

MALACAÑANG
MANILA
BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 270

**IMPOSING THE PENALTY OF SUSPENSION ON ANTONIO M. NUESA,
EUGENIO B. BERNARDO, OSCAR M. LASAM, EPIFANIO G.
DEVERO, FLORENCIO L. SIMAN, and ERNESTO H. DIZON, ALL
OF THE DEPARTMENT OF AGRARIAN REFORM**

In a letter-complaint, dated 21 February 1994, filed by Justice Milagros A. German, Department of Agrarian Reform (DAR) Adviser on Legal Affairs and Senior Special Consultant, the following DAR Region III officials, namely: Antonio M. Nuesa, Regional Director; Eugenio B. Bernardo, Assistant Director for Operations; Oscar M. Lasam, Trial Attorney III; Epifanio G. Devero, Chief of Legal Division; Florencio L. Siman, Officer-In-Charge; and Ernesto H. Dizon, Municipal Agrarian Reform Officer, stand charged of serious misconduct, dishonesty and gross ignorance of the law.

On March 21, 1994, the instant complaint was indorsed to the Presidential Commission Against Graft and Corruption (Commission) for appropriate action pursuant to Executive Order No. 151, as amended.

Parenthetically, this case stemmed from a tenancy dispute between Felix Carreon, tenant, and Jose Payumo, Jr., landowner, docketed as CAR Case No. 165-B-66 entitled "Felix Carreon, Plaintiff vs. Jose Payumo, Jr., Defendant." In a decision penned by her on November 29, 1967, complainant, then the Presiding Judge of the Court of Agrarian Relations in Balanga, Bataan, declared the relationship between plaintiff and defendant to be that of leasehold tenancy in lieu of share tenancy for which reason Mr. Carreon was entitled to a Certificate of Land Transfer (CLT) for his two (2) hectare landholding which has been under his cultivation since 1947.

The facts of this case are as follows:

On May 8, 1991, Mr. Felix Carreon wrote a letter addressed to respondent Bernardo requesting that a Certificate of Land Transfer (CLT) be issued to him covering the two (2) hectares land under his cultivation.

In a letter-reply, dated August 8, 1991, respondent Bernardo informed Mr. Carreon that subject land had been titled in the name of Jose R. Payumo who bought the land from Rural Progress Administration and who was issued Title No. T-4988 by the Register of Deeds of Bataan. Respondent Bernardo further informed him that for this reason, he (Felix Carreon) will remain a lessee of the land in accordance with the decision

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rendered by Judge Milagros German in November 1967. He, however, assured Mr. Carreon that he will take a second look at his problem and find out if subject land falls under the coverage of P.D. 27/E.O. 228 or R.A. 6657 and that he will be informed about the same at the earliest possible time.

Meanwhile, on November 19, 1991, Mr. Carreon filed a letter-complaint with DAR Secretary Benjamin T. Leong against Mr. Ernesto Dizon, Municipal Agrarian Reform Officer, allegedly for the latter's remarks that subject land cannot be transferred to him the same having been awarded to Mr. Payumo, Jr. Mr. Carreon further stated in his letter that despite the 1967 CAR decision no action had been taken by DAR awarding the land to him which had been under his cultivation for so many years.

An administrative case was filed by DAR against Mr. Dizon but the same was dismissed in a Memorandum dated May 18, 1992. Atty. Oscar Lasam, Trial Attorney III, who conducted the investigation cleared Mr. Dizon of the charges of neglect of duty, inefficiency and incompetence in the performance of official duties for lack of merit as it appears that he acted promptly on Carreon's queries and that he merely reiterated what was contained in the letter of respondent Bernardo to Mr. Carreon which in effect says that the land being cultivated by the latter could not be transferred in his name since it has long been sold to Mr. Payumo by the then Rural Progress Administration.

On May 6, 1992, respondent Nuesa issued an Order declaring that the land under tenancy by Mr. Carreon with an area of two (2) hectares in Dinalupihan, Bataan was covered by PD 27 and the same should be awarded to him (Carreon). It further declared that all the rentals paid by Mr. Carreon to the landowner, Jose R. Payumo, shall be considered as advance payment of the land.

A Motion for Reconsideration was filed by the heirs of Mr. Payumo, Jr. but the same was dismissed by DAR Secretary Ernesto D. Garilao, in an Order dated December 2, 1992, for lack of merit.

In her letter-complaint, *supra*, Justice German claims that herein-respondents falsified her decision rendered in CAR Case No. 165-B66 in 1967 by completely making a wrong narration of facts, entirely different from what are stated in said decision; that it was herein respondent Bernardo who started the wrong construction of her decision, fully endorsed by all the other respondents; and that herein respondents made it appear that her aforesaid decision limited Mr. Carreon into being a leasehold tenant only in the landholding.



It appears that, in his letter reply to Mr. Carreon, *supra*, respondent Bernardo stated that Carreon will remain a lessee of the land under his cultivation for reasons that the same has been titled in the name of Jose R. Payumo. He explained that he was just expressing an opinion and not a decision as he assured Carreon that he will take a second look at his problem to find out if it could be covered by P.D. 27, E.O No. 228 or R.A. 6657 and inform him in due time.

Respondent Dizon, merely quoted the opinion expressed by his superior, respondent Bernardo, in informing Mr. Carreon that, pending further investigation and study, the land under his cultivation could not be transferred in his name since it has long been sold to Mr. Payumo by the then Rural Progress Administration.

Respondent Lasam's only participation in the case was in recommending the dismissal of the aforesaid administrative complaint filed by Mr. Carreon against respondent Dizon for lack of merit.

Respondents Nuesa, Devero and Siman, merely concurred with the recommendation of respondent Lasam.

From their foregoing explanation, it would seem that all the actuations of herein respondents were above board. In fact, as borne out by the records, Mr. Carreon is now the recipient of DAR Emancipation Patent No. 485898 issued on October 12, 1993 pursuant to the Order, dated May 6, 1992, of respondent Nuesa declaring that the land tenanted by Mr. Carreon is covered by P.D. 27 and, as such, the same should be awarded to the latter and that all rentals paid by Mr. Carreon to the landowner be considered payment of the land.

That there was an unreasonable and unexplained delay of 21 years before Mr. Carreon could be awarded his title to the land in question is, however, beyond cavil. Indeed, respondents DAR officials miserably failed in their duty to process all official papers and documents expeditiously and to complete the same within a reasonable time from the preparation thereof.

WHEREFORE, premises considered, the instant charges of serious misconduct, dishonesty and gross ignorance of the law against Messrs. Antonio M. Nuesa, Eugenio B. Bernardo, Oscar M. Lasam, Epifanio G. Devero, Florencio L. Siman and Ernesto H. Dizon, all of the Department of Agrarian Reform (DAR), Region III are hereby **DISMISSED** for insufficiency of evidence in accordance with the recommendation of the Presidential Commission Against Graft and Corruption. This Office, however, finds respondents **GUILTY** of simple neglect of duty for their failure to process all official papers and documents of Mr. Carreon

expeditiously and to complete the same within a reasonable time from their preparation. Accordingly, respondents are hereby suspended from the service for a period of ten (10) days, without pay, effective upon receipt of a copy hereof.

Done in the City of Manila, this 7th day of May, in the year of Our Lord, Nineteen Hundred and Ninety Six.



By the President:



RUBEN D. TORRES
Executive Secretary