



Visayas State University

Visca, Baybay City, Leyte 6521-A

Philippines

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website: www.vsu.edu.ph; email: op@vsu.edu.ph

Office of the President

23 March 2012

MEMORANDUM NO. 155

Series of 2012

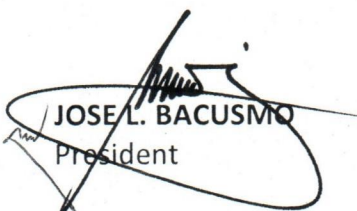
T O: Dr. Rolando H. Arpilleda
Dr. Myrna M. Avila
Dr. Lolito C. Bestil
Ms. Asteria A. Sevilla

R E: Ad Hoc Committee to Investigate Complaint of Dr. Alan Presbitero Against
Dr. Roberto C. Guarte

With Dr. Rolando H. Arpilleda as Chairperson and Ms. Asteria A. Sevilla as Secretary, please constitute yourselves into a committee to investigate the complaint of Dr. Alan Presbitero against Dr. Roberto C. Guarte regarding donated used lawn tennis rackets from Germany.

Please submit your report of findings indicating whether or not prima facie evidence existed to warrant the filing of formal charge against the above-named person being complained of not later than June 15, 2012. Attached are pertinent documents for your reference.

Please be guided accordingly.


JOSE L. BACUSMO
President



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23 March 2012

Dr. Roberto C. Guarte

Vice President for Administration and Finance

Visayas State University

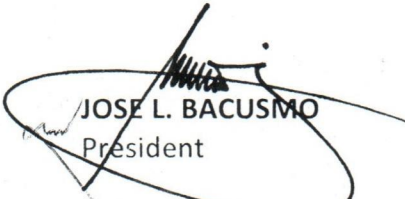
VSU, Baybay City, Leyte

Dear Dr. Guarte:

Attached is a copy of a verified complaint filed by Dr. Alan L. Presbitero as President of the VSU Faculty Association against you regarding donated used lawn tennis rackets from Germany.

In accordance with the provision of Section 11 of MC 19, series of 1999, you are hereby required to submit your Counter-Affidavit/Comment thereto under oath within three (3) days from receipt hereof.

Very truly yours,


JOSE L. BACUSMO
President

2: Guter



Visayas State University
Faculty Association
Visca, Baybay City, Leyte
Philippines 6521-A

OFFICE OF THE PRESIDENT
VSU, VISCA, BAYBAY CITY, LEYTE
OFF # 2015
RECEIVED
DATE/TIME: 3/14/12
BY: joml

12 March, 2012

Dr. Jose L. Bacusmo
President
Visayas State University
Visca, Baybay City, Leyte

March 19, 2012
To: Dr. L. Cano
Pls. form a committee to
investigate (preliminary) the
complaint of Dr. A. Presbitero
against Dr. R. Guarte.
Thanks.

Dear Dr. Bacusmo,

Good day.

The undersigned is filing the following complaint in conformity with the requirements set by the Civil Service Commission in its Uniformed Rules on Administrative Cases in the Civil Service (Sec. 8, Rule II).

Complainant: Dr. Alan L. Presbitero as President of the Visayas State University Faculty Association – Main Campus, Visayas State University – Main Campus, Visca, Baybay City, Leyte.

Person Complained of: Dr. Roberto C. Guarte, Vice – President for Administration and Finance (VPAF), Visayas State University – Main Campus, Visca, Baybay City, Leyte.

Narration of Complaint:

This regards the issue on donated used lawn tennis rackets from Germany sometime 2008/2009 coursed through Dr. Roberto C. Guarte, the Vice President for Administration and Finance. Allow the undersigned to provide you a background information although this has been a public knowledge. This particular issue was put to my attention as first hand information by faculty colleagues so the undersigned is confident of its authenticity.

