

[ADMINISTRATIVE ORDER NO. 12, August 24, 1998]

DISMISSING EDILLO C. MONTEMAYOR, DIRECTOR, REGIONAL OFFICE NO. 3, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, FROM THE SERVICE WITH FORFEITURE OF ALL GOVERNMENT BENEFITS

This refers to the letter-complaint addressed to the Philippine Consulate General in San Francisco, California, U.S.A., by one Luis Bundalian, dated July 15, 1995, against Edillo C. Montemayor, OIC Regional Director of Region III, Department of Public Works and Highways, for alleged unexplained wealth in violation of Section 8, R.A. No. 3019, as amended.

Quoted hereunder are the facts of the case and the findings and recommendation of the Presidential Commission Against Graft and Corruption (PCAGC) as culled from its Resolution.

"Hearings were held on May 29, July 24 and November 14, 1996; January 24, February 27 and March 13, 1997. During all these hearings, complainant never appeared neither was there any appearance by counsel for him. His true address in the Philippines could not be ascertained. Respondent likewise never appeared personally despite notice, but was represented by counsel.

"The alleged accusations/charges in the complaint are as follows:

- (1) That in 1993, respondent and his wife went to Los Angeles, California, U.S.A., carrying with them more than \$100,000.00 which he used as down payment in buying a house and lot in Burbank, Los Angeles (Pp. 4 & 5, Records);
- (2) That with his income from the government, respondent could not afford to own a beautiful house in a project in Quezon City, make a down payment of \$100,000.00 in Los Angeles, incur 'escrow closing expenses' and remodelling expenses in Floridablanca, Pampanga (Ibid);
- (3) That with the income of his in-laws in California and their poor credit standing due to many debts, they could not buy such expensive house (Ibid);
- (4) That in April, 1995, his wife and children vacationed again in California (Ibid);
- (5) That his 'kurakot' came from lahar funds and other projects in public works (Ibid);

"In the Order of the Commission dated February 15, 1996, respondent was directed to submit his Statement of Assets and Liabilities, Income Tax Returns and his Personal Data Sheet but up to the present time he has failed to do so. He submitted only his Service Record.

"Due to his failure and refusal to submit his Statement of Assets, Liabilities and Net Worth (SALN), the Commission on March 11, 1996 wrote the Deputy Ombudsman for Luzon requesting him to furnish this Commission with copies of the SALN of respondent for the past three (3) years – 1992, 1993 and 1994 (p. 8, Records). In reply, the Deputy Ombudsman for Luzon claimed that respondent failed to submit his SALN for calendar years 1992, 1993 and 1994 (p. 18, Records).

"Failure to file Statement of Assets and Liabilities is a violation of Section 8 of Republic Act 6713 and is punishable with imprisonment not exceeding five (5) years or a fine not exceeding P5,000.00 or both under Section 11, par. (a) of said law. Furthermore, Sec. 11, par. (b) thereof reads, thus:

'(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.'

"The Commission also wrote DPWH Secretary Vigilar inquiring as to how many times respondent travelled abroad and in his answer dated April 18, 1996, he stated that respondent was sent on official travel to Indonesia on January 11-14, 1994, and that he had no other official travel recorded for the period from 1994 to 1995 (P. 16, Records).

"The Commission will now resolve the complaint on the basis of the evidence on record.

"The complainant submitted the following evidence, to wit:

(1) A copy of a 'Grant Deed' dated May 27, 1993 wherein David R. Tedesco and Judith A. Tedesco granted a piece of real property located at 907 North Bel Aire Drive, Burbank, California, to respondent Edillo C. Montemayor and his wife Irene F. Montemayor (P. 3, Records);

(2) A Special Power of Attorney executed in Los Angeles, California, by respondent and his wife appointing Estela D. Fajardo (sister of respondent's wife) as Attorney-In-Fact to 'negotiate, acknowledge, perform and execute any and all related documents and requirements to complete and close the purchase transaction related to the property located at: 907 NORTH BEL AIRE DRIVE, BURBANK, CALIFORNIA x x x' (p. 1, Records); and

(3) A portion from the column 'Beatwatch' by Lito A. Catapusan (P. 2, Records).

"The respondent submitted the following evidence, to wit:

(1) His counter-affidavit denying all the allegations against him which he described as baseless and unfounded, and attaching therewith certified