

**[ ADMINISTRATIVE ORDER NO. 251, November 21, 1991 ]**

**IMPOSING THE PENALTY OF DISMISSAL FROM OFFICE WITH FORFEITURE OF RETIREMENT AND OTHER BENEFITS ON DR. AMIRBAHAL H. ALUK, CITY SUPERINTENDENT OF SCHOOLS, PAGADIAN CITY**

This refers to the administrative case against Dr. Amirbahal H. Aluk, City Superintendent of Schools, Pagadian City, for alleged grave misconduct, conduct prejudicial to the best interest of the service and gross violation of the Civil Service Law (P.D. 807), Anti-Graft and Corrupt Practices Act (RA 3019) and the Code of Conduct and Ethical Standard for Public Officials and Employees (RA 6713).

Records show that the case stemmed from Resolution No. 104, dated April 15, 1988, of the Sangguniang Panlungsod of Pagadian City, after a fact-finding investigation, informing the Secretary of Education, Culture and Sports of certain anomalous activities committed by respondent, Dr. Amirbahal H. Aluk, consisting of receiving sums of money from teacher-applicants in consideration for their appointments or promotions to positions in public schools in Pagadian City. It further requested the Secretary to conduct an impartial fact-finding investigation thereof.

Acting thereon, a fact-finding committee was constituted to conduct a discreet inquiry on the matters alleged in the aforesaid resolution. In its report of July 25, 1991, the fact-finding committee found that a prima facie case exists and recommended the filing of appropriate charges against respondent.

On the basis thereof, together with the sworn statements of the teachers and the minutes of the fact-finding session of the Sangguniang Panlungsod of Pagadian City dated April 4 and 6, 1988, the Secretary of Education, Culture and Sports motu proprio filed, on August 6, 1991, formal charges against respondent for grave misconduct, conduct prejudicial to the best interest of the service and gross violation of the Civil Service Law (PD 807), Anti-Graft and Corrupt Practices Act (RA 3019) and the Code of Conduct and Ethical Standard for Public Officials and Employees (RA 6713), committed as follows:

"That sometime in May, 1990 you received the amount of FIFTEEN THOUSAND PESOS (P15,000.00) from Meriam Alviar at your residence at Kawit, Pagadian City in consideration of her appointment as substitute teacher at Macasing Elementary School, Macasing, Pagadian City and her reappointment in January 1991;

"That sometime in September, 1990 you received the amount of FIFTEEN THOUSAND PESOS (P15,000.00) from Miss Charissa C. Alcasid at your residence in Kawit, Pagadian City in consideration of her appointment as a school teacher at Macasing Elementary School.

"That you received from Edwin Magatao the total amount of P9,000.00 and two goats costing P500.00 and requiring him to work in the construction of the extension of your house in consideration of his appointment.

"That you received the amount of P3,000.00 from Mr. Marciano Mong; P4,000.00 from Mr. Roque Alicorte; P5,000.00 from Mrs. Zenaida Alaestante; P5,000.00 from Mrs. Carmelita Dublin; P5,000.00 from Mrs. Rallos and P5,000.00 from Mrs. Virginia Briones in consideration of their appointments.

"That most of the applicants were not extended appointments but were only given order of assignments and therefore failed to receive the salary due them."

"That you appointed Angela Mariño, rank No. 14; Rhodora Roda, rank 44; Maria Cherrylyn Teves, rank 26 and Abella Tamayo, rank 133 ahead of Merlinda W. Gallos who was then rank No. 6."

In his "Answer with Motion to Dismiss", dated August 28, 1991, respondent parries the charges against him by resolute denials. He claims that the charges preferred are false, and initiated by people with ulterior motives.

The evidence for the complainant presented at the formal hearing are stated in the letter-report, dated September 18, 1991, of the Special Investigators, thus:

"1. Edwin Magatao, in his affidavit Exh. A and his testimony during the hearing claims that he was appointed substitute teacher in different schools; that he gave Supt. Aluk P4,000.00 in his office, P3,000.00 while in Dao, 2 goats costing P500.00 each while he was in Palpalan and P2,000.00 in the house of the respondent in Kawit, Pagadian City, a total amount of P10,000.00; that during his off days Mr. Aluk would invite him to his house in Kawit where he worked in the repair of the fence and extension of the house together with other teachers, 'gratis et amore'.

"2. Marciano Mong, under oath confirmed his sworn statement that he gave P3,000.00 to Dr. Aluk in his house in consideration of his appointment in the year 1987.

"3. Charissa Alcasid testified and confirmed her allegations in her sworn statement, Exh. "E" that she gave P15,000.00 to Mr. Aluk in the latter's house in Kawit, Pagadian City sometime in September 1990 with her mother. She claims that Dr. Aluk returned the P10,000.00. She also mentioned that other teachers likewise gave certain amount only that they are afraid to testify in the open. She claims that she has not received any salary for the services rendered because she did not have an appointment but merely an order of assignment, Exh. 'F'.

"4. Mrs. Elsa Alcasid, the mother of Charissa Alcasid corroborated the testimony of her daughter Charissa.