



LEYTE STATE UNIVERSITY

Visca, Baybay, Leyte 6521-A

Philippines

Tel: +63 53 335 2600; Fax: +63 53 335 2601

e-mail: opvisca@mozcom.com; website: www.lsu-visca.edu.ph

Office of the President

26 November 2004

MEMORANDUM NO. 289

Series of 2004

T O: Fact-Finding Committee on Complaints Filed Against – *taken personally by Dr. R. H. Espina 12/6/04*
Prof. Climaco D. Espina, Jr.

R E: Request of Students to Nullify Grades Obtained Under
Prof. Climaco D. Espina, Jr.

Please find attached the letter from some students of Prof. Climaco D. Espina, Jr., requesting for the nullification of grades obtained last 1st Semester, SY 2004-2005.


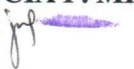
Apparently, this is an offshoot of the complaint filed by Engr. Nicomedes Borines, wherein these same students are involved.

You are hereby directed to immediately conduct an investigation on this matter, and include it in your investigation report. Your report shall therefore include the determination whether or not a *prima facie* case exists against Prof. Espina.

In addition, your committee should submit a report whether the request of the students for nullification of grades has sound basis based on existing University policies, rules and regulations.

Please give this your preferential attention so that the case can be resolved in the soonest possible time.

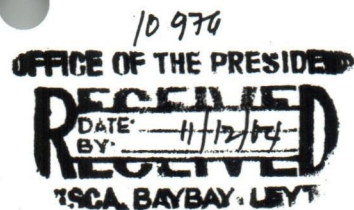
For immediate compliance.


PACIENCIA P. MILAN
President 

12 November 2004

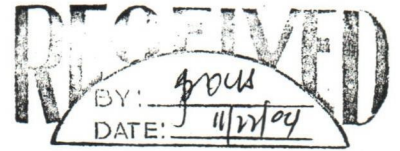
DR. PACIENCIA P. MILAN

President
Leyte State University
Visca, Baybay, Leyte



Dear Dr. Milan,

Greetings!



The undersigned students respectfully request that, in consonance with existing procedures of the university regarding changing of grades, grades obtained under Prof. Climaco D. Espina be nullified for the following reasons, to wit;

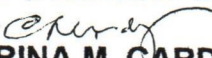
- the above mentioned instructor was subject to a complaint filed by one Engr. Nicomedes R. Borines for various forms of breaches of oath of office of which undersigned students executed a joint affidavit attesting to the facts and circumstances thereof (please find herewith attached Joint Affidavit marked as Annex "A" and form an integral part hereof);
- the results of the examinations since the start of the semester until the last examinations were not returned to us for review and/or for verification and a presumption that the grades were arbitrarily prepared exists for the same do not reflect the true nature of our accomplishment in the subjects under him;
- the same is presumably a form of retaliation or revenge on the part of Professor Espina to get even with us;
- the removal examinations conducted by him were done in a manner grossly prejudicial to our interests as we were not allowed to take the same unless we shall have complied with his condition i.e., withdrawal of our signatures in the joint affidavit earlier executed (please find herewith attached affidavit of Charina M. Cardaño marked as Annex "B" and form an integral part hereof);
- the same removal examinations were held without prior approval from concerned authorities and is contrary to existing rules and regulations of the university thereby making the same inappropriate and invalid as the basis for granting of passing grades to those who took the said examinations.

In view of the foregoing and in the interest of fairness and substantial justice, we respectfully request that an investigation be conducted to ferret out the truth of our allegations. It is further prayed that after thorough deliberations, the undersigned students be evaluated on the subjects under question.


Thank you and may this request merits immediate and favorable attention.

Very truly yours,


GALE GREBERT S. ANDRADE


CHARINA M. CARDANO


JANWEL B. ESCABAL

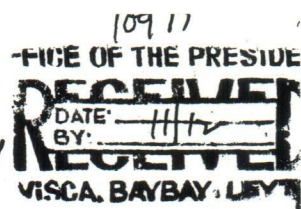

VAL ANTHONY M. BORINES


EDEN R. BALAZUELA

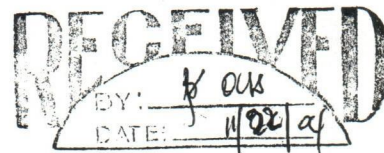
RICHARD B. GALINATO

EMELITA D. TANDUGON

Annex "A"



REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE) S. S.
MUNICIPALITY OF BAYBAY)



JOINT AFFIDAVIT

That WE, students of Leyte State University – Main Campus, Visca, Baybay, Leyte, after having been duly sworn to, in accordance with law, depose and say, that:

1. We are *bonafide* students of Leyte State University – Main Campus this First Semester SY 2004-2005;
2. We are enrolled in **Physics 11** and **Math 112** this First Semester, SY 2004-2005;
3. Our teacher in both subjects is Prof. Climaco D. Espina, Jr., a faculty member of the Department of Mathematics, Physics and Statistics (DMPS), College of Agricultural Engineering and Agri-Industries (CEAI), LSU-Main Campus, Visca, Baybay, Leyte;
4. Prof. Climaco D. Espina, Jr. has intentionally absented himself several times and sometimes successively from his classes in accordance with the regular class schedules for the said subjects since the start of the semester;
5. Prof. Climaco D. Espina, Jr. informed us, the students of both classes, that his absences in our classes is intentional on his part, as this is his way of ventilating his grievances against the present LSU administration;
6. The deliberate and intentional acts of Prof. Climaco D. Espina, Jr. has deprived us, his students, of our right to maximize our learning while enrolled in the subjects;
7. Prof. Climaco D. Espina, Jr., in an attempt to cover-up his deliberate and intentional acts of absenting himself from his official duties to the state and to the students of the Leyte State University, conducted "make-up classes" during Saturdays and/or Sundays sometimes without consulting the students in both classes;
8. The holding of such "make-up classes" has grossly prejudiced the students, as Prof. Climaco D. Espina, Jr. is very well aware of the fact that Saturdays and Sundays are considered Free Time for the students to enable them to use the time for personal, family and the undertaking of other non-academic activities which may not otherwise be possibly undertaken during the regular days of the week inasmuch as these are mandated as class days;
9. The holding of classes outside of the scheduled times must necessarily have prior approval from higher university authorities, through channels, before such make-up classes can be conducted;

10. Prof. Climaco D. Espina, Jr. has conducted his Saturday and/or Sunday "make-up classes" without securing the needed Permit to Conduct Make-up classes from higher university authorities, thus has knowingly and willfully violated existing University Rules and Procedures covering this matter;
11. We, his students in both subjects, have been coerced to attend the illegal and unjustified Saturday and/or Sunday "make-up classes" conducted by Prof. Climaco D. Espina, Jr. for fear of incurring failing grades considering that Prof. Espina has threatened us, the students, with this consequence if we fail to attend his "make-up classes", thus, we, the affected students, could no longer air our objections to these illegal and unjustified impositions of Prof. Climaco D. Espina, Jr.;
12. On top of these blatantly unfair, illegal and unjustified acts, Prof. Climaco D. Espina, Jr. conducted examinations and/or quizzes on topics that have not been lectured on and discussed in class in direct contravention of his sacred duty to the state and the students to "impart knowledge" as a teacher;
13. These blatantly unfair, illegal and unjustified acts of Prof. Climaco D. Espina, Jr. has caused a lot of distress on the part of the students, leading to loss of concentration, inability to sleep well at night, and other negative psychological trauma;
14. The results of our examinations and/or quizzes have never been returned to us thereby preventing us from reviewing and/or verifying the results which we could have used to guide us on which topic(s) we should concentrate better;
15. That as of September 30, 2004, Prof. Climaco D. Espina, Jr. has not submitted our Mid-Term Grades to the Office of the University Registrar;
16. These blatantly unfair, illegal and unjustified acts of Prof. Climaco D. Espina, Jr. has deprived us of our right and opportunity to Pre-Register for the incoming Second Semester, SY 2004-2005, thus putting more financial hardship on our parents considering that we have to come earlier to be able to enroll in the subjects that we are supposed to take in the coming semester;
17. We feel that our parents have been shortchanged with the way that Prof. Climaco D. Espina, Jr. has performed his official duty as a teacher in the Department of Mathematics, Physics and Statistics (DMPS), College of Agricultural Engineering and Agri-Industries (CEAI), LSU-Main Campus, Visca, Baybay, Leyte, considering that our parents have paid considerable tuition and miscellaneous fees for our education at the Leyte State University, Visca, Baybay, Leyte;
18. We have executed this affidavit freely and voluntarily to attest to the truthfulness of the foregoing facts and circumstances and to support whatever legal intent and purposes it may serve.

