



LEYTE STATE UNIVERSITY

Visca, Baybay, Leyte 6521-A

Philippines

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Office of the President

18 August 2003

MEMORANDUM NO. 180

Series of 2003

**T O: Mr. Jaime Degenion
Mr. Terso Sanchez**

R E: Formal Charge for Dishonesty and Misconduct

You are hereby formally charged of the offense of Dishonesty and Misconduct. In this connection, you are given 72 hours from receipt hereof to file your comments and answers to the charges. You are however, reminded of your rights to be assisted by a counsel of your choice.

Attached is a copy of the report of the committee assigned to conduct a preliminary investigation of the case wherein they found a prima facie case against you.


PACIENCIA P. MILAN
President

cc: ODA
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LEYTE STATE UNIVERSITY
Visca, Baybay, Leyte

July 15, 2003

Dr. Paciencia P. Milan
President
LSU, Visca, Baybay, Leyte

Dear Dr. Milan:

In compliance with Memorandum No. 114, series of 2003, the committee created to conduct a preliminary investigation concerning irregular activities at the Feedmill immediately conducted a marathon clarificatory hearing last June 19, 2003. The persons complained of and some witnesses were invited to shed light on the matter.

The testimonies of those invited are as follows:

1. Jose Bagarinao

He is a laborer on contract of the Department of Animal Science. He is a caretaker of a boar owned by Jaime Degenion since December last year with agreement that Mr. Degenion would supply the feeds. He added that starting in December, Mr. Degenion gave him 10-12 kilos of feeds every week which the latter got from the Feedmill without receipt. After the complaint was filed, Mr. Bagarinao already fed the pig with "tahop". He said he got 10 empty bags of feeds from the Piggery on credit. He said he only asked permission from Mr. Bulawan because he did not see Mr. Abela. He added he is willing to pay since he has not paid the empty sacks yet. When asked, he said the empty sacks cost P5.00 each.

2. Edna Silvano

She said Mr. Degenion did not pay or make "vale" of the feeds Mr. Degenion gave to Mr. Bagarinao. She added that the vale Mr. Degenion prepared to support his affidavit was seen by her only after she had given to Dr. Sanchez the list of accounts of the Feedmill. She added she saw the "vales" the following morning stapled on her table after she gave the list of Feedmill creditors to Dr. Sanchez.

She added that if one buys feeds on credit, she usually writes in the vale the number of kilos and the kind of feeds and lets the buyer sign in the vale.

In the case of Mr. Degenion's vale, the vale for feeds taken in November, December, January and February was prepared in March. She did not prepare the "vale" as practiced but Mr. Degenion himself. Also, it is her job to keep the vales. In the case of Mr. Degenion, he allegedly kept his vale himself.

3. Alejandro Bulawan

He is a worker of the Piggery Project of ViFARD. He was present and assisted when the 15.5 bags were mixed. He said he personally saw when the bags were placed in the weighing scale. The remaining 0.5 bag was placed in an old sack and was just set aside.

Regarding the 10 empty bags of feeds, he gave them to Mr. Jose Bagarinao because according to the latter, he already asked permission from Mr. Abela but added he recorded the date and number of empty bags.

4. Julius Abela

He said he investigated Mr. Bulawan because the bag of feeds he got lacked weight. On February 24, 2003, he noticed that the sacks filed were not of the same size. On February 25, 2003, he noticed one sack was lacking. When he asked Mr. Bulawan, the latter said somebody took the feeds. When another laborer (Tirso Sanchez) came, he told me to ask Mr. Jaime Degenion. When confronted, Mr. Degenion told me not to worry because the shortage can be recovered in the next mix. Mr. Abela said he also suspected that their previous orders were also lacking because of the performance of the pigs.

He said he does not normally weigh the feeds but on February 25, 2003, that was the time he knew it lacks 12 kilos. He said on February 26, he ordered 15 bags but the feeds mixed reached 15.5 bags.

He also mentioned about one kilogram lincomycin which was missing on December 5. He said he kept it at the Feedmill and he informed Mr. Jaime Degenion about it. He said it can be used either for poultry or piggery because it is for livestock. He cannot pinpoint, however, who got it.

5. Apolonio Bulawan

He said he was present during the mixing because he was requested to assist. He said they do the bagging with Terso Sanchez. He said during the bagging of the five bags after mixing, the first bag contained 50 kilos, the second bag again 50 kilos, the third sack again contained 50 kilos but during the fourth sack, Jaime Degenion filled his sack near the mixer which he gave to Mr. Bagarinao. Then he said they continued bagging for another 50 kilos and the last sack already lacks 12 kilos. He clarified, they weighed the feeds.

6. Dr. Serena Sanchez

She said they usually weigh the bag after bagging. She said she was prompted to check with Dr. Cañete when this Alejandro Bulawan told her that when they mixed 5 bags, the weight of the feeds lacked 2 kilos per bags.

7. Dr. Limuel Cañete

He said he was able to confirm the lacking feeds because it was still fresh. On that day of delivery, he weighed the bag and found out that it was really lacking. He added, however, that at present, the weight is already exact.

