

[ADMINISTRATIVE ORDER NO. 280, March 13, 1971]

SUSPENDING DR. AUGUSTO JORNALES FROM OFFICE AS CITY HEALTH OFFICER OF CANLAON CITY

This case stemmed from a petition dated July 1, 1969, of 121 residents of Canlaon City requesting the immediate relief and/or transfer of Dr. Augusto Jornales, City Health Officer of Canlaon, for (1) negligence to his sworn duties for refusing on several occasions to respond to emergency calls of poor and indigent patients; (2) sale of government drugs allotted to the barrio people of said city; and (3) gross inefficiency for failure to enforce and implement city sanitation ordinances.

In addition, respondent was also charged by Federico Pantinople with grave misconduct, dishonesty, serious negligence in the performance of duty and violation of law and/or duty ranging from sale of government drugs, charging patients from P3 to P10, when the same should be for free, refusing to answer calls of indigent patients, allowing his nurse to attend to serious cases requiring his presence, etc.; and by Erlinda Legaspi for having caused her mother's death through negligence. The case was investigated by a special investigator of the Department of Health.

On June 19, 1970, respondent was preventively suspended from office, in view of the serious nature of the charges against him.

The Secretary of Health agreed with the findings of the special investigator that, except for the charge of selling medicines, respondent is blameless as regards the others for failure of complainants to present sufficient evidence in support thereof and submitted the case for decision without any recommendation as regards the penalty to be imposed.

After a careful review of the case, I agree with the Secretary of Health that respondent, by his own admission (t.s.n. p. 173, April 2, 1970), is guilty of selling to patients medicines allegedly left to him by a drug agent on consignment basis, in violation of a Health Department order contained in page 4 of the Handbook for Rural Health Unit Workers under the heading Rural Health Service Policy, which expressly provides, among other things, that "the Municipal Health Officer as well as the other members of the Rural Health Units, shall at no time sell medicines to the public. Any personnel found violating this provision will be administratively dealt with."

For the above offense committed, the penalty of three months' suspension without pay is hereby imposed on Dr. Augusto Jornales with a warning that repetition of a similar offense in the future will be dealt with more severely. Having been under suspension since sometime in July 1970, he is hereby reinstated in office.

Done in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen