



COMMITTEE REPORT NO. 463

Submitted by the Committee on Public Accounts and the Special Committee on Senior Citizens on March 20, 2023.

RE: House Resolution 326 calling for an investigation on the status and operations of the National Commission of Senior Citizens and the Privilege Speech of Rep. Rodolfo “Ompong” M. Ordanes, delivered on August 31, 2022, concerning alleged mismanagement, anomalies, and irregularities in the National Commission of Senior Citizens (NCSC).

Informing the House of their findings and recommendations.

Sponsors: Reps. Joseph Stephen “Caraps” S. Paduano and Rodolfo “Ompong” M. Ordanes

Mr. Speaker:

The Committee on Public Accounts and the Special Committee on Senior Citizens, to which were referred House Resolution No. 326, introduced by Representative Rodolfo “Ompong” M. Ordanes, entitled:

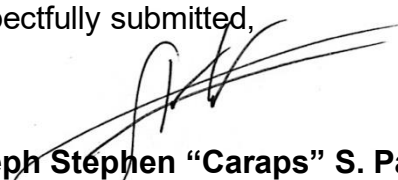
RESOLUTION CALLING FOR AN INVESTIGATION ON THE STATUS AND OPERATIONS OF THE NATIONAL COMMISSION OF SENIOR CITIZENS


And

THE PRIVILEGE SPEECH OF REPRESENTATIVE RODOLFO “OMPONG” M. ORDANES, SENIOR CITIZENS PARTY-LIST, DELIVERED ON AUGUST 31, 2022, CONCERNING ALLEGED MISMANAGEMENT, ANOMALIES, AND IRREGULARITIES IN THE NATIONAL COMMISSION OF SENIOR CITIZENS (NCSC)

have considered the same and have the honor to submit to the House the attached report on their findings and recommendations.

Respectfully submitted,


Joseph Stephen “Caraps” S. Paduano
Chairperson
Committee on Public Accounts


Rodolfo “Ompong” M. Ordanes
Chairperson
Special Committee on Senior Citizens

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

I. PREFATORY STATEMENT

“It is the policy of the State to adopt measures whereby our senior citizens are assisted and appreciated by the community as a whole, provide services and activities beneficial to senior citizens, their families and the communities they serve, and establish community-based health and rehabilitation, educational, and socioeconomic programs for all senior citizens.”¹

“Consistent with this policy, the State shall promote the advocacy of and collaboration between different stakeholders and senior citizens to ensure the effective implementation of various programs and services, particularly on the development of senior citizens and advancing their health, and well-being, and ensuring a supportive and enabling environment for the elderly.”²

The National Commission of Senior Citizens (NCSC) was created under Republic Act (RA) No. 11350, otherwise known as the "National Commission of Senior Citizens Act, signed on July 25, 2019.

The NCSC is under the Office of the President³ and is mandated to ensure the full implementation of laws, policies, and programs of the government on senior citizens, review and conduct related studies, and recommend policy to Congress and the President.

RA 11350 abolishes the National Coordinating and Monitoring Board created under RA No. 9994, as amended, otherwise known as the "Expanded Senior Citizens Act of 2010" and transfers related functions from the Department of Social Welfare and Development (DSWD) to the NCSC.⁴

Under RA11350, the following are the functions of the NCSC⁵:

1. Ensure the full implementation of laws, policies, programs of the government pertaining to senior citizens; review and conduct studies on the same; and recommend appropriate actions thereon to Congress and the President;
2. Formulate policies for the promotion and protection of the rights and well-being of senior citizens;
3. Conduct information, education, and communication campaigns to raise awareness on the rights of senior citizens;
4. Establish and maintain cooperation and consultations with local government units and national government agencies on all matters pertaining to the general welfare of senior citizens;
5. Represent the Philippines in international functions, fora, or conferences on senior citizens and establish and maintain linkages with the international senior citizen or senior citizen-serving institutions or organizations and counterpart government agencies of other states;

¹ Section 2 of Republic Act No. 11350, An Act Creating the National Commission of Senior Citizens, Providing for its Functions, Abolishing the National Coordinating Council and Monitoring Board, Amending for the Purpose Republic Act No. 7432, as Amended, and Appropriating Funds Therefor

² Section 3, Ibid

³ Section 3, Ibid

⁴ Sections 10 and 11, RA11350

⁵ Section 7, RA 11350

6. Constitute and convene, when necessary, an advisory body to be composed of such representatives from the government, nongovernment organizations, civil society, and the private sector, as the Commission may deem appropriate, to assist in the performance of its functions;
7. Develop appropriate mechanisms and procedures for the selection and nomination of the members of the Commission for appointment by the President; and
8. Perform such other actions and functions for the promotion of the welfare of senior citizens, as may be directed by the President.

On August 31, 2022, on the motion of Rep. Keith Micah “Atty. Mike” D.L. Tan, Deputy Speaker Isidro T. Ungab recognized Rep. Rodolfo “Ompong” M. Ordanes of Senior Citizens Party-list, for the sponsorship of his privilege speech.

Rep. Ordanes decried in his speech that he had received several complaints from senior citizens and other stakeholders about the sorry state of affairs of the NCSC. He further asserted that Atty. Franklin M. Quijano, the NCSC’s Chairman and Chief Executive Officer, abused his authority and discretion, favored his personal interests over that of the NCSC, and neglected his duties particularly in creating a workable organizational structure and staffing pattern, and a strategic expenditure plan for the NCSC for 2023.

Thereupon, on motion of Rep. Francisco Paolo P. Ortega V, the plenary referred the privilege speech of Representative Ordanes to the Committee on Rules for its appropriate action.

On the same day, Rep. Ordanes filed HR 326 entitled “A Resolution Calling for an Immediate Investigation, in Aid of Legislation, on the Status and Operations of the National Commission of Senior Citizens”. The said resolution was referred to the Special Committee on Senior Citizens on September 14, 2022.

On November 15, 2022, the aforementioned Privilege Speech and House Resolution No. 326 were referred jointly to the Committee on Public Accounts and the Special Committee on Senior Citizens.

The Committee on Public Accounts and the Special Committee on Senior Citizens held three (3) joint hybrid hearings to shed light on these issues on November 21 and December 5, 2022, and also on January 31, 2023. The Committees terminated the deliberation on January 31, 2023 after conducting an executive session with Undersecretary Gloria Jumamil-Mercado of the Department of Education (DepEd) who was a former Commissioner of the NCSC.

II. ASSERTATIONS AND ALLEGATIONS

House Resolution No. 326 asserts the apparent incompetence of the NCSC for failing to promptly and effectively perform its mandate to facilitate the transition from the Department of Social Welfare and Development (DSWD) to the NCSC with respect to all functions, programs, projects and activities which are being undertaken by the DSWD for the formulation, implementation, and coordination of social welfare and development (SWD) policies and programs for the poor, vulnerable and disadvantaged senior citizens, in accordance with Section 11 of RA 11350.⁶

⁶ Section 11 of RA11350. Transfer of Functions from the Department of Social Welfare and Development (DSWD) to the National Commission of Senior Citizens (NCSC). -All functions, programs, projects, and activities which are being undertaken by the Department of Social Welfare and Development (DSWD) for the formulation, implementation, and coordination of social welfare and development (SWD) policies and programs for the poor, vulnerable and disadvantaged senior citizens shall be transferred to the NCSC.

It also criticizes its lack of meaningful programs and projects for senior citizens, despite the fact that it had been in existence for about two years prior to the filing of the resolution. In addition, the resolution alleges that the NCSC has been subjected to numerous complaints regarding its leadership and operations, unauthorized appointments, non-performance of key performance indicators, and undue preference for certain senior citizen organizations, among others.

On the other hand, the privilege speech of Rep. Rodolfo “Ompong” M. Ordanes alleges instances of mismanagement, anomalies, and irregularities in the NCSC under the chairmanship of Atty. Franklin Quijano, viz:

1. Delay in the transition from the DSWD to the NCSC;⁷
2. Various complaints ranging from acts amounting to conflict of interest, abuse of authority, grave abuse of discretion amounting to lack or excess of jurisdiction, and negligence in the performance of duty;
3. Failing to create a workable organizational structure and staffing pattern for the NCSC and an actionable strategic and expenditure plan for 2023;
4. Submitting budget proposals to the Department of Budget and Management (DBM) and allowing travel and staffing expenses unilaterally without undergoing deliberation and approval of the Commission as a whole;
5. Openly recruiting senior citizens to join the Senior Citizens’ Welfare Association of the Philippines (SCWAP), which is a private senior citizens organization, and asking the elderly for sensitive personal information with the promise that they will become beneficiaries of social pension; and
6. Bypassing the appointment of qualified individuals with the required Career Executive Service Officer (CESO) for the position of executive director and appointing employees with dubious personalities.
7. Appointing consultants and contracting professional services allegedly to perform technical functions, which are not actually necessary and which functions may be directly performed by the Commission.

III. ISSUES

In the course of the joint hearings, the Committees extensively deliberated on the following:

1. Whether or not the NCSC utilized its 2021 Budget effectively and within the purviews of existing laws and regulations.
2. Whether or not there is significant delay in operationalizing the NCSC.
3. Whether or not the NCSC failed to respect a presidential endorsement in the appointment of its Executive Director.
4. Whether or not the SCWAP engaged in solicitation and extortion activities.
5. Whether or not Chairman Quijano’s action of appointing senior citizens to non-existent or unapproved positions in the NCSC is tantamount to any criminal or administrative offense.

⁷ Ibid

6. Whether or not the appointment of Director IV plantilla positions by the NCSC is improper.
7. Whether or not Chairman Quijano deliberately bypassed the NCSC's collegial nature.
8. Whether or not the NCSC neglected to procure an office.
9. Whether or not the NCSC unlawfully collected private sensitive information from the senior citizens.
10. Whether or not Commissioner Mansilungan is unqualified and ineligible to hold his position.

IV. DISCUSSION OF FINDINGS

1. Whether or not the NCSC utilized its 2021 Budget effectively and within the purviews of existing laws and regulations

During the hearings, the following facts about the NCSC budget were established:

- i. Fiscal Year 2020: P 0 under the GAA¹ but with P858,000 of budgetary adjustment from the Contingent Fund (Obligated P607,000 with unobligated of P251,000)
- ii. Fiscal Year 2021: P25 Million³ in the MOOE for General Administration Support under the GAA⁴ excluding budgetary adjustment of Miscellaneous Personnel Benefits Fund of P29.999 Million and Automatic appropriation of P1.695 Million
- iii. Fiscal Year 2022: P 171.363 Million (PS of P24.581 Million; MOOE of P115.382 Million; and Capital Outlay of P31.4 Million)⁵ excluding continuing appropriation from RA 11518 of P15.902 Million (from the FY 2021 GAA) and Automatic appropriation of P2.340 Million

Table 1

NCSC	2020	2021	2022
GAA	-	25,000,000	171,363,000
Contingent Fund	858,000	29,999,000	
Continuing Appropriation	-	-	15,902,000
Automatic Appropriation		1,695,000	2,340,000

The Members of the Committees were able to determine that the Commission on Audit (COA) had only audited the 2021 financial statements of the NCSC, and its audits for the succeeding years up to the present have yet to be published. Consequently, the majority of inquiries posed by the Members centered on the NCSC's financial expenditures in 2021.

The COA audit covered the accounts and operations of the NCSC for the CY 2021. It was conducted to:

- a) ascertain the level of assurance that may be placed on the Management's assertion(s) on the financial statements;

- b) determine the propriety of transactions as well as extent of compliance on the applicable laws, rules and regulations; and
- c) recommend agency's improvement opportunities. Moreover, the audit was conducted in accordance with International Standards of Supreme Audit Institutions (ISSAIs).⁸

The centerpiece of Atty. Quijano's arguments that he was able to manage the NCSC's finances effectively is that the COA rendered an *unmodified* (interchangeable with *unqualified*) *opinion* on the fairness of the presentation of the financial statements of the NCSC as of December 31, 2021; however, this is not a reason that can be used by Atty. Quijano to claim that the handling of the NCSC's finances is clean, so to speak. While an agency obtaining an *unmodified opinion* may be held in the highest regard, this is only limited to mean that the financial statements presented by the agency was prepared in accordance with the financial reporting framework. An *unmodified opinion* is also not an assurance that the amounts as presented in the financial statements were used in accordance with the laws, rules, and regulations, e.g. GAA.

As an example, Section 4, Executive Order (EO) No. 201 dated May 19, 2016 provides that mid-year bonus equivalent to one-month basic salary as of May 15 of the current year, shall be granted to those who have rendered at least four months of satisfactory service and are still in the service as of same date, to be given not earlier than May 15 of every year. It also provides that the existing year-end bonus equivalent to one-month basic salary and cash gift at prescribed rates shall be given in November of every year. In relation thereto, Section 5.2 of BC No. 2017-2 provides that those who have rendered a total or an aggregate of less than four months of service from July 1 of the preceding year to May 15 of the current year, and those who are no longer in the service as of the later date, shall not be entitled to the Mid-Year Bonus.⁹

However, it was noted by COA auditors in the Audit Report that one of the personnel of NCSC was granted the mid-year bonus on May 15, 2021 despite his failure to render four months service to the government as required under EO No. 201. As per records, the official concerned took his oath of Office on February 1, 2021, which is only equivalent to three and a half months counting from his oath up to May 15, 2021. Thus, the service of the personnel to the government is short by half a month, violating one of the requirements on the grant of the mid-year bonus as provided under the above provision of EO No. 201.

State auditors recommended the NCSC to require the concerned official to return the mid-year bonus he received; and revisit the rules and guidelines in the grant of mid-year bonus and review previous and subsequent grants thereof. As of writing, the NCSC has complied with the COA recommendations.

During the November 21, 2022 hearing, Atty Quijano stated that the budget of the NCSC in 2021 was not included in the National Expenditure Program (NEP) so that they had to fight their way through the House of Representatives and Senate until it became an insertion in the budget.

For Fiscal Year 2021, the NCSC was allotted P25M in the General Appropriations Act to be used for Miscellaneous and other Operating Expenses (MOOE) as well as budgetary adjustment of Miscellaneous Personnel Benefits Fund of P29.999 Million and Automatic appropriation of P1.695 Million, respectively.¹⁰

⁸ Executive Summary, 2021 COA Audit Report on NCSC

⁹ Section 4, Executive Order (EO) No. 201 dated May 19, 2016

¹⁰ <https://www.dbm.gov.ph/wp-content/uploads/NEP2022/OEO/Y.pdf>

Special Allotment Release Orders (SAROs) in the total amount of P31,703,557 were released by the DBM to pay for personnel services.

Table 2.

ALLOTMENTS RELEASED				
Authorization	Date	Allotment Class	Amount	Purpose
A. GAAAAO				
FY 2021 GAA (RA 11518)	Effective January 1, 2021	MOOE	<u>P25,000,000</u>	General Management and Supervision
B. SAROs				
1. SARO-BMB-B-21-000142	January 28, 2021	PS	13,495,945	Salaries and other benefits of the newly appointed officials of the NCSC
2. SARO-BMB-B-21-000143	January 28, 2021	PS	262,356	Retirement and Life Insurance Premiums (RLIP) of the newly appointed officials of the NCSC
3. SARO-BMB-B-21-0001186	March 30, 2021	PS	2,660,583	Salaries and other benefits of one (1) newly appointed official of the NCSC
4. SARO-BMB-B-21-0001187	March 30, 2021	PS	240,493	RLIP of one (1) newly appointed official of the NCSC
5. SARO-BMB-B-21-0003402	June 16, 2021	PS	9,916,375	Salaries and other benefits of eleven (11) newly hired NCSC personnel
6. SARO-BMB-B-21-0003403	June 16, 2021	PS	875,905	RLIP of eleven (11) newly hired NCSC personnel
7. SARO-BMB-B-21-0005468	July 23, 2021	PS	1,418,630	Back salaries and other benefits of Commissioner Ida Y. Patron of NCSC
8. SARO-BMB-B-21-0007951	Sept. 7, 2021	PS	P2,576,109	Salaries and other benefits of five (5) newly hired NCSC personnel
9. SARO-BMB-B-21-0007952	Sept. 7, 2021	PS	257,161	RLIP of five (5) newly hired NCSC personnel
TOTAL SAROs			P31,703,557	
GRAND TOTAL ALLOTMENTS			P56,703,557	

According to Atty. Quijano, since the NCSC has no operational Bids and Awards Committee (BAC), the expenses on MOOE in 2021 were limited mostly to travel and transportation as well as the expenses for professional services.

This was affirmed by the COA which said that the actual disbursement of NCSC for MOOE in 2021 was at P9,112,000.00 out of P25M. The bulk of the P9M was spent on professional services to not more than four (4) individuals amounting to more than P5M, while the rest pertained to travel expenses, training, supplies and materials and other MOOEs.

Atty. Quijano said that these professional services were acquired to aid the Commissioners in their functions in their respective regions. When asked how these professional services were procured, Atty. Quijano said they first consulted with the COA.

COA then referred the Committees to COA-DBM Joint Circular No. 2 s 2020 which states that the engagement of individuals under a job order or contract of service can be done without undergoing the usual procurement process under RA 9184, otherwise known as the "Government Procurement Reform Act". When COA was asked if the NCSC conformed with the guidelines in this regard, COA responded that there were no audit findings in terms of the procurement of professional services in its 2021 Audit Report except some initial issues involving overpayment. This was resolved by deducting the overpayment through salary deduction, and had been fully complied with, according to COA.

When the Members, however, began pressing Atty. Quijano to show the accomplishments of these consultants, the Chairperson and Chief Executive Officer of the NCSC could not give a reasonable and detailed answer except that these consultants aided in the creation of the Implementing Rules and Regulations (IRR) of the NCSC and the development of the plans and strategies of the NCSC.

According to COA-DBM Joint Circular No. 2 s 2020, "the hiring under Contract of Service (COS) shall be limited to consultants, learning service providers, and/or other technical experts to undertake special project or job within a specific period. The project or job is not part of the regular functions of the agency, or the expertise is not available in the agency, or it is impractical or more expensive for the government agency to directly undertake the service provided by the individual or institutional contractor."¹¹

So, if the Circular requires that these consultants must undertake jobs not part of the regular function of the agency, and possess expertise not available in the agency, what were the services provided by these professionals? Atty. Quijano cited that the services of said professionals were utilized in drafting the IRR and aiding in the development of the plans and strategies of the NCSC. Rep. Romeo M. Acop reminded NCSC that under Section 13 of Republic Act No. 11350, it is the NCSC that should draft the IRR and there should be proper consultation with "the DBM, DSWD, Department of the Interior and Local Government, League of Cities of the Philippines, League of Municipalities of the Philippines, and other stakeholders". In other words, drafting the IRR is not the task of the consultants considering it is not a special project requiring technical expertise. In effect, Atty. Quijano admitted the Commission's inability to draft the IRR and develop NCSC strategies and plans on their own as they needed to outsource these duties to consultants.

Gleaning from the documents submitted by the NCSC, works surrounding the creation of the IRR began as early as August 28, 2019, or nearly two (2) years prior to the hiring of these consultants. Thus, Atty. Quijano's claim that the consultants they hired paved the way to the crafting of the IRR is a blatant lie as their only contribution to the IRR was to compile the inputs of these agencies and organizations. To spend more than P5M on these consultants for such a menial task not in accordance with the law is illegal and grossly unconscionable.

In addition, while COA-DBM Joint Circular No. 2 s. 2020 limited the hiring under contract of service to consultants, learning service providers and/or technical experts, some professional

¹¹ COA-DBM Joint Circular No. 2 S2020

services contracted by NCSC were described as chauffeurs, which may appear to be a position not performing technical function.

Considering the circumstances elicited during the investigation, said acts constitute granting privileges/favors to any person not qualified. This could be a ground for prosecution under Section 3 (j) of the Anti-Graft and Corrupt Practices Act, which states:

“(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled”

Further, the Committees submit that the present audit report pertains mainly to whether the financial statements (FS) are prepared, in all material respects, in accordance with the applicable financial reporting framework. What is generally performed by auditors is what is known as the financial audit. Thus, while NCSC obtained an unqualified opinion from COA, it merely shows that the FS was prepared in accordance with applicable financial reporting framework and if there are differences, it has not reached the threshold that would require COA to issue any other opinion – or the difference or variance is immaterial. Accordingly, the unqualified opinion the NCSC obtained for Cy 2021 is not proof that the NCSC’s utilization of its 2021 budget is free from infirmities or not a result of grave abuse of discretion.

2. Whether or not there is significant delay in operationalizing the NCSC

During the hearing on November 21, 2022, Atty. Quijano stated that the NCSC, which was established on July 25, 2019, was a product of a landmark legislation which only took six (6) months to create.

For the NCSC to function as a collegial body, Atty. Quijano stated that it requires the presence of a majority of all its members, which includes six (6) commissioners and one (1) chairperson. However, he said that appointments for the position of chairman and commissioners of the office did not start right away and only began the following year: Commissioner Ida Yap-Patron was appointed in January 2020, former Commissioner Gloria M. Jumamil-Mercado in May 2020, and he, the Chairperson and Chief Executive Officer, in September 2020. Thus, according to him, the NCSC could not have conducted regular business right away due to a lack of quorum. He concluded that the sporadic appointments of commissioners contributed to the delay in launching NCSC activities. He acknowledged that the NCSC has only been operational since February 2021, which meant that more than one (1) year was spent on its preparatory stages.

The COVID-19 pandemic which started spreading in 2020, also had a direct impact on the activities of the NCSC, according to Atty. Quijano, particularly in the area of transportation since he was travelling around the country.

These factors, according to him, impeded the NCSC's ability to develop its organizational structure, staffing pattern, and IRR in a timely manner.

In the course of the investigations, the two Committees found out that the only significant accomplishment of the NCSC was the drafting of the IRR of RA 11350. The law has provided a period of 180 days to promulgate such IRR. However, its drafting took more than the 180-day period due to the lack of quorum in the Commission in 2020, and was only promulgated on October 19, 2021. Attorney Quijano admitted during the hearing that numerous government agencies, as well as the Senior Citizens Party-list, contributed significantly to the drafting of the

aforementioned IRR, making the contribution of the Commissioners themselves appear insignificant as the bulk of the work was done by others. In fact, Atty. Quijano could have fast-tracked the drafting of the IRR as well as the approval of the staffing pattern and strategic plans if he simply prepared initial drafts of these documents while awaiting the appointment of the other Commissioners.

Another reason that Atty. Quijano made for the organizational delay is the NCSC's lack of its own hiring board and bids and awards committee. He reasoned that since the NCSC was then a newly formed agency, it lacked officials and employees who can be chosen as members of the hiring board and the BAC. However, the two committees have observed that the delay in operationalizing the NCSC could have been avoided as early as December 2020, if he only exercised foresight in requesting from the DBM the personnel that they need to perform these deliverables.

In a letter dated December 21, 2021, the DBM informed the NCSC that it has approved the creation of the following organizational units in the NCSC and the additional 193 (179 regular and 14 contractual) positions that shall be part of the staffing complement of the agency to perform its mandated functions effectively and efficiently. Note that more than one (1) year has elapsed from Atty. Quijano's appointment to the date of DBM's approval. The amount of time that had elapsed was unacceptable as Atty. Quijano could have pressured the DBM to expedite the approval.

Atty. Quijano knew firsthand that the NCSC could not hire regular employees without a fully functional Human Resource Merit Promotion and Selection Board (HRMPSB). He also knew that the absence of regular employees also prevented the NCSC from having its own BAC, and this absence prevented the NCSC from acquiring its own office and purchasing capital outlay; yet, he failed to act and solve this problem in a timely manner. Note that Atty. Quijano and the NCSC were already employing coterminous employees around this time since the DBM had created 26 positions for the initial operationalization of the NCSC on December 10, 2020 and February 22, 2021. In addition, the DBM created five (5) administrative positions under the Office of the Chairman to perform administrative and financial support-related functions which are essential for the operationalization of the NCSC. These coterminous staff members could have been utilized by Atty. Quijano to speed up the process. When performed responsibly and effectively, clerical tasks such as writing follow up letters on pending deliverables would have shortened the bureaucracy and helped in the timely operationalization of the NCSC; however, it appears that most of these coterminous employees are simply dead weight because they weren't able to aid Atty. Quijano to expedite the operationalization process.

As further evidence of NCSC's delay, the Memorandum of Agreement (MOA) between DSWD and the NCSC to cause the transition was only effected on 29 June 2022 or more than a year after the majority of the Commissioners were appointed.

Section 11 of RA 11350 provides:

Section 11. Transfer of Functions from the Department of Social Welfare and Development (DSWD) to the National Commission of Senior Citizens (NCSC). -All functions, programs, projects and activities which are being undertaken by the Department of Social Welfare and Development (DSWD) for the formulation, implementation, and coordination of social welfare and development (SWD) policies and programs for the poor, vulnerable and disadvantaged senior citizens shall be transferred to the National Commission of Senior Citizens (NCSC).

The essence of the law is to transfer these functions to the NCSC so that the government's services to the elderly can be vastly improved. Unfortunately, Atty. Quijano neglected his

obligations. He was able to travel throughout the country using public funds, but he lacked the time to consolidate the NCSC's staff and resources in order to hasten the turnover of power.

From the foregoing, we can observe that the causes of the delay in operationalizing the NCSC were brought about by Atty. Quijano's own neglect, incompetence, and inefficiency. Thus, it is recommended that he be administratively charged with Gross Inefficiency and Incompetence and Neglect of Duty.

3. Whether or not the NCSC directly disobeyed the President by failing to appoint a presidential nominee to the position of Executive Director

Central to this issue is a letter from then Executive Secretary Salvador C. Medialdea to Atty. Quijano in his capacity as Chairperson and CEO of the NCSC dated March 24, 2022 which contains the nomination by the President of the Philippines of one Irene Bungay Dumlao to the position of Executive Director of the NCSC.

Despite the letter's clear language, the NCSC chose to disregard it even with the urgent need for an executive director to oversee the organization's daily operations.

On May 20, 2022, the majority of the Commissioners voted to deny the appointment of Ms. Dumlao as evidenced by the transcript of minutes the NCSC submitted to the committees based on the following reasons: the nomination was made during the election ban, the nomination was not accompanied by a "desire letter" signed by the President himself, and to give deference to the preference of the incoming administration.

Atty. Quijano and Commissioner Mansilungan claimed that they did not act on the President's recommendation as they had doubts on whether the endorsement of then Executive Secretary Salvador Medialdea was truly reflective of the wishes of the then President Rodrigo Roa Duterte. However, as clearly pointed out by the Members of the two Committees, any doubts by the Commissioners should have been resolved in favor of deferring to the endorsement of the Executive Secretary considering the nature of his position and the doctrine of qualified political agency.

During the course of the hearings, it also became clear to the Members that the NCSC was able to obtain an exemption from the Commission on Elections (COMELEC) so the NCSC could hire and appoint employees during the election period. This is evidenced by a letter from the COMELEC dated January 12, 2022. This exemption from the appointment ban already enabled the NCSC to appoint Ms. Dumlao if the Commissioners simply chose to. Thus, it is irrational for them to claim that one of the reasons for their failure to appoint Ms. Dumlao was due to the election ban.

Atty. Quijano and Commissioner Mansilungan argued that the exemption does not particularly apply to the case of Ms. Irene Dumlao. Instead, what is controlling is Article VII, Section 15 of the Constitution which says, "two months immediately before the next presidential elections and up to the end of his term, a President or Acting President shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety."

They likewise argued that under Section 9 of RA 11350, it is the NCSC who shall appoint the Executive Director, viz:

Section 9. Executive Director. -The Commission shall appoint an Executive Director who shall be responsible for

implementing the policies, rules, regulations and directives of the Commission; the management of the Commission's daily operations; and for coordinating and supervising the activities of the different offices, divisions, and units of the Commission.

The Executive Director shall, be a Career Executive Service Officer and shall have at least five (5) years of relevant experience in any of the following fields: law; economics; commerce; management; social services; or finance.

However, as pointed out by Rep. Rodante D. Marcoleta, the duty of the Commissioners is to obey the instructions of their superiors, first, in this case the President, and if they wanted to challenge the directive of the President, then they should have sought legal remedies through the Supreme Court since it is not the NCSC which holds the power to interpret the law, much more the Constitution.

In the landmark case of Villena v. The Secretary of the Interior and Local Government, the Supreme Court said:

"The doctrine of qualified political agency essentially postulates that the heads of the various executive departments are the alter egos of the President, and, thus, the actions taken by such heads in the performance of their official duties are deemed the acts of the President unless the President himself should disapprove such acts. This doctrine is in recognition of the fact that in our presidential form of government, all executive organizations are adjuncts of a single Chief Executive; that the heads of the Executive Departments are assistants and agents of the Chief Executive; and that the multiple executive functions of the President as the Chief Executive are performed through the Executive Departments. The doctrine has been adopted here out of practical necessity, considering that the President cannot be expected to personally perform the multifarious functions of the executive office."

It is also axiomatic that the exercise of judicial power is shared by the Supreme Court with all the courts below it, but it is only the Supreme Court's decisions that are vested with precedential value or doctrinal authority, as its interpretations of the Constitution and the laws are final and beyond review by any other branch of government. As a lawyer, Atty. Quijano should have already known this.

Atty. Quijano's excuse for the NCSC's failure to accomplish its mandate is the lack of manpower resources; nevertheless, when the NCSC was given the chance to hire a capable and highly qualified executive director in the person of Ms. Dumlao, the majority of the Commissioners rejected her. Thus, Atty. Quijano and Commissioner Mansilungan contradicted themselves.

4. Whether or not the SCWAP engaged in solicitation and extortion activities

This issue is about the alleged solicitation and extortion activities purportedly committed by a senior citizens organization called the Senior Citizens' Welfare Association of the Philippines (SCWAP). Allegedly, this organization has been authorized by Atty. Quijano to seek donations on behalf of the NCSC in exchange for slots in the senior citizens' pension fund.

During the November 21, 2022 hearing, Police Colonel David Poklay of the Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG) gave a brief presentation about the aforementioned allegation and affirmed that on February 9, 2022, PNP CIDG-Nueva Ecija coordinated with the local Office of Senior Citizens Affairs (OSCA) in Cabanatuan City headed by a certain Engr. Ruben Pascual. In the ensuing interview with the OSCA officers, PCol. Poklay reported that the interviewees swore they had never heard of any solicitation activities by SCWAP within their jurisdiction. The OSCA officers also denied that officers of the SCWAP were going around asking for sensitive information and requesting Php 200 from senior citizens in exchange for their inclusion in the NCSC list of senior citizen pensioners.

However, during the December 5, 2022 hearing, Engr. Ruben Pascual, Head of the OSCA in Cabanatuan City, Nueva Ecija, contested these findings. He averred that he was never personally interviewed by any PNP-CIDG personnel with regard to the issue. Moreso, he asserted that he knew there were instances of solicitation going on in Cabanatuan City being perpetrated by SCWAP. He said that this SCWAP was also recruiting the elderly in their Local Government Unit (LGU). Accordingly, he immediately wrote a letter to their mayor to allow him to call on and warn all the presidents of various federations of senior citizens. He further stated that the SCWAP should have coordinated first with the Office of the City Mayor and the OSCA head before they began recruiting senior citizens in Cabanatuan City as a matter of courtesy.

The testimony of Engr. Pascual had cast a shadow on the veracity of the PNP-CIDG's findings. Accordingly, a reinvestigation is necessary because the alleged witness of the CIDG from whom they derived their conclusions stated in the hearing that he had neither made statements to the CIDG nor been interviewed for any purpose related to the issue. In fact, he even claimed that the allegations against the SCWAP may be true.

If found to be true, the Committees believe that Atty. Quijano and his cohorts are liable for the following criminal and administrative cases:

a. Section 3 (b) of the Anti-Graft and Corrupt Practices Act, which provides:

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law

b. Section 7 (d) of the Code of Conduct and Ethical Standards for Public Officials and Employees, which states:

(d) Solicitation or acceptance of gifts. — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

These are serious offenses that must be dealt with to the full extent of the law. Accordingly, an immediate reinvestigation of this case is in order.

5. Whether or not Chairman Quijano's action of appointing senior citizens to non-existent or unapproved positions in the NCSC is tantamount to any criminal and/or administrative offense

At the forefront of this issue is Ms. Lilia Pinlac who claimed during the November 21, 2022 hearing that she was appointed as an NCSC Director by Atty. Quijano himself in his capacity as Chairman and CEO of the NCSC.

When Rep. Ordanes took the floor and showed her through Zoom the purported appointment paper bearing the logos of the NCSC and a local senior citizens organization called the *Samahan ng Nakatatanda sa Timog Katagalugan*, and bearing the signature of Atty. Quijano as Chairman and CEO of the NCSC, she confirmed that she was aware of the said document and that she only accepted the appointment to serve her fellow senior citizens. According to her, she has devoted the years left in her life to the service of other senior citizens in the proper manner and with the proper care, and since she is now an elderly who has a limited time left,

it has never crossed her mind to do something improper.

A question on the nature of the document arose during the November 21, 2022 hearing: whether the said document which bears the NCSC logo and Atty. Quijano's signature, is indeed an appointment paper or a mere piece of paper evidencing an oath of office taken by the officers of a local senior citizens organization.

Reps. Dale B. Corvera and Wilter Y. Palma shared the same thoughts stating that the document in question does not look like an appointment paper at all. As pointed out by the Honorable Corvera, an appointment paper must contain the appointee's position, salary grade, and salary, all of which are absent in the document in question.

While the Members of the Committees agree it is not an appointment paper per se, the document is evidence that Atty. Quijano is using his position as NCSC Chairman to influence senior citizens organizations across the country. He has admitted to have signed the document, and as a lawyer, there is a *prima facie* indication that he understands the document and its contents. Furthermore, given that Atty. Quijano himself administered the oath of office of the said positions to individuals like Ms. Pinlac, it is now preposterous for him to claim that he is not aware of the document's contents and its implications.

Putting the NCSC logo in a private document reeks of malice and raises too many questions because it gives the document a stamp of public authority.

According to Ms. Pinlac, Atty. Quijano appointed her to a director position in the NCSC. This is a strong allegation that merits further inquiry, if not here, then perhaps in a competent court or tribunal. Clearly, there is a violation of the law here and either one or both of them may be liable. It may fall under usurpation or illegal use of insignia or both.

Art. 177. Usurpation of authority or official functions. — Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of prision correccional in its minimum and medium periods.

Art. 179. Illegal use of uniform or insignia. The penalty of prision mayor in its maximum period shall be imposed upon any person who shall publicly and improperly make use of insignia, uniforms or dress pertaining to an office not held by such person or to a class or persons of which he is not a member.

The crime of usurpation of official functions punishes any person who, under pretense of official position, performs any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so.¹²

On the other hand, the crime of illegal use of insignia is committed by any person who shall publicly and improperly use an insignia or uniform pertaining to an office not held by such person.

Moreover, the allegations of Ms. Pinlac against Atty. Quijano, if found true, are disturbing considering Atty. Quijano is an officer of the court. The Code of Professional Responsibility

¹² ROEL R. DEGAMO, PETITIONER, V. OFFICE OF THE OMBUDSMAN AND MARIO L. RELAMPAGOS, G.R. No. 212416. December 05, 2018

provides that a lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.¹³ It further provides that a lawyer in government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.¹⁴

Ms. Pinlac wasn't the only senior citizen that was duped into believing they were being appointed as either directors or chief coordinators of the NCSC in their respective provinces, if the allegations were to be believed. Thus, a thorough investigation of the issue should be in order so that its perpetrators will all be brought to justice.

6. Whether or not the appointment of Director IV plantilla positions by the NCSC is improper.

This issue concerns the recent appointment of Ms. Mila A. Rodrigo and Mr. Emmanuel E. Daez to the two (2) Director IV (SG28) positions at the NCSC. Notably, these are individuals that ranked low in the shortlist of the DSWD but had past or existing relationships with Atty. Quijano.

During the January 31, 2023 hearing, it was established that the NCSC recently appointed the two aforementioned individuals despite a clarificatory letter from the Career Executive Service Board (CESB) stating that the DBM, in a letter to the CESB dated December 2, 2022, posited that the said director positions are subject to presidential appointments in accordance with the provisions of the 1987 Constitution and the Administrative Code of 1987.

Additionally, the DSWD, through a letter to the NCSC dated January 12, 2023, recommended to the NCSC that the subject appointments for the Director IV positions must be cancelled and the NCSC must prepare the recommendation for the filing up of the said positions to the Office of the President for review and approval, in accordance with the CESB recommendation which states that the appointing authority over the NCSC Directors remains to be the President. The NCSC, acting as a collegial body, may recommend those whom they deemed as qualified to the Director positions for the eventual confirmation by the President.

The Committees agree with this recommendation made by the CESB and DSWD.

Article VII, Section 1, of the 1987 Constitution vests executive power in the President of the Philippines. As chief executive, the President exercises control over all the executive departments, bureaus, and offices.

In addition, Section 7(3) Chapter 2, Book V of Executive Order 292 or the Administrative Code of 1987 stipulates that the President shall appoint positions in the Career Executive Service, including Bureau/Regional Directors and Assistant Bureau/Regional Directors.

Section 47, Chapter 10, Book IV of E0 No. 292 expressly stipulates an identical provision:

Sec. 47. Appointment to Other Senior Positions and their Equivalents – Directors and Assistant Directors of Bureaus, Regional and Assistant Regional Directors, Department Service chiefs, and their Equivalents shall be appointed by the President in accordance with laws, rules and regulations.

While it is true that Section 8 of RA 11350 vests the NCSC with the authority to appoint the officers and employees of the NCSC, this authority is not unconditional as according to the same provision, the NCSC's appointing authority must adhere to the existing civil service laws,

¹³ Rule 1.01, Code of Professional Responsibility

¹⁴ Rule 6.02, Ibid

rules, and regulations. We also note that there is no indication in RA 11350 that the President has delegated appointment authority over directors to the NCSC.

Thus, the appointing authority over the NCSC Directors remains to be the President. The Commission, acting as a collegial body, may only recommend those whom they deemed qualified to the director positions for the eventual confirmation by the President. Concomitantly, the Committees echo the position of the CESB and the DSWD that the said appointments should be canceled for having been made by the NCSC in grave abuse of discretion amounting to lack or excess of jurisdiction.

7. Whether or not Chairman Quijano deliberately bypassed the NCSC's collegial nature

In the hearings, the Committees were able to establish that the Chairperson of the NCSC regularly disregarded the Commission's collegial nature.

During the discussion of the NCSC's 2023 budget, it was found out that Atty. Quijano submitted a budget proposal that did not go through the NCSC; thus, no consultations with the other Commissioners were made. First, the Commissioners were required to submit their own budget proposals for their respective clustered regions; however, these proposals were unilaterally altered and revised by the office of the Chairperson. When confronted by Members of the Committees, Atty. Quijano reasoned out that he only did so to beat the deadline set by the DBM.

Commissioner Patron corroborated this fact when she admitted that revisions were made by the office of the Chairperson in her own budget proposals for her respective jurisdiction, although she said that she understood this action by the Chairperson as they were in a hurry.

Commissioner Espejo also affirmed that the NCSC did not pass any resolutions relating to the 2023 budget to catch up with the deadline. He also affirmed that their concurrence was not acquired by Chairman Quijano in drafting the final and revised NCSC budget proposal, which was then transmitted to the DBM.

This brazen disregard for protocol is disheartening. The failure of Chairman Quijano to seek the approval and concurrence of his fellow commissioners on the final and revised NCSC budget proposal prior to its transmission is a blatant violation of the collegial nature of the Commission. Section 4 of RA 11350 is clear:

Section 4. Composition.— The Commission shall be composed of a Chairperson and six (6) Commissioners and shall act as a collegial body. The Chairperson shall be the Chief Executive Officer of the Commission. The six (6) Commissioners shall represent different geographical regions of the Philippines and shall hold office in their respective regions: Provided, That the full Commission shall meet at least once every month.

Granting the NCSC was indeed trying to beat the DBM deadline, the fact that its Chief Executive Officer did not show prudence in the management of the NCSC's financial affairs does not bode well for the Commission.

It was also established in the hearings that the NCSC has appointed personnel in positions for which it lacks the authority to do so. This is another serious disregard of authority because the NCSC insisted on doing so despite the CESB's opinion that only the President has the authority to designate such high-profile positions.

Under the Rules of Procedure of the Office of the Ombudsman, an administrative complaint may be filed or taken cognizance of by the Office of the Ombudsman for acts or omissions, including but not limited to¹⁵:

- a) contrary to law or regulations;
- b) unreasonable, unfair, oppressive or discriminating;
- c) inconsistent with the general course of the agency's functions though in accordance with law;
- d) on a mistake of law or an arbitrary ascertainment of facts;
- e) in the exercise of discretionary powers but for an improper purpose;
- f) otherwise irregular, immoral or devoid of justification;
- g) due to any delay or refusal to comply with the referral or directive of the Ombudsman or any of his deputies against the office or employee to whom it was addressed; and
- h) such other grounds provided for under PD 807 , RA 6713, or the "Code of Conduct and Ethical Standards for Public Officials and Employees" and other applicable laws.

This flagrant disregard for the law and regulations must be investigated further to determine the culpability of the personalities involved.

Further, those acts committed by Atty. Quijano without the NCSC/board approval are deemed *ultra vires* acts. As such, he cannot bind the government and he may be sued on his personal capacity. The suability of a government official depends on whether the official concerned was acting within his official or jurisdictional capacity, and whether the acts done in the performance of official functions will result in a charge or financial liability against the government. Otherwise stated, public officials can be held personally accountable for acts claimed to have been performed in connection with official duties where they have acted *ultra vires* or where there is showing of bad faith.

As further action, all resolutions issued by the NCSC may be subpoenaed or collated by the appropriate government agency or court in order to further examine which acts did not have the Commission's approval, and which personal acts by Atty. Quijano could lead to his prosecution.

8. Whether or not the NCSC neglected to procure an office

Atty. Quijano alleges that this is due to the NCSC's lack of permanent employees which prevented the NCSC from creating its own Human Resource Merit Promotion and Selection Board (HRMPSB) and BAC which is necessary to procure capital outlays and a new office.

It should be noted that while Atty. Quijano alleges the absence of permanent staff to comprise the HRMPSB and BAC as the cause of the delay in operationalizing the NCSC, the same is unwarranted considering that the DBM granted NCSC's request to create 26 positions as early as December 10, 2020, and February 22, 2021. Thus, any shortcoming when it comes to the lack of employees to comprise the HRMPSB and BAC was due to the oversight of Atty. Quijano to request the same.

Furthermore, it is noteworthy that the first concrete action of Atty. Quijano to begin NCSC's operationalization only happened on February 22, 2021, or almost five months from the time of his appointment on September 23, 2020. Thus, it is necessary to review what caused Atty. Quijano's significant delay in performing his legal duties.

¹⁵ Section 1, ADMINISTRATIVE ORDER NO. 07 April 10, 1990, RULES OF PROCEDURE OF THE OFFICE OF THE OMBUDSMAN

9. Whether or not the NCSC unlawfully collected private sensitive information from the senior citizens

The NCSC issued a Senior Citizen Data Form that gathers sensitive personal information from senior citizens. To implement this, they allegedly authorized certain senior citizen organizations to acquire information from senior citizens through the data form on their own. Unfortunately, no efforts or structure were implemented by the NCSC to prevent its abuse.

These senior citizen organizations allegedly used the data form to solicit money from senior citizens by requiring remuneration in exchange for these forms. They were also required to join their organizations before they were given an NCSC data form.

This has caused significant data privacy violations as this leads to an unauthorized processing of sensitive personal information of senior citizens leading to possible unauthorized use, access, and disclosure due to the lack of safeguards in the manner in which the NCSC collected these data.

The Data Privacy Act protects the privacy of individuals while ensuring the free flow of information to promote innovation and growth; regulates the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of personal data; and ensures that the Philippines complies with international standards set for data protection through National Privacy Commission (NPC).¹⁶

Under this law, one's personal data is treated almost literally in the same way as personal property. Thus, it should never be collected, processed and stored by any organization without explicit consent, unless otherwise provided by law. Information controllers usually solicit consent through a consent form. Aside from protecting individuals against unfair means of personal data collection, this right also requires personal information controllers (PICs) to notify individuals if their data have been compromised, in a timely manner. The right to be informed is a most basic right as it empowers the individual as a data subject to consider other actions to protect his or her data privacy and assert privacy rights.¹⁷

By the end of the investigation, the NCSC failed to provide proof that the requirements of the Data Privacy Act including, but not limited to, regulations on subcontracting the processing of personal information,¹⁸ regulations on off-site access of these sensitive personal information,¹⁹ and online processing of these information,²⁰ were complied with in their implementation of the Senior Citizen Data Form.

10. Whether or not Commissioner Mansilungan is unqualified and ineligible to hold his position

Central to this controversy is Section 6 of RA 11350:

Qualifications.— The members of the Commission must be citizens and residents of the Philippines; at least sixty (60) years old at the time of their appointment; of good moral character; bona fide members of senior citizens associations; holders of a college degree or have relevant experience in the affairs of senior citizens; of good health and sound mind; have not been convicted by a final judgment of a crime involving moral turpitude; and

¹⁶ RA 10173, The Data Privacy Act of 2012

¹⁷ Ibid

¹⁸ Section 14 of RA No. 10173 or the Data Privacy Act of 2012.

¹⁹ Section 23 of RA No. 10173 or the Data Privacy Act of 2012

²⁰ Id.

recommended by a general assembly of senior citizens organizations: Provided, That at least two (2) Commissioners shall be women.

The phrase “holders of a college degree or have relevant experience in the affairs of senior citizens” simply means that even if one is not a holder of a college degree, as long as he or she has relevant experience in the affairs of senior citizens, he or she may still be appointed as Commissioner of the NCSC.

At the December 5, 2022 hearing, Commissioner Mansilungan admitted that he does not hold a college degree. Nevertheless, he correctly pointed out that commissioners of the NCSC can be a non-college graduate as long as they have relevant experience in the affairs of senior citizens.

The Committees do not contend that only college graduates can be appointed as NCSC Commissioners as Section 6 of RA11350 is very clear and specific. The question, however, is what passes as relevant experience. According to Rep. Joseph Stephen “Caraps” S. Paduano, this is a question which can be objectively answered simply by looking at the overall accomplishments of the individual in question.

On December 5, 2022, the Committees directed Commissioner Mansilungan to submit all documents within two weeks supporting his assertion that he has relevant experience in the affairs of senior citizens. To the Committees’ dismay, Commissioner Mansilungan did not submit his credentials on time, and when he finally did on January 30, 2023, a day before the last hearing, the Committees were disappointed even more as the submission only included various clippings of articles that he has allegedly written over the years for various magazines and publications.

If his submissions were true, it shows that he is indeed a prolific writer. But this is hardly the relevant experience that the law requires for him to be qualified as a commissioner. Notably, Commissioner Mansilungan did not provide any participation, engagement, or membership in any senior citizen organization or advocacy group prior to or at the time of his appointment.

Accordingly, the Committees are not convinced that he is qualified for the position.

Moreover, Commissioner Mansilungan misrepresented himself as having studied in the University of the Philippines (UP) in a resumé that he had submitted to the Office of the Senior Citizens Party-list.

In his opening remarks at the January 31, 2023 hearing, Rep. Ordanes shared how Commissioner Mansilungan submitted false credentials to his office so that he would endorse him to the position of commissioner of the NCSC. In said resumé, there was a prominent entry on the top half of the first page which stated that the last school Commissioner Mansilungan had attended was UP.

However, a certificate from the Office of the University Registrar- UP Diliman showed that he was never enrolled in the said university. When confronted by Members during the hearing, Commissioner Mansilungan lied through his teeth and implicated his daughter in his ruse, claiming that it was her who made the resumé in question. According to him, his daughter drafted the resumé in a computer shop and used an existing template of someone who attended UP, and that she purportedly forgot to erase the entry on school last attended and thus inadvertently made it appear as though her father attended UP.

Granting without accepting that this story is true, it does not excuse Commissioner Mansilungan from gross neglect as he should be responsible for his own documentary submissions, especially since he was seeking the endorsement of a member of the House of Representatives to sit in the NCSC as commissioner.

Furthermore, Commissioner Mansilungan's misrepresentation of his credentials is reflective of the fact that he does not possess good moral character, a qualification required under Section 6 of RA 11350.

Accordingly, his removal from office is recommended to the Office of the President, being the appointing authority, or by filing a case for quo warranto before the regular courts.²¹

V. TESTIMONY OF FORMER NCSC COMMISSIONER GLORIA JUMAMIL-MERCADO

During the January 31, 2023 hearing, former NCSC Commissioner and current Department of Education (DepEd) Undersecretary Gloria Jumamil-Mercado requested an executive session prior to testifying about alleged instances of mismanagement, anomalies, and irregularities in the NCSC. Voting separately, the members of the two committees granted the request of Usec. Mercado.

Pursuant to the Rules of Procedure Governing Inquiries in Aid of Legislation, testimony taken or evidence presented in an executive session, or any summary or excerpt thereof or documents related thereto, in whole or in part, shall not be made public, unless authorized by a majority vote of the Members present, there being a quorum.²²

On March 1, 2023, the two Committees voted to append the transcripts of stenographic notes of the executive session containing the testimony of former NCSC Commissioner Mercado and a summary thereof to the Committee Report.

Some of her statements are as follows:

- Even before Atty. Quijano was appointed as Chairman of the NCSC, the DSWD was already working to realize the transition of duties from the DSWD to the NCSC and even hired consultants to help in the reorganization.
- When Atty. Quijano came in to office, he already had 14 technical staff with him which he hired without consulting the other Commissioners.
- She and Commissioner Patron already drafted a version of the IRR with the help of the DSWD but Atty. Quijano wanted to come up with his own version of the IRR, thus explaining the delay.
- They never saw how the P25M was utilized since Atty. Quijano did not lay it out for collegial discussion despite their request.
- The Commission did not release any resolution hiring the people that Atty. Quijano placed in the NCSC. She also noted that they are not highly technical consultants, but they have been with Atty. Quijano since October, 2020.

²¹ Section 1 Rule 66 of the Rules of Court

²² Section 7, Rules of Procedure Governing Inquiries in Aid of Legislation

- When Atty. Quijano contracted COVID, he asked her to sign the checks of his four (4) consultants but she refused as the salary grade of these 4 contracts of services was Grade 24 whose collective paychecks added up to P5M. It was Atty. Quijano who signed the checks when he came back to work. These consultants were later on hired as part of Atty. Quijano's coterminous staff.
- A consultant of the DSWD, a certain former Undersecretary for Operations of the DBM, Usec. Cantor, prepared an organizational structure which Atty. Quijano rejected because he wanted an organizational structure prepared by himself.
- She claimed there is tyranny in numbers in the NCSC and the Commission is not truly collegial. Atty. Quijano, according to her, does not like discussions, and only Commissioner Espejo gives dissenting opinions as the others are on proper terms with Atty. Quijano.
- She claimed that Atty. Quijano submitted the NCSC's financial statements to the COA without allowing the other Commissioners to see them.
- In the matter of the appointment of Ms. Dumlao, she said that she showed her colleagues a text message from Executive Secretary Medialdea saying that the letter is authorized by the President; however, her fellow Commissioners, except Commissioner Espejo, did not heed because they had someone else in mind to put in the position of executive director.
- She disclosed that the Commission did not vote to allow private senior citizens organizations to collect personal data, and it was all Atty. Quijano's doing. She also disclosed the reason that Atty. Quijano and Commissioner Mansilungan are recruiting is because they have plans to run as party-list representatives.

For her full testimony, please refer to the transcript of stenographic notes of the January 31, 2023, executive session.

VI. CONCLUSION

As Chairperson and CEO of the NCSC, Atty. Quijano is the NCSC's highest-ranking executive. His primary responsibilities include making major corporate decisions, managing the overall operations and resources of the NCSC, and serving as the primary point of communication between the NCSC and other offices. Arguably, he serves as the NCSC's public face.

However, as repeatedly shown by this report, Atty. Quijano has been weighed and found wanting.

Due to Attorney Quijano's inability to comprehend the significance of the NCSC in the collective effort to improve the lives of senior citizens, the NCSC was not operationalized in a timely manner. The effects of these acts of mismanagement and inefficiency are staggering and will have lasting impacts on senior citizen beneficiaries.

Further, he treated the NCSC as his own fiefdom and disregarded the collegial nature of the Commission. Numerous times, he did not consult with the other Commissioners on significant matters, such as the hiring of his staff and the NCSC's financial and budgetary matters. In addition, he disregarded the advice of highly qualified individuals in other government agencies because he wanted to do things his way. This delayed the NCSC's launch, which was unfortunate and tragic given the marginalization of millions of senior citizens.

His poor style of leadership showed even during the hearings. He kept on failing to timely submit to the Committees relevant NCSC documents, opting to do so at the very last minute.

In fact, at the last hearing, which took place on January 31, 2023, the Committees directed the NCSC to submit proof that the Commissioners and the Chairman were members of legitimate organizations for senior citizens, as required by RA 11350, as well as board resolutions on the hiring of NCSC employees and a copy of Commissioner Mansilungan's personal data sheet. Atty. Quijano did not comply, utterly disrespecting the Committees. He was directed to perform a simple job, and he couldn't do it right; what more if he's tasked with the disbursement of billions?

Since 2011, the government, through the DSWD, has been implementing the Social Pension (SocPen) Program for Indigent Senior Citizens. This program gave a noncontributory monthly pension of PHP 500 to qualified seniors. Budget allocation for the SocPen has increased exponentially over the years from an initial budget of PHP 8.71 billion at program inception. Now, it is expected to amount to at least P50B in the near future as the pension is raised by law to PHP1,000 per beneficiary.

It is shocking to think that such a huge amount intended for the betterment of lives will be handled by an incompetent manager with dubious intentions.

The Committees do not want to give alarmist predictions as to the future of the NCSC; however, if this is the kind of leadership that Atty. Quijano can provide, then the future of the NCSC is bleak indeed. Thus, the Committees believe it is fitting that he be removed from his office to give way to someone more competent and honest.

It is axiomatic that along with the President's power to appoint comes the power to remove; hence, the Committees suggest that the qualifications of Atty. Quijano, as well as those of Commissioner Mansilungan, be given a second look by the Office of the President (OP).

