

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 198

SUSPENDING MR. PONCIANO REYNA FROM OFFICE
AS PROVINCIAL TREASURER OF ANTIQUE

This is an administrative case against Mr. Ponciano Reyna, provincial treasurer of Antique, for his participation in the commission of alleged irregularities in the acquisition by the Province of Cebu of supplies, materials and equipment during his incumbency as assistant provincial treasurer thereof.

The record shows that from January 1947 to April 1948 the Province of Cebu bought without public bidding from private dealers an enormous quantity of supplies, materials and equipment worth ₱933,826.92 and that in some cases overpayments were made.

As regards the charge that Dealer Alonso de la Peña was overpaid in certain purchases made from him, which appears to be more serious, respondent explains, among other things, that the additional payment of ₱950 was made to said dealer in connection with the purchase of 1,000 bottles of stamping ink as a matter of justice in the light of other transactions. Respondent's explanation is not satisfactory. When De la Peña accepted pay-

ment at the rate of ₱.55 per bottle, it is presumed that that price was satisfactory to him, his bid offer of ₱1.11 per bottle notwithstanding. Moreover, the same merchandise could have been acquired from either Tabla Athletic Supply or Juan P. Juan who had both offered ₱.90 per bottle, which would have meant a saving of ₱600 for the province.

Relative to the purchase of 38 filing cabinets for which the same dealer was paid ₱384 per unit instead of ₱374, his bid price, respondent states that the difference of ₱10 per cabinet had to be paid because De la Peña refused to sell the cabinets at ₱374 upon learning that the price of the Procurement Office was ₱340 and that over and above this price local dealers were allowed 10 per cent profit, excluding freight charges from Manila to destination. This explanation is also unsatisfactory. If it was true that De la Peña had refused to sell at his quoted price of ₱374, the filing cabinets could have been obtained from either Abraham & Co. or Valeriano Alonso whose offer was ₱375 per unit. Better still, they should have been ordered from the Procurement Office at ₱340, as the price F.O.B. Cebu would have been considerably lower than ₱375 per unit.

Equally unsatisfactory is his explanation regarding the additional payment to De la Peña of ₱2,000 for the 20,000 press-board folders previously purchased and paid for at ₱1 each, or an increase of ten centavos per unit. The fact that the province paid ₱1.15 a piece to another dealer does not justify the increase in the price paid in previous transactions already consummated in every respect, as there might have been circumstances that operated to increase the price for later purchases over that for previous ones. Respondent's invariable plea that what he had done in these transactions was sanctioned by the provincial treasurer and the provincial auditor neither cures the irregularity nor in any way mitigates his administrative responsibility therefor, more so as regards this particular transaction which took place while Provincial Treasurer Laya was in Lanao on a leave of absence.

As to his participation in the excessive purchases of supplies and materials, although as assistant provincial treasurer he must respect the decision of the provincial treasurer in any matter, he is not under obligation to affix his initials on transactions to which he disagrees; otherwise he becomes co-responsible with the provincial treasurer for the consequences. Obviously untenable are his allegations that the affixing of his initials on the vouchers submitted to the provincial treasurer was merely routinary and that he had no time to check up the statements made by the clerks assigned to the property division

Respondent's explanation relative to the charge that he had abused the authority given him by the provincial treasurer in connection with the purchase of equipment to be used in the assessment revision work is not entirely satisfactory. He should have proposed the acquisition of the excess typewriters to other provincial offices in need thereof instead of assenting to subsequent purchases of the same article by other offices. As to the alleged irregular acquisition of the equipment involved, I find that the urgency in the acquisition of the typewriters claimed by respondent to exculpate him is more fancied than real, as they were used months after the actual field work had been started. Considering the abundant means of communication between Cebu and Manila, there can be no justification for such emergency purchase and a departure from the procedure prescribed by law and the regulations.

Although there is nothing in the record to show conclusively that respondent profited pecuniarily from these irregular transactions, yet, from the photographs submitted by Treasurer Laya and the latter's statements and specifications of dates contained in his reply to the same charge of over-payment treated above, one may reasonably draw the conclusion that the Reynas and the De la Peñas were familiar to a degree that impelled respondent to maliciously favor De la Peña, from whom the major portion of the articles bought from local dealers came, to the prejudice of the Government. I also find that he abused the confidence reposed on him by his former superior, Provincial Treasurer Laya, by favoring Dealer De la Peña and allowing extraneous considerations to influence his official actuations, resulting in losses to the Province of Cebu.

In view of all the foregoing, respondent Ponciano Reyna is hereby suspended from office as provincial treasurer of Antique without pay for a period of six months, with a warning that commission of similar irregularities in the future will be dealt with more severely.

Done in the City of Manila, this 4th day of November, in the year of Our Lord, nineteen hundred and fifty-two, and of the Independence of the Philippines, the seventh.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary