

**[ ADMINISTRATIVE ORDER NO. 6, September 01, 1992 ]**

**MODIFYING ADMINISTRATIVE ORDER NO. 289, DATED JUNE 4, 1992, CONCERNING SUPERINTENDENT LEONORA O. BASALO OF THE CITY SCHOOL DIVISION OF DUMAGUETE CITY**

This refers to the motion of Ms. Leonora O. Basalo, Superintendent of the City Schools Division of Dumaguete City, thru counsel, for reconsideration of Administrative Order No. 289, dated June 4, 1992, suspending her for one (1) year for simple misconduct and conduct prejudicial to the best interest of the service, on the grounds that:

"1. The respondent raised the issue on the legality and constitutionality of the Administrative Proceedings No. 1991-1 the same being violative of your Excellency's Memorandum dated August 7, 1991. This substantive issue was not passed upon in Administrative Order No. 289;

"2. The Administrative Order pre-empted a prejudicial question which is subject of Civil Case No. 10159 now pending with the RTC, Branch 39 of Dumaguete City, Region VII;

"3. The Administrative Case, was not viewed in its entirety particularly the documentary evidence, but gave premium to unfounded insinuations;

"4. The Administrative Order violates the right to due process because it was made 'effective upon notice hereof.'"

Anent the first issue, respondent challenged Administrative Proceedings No. 1991-1 because the motu proprio administrative complaint of June 18, 1991, was addressed by the then Secretary of Education, Culture and Sports to respondent, not to the Executive Secretary as required in the Executive Secretary's Memorandum of August 17, 1990.

Respondent's argument is not well-taken. It is true that, per the Executive Secretary's Memorandum of August 17, 1990, in administrative case/complaints wherein the Secretary of Education, Culture and Sports is the direct/immediate complainant, the complaint should be filed directly with this Office; and that the motu proprio administrative complaint of June 18, 1991, and the formal answer of respondent of July 27, 1991, were made during the effectivity of the Executive Secretary's Memorandum of August 17, 1990.

However, on August 7, 1991, the Executive Secretary promulgated the revised rules of administrative proceedings wherein the Secretary of Education, Culture and Sports was authorized to file appropriate formal proceedings against erring subordinates without the previous requirement that the motu proprio administrative complaint be filed with this Office. Hence, the Secretary of Education, Culture and Sports, instead of referring the complaint and answer to this Office, created an