



EXECUTIVE ORDER NO. 31
Series of 2022

**CREATING A FACT-FINDING COMMITTEE TO INVESTIGATE AND DETERMINE
ALL THE FACTS AND CIRCUMSTANCES SURROUNDING THE ADMINISTRATIVE
COMPLAINT FILED BY MS. MARIA MICHAELA D. MAGTOTO**

I, **CORAZON T. NUÑEZ- MALANYAON**, Governor of the Province of Davao Oriental, by virtue of the powers vested in me by law, do hereby **ORDER** the following:

1. There is hereby created a **FACT-FINDING COMMITTEE (FFC)** to investigate and determine all the facts and circumstances surrounding the administrative complaint filed by Ms. Maria Michaela D. Magtoto against Engrs. Ruel C. Dumadag, John Christopher S. Algallar and Edgar M. Fernandez, all of the Provincial Engineer's Office (PEO), this Province, for Grave Misconduct, Serious Dishonesty, Gross Neglect of Duty and Conduct Prejudicial to the Best Interest of the Service.

2. The FFC shall have the following composition, namely:

Chairman : Mr. Miguelito V. Trocio, PHRMD Officer

Vice-Chairman : Dr. Edito B. Sumile, Provincial Agriculturist

Members : Ms. Emelia C. Barrera, Provincial Accountant

Engr. Marie Eleonor M. Serrano

Mr. Romeo A. Kwan Tiu, Asst. Provincial Treasurer

Mr. Mario L. Gentiles, Executive Asst. IV

Mr. Joseph V. Butlig, Administrative Officer IV

3. The FFC is tasked to undertake the following:

a. Gather facts and evidences to ascertain the truthfulness of the complaint.

b. Conduct preliminary investigation and/or review the result (Terminal Report) of the

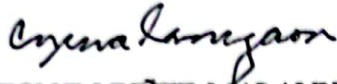
preliminary investigation conducted by the previous Ad Hoc Committee

- c. If necessary, summon parties to a conference where the Committee may propound clarificatory and other relevant questions.
 - d. Determine whether or not a *prima facie* case exists.
 - e. In relation to the foregoing item (d.), recommend the following to the Governor.
 - e.1 If a *prima facie* case exists, the issuance of a formal charge and order of preventive suspension, if warranted.
 - e.2 If a *prima facie* case does not exist, the outright dismissal of the administrative complaint filed by Ms. Maria Michaela D. Magtoto against the persons-employees accused.
4. The FFC is authorized to summon witnesses, administer oaths or to take testimony or evidence relevant to the investigation by *subpoena ad testificandum* and *subpoena duces tecum*, to deputize lawyers of other agencies and similar officials to conduct preliminary/formal investigation and to make the necessary report and recommendation, provided that prior understanding is executed in a Memorandum between the two (2) parties, and to do such other acts necessary and incidental to the mandate.
5. The FFC is empowered to call upon and secure the assistance of any department/office/agency of the government, in the performance of its tasks and duties.
- All departments/offices/agencies of the government are hereby directed to extend all forms of assistance that may be requested by the Committee and are necessary in the performance of its functions.
6. The Chairman of the Committee may establish a Secretariat for its technical and staff support. For this purpose, he is hereby authorized to detail any personnel from any government office to assist the FFC.
7. All expenses to be incurred by the FFC shall be covered from available funds of the province. The Committee members and its Secretariat shall be entitled to collect honorarium in the amount of P10,000.00, subject to the usual government accounting and auditing requirements.
8. The Committee shall convene immediately and shall submit its findings and recommendations as to whether or not the preventive suspension of the PEO officers accused of is warranted, to the Governor within thirty (30) days of the date of this Order.

9. The *2017 Revised Rules on Administrative Cases in the Civil Service (2017 RRACCS)* shall be utilized by the Committee as reference and guidance material in conducting and reporting the results of its investigation.

10. This Executive Order shall take effect immediately.

DONE in the City of Mati, Davao Oriental, Philippines, this OCT 28 2022 day of in the year of our Lord, Twenty Hundred and Twenty-Two.


CORAZON T. NUÑEZ-MALANYAON
Governor