He said in the past he did not weigh because he trusted that the weight was exact. He said he started weighing after he received a call from Dr. Sanchez who instructed him to weigh the recently delivered feeds to confirm the statement of Alejandro Bulawan that Piggery and PCC feeds lacked 2 kilos per sack. Using three types of weighing scale, the result confirmed the lacking 2 kilos per sack.

8. Teiso Sanchez

He said his job is to load the feeds in the mixer and it is Jaime Degenion who does the weighing. He also does the bagging of feeds coming from the mixer. He said they always weigh the feeds per sack unless it is owned by one person and is only two (2) to five (5) sacks. For PCC feeds, he said they weigh all the feeds per sack which are 50 kilos each.

He admitted that out of the 5 bags mixed on February 25, 2003, one sack did not reach 50 kilos although during the formulation, it was good for 5 sacks.

When repeatedly, asked why the sack did not reach 50 kilos, Mr. Sanchez answers were all evasive and instead said Mr. Degenion can answer it.

He admitted that Mr. Alejandro Bulawan was present during the bagging.

He denied having seen Mr. Degenion giving feeds to Mr. Jose Bagarinao but admitted he is aware of Mr. Bagarinao taking care of Mr. Degenion pig.

When asked where Mr. Degenion gets feeds, he answered the latter makes a "good for" although he did actually see him giving the good for to Edna Silvano. He said he knows Mr. Degenion gets feeds from the Feedmill because of the "good for" according to Mr. Degenion.

When witness is questioned as to the inconsistencies of his affidavit and his testimony, he refused to answer. However, when asked if he understood the statement in his affidavit, he answered he cannot understand English.

9. Jaime Degenion

He said there are times when they no longer weigh the feeds especially if they mix 2 to 5 bags only and they are in a hurry. But for orders like 35 bags from PCC, they really weigh it.

There are times when there is one kilo lacking in the total bags, but there is no instance that they forego scaling. He admitted that as human being, he sometimes commits mistake in the computation because his vision is not good. He said he commits error in computing the number of kilos to be included in the formulation. As an example, he showed his computation wherein he committed a mistake (as complained by Mr. Abela where it lacked 12.5 kilos) because the corn bran was computed as 100 kilos when it should have been 112.5 kilos.

When asked why he brought the computation with him when it is Feedmill record, he said "for exhibit". He answered that it is their practice that after Edna had transferred this to Feedmill records, they usually throw it away or burn it.

When told that their delivery to PCC was lacking when they weighed it, Mr. Degenion answered they should have called him or Edna to witness.

When confronted about the statement of Alejandro Bulawan that the four bags weighed 50 kilos and the other bag was lacking in weight, the witness said they did not weigh it because they were in a hurry.

When asked about the 12 kilos he gave to Jose Bagarinao, he said he gave 20 kilos hog starter feeds because he mixed one sack at that time on February 24. He admitted owning a pig taken cared of by Mr. Bagarinao that he intrusted in November 2002. He pitied Mr. Bagarinao so he gave him feeds once a month. At first, he gave 25 kilos in November. He said he had "good for" but he has not paid it yet. He gave that "good for" to Edna everytime he gave feeds to Mr. Bagarinao. It is he who wrote in the "vale". He asked permission from Edna to withdraw feeds but Edna did not see the weighing. He said anyone who "good for" is the one who makes the receipt. When asked about the monthly list of those with "good for", he said he does not know about it. When asked why his name was not in the list, he said he does not know because he placed his "good for" in the box. He admitted he kept his "good for" with him together with his affidavit.

Regarding the erasures in the "good for", he admitted he made it and he made it during the time he made the "good for".

When asked who allowed them to "good for", he answered it is only between them.

To summarize, hereunder are our findings:

1. Mr. Jaime Degenion owned a pig under the care of Mr. Jose Bagarinao and he gave feeds to Mr. Bagarinao from the Feedmill without payment nor did Mr. Degenion make "vale" of the feeds;
2. Mr. Degenion prepared the "vale" already in March 2003 for the feeds he took in November 2002, December 2002, January 2003 and February 2003. Mr. Degenion kept the "vale" himself and not Edna Silvano as practiced;

3. On February 25, the Feedmill mixed 5 sacks but of the 5 sacks, one sack lacked 12 kilos.
4. The PCC feeds newly delivered by Feedmill to PCC lacked 2 kilos each bag;
5. Terso Sanchez told lies to the Committee. When confronted regarding statement from previous witness, Mr. Sanchez merely answered that it is Mr. Degenion who can answer them. He insisted that the feeds taken by Mr. Degenion was with "vale" given to Ms. Silvano although he did not see the "vale".

In view of this, it is recommended that Mr. Jaime Degenion and Mr. Terso Sanchez be subjected to a formal investigation for Dishonesty and Misconduct.

Prepared by:

Investigation Committee

JOSE M. ALQUINO, JR.

Chairman

CASIMIRO D. CARCALLAS

Member

MANUEL K. PALOMAR
Member