

## EXECUTIVE DETERMINATIONS

**SUSPENSION OF SUBORDINATE OFFICER OR EMPLOYEE, OFFICE AUTHORIZED TO ORDER; FILLING OF POSITION OF SUSPENDED EMPLOYEE.**—It appears that Mr. Ambrosio Tumamak is proposed for appointment as acting bookkeeper and record clerk in the Municipal Treasurer of San Isidro, Leyte, at ₱480 per annum, effective February 3, 1947, to take the place of Mr. J. Laurino, who is allegedly suspended from duty for gross irregularity. It may be stated that this Office has no record of Mr. Laurino's suspension as having been authorized by that Department, the office authorized to order the preventive suspension of a subordinate officer or employee in the provincial or municipal treasury, under Section 694 of the Revised Administrative Code, as amended by Commonwealth Act No. 177.

It may also be stated that a subordinate officer or employee in the civil service may not be removed from the service or otherwise disciplined except by the official authorized to do so under Section 695 of the Revised Administrative Code, as amended by Commonwealth Acts Nos. 177 and 598, as a result of administrative proceedings instituted against him in accordance with the procedure prescribed in Executive Order No. 370 dated September 29, 1941. As Mr. Laurino has not yet been separated pursuant to Section 695 of the Revised Administrative Code aforementioned, it seems obvious that there is no vacancy to which Mr. Tumamak can be appointed. The practice heretofore followed in cases of this nature is for the chief of office to designate someone in the office to take the place of the suspended employee without additional compensation.—*2nd Ind., July 12, 1947, of Commissioner of Civil Service to the Sec. of Finance.*

**POSITION OF BOOKKEEPER NOT CONSIDERED CHIEF OF DIVISION FOR PURPOSES OF ACT 2598.**—Respectfully returned to His Excellency, the President of the Philippines, con-

curring in the opinion of the preceding indorsement of the Commissioner of Civil Service that the position of bookkeeper in the office of the Provincial Treasurer may not be considered as that of chief of division for purposes of Act No. 2589, as amended, and that the same should therefore be ipso facto abolished upon approval of the retirement of the incumbent. In view of the necessity for the position, approval of the request for the recreation thereof and for authority to fill the same is hereby recommended, the salary to be fixed at ₱1200 per annum, which is two-thirds of the actual salary, pending consideration and approval of Resolution No. 264 of the Provincial Board of Nueva Ecija in line with the action taken regarding the former position of the late Modesto Trinidad of the Manila Fire Department.—*11th Ind., Jan. 30, 1947, of the Commissioner of the Budget.* (The Office of the President authorized the recreation of the position in question, ipso facto abolished, at a salary not exceeding two-thirds of the appropriation authorized therefor.—Editor.)

**OPERATION OF JITNEYS PURCHASED UNDER C. A. 85.**—Respectfully returned to the Honorable, the Secretary of Agriculture and Natural Resources, Manila, hereby approving, in view of the representations and recommendations herein, and in line with a similar exemption authorized by this Office in 1938, the within request to exempt from the provisions of Executive Order No. 172, series of 1938, the operation of the jitneys of the Bureau of Plant Industry purchased under Commonwealth Act No. 85 for the purposes of the Provincial Extension Service and their continued operation by the said Bureau under such rules and regulations as may be promulgated by the Director of Plant Industry by virtue of the provisions of Commonwealth Act No. 85.—*3rd Ind., Dec. 18, 1947, of Acting Executive Secretary by authority of the President.*

**RESIDENCE OF MUNICIPAL TREASURERS.**—It has been noted recently that in some provinces the policy under which municipal treasurers are required to reside in the municipalities to which they are assigned is not strictly adhered to. This policy has everything to commend itself and any deviation therefrom must be supported with good and strong reasons. In view of the nature of the duties of a municipal treasurer he must not leave his municipality without the previous permission of the Provincial Treasurer, even on Sundays and official holidays. Provincial Treasurers are therefore hereby instructed to see to it that all municipal treasurers under their respective supervision reside in the municipalities where they are assigned as near the municipal building as practicable.—*Provincial Circular (Unnumbered), dated July 1, 1940, of Secretary of Finance.*

**FILLING OF POSITION OF RESPONDENT PENDING CONSIDERATION OF HIS APPEAL BY THE CIVIL SERVICE BOARD OF APPEALS.**—In view of the notice given by Mr. Roberto Cabato of his intention to appeal from the decision rendered by this Office against him on May 8, 1946, the attention of that Office is invited to an excerpt from the minutes of the Cabinet meeting held on July 14, 1937, which reads:

“605. To prevent possible injustice to employees dismissed from the service or reduced in positions by administrative decisions of the Commissioner of Civil Service who would find themselves without positions on their exoneration by the Civil Service Board of Appeals, Secretary Vargas submitted the following resolution to the Cabinet:

‘RESOLVED, That during the period when an appeal may be perfected or until final decision of the appeal by the Civil Service Board of Appeals, the position formerly occupied by a respondent in an administrative case shall not be filled,

but if the needs of the service should require the immediate appointment of a substitute, the said appointment may be made in a temporary status only. If the appeal is decided in favor of the respondent he shall be reinstated and the temporary appointment of the substitute shall cease. If the action of the Commissioner of Civil Service is upheld, the appointing officer may then proceed to the permanent filling of the position thus vacated by the separation or demotion of the respondent.

Approved by the Cabinet.’”

—*3rd Ind., Oct. 2, 1946, of Commissioner of Civil Service to the Sec. of Finance.*

**COMPLEXION OF MUNICIPAL COUNCIL; CHANGE OF PARTY AFFILIATION.**—As it appears that Mr. Marcelo Cabalan was elected as councilor of the municipality of Jabonga, that province, on the Liberal ticket, it is believed that his successor should be chosen from among those proposed by the local representative of the Liberal Party in the same municipality in order not to change the complexion of the council elected, thereby respecting the will of the electorate, the change of party affiliation of Mr. Cabalan after election to the contrary notwithstanding. Please be guided and take action accordingly.—*3rd Ind., May 16, 1949, of Undersecretary of the Interior to Prov. Gov. of Agusan.*

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