

MALACAÑANG
RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 54

CONSIDERING MR. PIO DIMACULANGAN RESIGNED
FROM OFFICE AS CLERK OF COURT AND PRO-
VINCIAL SHERIFF EXOFFICIO OF PALAWAN

This administrative case was instituted against Mr. Pio L. Dimaculangan, Clerk of Court and Provincial Sheriff ExOfficio of Palawan, and his deputy, Mr. Damaso V. Griño, at the instance of the auditor of the Rehabilitation Finance Corporation (RFC), now Development Bank of the Philippines (DBP), for alleged dishonesty. The case was investigated by the District Judge.

As Griño is under the jurisdiction of the Commissioner of Civil Service, this decision is concerned only with the case of Dimaculangan.

Sometime in July 1957 respondent Dimaculangan and Griño went to Coron, Palawan, to make an extra-judicial foreclosure of a chattel mortgage executed by one Francisco Reyes in favor of the RFC over properties of the debtor-mortgagor valued at more than ₱60,000. Dimaculangan stayed in Coron for 48 days and Griño 21 days. They and two other companions stayed in the house of Mrs. Rufina Buñol. Dimaculangan was given a cash advance of ₱300.

After their return to Puerto Princesa, Dimaculangan and Griño submitted their travel expenses vouchers with supporting receipts bearing the residence certificate numbers of the payees. The receipt submitted by Dimaculangan purports to indicate that Mrs. Buñol received the amount of ₱576 from him "as payment for subsistence from July 15 to August 31, 1957, or 48 days at Coron, Palawan, at ₱12.00 a day and per diems."

Suspicious of the correctness of the vouchers, the auditor of the RFC requested the provincial auditor of Palawan to cause an inquiry to be made, and Deputy Provincial Auditor Pedro Callejo was sent to Coron for the purpose. Callejo found, among other things, that the signature of Mrs. Buñol was genuine although she claimed that she signed the form when it was still blank and that she received only ₱170 from Dimaculangan. He also found that the residence certificate number given in the supporting receipt belonged to another resident of Coron.

Dimaculangan alleged that the ₱170 given by him to Mrs. Buñol was partial payment as he intended to pay the balance, and did pay ₱30 more on account, later, as

corroborated by her affidavit executed on August 31, 1959; that the receipt signed by Mrs. Buñol was intended, so he told her then, to cover not only the cost of subsistence due her but also the house rent due another party, his repasts outside and per diems; that he did this for convenience to obviate presenting separate and further claims and receipts to the RFC; that at any rate he was entitled to a per diem of ₱12 because on a previous occasion he was paid at that rate by the RFC for similar service; and that the details concerning the residence certificate of Mrs. Buñol were supplied by her. Respondent insists that there was no malicious intent on his part to defraud the RFC as he was merely claiming what he was entitled to, based on the action taken on his prior claim. He also claims that he has been in the government service for 37 years and that this is his first administrative case.

It may be deemed conclusively established that Mrs. Buñol received only ₱170; that her supposed residence certificate was not hers; that respondent received ₱12 per day for similar service before; and that in addition to his cash advance of ₱300 he was given ₱166 more by the RFC, even after the institution of the present case against him.

Respondent's explanation is palpably unsatisfactory. He should not have included in the receipt signed by Mrs. Buñol alleged expenses incurred by him elsewhere not payable to her as the receipt purported to convey. Neither could it be justified on the claim of convenience and expediency.

Even if respondent had no intention of defrauding the RFC in the sense that he was merely trying to collect what he believe he was entitled to, the cold fact remains that he made false statements both as to the amount claimed to have been received from him by Mrs. Buñol and as to her residence certificate in the reimbursement receipt submitted by him.

The respondent is, therefore, guilty of the administrative offense charged. In the determination of the penalty, the fact that he has been in the service for 37 years should be given consideration.

Wherefore, Mr. Pio L. Dimaculangan is hereby considered resigned from the service effective upon receipt of a copy hereof, without prejudice to such leave and retirement benefits as he may be entitled to.

Done in the City of Manila, this 15th day of March, in the year of Our Lord, Nineteen hundred and sixty-three.

DIOSDADO MACAPAGAL
President of the Philippines

By the President:

SALVADOR L. MARIÑO
Executive Secretary