The principle of separation of powers is explained by the Court in the leading case of *Angara v. Electoral Commission*:

The separation of powers is a fundamental principle in our system of government. It obtains not through express provision but by actual division in our Constitution. Each department of the government has exclusive cognizance of matters within its jurisdiction, and is supreme within its own sphere. But it does not follow from the fact that the three powers are to be kept separate and distinct that the Constitution intended them to be absolutely unrestrained and independent of each other. The Constitution has provided for an elaborate system of checks and balances to secure coordination in the workings of the various departments of the government. x x x And the judiciary in turn, with the Supreme Court as the final arbiter, effectively checks the other department in its exercise of its power to determine the law, and hence to declare executive and legislative acts void if violative of the Constitution.

Accordingly, the Committees shall not impose their findings on the OP; nevertheless, the Committees hope that this Committee Report will serve as a guide so that the right individuals will finally be appointed to the NCSC.

Lastly, all other government agencies mentioned in the Recommendation section of this Committee Report are urged to heed the recommendations of the Committee on Public Accounts and the Special Committee on Senior Citizens in order to implement lasting changes to the NCSC. The law that created the NCSC envisions a society that respects and promotes the dignity, security, wellness, and well-being of older persons, and recognizes their contribution to nation-building through lifelong learning, empowerment, and development in making them truly active citizens. All of this will be for naught if the NCSC is left in the hands of incompetent and unqualified administrators.

VII. RECOMMENDATIONS

Based on the foregoing findings and conclusions, the Committees jointly recommend the following:

1. The COA is advised to conduct compliance audit on the NCSC.
2. The Office of the Ombudsman is advised to investigate and file:
 - administrative charges and/or cause the prosecution of Atty. Quijano et al for probable violation of the Anti-Graft Law, as well as Usurpation of Authority or Official Functions and/or Illegal Use of Insignia punishable under Arts. 177 and 179 of the Revised Penal Code, as amended, in view of allegations against his person that he appointed certain individuals to directorship positions in the NCSC without proper authority and allowing the use of the NCSC logo to be embossed on unofficial documents;
 - administrative charges for Grave Misconduct, Grave Abuse of Authority, Gross Neglect of Duty and Conduct Prejudicial to the Best Interest of the Service against Atty. Quijano and/or probable violations of the Anti-Graft Law for his alleged involvement in solicitation and extortion activities, knowingly favoring consultants who are not eligible for the position and corresponding benefits, failure to timely organize the NCSC on time, and usurping the authority of the NCSC.
3. The Integrated Bar of the Philippines is advised to initiate disbarment or disciplinary proceedings against Atty. Quijano for violating the Code of Professional Responsibility and in order to preserve the reputation and integrity of the legal profession.
4. The PNP-CIDG and NBI are instructed to investigate the NCSC, SCWAP, Samahan ng Katandaan ng Timog Katagalugan ng Pilipinas, Inc., and other organizations and personalities involved in the alleged unauthorized acts of solicitation they perpetrated around the country, as well as for possible violations of the Data Privacy Act.
5. The Office of the President is advised to replace Atty. Quijano and Mr. Mansilungan with a more competent chairperson and commissioner, respectively.
6. The NCSC should rescind the appointments of Ms. Rodrigo and Mr. Daez to the position of Director IV, as well as any other directors it appointed contrary to the CESB and DSWD's position.
7. The House of Representatives is advised to exercise congressional oversight functions over the implementation of RA 11350 to identify ambiguities and enact remedial legislations, if necessary.
8. Finally, it is recommended that a copy of this Committee Report be furnished the National Commission of Senior Citizens, Commission on Audit, Office of the Ombudsman, National Bureau of Investigation, The Philippine National Police-Criminal Investigation and Detection Group, National Privacy Commission, The Integrated Bar of the Philippines, and the Office of the President for their appropriate action.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

1st Regular Session, 19th Congress

COMMITTEE ON PUBLIC ACCOUNTS
Joint with
SPECIAL COMMITTEE ON SENIOR CITIZENS
Hybrid Video Conference
Executive Meeting

DATE : 31 January 2023
TIME : 1:03 p.m.
VENUE : Conference Room Nos. 3 and 4
Ramon V. Mitra, Jr. Building
House of Representatives
Batasan Hills, Quezon City and via
Zoom Video Conference

REP. JOSEPH STEPHEN 'CARAPS' S. PADUANO- CHAIRPERSON
Committee on Public Accounts

REP. RODOLFO 'OMPONG' M. ORDANES - CHAIRPERSON
Special Committee on
Senior Citizens

ATTY. JAMES FRANCIS M. CANCIO - COMMITTEE SECRETARY
Committee on Public Accounts

MS. ABIGAIL A. MODINO - ACTING COMMITTEE SECRETARY
Special Committee on
Senior Citizens

The meeting was called to order at 1:03 p.m.

CHAIRPERSON JOSEPH STEPHEN “CARAPS” S. PADUANO. The executive session will start with Usec Mercado.

Usec, your piece. Please proceed.

MS. GLORIA M. JUMAMIL-MERCADO (Former Commissioner, National Commission of Senior Citizens). Thank you, Chair. And I just want to say that salamat for bringing me in. While VP-Sec just wanted na low-key ako, kasi I’m also doing a big job in ano as the Chair of the Reorg for DepEd, I...but she also wanted me to shed out some of the issues that has been raised.

So, kami ang unang na-appoint—si Comm. Ida. Actually, when I came in, I thought I was the first one kasi hindi alam ni Comm. Ida how to proceed. She was appointed January, but she never did anything until I came in in May. So, nag-usap kami and we found out that DSW has started the spadework. Nag-create ng Change Management Team ang DSWD, headed by Usec Ilagan and five other Usecs that helped.

So, pagdating namin, binigyan kami ng...when I reported for work sa Malacañang, I was told to go to the Secretary of DSWD for guidance, because it’s not Malacañang. So, ang...pagdating ko sa DSWD, binigyan kami ng room, ng office space at binigyan kami ng...nag-contract out ang DSWD ng 300,000 worth of consultancy para magawa ang organization. So, the org structure was prepared before Secretary...Chairman Quijano came in. There was an org structure. There was an IRR. And there was a Change Management Team. Ready na sila sa transition. We’re talking here of a 25- billion fund for social pension.

Kaya lang, pagdating ni Secretary Quijano...ni Chairman Quijano in Novem...October...in fact, mayroon siyang historical oath-taking nationwide, we were not invited. Pero I reached out to him, kasi teacher ko po siya sa college. So, sabi ko, I would have a good chance to work with this man.

REP. RODANTE D. MARCOLETA. Did you say historical appointment?

MS. JUMAMIL-MERCADO. Yes. It was on...

REP. MARCOLETA. What is a historical appointment?

MS. JUMAMIL-MERCADO. Kasi the first Commission on Senior Citizens.

So, hindi namin...nakita lang namin sa Facebook. Oo. Hindi kami na-invite. And then, when he came in, he had...



CHAIRPERSON PADUANO. Usec, lahat kayo hindi in-invite, lahat ng mga...

MS. JUMAMIL-MERCADO. Dalawa kami.

CHAIRPERSON PADUANO. Dalawa kayo.

MS. JUMAMIL-MERCADO. Oo. Hindi kami na-invite.

So, when we came in, we ano...when he came in, may kasama siyang 14 na technical working people. Kasama niya talaga sa pagpasok sa amin. And hindi na kami na-consult but, at the time that he came in, we have two versions of the IRR—one was ours ni Comm. Ida; then DSWD, which was, more or less, harmonized. Tapos, we were already briefed on how the social pensions. So, nakabiyaha na kami, nakita na namin how it works. But when he came in, for some reasons, he didn't like to work with DSWD. Siguro, dahil sa experience niya sa PHIVIDEC—I'm only speculating. Kasi sa PHIVIDEC...

CHAIRPERSON PADUANO. Yeah.

MS. JUMAMIL-MERCADO. ...because it was all military.

So, iyon, nagkaroon siya ng sarili niyang version. We...I have to say, he was very controlling on things. We never had...I was the one who requested that we ask money from the Presidential Social Fund so that we can start working already. So, binigyan kami ng, I think, 80,000...ah, 800 thousand to cover for the cost that we have. And then, the next year, we were given 25 million.

We never saw how the 25 million was used kasi hindi niya nilatag, although nire-request namin nang nire-request. Tapos, noong dumating na si Edwin...Edwin is very conversant to it, auditing and accounting—si Commissioner Espejo. So, siya iyong nag-pursue talaga. And then, on March, nagka-COVID siya, so he was forced to assign me to sign checks. And that was the only time that we saw that there are people on board. Iyong tinatawag niyang “volunteers,” ano pala nagsu-sweldo pala. But we don't have any resolution hiring people.

So, I did not sign the checks for...because since ako ang pinakamatanda sa kanila—I'm 40 years in government—I knew that we cannot hire contracts of services na 24 because we will be managing ano, people. So, iyong kaniyang contract of services was Grade 24, kaya umabot ng 5 million iyon—iyong ano, apat. Tapos, hindi sila naman highly technical consultants, but they were there from the start. Kasama niya iyon, October. And then he wanted to pay them way back October. Pero, sabi ko, we cannot do that because the money that we have from last year was, actually, a money for the



ME of the Commissioners who were on board already. So, iyon.

And then, noong October, kinausap ako ni Comm. Edwin na mag-issue na lang kami ng antedated na con...to cover his tracks on the hiring of the consultants.

REP. MARCOLETA. (*Microphone not activated*) Comm directed you...

MS. JUMAMIL-MERCADO. Oo. Kasi sabi niya "Sige na lang for harmony and all." Even the org structure, iyong org structure na ginawa ng consultant, which was Usec Cantor—Usec Cantor is Usec for Operations ng DBM, who just retired. So, siya iyong kinuhang consultant ng DBM to prepare...ng DSWD to prepare our org structure. Noong isinalang iyon, hindi niya inano, hindi niya in-accept iyon because he already has an org structure, which has 5,000 people, up to barangay level.

So, we did not agree, until naging 3,000 iyong tao. Tapos nag-usap na lang kami na to let it go na. Sige, iano na lang and let DBM arbitrate for it kasi hindi talaga...hindi siya nagsu-succumb to discussion. So, in gest, up until now, hindi sila collegial. Parang it's...it's really a tyranny of number sa kanila. So, ngayon na mag-isa na lang si Edwin, palagi siyang dissenting kasi on proper term si Commissioner Edwin. 'Yung all the rest, si Mansilungan, kaniyang mga tao iyon, eh.

Siguro, ang disappointing lang si Commissioner Cruz, because he had been in government also, just like me, for a long time, so he should understand auditing procedure. So, like on December 2021, sinabmit (*submit*) niya iyong financial statement without even letting us see it. So, iyong sinasabi niyang unqualified, it was unqualified because there was nothing yet to be audited dahil bago lang kami. Pero hindi siya unqualified dahil maayos iyong aming process. It was said during the exit interview. I'm giving you an unqualified...

CHAIRPERSON PADUANO. Pero iyong opinion ng COA, malinaw ba iyon na unqualified because... (*Microphone not activated*)

MS. JUMAMIL-MERCADO. Yeah. It was in the exit interview that you are unqualified because you have not done anything yet to...

REP. MARCOLETA. It's, precisely, qualified. Hindi siya unqualified.

MS. JUMAMIL-MERCADO. Ah, qualified ba? Basta there's...

REP. MARCOLETA. Kasi in ano kasi, in accounting and auditing parlance, de-kahon iyon, eh. Once na sinabi mong unqualified... (*Microphone not activated*)

'Pag sinabi mo kasing unqualified, kung pinag-uusapan audit, public audit, talagang malinis, clean slate iyon. Kaya nga, iyon ang dinidistingge ko kanina. I want to

find out whether the audit report, precisely, indicated unqualified opinion. Kasi ang sinasabi mo is qualified, eh.

MS. JUMAMIL-MERCADO. No, unqualified. Iyong...

REP. MARCOLETA. Hindi. Ang sinasabi mo ngayon is qualified...unqualified kamo because there is nothing to audit, in the first place.

MS. JUMAMIL-MERCADO. Yes.

REP. MARCOLETA. So, qualified iyon. That's not unqualified.

MS. JUMAMIL-MERCADO. Ah, okay. There's nothing yet, sabi ni...

REP. MARCOLETA. Oo. Tama ka doon.

MS. JUMAMIL-MERCADO. Pero...

REP. MARCOLETA. And many of what you are saying now have been admitted by him already, including the one that he did not respect collegiality. Inamin niya ngayon, ngayon-ngayon lang.

MS. JUMAMIL-MERCADO. Yeah.

REP. MARCOLETA. But ang problema namin, iyong sinasabi mo ngayon that there was already an existing structure pala when he was installed as Chairman.

MS. JUMAMIL-MERCADO. Yeah. No. It was a contract, contracted services of Usec Cantor.

REP. MARCOLETA. Kaya nga. Galing doon sa DBM...

MS. JUMAMIL-MERCADO. DSW...

REP. MARCOLETA. ...retiree, 'di ba...

MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. ...which, to you, is already a bible...

MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. ...because he worked extensively in government...

MS. JUMAMIL-MERCADO. Yes. Yes, Sir.

REP. MARCOLETA. ...particularly in organizing certain agencies...

MS. JUMAMIL-MERCADO. Yes.

REP. MARCOLETA. ...like NCSC, which the current Chairman disregarded. Hindi ba? And then walang appointment itong gusto niyang mga tao, iyon ang inilalagay niya. And then he has a problem of papaano niya pasuswelduhan iyong mga tao.

How can you...sabi mo kanina, you did not sign the check. Who signed the check for you?



MS. JUMAMIL-MERCADO. Siya...siya pa rin, pagbalik na niya. Kasi I did not sign dahil, una, walang resolution to hire; pangalawa...

REP. MARCOLETA. O, papaanong ikaw...papaanong mag-aano ang COA na...

MS. JUMAMIL-MERCADO. Pangalawa...

REP. MARCOLETA. COA will not...I am very sure about this, COA will not accept such kind of operations na walang appointment, walang resolution, pagkatapos babayaran mo iyong mga tao. Hindi...magagalit ang COA diyan.

