

[ADMINISTRATIVE ORDER NO. 474, January 23, 1984]

REINSTATING MR. GODOFREDO M. TRINCHERA AS CITY ENGINEER OF ORMOC CITY

This refers to the petition of Mr. Godofredo M. Trinchera, former City Engineer of Ormoc, for reconsideration of the decision of this Office dated April 2, 1979, which was reiterated in a Resolution of this Office dated May 30, 1980, granting him executive clemency in the sense that he is eligible for reemployment or reappointment in the government service and that whatever civil service eligibilities cancelled under the President's Administrative Order No. 97 dated December 4, 1967 are restored, and that if he does not return to the service he is likewise entitled to the payment of whatever employee benefits that might have accrued under existing laws.

In said petition for reconsideration dated August 21, 1980, Mr. Trinchera requests for immediate reinstatement as City Engineer of Ormoc and Ex-Officio Highway District Engineer of the Second Highway Engineering District of Leyte, or to a position in the government service for which he is qualified, and for the payment of his back salaries and other emoluments and benefits due him from January 15, 1967, the effective date of his suspension and removal, up to the date of his actual reinstatement pursuant to Section 7, Rule VI of the Civil Service Rules on Personnel Actions and Policies, Series of 1975. In effect he is asking for the setting aside of Administrative Order No. 97 dated December 4, 1967, wherein he was found guilty of malversation of public funds on three counts, illegal use of government property and violation of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), and was accordingly removed from office.

However, from the very outset and up to the present, Mr. Trinchera had always insisted on his innocence of the charges against him as manifested in his Motion for Reconsideration of Administrative Order No. 97 and subsequent letters to this Office. He pointed out therein the lack or insufficiency of evidence to support the decision, and the errors in the findings of fact which were either contradicted by the evidence or based on matters extraneous to the complaint. After a careful review of the records of this case, I find merit on the points raised by Mr. Trinchera. To invoke now the principle of estoppel against him would run counter to the origin and purpose of the doctrine of estoppel which is equity, and based on moral rights and natural justice (43 Phil. Rep. p614). Moreover, we take cognizance of Mr. Trinchera's desire to do his share in our development programs and in our efforts of nation building. Conformably, therefore, with our commitment for compassion and justice whenever man's survival, dignity and honor are involved, I deem it propitious to rectify whatever injustice Mr. Trinchera may have suffered through all these years.

In view of the foregoing, Administrative Order No. 97 dated December 4, 1967, and the decision of this Office dated April 2, 1979, and Resolution dated May 30, 1980,