

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 199

SUSPENDING MR. UBALDO D. LAYA FROM OFFICE
AS PROVINCIAL TREASURER OF ORIENTAL
MISAMIS.

Mr. Ubaldo D. Laya, provincial treasurer of Oriental Misamis, stands charged with irregularities in connection with the acquisition of supplies, materials and equipment while he was holding the same position in the Province of Cebu.

The record shows that during the period from January 1947 to April 1948 respondent made excessive, unnecessary and irregular purchases of supplies, materials and equipment amounting to ₱933,823.92. He also appears to have made overpayments in some instances.

Explaining the huge acquisition, respondent states that the quantity was deemed necessary in the interest of the public service, considering the then existing conditions; that calls for bids were made in certain cases, and the prices secured thereunder were used in subsequent purchases of like articles; that in view of his multifarious duties and failing health he had to rely on the work of his subordinates who should be held answerable for the irregularities; and that vouchers covering payment were passed in audit by the provincial auditor and the unconditional approval by the Department of Finance of some requisitions submitted for action was "understood and considered to include the reasonableness of the prices and mode of acquisition as well as the quantity of supplies requisitioned."

Respondent's explanation is not satisfactory. The regulations are clear enough as to the quantity of supplies that may be carried in stock and the manner they should be acquired, to wit, through public bidding. It should at least have occurred to him to consult the Secretary of Finance before deviating therefrom. Even conceding the existence of conditions which would justify a deviation from the procedure indicated in existing regulations, purchases should have been limited to articles absolutely needed to enable the different offices to perform their normal functions. Respondent's attempt to shift responsibility to his subordinates is obviously untenable, as he is primarily charged by law with the acquisition of necessary supplies, materials and equipment for the province. He should not have depended on, let alone subordinated his own judgment to, the initiative of any other

official or officials as they assume individual responsibility for their acts.

As regards the particular acquisition of 300 air-brush pictures costing ₱18,000 for use of the elementary schools, payment of which was advanced from provincial funds, he knew or should have known, considering his long connection with the treasury service, that requisitions for school supplies and equipment payable from national funds must be signed by the division superintendent of schools as requisitioning officer and not by him, and thereafter submitted to the proper school authorities for approval. Furthermore, provincial funds may be used only for provincial purposes in pursuance of appropriations duly authorized by the provincial board.

Relative to the purchase of 4,500 cans of unserviceable soap saddle with a total cost of ₱47,025, considering the big amount involved, he should have taken pains to verify the correctness of the dealer's representations instead of relying blindly thereon, especially so since there was no urgency in acquiring those articles. Respondent's explanation regarding the purchase of equipment for the office of the provincial assessor is satisfactory except as to the alleged urgency justifying its procurement in an unauthorized manner, considering the sufficiently long time in which he could have made arrangements for its acquisition in the prescribed manner.

With respect to the overpayments made to Dealer Alonso de la Peña for the purchase of 1,000 bottles of stamping ink, 38 steel filing cabinets and 20,000 press-board folders for which the respondent and Provincial Treasurer Ponciano Reyna, then his assistant, are being made to account, his explanation that he had no participation therein other than to affix his signature on the vouchers after having been satisfied that Reyna had initialed or signed the same, is far from satisfactory. As provincial treasurer he is responsible for the disbursements of provincial funds. In fairness, however, to him, let it be stated in this connection that he was the victim of abuse of confidence on the part of his assistant, who allowed extraneous considerations to influence his official actuations. Separate disciplinary action is being taken against Mr. Reyna.

Mr. Laya has long been in the service and is one of the most experienced among the provincial treasurers. Until the commission or occurrence of the irregularities treated above, there was no blot in his record. There is nothing in this case that would impugn his honesty and integrity or even cast a doubt thereon. Neither have the investigators of the General Auditing Office and the Department

of Finance found any evidence showing bad faith or dishonesty on his part. There is, however, enough to show that he was negligent in the performance of his duties and was too lax in the hands of dealers, as a result of which the Province of Cebu suffered losses estimated at more than ₱200,000. Consequently, I am constrained to take disciplinary action against him.

Wherefore, Mr. Ubaldo D. Laya is hereby suspended from office for six months without pay, effective as of the date of his preventive suspension, with a warning that repetition of similar irregularities will be dealt with more severely.

Done in the City of Manila, this 4th day of November, in the year of Our Lord, nineteen hundred and fifty-two, and of the Independence of the Philippines, the seventh.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary
