

DISMISSAL FROM THE SERVICE OF DAVID L. BUSA

ERB RESOLUTION NO. 95-29, October 12, 1995

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WHEREAS, on November 15, 1993, Office Order No. 93-33 was issued creating a Fact-Finding Committee pursuant to a written report of Mrs. Loreta Echavez and Azucena T. Garcia, ERB Cashier III and Disbursement Officer II, respectively, as indorsed by Mr. Demetrio G. Busain, then Acting Administrative Officer V, regarding the alleged delayed remittance by Mr. David L. Busa of the P500.00 administrative fine and P3,357.00 total overprice entrusted to him by the wife of the respondent in ERB Case No. 91-49.

WHEREAS, after investigation, the Fact-Finding Committee found that there was a prima facie evidence showing that Mr. Busa received the subject amount on July 28, 1993 which amount Mr. Busa failed to remit to the cashier on the said date and that said Mr. Busa had no authority to receive payment in cash and his participation was merely to make an assessment as to the amount to be paid;

WHEREAS, on July 16, 1994, Special Assignment No. 94-10, as amended, was issued creating an Investigation Committee to conduct a formal investigation in connection with the report submitted by the Fact-Finding Committee;

WHEREAS, on June 20, 1994, the Investigation Committee commenced its task by issuing a memorandum to Mr. Busa informing him of the report of Fact-Finding Committee, the nature of the act for which he is being investigated, the corresponding penalty attached thereto and further directing him to submit his answer/explanation in writing within five (5) days from receipt thereof;

WHEREAS, since June 20, 1994 until September 1, 1995, Mr. Busa had not submitted his answer/explanation to the Committee. Instead, he filed several Memoranda, including motions for reconsideration, raising issues which did not pertain to the merits of the case;

WHEREAS, on September 1, 1995, upon motion of the prosecutor, Atty. Arnido O. Inumerable, the Investigation Committee declared Mr. Busa in default for his failure to file his answer/explanation within the period prescribed by the said Committee and allowed the prosecution to present its evidence ex parte;

WHEREAS, on September 15, 1995, the Investigation Committee submitted to the Board its findings and recommendations, on the basis of evidence on record holding Mr. Busa liable for an act of dishonesty punishable by dismissal (first offense) under Section 22 (a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and other pertinent Civil Service Laws.

WHEREAS, during the September 20, 1995 meeting attended by Board Members Bayani V. Faylona, Arnaldo P. Baldonado and Edward C. Castañeda, the Board decided after due deliberation to adopt and approve the findings and recommendations of the Committee which conducted the formal investigation; TlaCac

WHEREAS, on September 22, 1995 the Board received a copy of respondent David L. Busa's "Answer/Response to the Report of Loreta A. Echavez and Azucena T. Garcia to the Allegations of Mrs. Erlinda Dorado, wife of Respondent in ERB Case No. 91-49" dated 4 January 1994 but sent by registered mail on September 13, 1995 (date stamped on envelop);

WHEREAS, the aforementioned answer/response dated 4 January 1995, cannot be given due course for the following reasons:

- The abovementioned answer of David L. Busa is obviously in response to the report of Loreta A. Echavez and Azucena T. Garcia and therefore should have been filed with the Fact-Finding Committee which conducted the investigation on the matter. The Committee submitted its report on May 10, 1994, more than one (1) year before Mr. Busa filed his answer.
- If Mr. Busa intends his answer to be his response to the directive of the Investigating Committee headed by Board Member Oscar E. Ala which conducted the formal investigation, his answer is already too late because said Committee had already declared him in default for failure to file his answer despite several extensions granted by the Committee. Besides, the Committee submitted its report and recommendation on September 15, 1995 which the Board adopted and approved on September 20, 1995.

WHEREAS, in a subsequent Board meeting on October 12, 1995, Chairman Rex V. Tansionco confirmed and ratified the decision made by the Board on September 20, 1995 regarding the dismissal of David L. Busa provided the decision is embodied in a resolution;

WHEREFORE, be it resolved as it is hereby resolved to adopt the findings and approve the recommendation of the Investigation Committee as embodied in its report copy of which is attached hereto and made an integral part hereof.

Accordingly, respondent David L. Busa is hereby dismissed from the service effective immediately.

Let copies of this Resolution and the Report of the Investigation Committee be furnished the Civil Service Commission, Atty. Arnido C. Inumerable, Mr. David L. Busa, 201 file of respondent, and the Financial and Administrative Services Branch which is directed to implement this resolution.

Adopted: 12 Oct. 1995

(SGD.) REX V. TANTIONGCO
Chairman

(SGD.) BAYANI V. FAYLONA
Member III

(SGD.) EDWARD C. CASTAÑEDA
Member III

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