IN WITNESS WHEREOF, WE have set hereunto affixed our signatures opposite our names this 15th day of October 2004 at Baybay, Leyte, Philippines.

NAME

SIGNATURE

Val Anthony M. Borines

Val Borines

Gole Grebert S. Andrick

Grebert Andrick

Tandugon, Emelita D.

Emelita Tandugon

Richard B. Gestinato

Richard Gestinato

Escabal, Janwel B.

Janwel Escabal

Eden R. Balazuela

Eden Balazuela

CARDANO, CHARINA M.


Charina Cardano

SUBSCRIBED AND SWORN to before me this 15th day of October 2004, at Baybay, Leyte, Philippines.

REPUBLIC OF THE PHILIPPINES)
PROVINCE OF LEYTE) S. S.
MUNICIPALITY OF BAYBAY)

ACKNOWLEDGEMENT

BEFORE ME, this 15th day of October 2004 in the Municipality of Baybay, Leyte, Philippines, personally appeared the above named persons known to me to be the same persons who executed the foregoing acknowledgement to me that the same is their free act and deed.


GLORIOSA CAYUNDA GUINOCOR
Notary Public
Until December 31, 2004
PTR: PL 0575769 1/2/04 Baybay, Leyte

Doc. No. 615
Page No. 101
Book No. XIII
Series of 2004

Republic of the Philippines)
Province of Leyte) s.s.
Municipality of Baybay)

Annex "B" 10974
OFFICE OF THE PRESIDENT
RECEIVED
DATE: 11/12/04
BY: [Signature]
VISCA, BAYBAY, LEYTE

AFFIDAVIT

I, **CHARINA MENDEZ CARDAÑO**, Filipino, single, and a student of Leyte State University-Main Campus, after having been duly sworn to in accordance with law, do hereby depose and state that:

1. I am a sophomore student taking up Bachelor of Science in Chemistry;
2. On 15 October 2004, I and my other classmates signed a Joint Affidavit in support to the complaint filed by **Engr. Nicomedes R Borines** against **Prof. Climaco D.Espina, Jr.**;
3. Said Joint Affidavit was signed in good faith as it contained the acts and omissions of Professor Espina which, to me, are contrary to existing University Rules and Regulations and/or violations of established norms and conduct expected of a public officer;
4. On October 26, 2004, at around 8 o' clock in the morning, together with Michael Tejor, I went to the office of Professor Espina to verify the rumor that a removal examination in Math 112 will be conducted in order to give chance to students who were not able to pass the final examination;
5. Professor Espina confirmed that indeed a removal examination will be conducted, however, he added, that the said examination is intended only to those students who did not sign the Joint Affidavit and those who have signed the same will be dealt with accordingly;
6. Some moments later, Dan Ecleo arrived and joined us in the conversation because he was earlier summoned by Prof. Espina;
7. Knowing that I signed said joint affidavit, Professor Espina confronted me in front of my two classmates and told me frankly that I cannot take the removal exam;
8. Professor Espina **imposed** upon me a certain condition, i.e., **to withdraw or erase my signature from the joint affidavit, otherwise, I can not take the removal examination**;
9. Failure to meet this condition, he reiterated, students who have signed the joint affidavit can not take the removal examination in Math 112;
10. As of 29 October 2004, Professor Espina has not yet submitted our grades in Math 112 to the University Registrar's Office;
11. The three of us were shown our corrected final examination papers in Math 112 and that results showed that I got only 3 points, Michael Tejor got 5 points while Dan Ecleo, 8 points out of 100 points;
12. When asked as to the result of the midterm examination papers, Professor Espina answered that the same were in their residence;
13. He praised Michael Tejor and Dan Ecleo for not supporting the complaint he described as a **case study** only of Engr. Borines;
14. He further told me to proceed to the Administration and withdraw my signature from said joint affidavit through Ms. Cano;
15. I executed this affidavit to attest to the foregoing facts and circumstances and for all legal intents and purposes.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 11 day of NOV 2004 November 2004 at Baybay, Leyte.

[Signature]
CHARINA M. CARDAÑO
Affiant

SUBSCRIBED AND SWORN TO before me this 11 day of NOV 2004 at Baybay, Leyte, Philippines.

[Signature]
ROSULO U. VIVERO
ASST. PROVINCIAL PROSECUTOR

RECEIVED
BY: [Signature]
DATE: 11/22/04