MS. JUMAMIL-MERCADO. Tapos, pangalawa, Sir, masyadong mataas iyong ibinigay niya na contract of services, Grade 24. Hindi iyan allowed sa atin.

REP. MARCOLETA. Oo. Precisely, the resolution should, at least, be guided na alam nila iyong Civil Service Law, kung anong grade ito.

MS. JUMAMIL-MERCADO. Oo.

REP. MARCOLETA. They will start with that.

MS. JUMAMIL-MERCADO. Yeah.

REP. MARCOLETA. Tala...alam ko iyong detalye ng public accounting. So, papaanong papasa lahat itong anong ito?

MS. JUMAMIL-MERCADO. Iyong lahat na iyon, Sir, na apat, iyong after a while, nung hindi na sila...hindi na kami nag-agree mag-hire, inilagay na siyang chief of staff. Si Edmund Tayao—inilagay niyang chief of staff. Tapos EA iyong si Ado. Tapos...

REP. MARCOLETA. What's the difference between a chief of staff and EA?

MS. JUMAMIL-MERCADO. Doon kasi, Sir, sa...'pag Secretary ka, you are entitled to 10 positions para... HEA pala.

REP. MARCOLETA. No. But he disregarded the structure developed by that DBM guy.

MS. JUMAMIL-MERCADO. Sir, ano, mayroong standard allocation, even without the approved posi...organizational structure. The moment you are appointed, you get...'pag Secretary ka, you outright get 10 positions; ang mga Usecs, five positions. Tapos, ang ginawa pa ng DBM...kuwan pa lang iyong, Sir, ha 2020. Para lang makagalaw na kami kaagad, binigyan kami noong ABC—accountant, budget and cashier at saka isang ano. So, may regular item na kami agad na apat; at saka iyong mga co-term people namin. Siya, sampu ang kaniyang co-term people...co-term na tao. Mayroon siyang HEA, which is Grade 27.

REP. MARCOLETA. Nandoon ba sa structure iyon na in-approve, wala?



MS. JUMAMIL-MERCADO. Automatic iyon, Sir. The moment you are appointed, you get that position. It's a NO...paglabas ng NOSCA mo, iyong Notice of Cash something, automatically, mayroon ding positions that are created for you as a Usec or as a Secretary.

So, when we started in '21, we have already our own people. There are five co-terms for each commissioner; at siya, may sampu. So, hindi mo maintindihan bakit kailangan niyang mag-hire noong...kasi marami kasi siyang tinatawag niyang volunteers. 'Di ba, Sir, na-meet mo naman iyon?

CHAIRPERSON RODOLFO "OMPONG" M. ORDANES. Oo. Talagang...

MS. JUMAMIL-MERCADO. Mga volunteers, at the start, which iyon pala babayaran namin. We did not agree for paying them since October, dahil wala naman kaming pambayad. So, ipinasok niya without telling the Commission na ipinasok niya iyong iba but...and very high level, Grade 24. So, iyong 5 million, sinasabi niya kanina na may iba doon na ano, it's really just the salary of those five.

Tapos, mayroon nga kami isang COA disallowance kasi binigyan pa niya ng 13th month, I think...

CHAIRPERSON ORDANES. Bonus.

REP. MARCOLETA. When was...

MS. JUMAMIL-MERCADO. ...bonus.

REP. MARCOLETA. When was the notice of disallowance issued?

MS. JUMAMIL-MERCADO. I think, 20 ano na, Sir, 20...

REP. MARCOLETA. '21.

MS. JUMAMIL-MERCADO. Baka '21 na, Sir. I don't...

REP. MARCOLETA. O, eh, bakit unqualified opinion? Kanina sinasabi ninyo mayroon siyang unqualified opinion.

MS. JUMAMIL-MERCADO. Sir, iyong unqualified naman is, I think, 2020 pa kasi wala kaming transition.

REP. MARCOLETA. No. 20...ayan, o. Makapal iyong ibinigay ninyo rito for our reference. Sabi niya, "The best evidence—ginanoon niya iyong rule on evidence...mga abogado. "The best evidence is the audit of COA, itself."

CHAIRPERSON PADUANO. Pero, Cong. Dante, iyong unqualified kasi na opinion ng COA, it's all about the findings of the COA with regards to financial, 'di ba?

MS. JUMAMIL-MERCADO. Oo.



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CHAIRPERSON PADUANO. Financial at saka iyong financial audit, may threshold.

MS. JUMAMIL-MERCADO. Yes.

CHAIRPERSON PADUANO. Hindi ba, tama?

MS. JUMAMIL-MERCADO. Yes.

CHAIRPERSON PADUANO. But they are not saying na walang problema. Pero kung financial lang, audit, it's more on the threshold. Now, iba pa iyong performance audit na iyon ang hindi nangyari sa...

MS. JUMAMIL-MERCADO. Kasi wala pa kaming...wala...up until now, wala pa ring nagagawa kasi, one is, they insist on holding office sa Malacañang. So, they have that small office there na hindi naman napupuntahan ng mga senior citizens.

From the 2021 budget, mayroon nang allocation for rentals, pero I don't know why ayaw niyang umalis sa Malacañang. Siguro it's the thought of Malacañang.

CHAIRPERSON ORDANES. Pinalayas nga sa Malacañang, eh.

MS. JUMAMIL-MERCADO. Pinaalis sila pero pinabalik sila ni Vic Rodriguez. They were allowed by Vic Rodriguez to stay.

REP. MARCOLETA. So, hindi pa ba tayo nakakahanap ng enough evidence to recommend the...yung sa meeting, nababasa ko iyong mga report na iyon.

CHAIRPERSON PADUANO. Ah, marami na. Marami na.

REP. MARCOLETA. So, what do the Joint Committee should do?

CHAIRPERSON PADUANO. Hindi. After this, gawin na namin iyong report. Ito ngayon iyong pinakahuli na lang iyong kay Usec Mercado.

REP. MARCOLETA. Iyon na nga.

CHAIRPERSON PADUANO. Pero all those...

REP. MARCOLETA. Ito, confirmatory lang iyong sa kanya, eh. What she is now testifying to is only validation of...

CHAIRPERSON PADUANO. Yeah.

REP. MARCOLETA. ...what we have already gathered.

CHAIRPERSON PADUANO. Yeah.

MS. JUMAMIL-MERCADO. At saka, Sir, dagdag ko lang. Iyong...since I was the one...at the time na they were hiring Dumlaog, I was, actually, seconded sa office ni ES kasi I was part of the team that wrote the legacy report. So, noong tinawagan ako ni Edwin na ayaw i-recognize iyong pirma ni ES, I was told by the ES to go and attend the



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meeting and tell them that it's a legitimate document, which I did. But noong nagbotohan sila—hindi naman ako nakakaboto kasi seconded ako—so natalo si Edwin. Siya lang ang nag-oppose kasi nai-hire na nga si Dumlao.

CHAIRPERSON PADUANO. Iyan iyong ano...iyan iyong issue about...Dumlao.

MS. JUMAMIL-MERCADO. Oo. Kasi ang agreement doon sa secondment is...

REP. MARCOLETA. Pero iba iyong ano niya understanding niya rito, eh.

MS. JUMAMIL-MERCADO. ...I'd be allowed to attend the meeting of the Commission especially on very important matters. So, nag-a-attend ako ng meetings. Ang nangyari lang is, so after they voted na hindi nila iha-hire kasi hinihingan ni Commissioner Mansilungan ng actual letter from President...from PRRD. So, ipinakita pa namin iyong text ni ES Medialdea na saying...

CHAIRPERSON PADUANO. Ipinakita niyo.

MS. JUMAMIL-MERCADO. Ipinakita ni Edwin na it's an authorized appointment because that's the system in Malacañang. It's not PRRD...

(MS. MARIA LEONOR M. FALZADO TOOK OVER)



MS. JUMAMIL-MERCADO. (Continuing)...It's not PRRD that signs. It's me as the head of...so ipinakita. Hindi pa rin because they have someone in mind, of course.

REP. MARCOLETA. Iyon nga, iyon ang...iyon ang totoo talaga.

MS. JUMAMIL-MERCADO. 'Pag tingnan mo, Sir, ang appointments puro iyon galing Iligan kasi mayor siya dati ng Iligan.

CHAIRPERSON PADUANO. Actually, Cong. Dante, makita mo talaga doon. Kunyari, sinabi niya kanina, i-set aside. Pero denial iyon, denial na at the time that was May 20. Pero siguro nung nakita nila, magkaproblema tayo dito, ipapatawag natin si Ms. Dumlao para kunwari interview and then 'di makapasa.

MS. JUMAMIL-MERCADO. Sir, I was the one ...

CHAIRPERSON PADUANO. But before that ...

MS. JUMAMIL-MERCADO. I was the one who insisted, Sir, based on the prodding of ES Medialdea na ipatawag si Dumlao. So pinatawag siya nung nagmi- meeting kami sa...dito sa Katipunan.

CHAIRPERSON ORDANES. Sa Oracle. Sa Oracle.

MS. JUMAMIL-MERCADO. Sa Oracle, oo. So hinarap si Dumlao, sumagot. Magaling kasi...magaling si ASec Dumlao.

REP. MARCOLETA. Pero inconsequential na ngayon iyon because ...

MS. JUMAMIL-MERCADO. Appointed na siya. *(Laughter)*

REP. MARCOLETA. It was the President who recommended ...

MS. JUMAMIL-MERCADO. Yeah.

REP. MARCOLETA. ...through Executive Secretary.

MS. JUMAMIL-MERCADO. Yes.

REP. MARCOLETA. Kaya tinatanong ko sa kanya iyong doktrina, eh. Alam niya iyong doktrina, eh.

MS. JUMAMIL-MERCADO. Oo.

REP. MARCOLETA. Hindi mo...hindi mo puwedeng pasubalian iyon. You can question that; you go to court. But...pero you have to follow. You have to follow kasi soldier ka. If you're in government, you're supposed to be a good soldier. Ngayon kung ayaw mo iyon, either mag-resign ka. You question the action in court. Hindi iyong mag...ii-interpret niya iyong constitu...maryosep naman, Commissioner.



VOICE Abogado pa.

REP. MARCOLETA. Pare, ikaw naman kasi ang may kasalanan, nirekomenda mo pala, eh. Ah, si Mansilungan pala iyong nirekomenda mo, Pare.

CHAIRPERSON PADUANO. Anyway, Usec, may iba pa?

CHAIRPERSON ORDANES. Mr. Chair, iyong kay DILG, iyon iyong ASec, nandoon ka pa noon?

MS. JUMAMIL-MERCADO. Iyong ASec ng DILG is the first nominee. Tapos ...

REP. MARCOLETA. Sino'ng nag-nominate?

MS. JUMAMIL-MERCADO. Si ano pa rin, office pa rin ni...si ES pa rin.

REP. MARCOLETA. ES pa rin. So dalawang recommendees ni ...

MS. JUMAMIL-MERCADO. Yes, dalawang ...

REP. MARCOLETA. ...ng President hindi inano.

MS. JUMAMIL-MERCADO. Pero iyon iyong nag-back out kasi tinawagan siya ni ano, ni Chair. May...inuutusan niya on something at BARMM. Election time na iyon, eh. So, iyong bata parang natakot siya, sabi niya, "I don't like to work with Chairman." Baka ma-compromise daw iyong integrity niya. So, nag-back out siya. We were there when he spoke to ASec Enad, who was in charge of appointments, na nag-back out iyon. Hindi siya tumuloy.

CHAIRPERSON ORDANES. Ano ang sabi nung ano..."For the reason I cannot demand."

MS. JUMAMIL-MERCADO. Yes.

CHAIRPERSON ORDANES. Sabi nung tao.

CHAIRPERSON PADUANO. Pero nalaman na lang namin iyan...nalaman na lang namin iyong hinggil doon sa ASec ng DILG, ako, kahapon...kahapon ba tayo? Kahapon lang. Dapat pinatawag natin iyan nung previous hearings.

CHAIRPERSON ORDANES. Actually, nalaman ko iyan nung pumunta ako kay ASec Turingan(?).

MS. JUMAMIL-MERCADO. Enad, ha.

CHAIRPERSON ORDANES. Siya iyong ano nila doon sa data formatting, iyong nakakaalam doon. Nag-issue ng memorandum circular si Usec through LGUs, ang gagamitin OSCA.



MS. JUMAMIL-MERCADO. Oo.

CHAIRPERSON ORDANES. Now, ang ginamit nila mga asosasyon which is, 'ika nga, violation ng Data Privacy Act.

MS. JUMAMIL-MERCADO. We did not vote for it, eh. I don't know kung paano lumabas, eh. Siya lang ang gumawa noon.

CHAIRPERSON ORDANES. Hindi...

MS. JUMAMIL-MERCADO. Private po iyon.

CHAIRPERSON ORDANES. ...kaya nga nagpakitang gilás dahil may investigation. Nito lang investigation iyon, eh, iyong ginawa nila, eh.

REP. MARCOLETA. Ang laki nang problema.

MS. JUMAMIL-MERCADO. Nandiyan...we also...ako, I express my opposition to those ano kasi, una, hindi siya friendly. Ang haba, 'di ba? Tapos nandoon na talaga ang buhay mo sa buong ano.

REP. MARCOLETA. Pero doon sa hanay nung mga commissioners kanina, sino iyong sa tingin mo na okay?

MS. JUMAMIL-MERCADO. Sir, ...

REP. MARCOLETA. Iyong dalawang babae, mukhang okay ano?

MS. JUMAMIL-MERCADO. Sir, si ...

CHAIRPERSON ORDANES. Except lang sino, Madam?

MS. JUMAMIL-MERCADO. Si Mansilungan kasi ano talaga niya iyon, ally niya iyon.

CHAIRPERSON ORDANES. Actually, si Mansilungan iyon ang attack dog ni Chairman.

