

MALACAÑANG
MANILA

0003-924-D
0-126-5000

ADMINISTRATIVE ORDER NO. 94

CREATING AN AD-HOC COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE COMPLAINTS FILED AGAINST CERTAIN ELECTIVE LOCAL OFFICIALS OF THE PROVINCE OF ALBAY, ARISING FROM SPECIAL AUDIT OFFICE REPORT NO. 93-11 OF THE COMMISSION ON AUDIT (COA), AND OTHER ADMINISTRATIVE COMPLAINTS MENTIONED HEREIN

WHEREAS, Section 61 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", provides that a complaint against any local elective official of a province shall be filed with the Office of the President;

WHEREAS, Section 2, Rule 1 of Administrative Order No. 23 dated 17 December 1992 entitled "Prescribing the Rules and Procedures on the Investigation of Administrative Disciplinary Cases Against Elective Local Officials of Provinces, Highly Urbanized Cities, Independent Component Cities, Component Cities, and Cities and Municipalities in Metropolitan Manila" provides that "(a)ll administrative complaints, duly verified, against elective local officials mentioned in the preceding Section shall be acted upon by the President. The President, who may act through the Executive Secretary, shall hereinafter be referred to as the "Disciplinary Authority";

WHEREAS, Special Audit Office ("SAO") Report No. 93-11 was submitted by COA Chairman Pascasio S. Banaria to the Secretary of the Interior and Local Government in a letter dated 20 August 1993;

WHEREAS, as a result of SAO Report No. 93-11, several administrative complaints were filed against certain local elective officials of Albay Province which are under the disciplinary authority of the Office of the President;

WHEREAS, there are other administrative complaints which should be looked into and which may be investigated by this Office;

WHEREAS, pertinent aspects of SAO Report No. 93-11 has made mention of matters alleged and complained of in the case of "Mayor Naomi C. Corral versus Governor Romeo Salalima et al.", for: malversation, consistent and habitual violation of R.A. No. 7160, Section 60 (c) and (d), docketed as DILG Case No. P-11-93;

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WHEREAS, DILG Case No. P-11-93 was filed prior to the release of SAO Report No. 93-11 and the latter is now one of the bases of the administrative charges mentioned herein;

WHEREAS, investigation of DILG Case No. P-11-93 has not yet commenced, and may accordingly be taken cognizance of the Investigating Committee herein created; and

WHEREAS, the magnitude and seriousness of the administrative complaints require the particular attention of this Office to ensure their speedy and judicious resolution.

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Republic of the Philippines, by virtue of the powers vested in me by law, do hereby order:

Section 1. An Ad-Hoc Committee to investigate the administrative complaints against certain elective local officials of the Province of Albay, arising from the Special Commission on Audit Report (Special Audit Office Report No. 93-11), and other administrative complaints mentioned hereinbelow, is hereby created and constituted.

Section 2. The Committee herein created is hereby designated as the Investigating Authority, as an exception, in this particular case, to Section 3, Rule 1 of Administrative Order No. 23 dated 17 December 1992, and shall be referred to as the "Investigating Committee".

Section 3. The Investigating Committee shall be composed of the following:

Alexander P. Aguirre - Chairman
Undersecretary
Department of the Interior and
Local Government

Angel V. Saldivar - Member
Presidential Assistant
for Public Administration

Stephen F. Sergio - Member
Director IV
Office of the Sr. Deputy Executive Secretary

Section 4. The Investigating Committee shall investigate the administrative charges against certain elective local officials of the Province of Albay, arising from COA Special Audit Office Report No. 93-11 on the Province of Albay, as well as the other administrative complaints filed with the Office of the President, listed herein below:

- FILED 2000
- a. Mayor Naomi C. Corral vs. Governor Romeo Salalima, et al., For: Abuse of Authority and Oppression under R.A. No. 7160, Sec. 60 (c);
 - b. Mayor Naomi C. Corral vs. Governor Romeo Salalima, et al., For: Malversation, consistent and habitual violation of R.A. No. 7160, Section 60 (c) and (d);
 - c. Kgd. Francisco Alarte, et al. vs. Governor Romeo Salalima et al., For: Violation of R.A. No. 3019, Section 3 (g) and R.A. 7160, Section 60 (d);
 - d. Antonio O. Demetriou vs. Governor Romeo Salalima, For: Violation of R.A. No. 7160, Section 60 (c) and (d).

Section 5. In accordance with Section 1, Rule 5 of Administrative Order No. 23, the complaints and the answers together with their attachments and other relevant papers shall be referred by this Office to the Investigating Committee which shall commence the preliminary investigation of the case within ten (10) days from receipt of the same.

Section 6. In accordance with Section 3, Rule 5 of Administrative Order No. 23, within twenty (20) days from receipt of the complaints and answers, the Investigating Committee shall determine whether or not there is a prima facie case to warrant the institution of formal administrative proceedings.

Section 7. The records, proceedings and investigation of the case of Mayor Naomi C. Corral versus Governor Romeo Salalima et al., For: Malversation, consistent and habitual violation of R.A. No. 7160, Sec. 60 (c) and (d), and docketed as DILG Case No. P-11-93 shall be turned-over to the Investigating Committee herein created.

Section 8. The formal administrative investigation shall be conducted by the Investigating Committee.

Section 9. Preventive suspension, if warranted, shall be in accordance with Section 63 of the Local Government Code of 1991.

Section 10. Copies of all the Complaints, Answers and pertinent documents shall be furnished the Department of the Interior and Local Government.

Section 11. Except as herein provided, the Investigating Committee shall follow the procedure prescribed under Section 62 to 65 of the 1991 Local Government Code, as well as the corresponding Implementing Rules and Regulations thereon, in relation to Book VII, Chapter 3, Section 10 and 13, of the 1987 Administrative Code, as implemented by Executive Order No. 26, dated 7 October 1992, prescribing procedures and sanctions to

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ensure speedy disposition of administrative cases, and Administrative Order No. 23, dated 17 December 1992.

Section 12. The investigation of the administrative complaints stated in this Administrative Order shall be terminated by the Investigating Committee within ninety (90) days from the start thereof.

Section 13. The Investigating Committee shall, within twenty (20) days after receipt of the last pleading and evidence, if any, in case the respondents do not elect formal investigation; or after the expiration of the period within which to submit the same; or after the termination of the formal investigation; or after the parties have submitted their respective memoranda, if so allowed; forward to the Disciplining Authority the entire records of the case, together with its findings and recommendations; as well as the draft decision for the consideration of the President.

Section 14. Other administrative complaints which may be subsequently filed against the respondents, as adverted to in Section 4 hereof, which this Office shall deem appropriate to be investigated may be referred to the Investigating Committee for its appropriate action.

Section 15. The record of the cases herein referred to shall be forwarded to the Investigating Committee for appropriate action.

Section 16. This Administrative Order shall take effect immediately.

DONE in the City of Manila, this 26th day of November in the year of Our Lord, Nineteen Hundred and Ninety-Three.

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By the President:

[Signature]
TEOFISTO T. GUNGONA, JR.
Executive Secretary
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