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VISAYAS STATE COLLEGE OF AGRICULTURE

Baybay, Leyte, Philippines
Office of the President



23 June 2000

MEMORANDUM NO. 129

Series of 2000

T O: **Dr. Reberco M. Santiago**
Dr. Zosimo M. de la Rosa
Prof. Climaco D. Espina, Jr.
Ms. Lourdes B. Cano
Ms. Asteria A. Sevilla

R E: **Complaint of COA Against Dr. Celedonia de Asis Palaña, et. al.**
of the Leyte State School of Fisheries

With Dr. Reberco M. Santiago as Chairman and Ms. Asteria A. Sevilla as Secretary, please constitute yourselves into a committee to review the 2-folder complaints filed against Dr. Celedonia Palaña and company before the Ombudsman which was referred to DECS, then to CHED and finally to ViSCA for administrative adjudication.

Your committee is requested to determine whether or not a *prima facie* evidence for any administrative offense exists against the respondent and if any, what offense should they be charged.

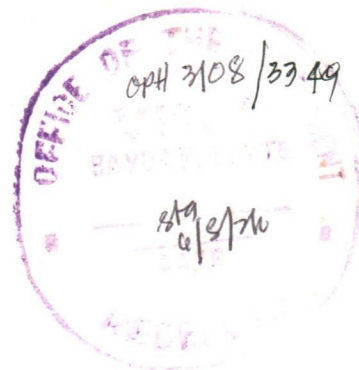
Please submit your report and recommendation to this office within 30 days from receipt hereof.

Please be guided accordingly.


PACIENCIA P. MILAN
President

Republic of the Philippines
Office of the President
COMMISSION ON HIGHER EDUCATION
REGIONAL OFFICE NO. VIII
Corner Real Street and Calanipawan Road, Sagkahan
Tacloban City

June 7, 2000



The President
VISCA
Baybay, Leyte

Dear Madam:

We are respectfully transmitting herewith the complete records of the case as docketed OMB-VIS-AMD-99-0151, entitled: COMMISISON ON AUDIT, Regional Office No. VIII vs. CELEDONIA PALAÑA, ET AL., for administrative adjudication.

While this Office takes cognizance on the case at hand, it is believed that the CHEDRO VIII has likewise lost its administrative disciplinary jurisdiction over CHED-Supervised Institutions like the Leyte State School of Fisheries as a consequence of the integration of CHED-Supervised Institutions (CSIs) to State Universities and Colleges (SUCs) and the transfer of governance from CHED to the Governing Board (GB) of the host SUC, conformably with CMO # 18, Series of 1999.

It is on this score that the herein voluminous documents of the abovenamed entitled administrative case are being transmitted to that Office for the conduct of administrative adjudication, as required pursuant to Section 23 (2) of R.A. 6720, otherwise know as the Ombudsman Act.

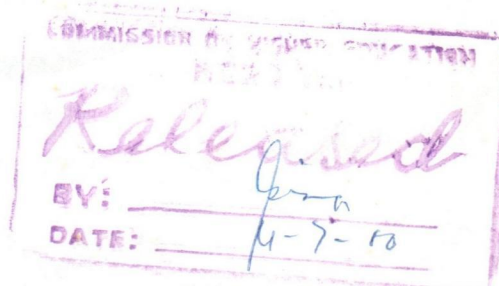
Attached are referral/transmittal letters of the Director, Office of the Ombudsman Visayas dated March 31, 2000 and the Order of the same Office dated March 17, 2000 and the transmittal letter of the DECS Regional Director to this Office dated June 5, 2000 for the non-assumption of jurisdiction of the DECS on the matter, for obvious reasons.

Very truly yours,

[Signature]
BONIFACIO N. ACAPULCO, Ed. D.
Regional Director

Copy furnished:

1. Dir. Virginia P. Santiago
Director
Office of the Ombudsman-Visayas
Cebu City
2. Supt. Celedonia A. Palaña
Leyte State College of Fisheries
Tolosa, Leyte
3. The Director
COA Regional Officer No. 8
Candahug, Palo, Leyte
4. The Regional Director
DECSRO 8
Candahug, Palo, Leyte

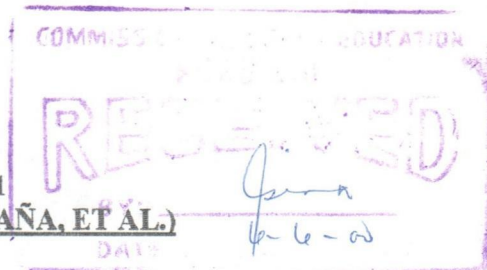


REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF EDUCATION, CULTURE & SPORTS
REGIONAL OFFICE NO. VIII
GOVERNMENT CENTER, CANDAHOUG, PALO, LEYTE

June 5, 2000

The Regional Director
Commission on Higher Education (CHED)
Regional Office No. VIII
Sagkahan, Tacloban City

Re: OMB-VIS-ADM-99-0151
(COA Region 8 vs. CELEDONIA A. PALAÑA, ET AL.)



Dear Sir:

This pertains to the referral to this Office of the above-entitled administrative case involving the college superintendent and some alluded personnel of the Leyte State School of Fisheries (formerly Daniel Z. Romualdez Memorial School of Fisheries), Tolosa, Leyte.

