lifted and he shall be reinstated forthwith upon notice hereof.

Done in the City of Manila, this 4th day of November, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

CARLOS P. GARCIA
President of the Philippines

By the President:

EDILBERTO B. GALLARES
Assistant Executive Secretary