The turn-over event for the donated tennis lawn rackets occurred one Saturday during lunch after a tournament event among the members of the VSU lawn tennis club. A certain German national by the name of Prof. Muilhbauer (and wife), whom the undersigned was informed served as the academic adviser of Dr. Guarte, who must have brought the donated lawn tennis rackets with them were then around the campus.

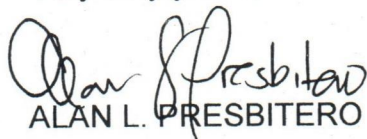
On that occasion, Dr. Guarte was called up to speak in behalf of your administration and in that particular event he announced to the audience that the used lawn tennis rackets on the table will be donated to the University and such donation was made possible through Prof. Muilhbauer in Germany. Dr. Guarte also added that the 36 used lawn tennis rackets (or so) will be partitioned among the Institute of Human Kinetics and the University's lawn tennis club.

Up to this writing, nowhere that the concerned parties who will be benefited by the donation have ever seen the donated used lawn tennis rackets.

The undersigned is asking for a speedy and impartial investigation on this complaint consistent with the call and effort of the National Leadership to have "tuwid na daan" particularly in the public service. The undersigned is of the high hope that appropriate disciplinary action will be meted swiftly sparing no one.

Thank you for your usual attention and in anticipation of your prompt action on this request.

Very truly yours,


ALAN L. PRESBITERO
President

cc:

Dr. Nenilyn P. Defensor, VSUS-BOR Chairperson
Atty. David E. Cabanag Jr., Regional Director, CSC-RO8
VSUFA File

AFFIANT FURTHER SAYETH NAUGHT

VERIFICATION AND CERTIFICATION OF NON - FORUM SHOPPING

That I am the complainant in the above - captioned complaint; That I have caused the preparation and filing of the foregoing complaint - affidavit; That I have read and understand the contents thereof and the same are true and correct to the best of my knowledge and ability and based on authentic documents;

That I hereby certify that I have not commenced any other actions or proceeding involving similar issues in the present case before the Supreme Court, the Court of Appeals or in any other tribunal or agency of the government;

That no other action or proceeding involving issues similar to the present case has been filed or is pending in the Supreme Court, the Court of Appeals, or in any other tribunal or agency of the government. That should we learn that a case of similar issues in the present case has been filed or is pending in the Supreme Court, the Court of Appeals or in any other tribunal or agency of the government, I undertake to report such fact within five (5) days from knowledge thereof;

IN WITNESS WHEREOF, I have hereunto affixed my signature this 12 March 2012 in Baybay City, Leyte, Philippines.


ALAN L. PRESBITERO

Affiant

CTC No. 31078620 on 27 January, 2012

Baybay City, Leyte

Philippines

University ID No. V00575

Visayas State University

Visca, Baybay City, Leyte

Philippines 6521-A

SUBSCRIBED and SWORN to before me this MAR 13 2012 in Baybay City, Leyte, Philippines. Affiant exhibited to me his Community Tax Certificate number above indicated and his valid University Identification Card (ID No V00575) bearing his photograph and signature as competent proof of his identity.

CERTIFICATION

I HEREBY CERTIFY that I have personally examined the affiant and that he acknowledged to me and that he caused the preparation of the foregoing complaint and that he understood the contents thereof and that the same are true and correct to the best of his knowledge and that he voluntarily and freely executed the same.

DOC NO. 243
PAGE NO. 48
BOOK NO. 1
SERIES OF 2012

ATTY. NORJUE I. JUEGO
NOTARY PUBLIC
VALID UNTIL DEC. 31, 2012
NO. 176 BONIFACIO ST., BAYBAY CITY
DTR NO. 4935381, 01.09.2012, BAYBAY CITY
IBP NO. 843750, 01.09.2012, ORmoc CITY
3RD MCLE COMPLIANCE CERTIFICATE NO. 0013720,
APRIL 22, 2010; TIN NO. 201902783; ROLL NO. 44288