MS. JUMAMIL-MERCADO. Oo, at saka siya iyong parang media relations ng ano.

REP. MILAGROS AQUINO-MAGSAYSAY. Si Mansilungan ...

REP. MARCOLETA. So, handpicked niya si Mansilungan talaga.

MS. JUMAMIL-MERCADO. Yes, Sir. Tapos si Comm. Ida naman, Sir, kasi kailangan niyang ma-reappoint this ano kasi mag-e-end na iyong kanyang term ngayong September. So hindi talaga siya ano...matalino naman iyon, doctor iyon, Sir, Doctor of



Education. So ang reading ko lang kaya hindi niya ino-oppose si Chair dahil kailangan niya iyong nomination ni Chair to be reappointed. Kasi ...

REP. MARCOLETA. At that time. Pero ngayong regular na nandiyan sila sa board, dapat naman ano iyong...kung mali, eh, ...

MS. JUMAMIL-MERCADO. Kasi end nga ang term niya, Sir, ngayong September.

REP. MARCOLETA. Ha.

MS. JUMAMIL-MERCADO. End ng term ni Comm. Ida.

REP. AQUINO-MAGSAYSAY. Two years lang yata siya, ano.

MS. JUMAMIL-MERCADO. Yeah, ngayong September.

REP. AQUINO-MAGSAYSAY. May two, four, six kasi.

REP. MARCOLETA. ' Di ba, may kasabihan tayo, iyong mga matatanda sila ang magsisilbing ehemplo ng mga bata.

MS. JUMAMIL-MERCADO. Yes. That's right.

REP. MARCOLETA. Tingnan mo itong pinag-uusapan natin, problema ninyong mga senior citizens.

CHAIRPERSON ORDANES. Eh, ang problema...

REP. MARCOLETA. Buti 59 years old lang tayo, Mr. Chair.

CHAIRPERSON PADUANO. Ako 58.

REP. MARCOLETA. Fifty-eight ka, 59 ako. Papaano ngayon kung mapunta kami sa 60? *(Laughter)* Kasama na kami sa problema ng ano...

CHAIRPERSON ORDANES. Kaya nga inaayos natin, eh, para 'pag naging 60 kayo, maayos na.

REP. MARCOLETA. Napilitan tuloy kaming tumulong ni Chair Caraps para lang...

CHAIRPERSON ORDANES. Sa susunod ...

REP. MARCOLETA. 'Pag patak namin diyan...

CHAIRPERSON ORDANES. Sa susunod ninyong henerasyon itong ginagawa namin, eh. *(Laughter)*

CHAIRPERSON PADUANO. Anyway, any more Usec or from co-Chair?



MS. JUMAMIL-MERCADO. Iyon lang. Ako, when I said goodbye to them, kasi when I was invited, sabi sa akin nila ES na tumulong ka lang i-organize. But after a year, sabi ko kay ES, "I think I failed to organize it." Kasi mahirap talaga, Sir, katrabaho si Chair. Very...I have to...this is a personal opinion, masyado siyang controlling. Tapos nahihirapan nga ako dahil teacher ko siya. And it's very...very sad on my part that someone that you respected...

REP. MARCOLETA. That's understandable. Nakita na namin siya ngayon kung paano mangatwiran.

MS. JUMAMIL-MERCADO. Oo.

REP. MARCOLETA. Mina-manipulate niya pati ano, eh...

MS. JUMAMIL-MERCADO. Oo.

CHAIRPERSON ORDANES. At saka may ano...buti nga may respeto pa si Ma'am kay Chairman.

MS. JUMAMIL-MERCADO. At saka he lies directly, eh...

CHAIRPERSON PADUANO. Yeah. Yeah.

MS. JUMAMIL-MERCADO. ...kahit ano, nahuhuli na, eh. 'Di ba, nakaka-disappoint...

REP. MARCOLETA. He lies through the teeth, sabi nga nila. Paano niya...kukunin niya si Mansilungan, eh, tiningnan namin iyong record ninyo, he is nothing to do with the activities of senior citizens puro Jaycees. Unless iyong mga Jaycees puro senior lahat iyon.

REP. AQUINO-MAGSAYSAY. Wala nga. Kaya nga kinuwestiyon ko iyong ano...sinabi ko kay ...

REP. MARCOLETA. Precisely, Ma'am. Yeah.

REP. AQUINO-MAGSAYSAY. ...kuwestiyunin ninyo iyong qualification kasi walang...baka iyong dalawang babae lang ang member.

REP. MARCOLETA. Wala nga.

REP. AQUINO-MAGSAYSAY. So, hindi sila member ng senior citizens organization and that is one of the qualifications. Wala talaga. Hindi sila member.

MS. JUMAMIL-MERCADO. Kahit si...

REP. AQUINO-MAGSAYSAY. Si Mansilungan...



MS. JUMAMIL-MERCADO. Kahit si ano, si Rainier Cruz. He's not a member.

CHAIRPERSON ORDANES. Oo, si Rainier, wala rin siya. Commissioner iyon, ha.

REP. MARCOLETA. 'Di, sabi niya kanina...sabi niya kanina ...

REP. AQUINO-MAGSAYSAY. Quezon City.

REP. MARCOLETA. ...Quezon City Chapter, sabi niya. Totoo ba iyon?

MS. JUMAMIL-MERCADO. Hindi, Sir.

REP. MARCOLETA. Hindi, pero sinabi *bona fide*, eh, kaya kailangan nating i-qualify na *bona fide*.

REP. AQUINO-MAGSAYSAY. *Bona fide*. Kaya nga sinabi ko ...

REP. MARCOLETA. How *bona fide* can ...

REP. AQUINO-MAGSAYSAY. Kaya nga sinabi ko na, were you...are you a member before you were appointed?

REP. MARCOLETA. Parang hindi.

REP. AQUINO-MAGSAYSAY. Oo.

REP. MARCOLETA. Parang hindi.

REP. AQUINO-MAGSAYSAY. Eh, iyong dalawang babae lang ang sumagot. So lahat sila hindi. So iyong sa qualification ano...kasi...I don't know, I'm sorry, pero they don't know what they're doing.

MS. JUMAMIL-MERCADO. Yes.

REP. AQUINO-MAGSAYSAY. Sayang lang itong Committee namin.

MS. JUMAMIL-MERCADO. Pero sayang, Sir, kasi ano na...

REP. AQUINO-MAGSAYSAY. Sayang itong Commission na ito.

MS. JUMAMIL-MERCADO. ...three years na and we have not reached out to the ano...

REP. AQUINO-MAGSAYSAY. That's right. Wala

MS. JUMAMIL-MERCADO. ...to the...

REP. AQUINO-MAGSAYSAY. And I think they're ...

MS. JUMAMIL-MERCADO. ...seniors.

REP. AQUINO-MAGSAYSAY. ... only after the budget para ... I don't know.

MS. JUMAMIL-MERCADO. Yeah.



REP. MARCOLETA. Eh, nagmamadali pa naman ang lahat ng members ng senior citizens. Nasa pre-departure ano na sila, eh.

REP. AQUINO-MAGSAYSAY. Oo nga.

MS. JUMAMIL-MERCADO. Sir, tatakbo kasi iyon, Sir.

CHAIRPERSON ORDANES. Awarding na nga, eh.

REP. AQUINO-MAGSAYSAY. Kawawa naman tayo. Hoy, tayo, ha, tayo.

REP. MARCOLETA. Isipin mo, nasa pre-departure na, hindi ka pa nagmamadali na ano...

CHAIRPERSON PADUANO. Ikaw ang nasa pre-departure na para mag-senior.

REP. MARCOLETA. Sasakay na sa eroplano iyang mga iyan, eh.

REP. AQUINO-MAGSAYSAY. Kawawa naman tayo.

CHAIRPERSON PADUANO. Anyway, ...

MS. JUMAMIL-MERCADO. Sir, tatakbo kasi iyon, si Mansilungan at saka si Chair.

REP. MARCOLETA. Kawawa naman kayo.

CHAIRPERSON ORDANES. Pare, iyon bang ano, iyong...sino iyong Comm. nila?

CHAIRPERSON PADUANO. Tatakpong?

MS. JUMAMIL-MERCADO. Party List.

REP. AQUINO-MAGSAYSAY. Party List.

CHAIRPERSON PADUANO. Ah, Party List.

REP. AQUINO-MAGSAYSAY. Kaya sila nagde-data gathering.

MS. JUMAMIL-MERCADO. Nagde-data.

REP. MARCOLETA. Ah, may kalaban ka na naman.

CHAIRPERSON ORDANES. Ha.

CHAIRPERSON PADUANO. Kayo.

REP. AQUINO-MAGSAYSAY. Because they're going to put up ...

CHAIRPERSON PADUANO. Kayo, kayong dalawa.

REP. AQUINO-MAGSAYSAY. They're going to put up ...

CHAIRPERSON PADUANO. Hay, naku.

REP. MARCOLETA. Magkakagulo na naman kayo.



REP. AQUINO-MAGSAYSAY. ...a Party List.

MS. JUMAMIL-MERCADO. Iyong SCWAP is supposed to be there ano, there...
pero ngayon dahil ...

REP. AQUINO-MAGSAYSAY. Hindi. Wala na. Ayaw na ng SCWAP.

MS. JUMAMIL-MERCADO. ... ina-attack na ng SCWAP na ano nila iyon...

REP. AQUINO-MAGSAYSAY. Ayaw na nila iyon.

CHAIRPERSON ORDANES. Dinenay (*deny*) na, eh.

CHAIRPERSON PADUANO. Anyway. So, are there more, Usec?

MS. JUMAMIL-MERCADO. Iyon lang, Sir. Thank you. But I really hope na...

CHAIRPERSON ORDANES. Ma'am, sandali. Ma'am, iano ninyo lang iyong
listening tour...

MS. JUMAMIL-MERCADO. Ha.

CHAIRPERSON ORDANES. Iyong listening tour na ...

MS. JUMAMIL-MERCADO. Kasi si Mansilungan...

CHAIRPERSON ORDANES. Iyong listening tour na ano na...

MS. JUMAMIL-MERCADO. ... ang hawak niya talaga is south of Luzon.

CHAIRPERSON ORDANES. Okay.

MS. JUMAMIL-MERCADO. Kasi south of Luzon at saka NCR and north of ano.
Pero si Rainier kasi hindi rin naman siya maalam sa seniors, Armed Forces iyan, eh...

REP. AQUINO-MAGSAYSAY. Kaya nga, General.

MS. JUMAMIL-MERCADO. ...sumasama lang siya kay Mansilungan. So, parang
ang usapan nila open iyong Luzon. Pero nung matagal na parang naging Commissioner
at large na si...

REP. AQUINO-MAGSAYSAY. Oo, pati Mindanao nakakarating na.

MS. JUMAMIL-MERCADO. ...Mansilungan kasi ano siya sa Mindanao, sa
Visayas. So, kinuwestiyon ko lang. Sabi ko na...kasi sumulat sa amin na magli- listening
tour daw. But that's election time kasi, Sir. Sabi ko siguro kung gusto ninyo mang gawin
iyong listening tour, you have to respect the areas of the commissioners. Like ako,
Visayas, kami ni Commissioner Unda, tapos may Mindanao. Buong country siya nag-iikot
tapos, iyon nga, he was authorized daw by the Chair. So...

CHAIRPERSON ORDANES. Walang ano...



MS. JUMAMIL-MERCADO. But I put it in writing na...

REP. AQUINO-MAGSAYSAY. Buong country sila ...

MS. JUMAMIL-MERCADO. ...kinuwestiyon ko iyong kanyang ano.

REP. AQUINO-MAGSAYSAY. Buong country sila nag-iikot but they are not spending kasi pinapakain sila ng mga senior citizens. Nung ano nga sabi nila magpunta sila sa La Union, ako ang magpakain. Bakit ako? May budget sila, 'ika ko. Kaya ano... mga senior citizens nagpapakain sa kanila. So, ilalagay nila doon expenses going around.

CHAIRPERSON ORDONES. Ma'am, iyong kay Leila Pinlac alam ninyo?

MS. JUMAMIL-MERCADO. Leila...

CHAIRPERSON ORDONES. Leila Pinlac.

MS. JUMAMIL-MERCADO. Sino nga iyon?

CHAIRPERSON ORDONES. Iyong in-appoint na...

VOICE. Iyong in-appoint niyong mga regional directors.

MS. JUMAMIL-MERCADO. Ah, oo.

REP. MARCOLETA. In-appoint na ano?

MS. JUMAMIL-MERCADO. Hindi.

CHAIRPERSON ORDONES. Regional director doon...

MS. JUMAMIL-MERCADO. Oo.

REP. MARCOLETA. Ah, iyong may certificate, pinapanumpa.

MS. JUMAMIL-MERCADO. May...nakatanggap kami nung appointment papers. Tapos ni-raise ko officially sa Commission. So, dinenay (*deny*) lang niya na hindi totoo kaya natuwa naman ako at tinackle (*tackle*) pala.

CHAIRPERSON ORDANES. Kaya nga nabasa ni co-Chair iyong ano, eh...

REP. MARCOLETA. Kung hindi totoo, bakit may pirma si Quijano?

MS. JUMAMIL-MERCADO. At saka nagke-carry ng logo namin.

REP. MARCOLETA. Kaya nga.

CHAIRPERSON PADUANO. Tapos na iyon.

REP. MARCOLETA. Hindi mo na maano iyon.

MS. JUMAMIL-MERCADO. Oo.



CHAIRPERSON PADUANO. Kaya nga. Kasi ang argument nila wala daw ano, wala daw specific na...tawag dito, iyong appointment.

REP. MARCOLETA. Palusot na lang iyon.

CHAIRPERSON ORDONES. Actually, walang ...

CHAIRPERSON PADUANO. Pero ang nakalagay doon sumumpa siya as director ng...

MS. JUMAMIL-MERCADO. Yes. Oo.

CHAIRPERSON PADUANO. ...NCSC ng Region V.

REP. MARCOLETA. Pinirmahan ni Quijano.

CHAIRPERSON PADUANO. Tapos at kasamahan ng mga ahensiya ng blah, blah, blah...

MS. JUMAMIL-MERCADO. Oo.

CHAIRPERSON PADUANO. Eh, kung para sa association iyon, walang problema. Dapat walang NCSC. Pero ang document kasi, iyong papel, nagpapakita na nandodoon iyong NCSC mismo na nanunumpa as director, blah, blah, blah, at saka ng samahan. Oh, 'di, in short, in-appoint mo. Pinanumpa mo. Kaya lang nakita mo siguro may problema, wala ng budget, wala, oh, eh 'di, wala. Dinenay (*deny*).

REP. AQUINO-MAGSAYSAY. Iba naman iyong oathtaking. Kasi kung minsan siya ang kinukumbida na i-oathtaking.

CHAIRPERSON PADUANO. Hindi, kaya nga oathtaking for the association.

REP. AQUINO-MAGSAYSAY. Oo. Oathtaking ng mga ...

CHAIRPERSON PADUANO. But oathtaking for appointment for a director ...

REP. AQUINO-MAGSAYSAY. Ah, appointment.

CHAIRPERSON PADUANO. Oo, Director I ...

REP. AQUINO-MAGSAYSAY. Iba na iyon.

CHAIRPERSON PADUANO. ...ay wala ngang appointment, specific appointment document. But pinanumpa mo as Director I. Ano'ng Director I ng ano...ng National Senior Citizens Commission. Saan? Region V. Oh, at samahan ng...

REP. AQUINO-MAGSAYSAY. Yeah.

CHAIRPERSON PADUANO. Malinaw iyon, usurpation, 'di ba?

CHAIRPERSON ORDANES. May napuntahan pa akong isang bayan...



CHAIRPERSON PADUANO. Nandiyan iyong dokumento.

CHAIRPERSON ORDANES. ...apat sila na pumunta sa isang bayan, kumuha nang apat na rooms sa hotel, may kasamang babae. Kinabukasan, tsina-charge kay mayor iyong hotel. Hindi binayaran ni mayor. Kalaunan may utang sila sa hotel.

REP. MARCOLETA. May kasamang ano?

CHAIRPERSON ORDANES. Babae. Tig-i, tig-isa.

CHAIRPERSON PADUANO. Eh, senior citizens na iyon.

CHAIRPERSON ORDANES. Ha.

CHAIRPERSON PADUANO. Senior member.

CHAIRPERSON ORDANES. Oo nga. Pero hindi naman isasama nila iyong mga asawa nila.

CHAIRPERSON PADUANO. Member nga, eh.

REP. MARCOLETA. Eh, mga senior...

CHAIRPERSON ORDANES. Iyon nga. Ibig kong sabihin, okay, nandoon na tayo, eh, iyong hotel.

REP. MARCOLETA. Mga senior...mga senior naman ang ano, eh.

CHAIRPERSON ORDANES. 'Di ba, may reimbursement iyan? Oh, eh, iyong hotel hindi nila binayaran, tsinarge (*charge*) kay mayor. Hindi binayaran ni mayor.

REP. AQUINO-MAGSAYSAY. Iyon nga, tapos itsa-charge nila. Alam ko wala sila masyadong gastos sa pag-iikot.

CHAIRPERSON ORDANES. Iyon ang mga ginagawa.

MS. JUMAMIL-MERCADO. Malaki iyong budget namin this year. Malaking budget kasi nagbigay si Bong Go noong 2022.

CHAIRPERSON ORDANES. Oo.

MS. JUMAMIL-MERCADO. Pero hindi rin nagastos lahat kasi, iyon nga, walang...

REP. MARCOLETA. O, ibig sabihin...

MS. JUMAMIL-MERCADO. ... walang transparency sa ...

REP. MARCOLETA. ... pasalamat mo si ...

CHAIRPERSON PADUANO. Hindi, iyong 25 million na iyon, it's only 9 million that was spent.



REP. MARCOLETA. Ano'ng pangalan noon?

MS. JUMAMIL-MERCADO. Yes.

CHAIRPERSON PADUANO. And out of that 9 million, ...

REP. MARCOLETA. Ano'ng pangalan noon?

CHAIRPERSON PADUANO. ...5 million goes to the consultant.

MS. JUMAMIL-MERCADO. Five million is apat na tao.

CHAIRPERSON PADUANO. Yeah. Sabi niya kanina, 'di ba?

MS. JUMAMIL-MERCADO. Apat na katao.

CHAIRPERSON PADUANO. Apat lang, 'di ba? And that's 1.250 million.

MS. JUMAMIL-MERCADO. Yes.

REP. AQUINO-MAGSAYSAY. May consultant pa kayo na chef.

CHAIRPERSON PADUANO. For the early stage pa iyon.

MS. JUMAMIL-MERCADO. Oo.

CHAIRPERSON PADUANO. Anong early stage na iyan? Anong early stage na sinasabi?

REP. AQUINO-MAGSAYSAY. Saka iyong mga consultant...

MS. JUMAMIL-MERCADO. Saka, Sir, hindi naman iyon ...

REP. AQUINO-MAGSAYSAY. ...qualified ba sila?

MS. JUMAMIL-MERCADO. Yes.

REP. AQUINO-MAGSAYSAY. May chef; may ano. Ano'ng alam nila sa senior citizen. Dapat ang mga kinuha naman nila mga presidente ng big organizations para alam nila, 'di ba?

MS. JUMAMIL-MERCADO. Iyong isang consultant ni Mansilungan is a chef. REP.

AQUINO-MAGSAYSAY. Chef nga, oo. He's from our place that's why I know.

CHAIRPERSON ORDANES. Ma'am, iyon bang mga travel expenses nila dapat meron iyang approval, 'di ba, ng body?

MS. JUMAMIL-MERCADO. Sir, kasi wala kaming...it's not transparent leadership kasi, Sir. So, it's really just...kaya ayaw...ako nga, Sir, ang gut feel ko, kaya ayaw niyang mag-hire ng...

REP. AQUINO-MAGSAYSAY. 'Di ba? Oo, na hindi kanila.



MS. JUMAMIL-MERCADO. ...iyong executive director which we have been saying kasi sinabi na ng DBM that you can hire the executive director right away because it's shown in the law. So, hingi na kayo ng nominee kay Presidente. Ayaw niya iyon kasi magkakaroon...kung hindi niya tao, ayaw niya yung may nakikialam sa pagpapatakbo.

REP. AQUINO-MAGSAYSAY. Yes, tama.

MS. JUMAMIL-MERCADO. He's really a mayor. He run the commission like a mayor.

REP. AQUINO-MAGSAYSAY. That's true.

MS. JUMAMIL-MERCADO. Wala puwedeng mag-influence sa kanya.

REP. MARCOLETA. Sino iyong mayor?

MS. JUMAMIL-MERCADO. Mayor siya dati ng Iligan, eh.

REP. AQUINO-MAGSAYSAY. Mayor siya ng Iligan.

CHAIRPERSON PADUANO. Siya, dati.

REP. MARCOLETA. Ah, mayor dati ito.

CHAIRPERSON PADUANO. Yeah, dati. Yeah.

CHAIRPERSON ORDONES. Iligan.

CHAIRPERSON PADUANO. Tapos nag-PHIVIDEC.

Anyway, before we proceed, kung meron pa, I'd like to acknowledge si Vice Chair ng Public Accounts, Ma'am. Si Usec...we are now in executive session with Usec Mercado of the DEPED.

REP. AQUINO-MAGSAYSAY. Caraps, I can go na kasi meron namang ano, Caraps, ha.

CHAIRPERSON PADUANO. Anyway, Usec, meron pa ba?

MS. JUMAMIL-MERCADO. Iyon lang, Sir. If there are questions, I'll answer na lang.

CHAIRPERSON PADUANO. Meron pa ba?

CHAIRPERSON ORDONES. Baka may ipapasok kang teacher. *(Laughter)*

REP. MARCOLETA. So, Ma'am Usec, dahil personal naman na nakita mo na talagang may problema, hierarchy. Iyong chairman mismo ay napakalaki nang problema, na-anticipate mo na iyong report ng Joint Committee.



MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. That it will undertake an overhaul of...

MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. ...the commission for the purpose of putting the boat...

MS. JUMAMIL-MERCADO. Yes.

REP. MARCOLETA. ...in proper sail para...kasi siyempre kayong mga miyembro, mga miyembro ng ano at papunta na rin ako diyan, tayo.

CHAIRPERSON PADUANO. Two years ago; ikaw, one year.

REP. MARCOLETA. Okay lang na...kasi puwedeng banggitin sa report na you, personally, validated through the conduct of an ...

MS. JUMAMIL-MERCADO. Yeah.

REP. MARCOLETA. ...executive session na itong nakalap naming ebidensiya, na although talagang marami na, were even validated by a former colleague in the commission.

MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. 'Di ba, Ma'am?

MS. JUMAMIL-MERCADO. Yes, Sir.

REP. MARCOLETA. Thank you.

REP. AQUINO-MAGSAYSAY. At saka before he was appointed, ginagawa na iyong IRR ng DSWD.

REP. MARCOLETA. Iyon na nga iyong...iyon nga iyong nakaka...

REP. AQUINO-MAGSAYSAY. Bakit pa siya nag-hire ng ano para gumawa ulit?

REP. MARCOLETA. ...iyon nga iyong nakakainis doon. He was presented several copies already pagkatapos in-insist niya iyong version niya...

REP. AQUINO-MAGSAYSAY. Yes.

REP. MARCOLETA. ...ang masunod in clear departure of all the existing reference na ibinigay sa kanya. Ito iyong matindi, eh. Pati iyong version mo, wala.

CHAIRPERSON PADUANO. Cong. With the indulgence of Cong. Marcoleta, anyway, Ma'am, just to add to the point that was mentioned by Congressman Marcoleta with regards to your presence now, during executive session, actually, all your statements will be considered by the Committee and, if the Committee, majority of the



COMMITTEE ON PUBLIC ACCOUNTS JOINT WITH
SPECIAL COMMITTEE ON SENIOR CITIZENS
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Members of the Committee will approve that all the statements coming from you will be put as supplemental documents or statements in the Committee Report, pagbobotohan po namin iyon. But I see now there's nothing...there's no problem with regards to question of your statements that's why you asked for executive session—question of national security, endangering the national security, question of the public morals—wala namang problema. Ang basis lang talaga, for the information of Vice Chair Soriano, ang basis lang for...that we consider the request of Usec Mercado for an executive session because of the request also for the guidance of the Vice President to her...to attend but...in executive session because, as of now, Usec Mercado has a very sensitive work in DEPED. Low-key lang dapat daw siya. Iyon ang rights ni Ma'am. That's why, Usec, please extend our thanks to...

MS. JUMAMIL-MERCADO. Yes, Sir.

CHAIRPERSON PADUANO. ...VP Sara, for and on behalf of the Committee on Public Accounts and, of course, our Members, our esteemed colleagues, my Senator, Rodante Marcoleta, and the rest of the Members, Vice Chair Soriano, pasalamat lang po sa kanya na pinayagan kang dumalo and, of course, we have to...the body has approved your request for an executive session.

Thank you po. Thank you po.

MS. JUMAMIL-MERCADO. Salamat po. Thank you.

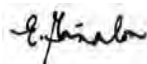
CHAIRPERSON ORDANES. Okay. Thank you very much, Ma'am.

CHAIRPERSON PADUANO. Okay. So, let's proceed.

The meeting adjourned at 1:41 p.m.

CERTIFICATION

Certified true and correct to the best of our knowledge and ability.



EMMA RUTH E. GAÑALON
Legislative Staff Officer VI
(Sr. Legislative Minutes Officer III)



MARIA LEONOR M. FALZADO
Legislative Staff Officer VI
(Sr. Legislative Minutes Officer III)



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE RESOLUTION NO. 326



Introduced by
SENIOR CITIZENS Party-List REP. RODOLFO "OMPONG" M. ORDANES

RESOLUTION

**CALLING FOR AN IMMEDIATE INVESTIGATION, IN AID OF LEGISLATION,
ON THE STATUS AND OPERATIONS OF THE NATIONAL COMMISSION OF
SENIOR CITIZENS**

WHEREAS, Republic Act (R.A.) No. 11350, otherwise known as the "National Commission of Senior Citizens Act," was signed into law on 25 July 2019.

WHEREAS, on October 2020, Atty. Franklin M. Quijano was appointed as the Chairman of the National Commission of Senior Citizens (the "Commission").

WHEREAS, as the Chairman of the Commission, he is tasked to facilitate the transfer of functions, programs, projects, and activities being undertaken by the Department of Social Welfare and Development for senior citizens to the Commission under Section 11 of R.A. No. 11350, and ensure that the Commission is able to dutifully and effectively perform its functions under Section 7 of R.A. No. 11350.

WHEREAS, almost two years have passed and yet the Commission has failed to promptly and effectively perform its mandate to facilitate the transition. Furthermore, it continues to lack any meaningful programs and/or projects for our senior citizens.

WHEREAS, the Commission has also been hounded by various complaints involving how the Commission is being led and operated, unauthorized appointments, non-performance of key performance indicators, and undue preference for some senior citizen organizations, among others.

WHEREAS, the significant delay of the Commission in performing its functions and responsibilities as mandated by law has prejudiced our more than twelve million

senior citizens who are relying on its programs, projects, and services for their protection and welfare.

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the appropriate committee of the House of Representatives conducts a review and investigation, in aid of legislation, on the status and operations of the National Commission on Senior Citizens.

Adopted,

A handwritten signature in black ink, appearing to be 'R. Ordanes', written over the printed name below.

HON. RODOLFO "OMPONG" M. ORDANES