



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS  
OFFICE OF THE SECRETARY  
MANILA

DPWH DPWH  
6-16-03

JUN 16 2003

DEPARTMENT ORDER )

No. **161** )

Series of 2003 *June 16-03* )

SUBJECT : EXECUTION OF  
DEPARTMENT SECRETARY'S  
RESOLUTION

The Resolution of Secretary Simeon A. Datumanong in DPWH Administrative Case No. 2002-05 is executory in character pursuant to Sec. 47(4), Chapter 6, Book V, Administrative Code of 1987 and the pronouncement of the Supreme Court in the case of Jacinto vs Court of Appeals, 281 SCRA 657, states:

“ An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins an appeal.” (Sec. 47(4) Chapter 6, Book V, Administrative Code 1987)

“The Department Secretary’s decision confirming the removal of an officer or employee under his authority is executory in character, i.e., such decision may be immediately executed even pending further remedy, such as an appeal.” (Jacinto vs Court of Appeals, 281 SCRA 657)

NOW, THEREFORE, in conformity with pertinent provisions of law and jurisprudence and to assure that pertinent laws are being applied in the disposition of the case and to avoid suspicion of whitewash, the Legal Service is hereby directed to immediately execute the Resolution of Secretary Simeon Datumanong and report to me result of the implementation.

For strict compliance.

  
FLORANTE SORIQUEZ  
Acting Secretary