

Office of the President
of the Philippines
Malacañang

ADMINISTRATIVE ORDER NO. 125

**DROPPING EXECUTIVE DIRECTOR CECILE S. ABELLA FROM THE ROLLS OF
LAND TRANSPORTATION AND FRANCHISING REGULATORY BOARD**

This refers to the case of Atty. Cecile S. Abella, Executive Director of the Land Transportation and Franchising Regulatory Board (LTFRB), who was given poor performance rating by her superior for the 2004 rating period. Atty. Abella belongs to the third level officers (CESO)¹ who are rated per annum and not per semester.

On 26 January 2004, Atty. Abella, together with other LTFRB Officials, was issued a Memorandum by LTFRB Chairperson Bautista directing her to submit a written explanation why no disciplinary action shall be meted against her for her inability to perform the duties and functions as Chairman of the Insurance Monitoring Review Committee for the Personal Passenger Accident Insurance Program being implemented by the LTFRB.

Again, in a Memorandum dated 16 November 2004 of LTFRB Chairperson Bautista to Atty. Abella re Explanation on Admired Technologies, Inc. letter dated 28 January 2002, Chairperson Bautista instructed Atty. Abella to submit "(w)ithin 24 hours upon receipt of this memorandum" Atty. Abella's "response to the Office of the Chairperson" addressing, among others; "(e)xplanation on the various deficiencies and shortcomings committed by LTFRB, which you and Chairman Lantin explicitly admitted."

Also, in a Memorandum dated 14 December 2004 of LTFRB Chairperson Bautista to Atty. Abella re Submission of Required Documents of Admired Technologies, Inc., LTFRB Chairperson Bautista instructed Atty. Abella to submit the required documents within seventy-two (72) hours from receipt thereof, but which she subsequently failed to comply. Thus, the same was reiterated in LTFRB Chairperson Bautista's Memorandum dated 08 February 2005.

Despite such written warnings to Atty. Abella, she miserably failed to improve her performance in the succeeding months of 2004. For such reason, she was given an over-all poor performance for the 2004 rating period. Atty. Abella's repeated, unabated and consistent failure to comply with her assigned tasks continued in 2005 as evidenced by various Memoranda issued by LTFRB Chairperson Bautista directing her to comply with her assigned tasks.

¹ The third level shall cover the positions in the Career Executive Service [Section 8 (c), Chapter II, Title I, Book V, of the Revised Administrative Code of 1987]. Further, third level refers to positions in the Career Executive Service (CES) which include Undersecretary, Assistant Secretary, Bureau Director, Regional Director, Assistant Regional Director and other officers of equivalent rank [Section 1 (o), Rule I, CSC Memorandum Circular No. 19-99 (s. 1999)].

In summary, the following are the various Memoranda issued by LTFRB Chairperson Bautista to Atty. Abella directing her to submit written explanations for her failure to fulfill her functions as Executive Director of the LTFRB, to wit:

- a. Memorandum dated 16 November 2004 of LTFRB Chairperson Bautista to Atty. Abella re Explanation on Admired Technologies, Inc. letter dated 28 January 2002
- b. Memorandum dated 14 December 2004 of LTFRB Chairperson Bautista to Atty. Abella re Submission of Required Documents of Admired Technologies, Inc. within seventy-two (72) hours from receipt thereof
- c. Memorandum dated 26 January 2004 re To Submit Written Explanation (why no disciplinary action shall be meted against her for inability to perform her duties and functions)
- d. Memorandum dated 05 January 2005 re Failure to Comply with LTFRB Memorandum dated 07 July 2004 re: Issuance of Memorandum Circulars
- e. Memorandum dated 05 January 2005 re Failure to Comply with Assigned Tasks
- f. Memorandum dated 06 January 2005 re Habitual Tardiness
- g. Memorandum dated 24 January 2005 re Failure to Comply with Assigned Tasks
- h. Memorandum dated 08 February 2005 re Reiteration of LTFRB Memorandum dated 14 December 2004 (submission of the documents related to the Admired Technologies being sought by the Office of the Solicitor General)
- i. Memorandum dated 14 February 2005 re Failure to Submit the Required Documents of Admired Technologies, Inc.

Thus, in a letter dated 16 February 2005 of LTFRB Chairperson Maria Elena H. Bautista addressed to Civil Service Commission (CSC) Chairperson Karina Constantino-David, Chairperson Bautista requested for the involuntary placement of Atty. Abella in the Career Executive Service Officer (CESO) Pool, for (1) want of capacity to perform respective duties and responsibilities based on Poor Performance rating; (2) agency head's loss of confidence; and (3) difference in policy directions.

CSC Chairperson Constantino-David denied the request for the involuntary placement of Atty. Abella in the CESO Pool. She further informed LTFRB Chairperson Bautista that pursuant to the CSC rules, an official or employee, who was rated poor in performance in one evaluation period, may be dropped from the rolls.

In view of the letter of CSC Chairperson Constantino-David, LTFRB Chairperson Bautista recommended for the dropping from the rolls of Executive Director Abella in her Memorandum dated 21 March 2005 addressed to Department of Transportation and Communications (DOTC) Secretary² Leandro R. Mendoza.

In his Memorandum for the President dated 29 March 2005, DOTC Secretary Mendoza recommended for "the dropping from the rolls of LTFRB Executive Director

² Under Section 18, Chapter 5, Title XV, Book IV of the Revised Administrative Code, the Secretary of Transportation and Communications exercises administrative supervision and control over the LTFRB.

Cecile S. Abella pursuant to Section 2.2 (b) Rule XII under the Revised Omnibus Rules on Appointments and Other Personnel Actions."

Based on the records, the poor performance rating given to Atty. Abella by LTFRB Chairperson Bautista is based on her repeated, unabated and consistent failure to comply with her assigned tasks.

Further, records reveal that Atty. Abella's repeated, unabated and consistent failure to comply with her assigned tasks continued in 2005 as evidenced by various Memoranda issued by LTFRB Chairperson Bautista directing her to comply with her assigned tasks.

WHEREFORE, in accordance with Section 2.2 (b), Rule XII of Civil Service Memorandum Circular No. 40 (s. 1998), and upon the recommendation of the Department of Transportation and Communications Secretary, the name of **ATTY. CECILE S. ABELLA**, Executive Director of the LTFRB, is **DROPPED** from the roster of public servants.

Done in the City of Manila, this 28th day of July, 2005.

By Authority of the President:



EDUARDO R. ERMITA
Executive Secretary