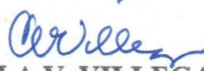
It is a conceded fact therefore that the DECS has already lost its administrative disciplinary jurisdiction over the identified respondent college officials when the CHED was established by law and the consequent effect of the assumption by that office of the direct management and supervision of all collegiate institutions, which necessary included the Leyte State School of Fisheries.

With this circumstance obtaining, the "proper disciplinary authority" as envisaged under Section 23 (2) R.A. No. 6713, otherwise known as the Ombudsman Act, who will conduct the ordered administrative adjudication of the instant case is that commission/office or the CHED.

It is along this vein, that the herein two voluminous case folders of the above-entitled administrative case are being transmitted to that commission/office for the necessary conduct of administrative adjudication.

Please acknowledge receipt hereof and communicate directly with the office of Ombudsman-Visayas regarding that office's assumption of jurisdiction.

Very truly yours,


CIRILA V. VILLEGAS, CESO III
Director IV

Copy furnished:

Dir. Virginia P. Santiago
Director
Office of the Ombudsman-Visayas
Cebu City

Supt. Celedonia A. Palaña
Leyte State School of Fisheries
Tolosa, Leyte

The Director
COA Regional Office No. 8
Candahug, Palo, Leyte

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REPUBLIC OF THE PHILIPPINES
OFFICE OF THE OMBUDSMAN (VISAYAS)
PALACE OF JUSTICE ☐ CAPITOL ☐ 6000 CEBU CITY, PHILIPPINES

March 9/ 2000

HONORABLE CIRILA VILLEGAS
Regional Director
Department of Education
Culture & Sports
Regional Office No. 8
Candahug, Palo, Leyte

Dear Director Villegas:

We are respectfully forwarding to your Office for administrative adjudication, the herein complete records* of the case docketed as OMB-VIS-ADM-99-0151, entitled: COMMISSION ON AUDIT, Regional Office No. VIII vs. CELEDONIA PALANA, ET AL.

This referral is made pursuant to Section 23 (2) of Republic Act No. 6770, otherwise known as the Ombudsman Act.

Thank you for your kind attention.

Truly yours,

NICANOR J. CRUZ, JR.
Officer-In-Charge
Office of the Ombudsman-Visayas

By:

VIRGINIA PALANCA-SANTIAGO
Director

*consisting of 944 pages

SSM/zjl



REPUBLIC OF THE PHILIPPINES
OFFICE OF THE OMBUDSMAN (VISAYAS)
PALACE OF JUSTICE ☐ CAPITOL ☐ 6000 CEBU CITY, PHILIPPINES

COMMISSION ON AUDIT,
Regional Office No. VIII,
Complainant,

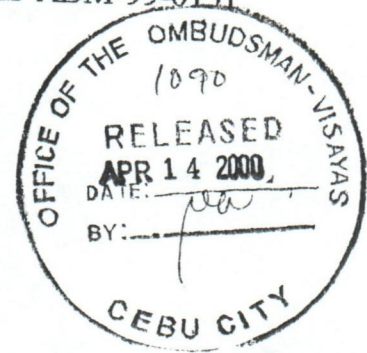
- versus -

CELEDONIA PALAÑA,
ET AL.,

Respondents.

x- - - - - /

OMB-VIS-ADM-99-0151



O R D E R

This case was today called for initial hearing. However, only the respondents and their counsels were present. The complainant was duly notified of this proceeding notwithstanding that on 12 January 2000, this Office was in receipt of a letter from Director Ildefonso T. Deloria dated 20 December 1999 manifesting their intention to submit the case for resolution on grounds that the COA findings are duly supported with complete documentary evidence and that their Office has no appropriated funds for the travelling expenses of their witnesses.

During the said hearing, counsels for the respondents moved for the dismissal of this case on the basis of the respondents' constitutional right to meet the witnesses face to face (Sec. 14 (2), Article III, New Constitution). They asserted the respondents' right to confront the complainant and the witnesses against them.

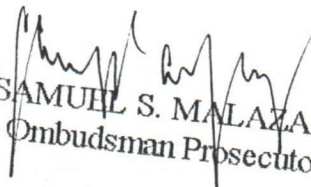
We must defer to the right of the respondents. But we cannot also ignore the reasonable ground proffered by the complainant for not being able to attend and present its witnesses in the proceeding of this case, because government agencies, like herein complainant, function under strict fiscal rules. This dilemma, however, is not without any solution. The nature of the present case is such that adjudication thereof may be transferred to another authority of concurrent jurisdiction, which in this particular case is the Department of Education, Culture and Sports (DECS). Referring this case to the DECS, Regional Office No. VIII, would secure the attendance of complainant's witnesses at the least expense and, thus, also afford the respondents their right to examine said witnesses against them.

WHEREFORE, above premises considered, the foregoing motion is denied and this administrative case is hereby ordered REFERRED to the DECS, Regional Office No. VIII, for administrative adjudication.

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After such referral, this case shall be deemed CLOSED and
TERMINATED in so far as this Office is concerned.
SO ORDERED.


Cebu City, 17 March 2000.


SAMUEL S. MALAZARTE
Ombudsman Prosecutor II

RECOMMENDING APPROVAL:


VIRGINIA PALANCA-SANTIAGO
Director

APPROVED:


NICANOR J. CRUZ, JR. 3/20
OIC-Deputy Ombudsman for the Visayas
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