

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 122

REMOVING MR. RICARDO T. MARFORI FROM OFFICE AS DIRECTOR OF
THE BUREAU OF SOILS.

This refers to the administrative case against Director of Soils Ricardo T. Marfori based on charges filed by an employee of the Bureau of Soils and the Chief Prosecutor of the Presidential Anti-Graft Committee (PAGCOM). The charges consist of (1) serious misconduct in office, (2) grave abuse of authority and dictatorial tendencies, (3) oppression, (4) dishonesty, (5) nepotism, (6) incompetence and (7) violation of Rule XIII of the (old) Civil Service Rules. The case was investigated by Assistant Government Corporate Counsel Lorenzo Mosqueda, in the course of which the charges for nepotism, incompetence and violation of Rule XIII of the Civil Service Rules (charges Nos. 5, 6 & 7) and certain counts of the other charges were withdrawn.

After the investigation the investigator found the respondent guilty of charges 1, 2, 3 and 4, for which he recommended that the respondent be separated from the service. A review of the records bears out the findings of the investigator.

I. SERIOUS MISCONDUCT IN OFFICE

Complainant alleges (specification 7 of the above charge) that respondent, in violation of Civil Service Rule XIII (old), and taking advantage of his official position, borrowed money from subordinate employees. The record shows that on two occasions the respondent borrowed from Mr. Crispiniano C. Hernandez, an employee of the Bureau of Soils, the sums of P500 and P250, as evidenced by two promissory notes. The amount of P250 was paid by him but not the P500, despite demands for payment.

Respondent claims that at the time the loans were contracted he was Chief of the Division of Soil Laboratories while Hernandez was Soil Engineer and Chief of the Vegetative Conservation Section of the Division of Soil Conservation under the immediate supervision of Mr. Ignacio R. Ang who was then the

ate Marfori, Ricardo T.

Chief of the Soil Division. Be that as it may, it is evident that he was guilty of willful failure to pay just debts, a ground for disciplinary action under Section 19(n), Rule XVIII of the Revised Civil Service Rules (corresponding to Par. 6, Rule XIII of the old Civil Service Rules).

II. GRAVE ABUSE OF AUTHORITY AND DICTATORIAL TENDENCIES

Under this charge, it is alleged that respondent ousted officials and employees not in good grace with him from the exercise of their functions.

Among the personnel affected was Mr. Artemio E. Gesmundo who was allegedly clipped of his duties and functions as Assistant Director and practically immobilized as such despite the definition and classification of the position by the WAPCO. Mr. Gesmundo testified that respondent did not give him work and responsibility because of a personal grudge against him.

Respondent denies the charge and states that as the relationship between the Director and Assistant Director is one of trust and confidence, he is in a better position to determine the functions, duties and responsibilities to be assigned to the Assistant Director. However, respondent has not cited any instance in which Mr. Gesmundo betrayed that trust and confidence, neither has he ever questioned the ability and capability of Mr. Gesmundo to perform his duties as Assistant Director. As correctly held by the investigator, lack of trust and confidence is not a valid reason to clip the Assistant Director of his duties and responsibilities provided for by law, not to say that as second highest official in the bureau he should be given a share in the direction of its affairs.

It is also alleged that respondent illegally relieved the Administrative Officer, Mr. Bienvenido Evangelista, of his duties although the latter does not know of any reason for such relief. Respondent avers that when Mr. Evangelista took his leave of absence, Mr. Genaro Tan was designated as Acting Administrative Officer and, upon Mr. Evangelista's return to the service, he discovered various anomalies allegedly committed by Mr. Evangelista.

If Mr. Evangelista had indeed committed anomalies as claimed by the respondent, the latter should have filed charges against the former. Mere suspicion of commission of anomalies is not a valid ground for relieving an employee of his duties, particularly one holding a responsible position like Mr. Evangelista.

It is further alleged under this charge that the Assistant Administrative Officer was demoted and illegally transferred to the province. The record shows that upon respondent's recommendation, Mr. Carlos Baltazar, Assistant Administrative Officer of the Bureau of Soils, was transferred and detailed to Soils Region No. 1 at Dagupan, vice Mr. Vicente Velasquez. Mr. Baltazar occupied the position of Administrative Assistant III while assigned in the central office carrying the WAPCO salary range of 39, while Mr. Velasquez occupied the position of Administrative Assistant I carrying WAPCO salary range of 35.

Respondent claims that Mr. Baltazar was not demoted with his transfer to Soils Region No. 1 for the reason that his transfer or detail was temporary in nature and that it was made in the interest of the public service.

The Civil Service Law forbids the transfer of an employee from one position to another involving reduction, among others, in rank. Mr. Baltazar was demoted in rank when he was transferred to Soils Region No. 1, as he occupied a position lower than that held by him in the central office. Since Mr. Baltazar's transfer, initiated and recommended by respondent, which resulted in his demotion in rank, was not the result of a disciplinary penalty imposed in an administrative case, the same was contrary to the Civil Service Law.

III. OPPRESSION

It is claimed that the respondent illegally withheld the salary of Mrs. Antonia Ramos for two months. The record shows that on March 27, 1961, Mrs. Ramos, an employee in the Bureau of Soils, filed an application for indefinite sick leave effective April 10, 1961, for medical checkup abroad. The application was approved on March 28, 1961, by the respondent and by the Secretary of Agriculture and Natural Resources on May 19, 1961, twenty-six (26) days of which are with pay, starting from April 10 to May 14, 1961.

Mrs. Ramos reported for duty on June 21, 1961, and on July 10, 1961, she informed the respondent that she had not been paid her salary effective June 21, 1961, as well as the money value of her sick leave. A few days thereafter, checks were prepared to cover the money value of her sick leave and salary from April 10 to May 1961 and salary for the period from June 21 to 30 and July 1 to 31, 1961, which she refused to receive upon advice of her counsel.

Respondent presented evidence to show that upon Mrs. Ramos' return there was need of amending her indefinite sick leave to definite sick leave of absence and that it was improper to pay her salary pending approval of her amended leave, which approval was obtained from the Secretary of Agriculture and Natural Resources only in the latter part of July 1961. Respondent contends that if there was any delay in the payment of said salary, it should not be attributed to him, but to her chief who took two weeks to decide whether or not to approve the modified voucher.

While respondent's explanation as to the delay in the payment of the money value of the earned sick leave of Mrs. Ramos finds justification in fact, there is no justification for delaying for more than a month payment of her salary earned effective June 21, 1961, after she had reported for duty. Salaries of employees should be paid on the dates they are due as fixed by law.

It is also alleged that Mrs. Laura P. Bueno was summarily removed as secretary to the Director and transferred to another division with a reduction in salary. Respondent states that Mrs. Bueno was belligerent to him and in fact filed charges against him in the fiscal's office, for which reason he had no confidence in her. Since the work of the secretary is confidential in nature and considering that he had no confidence in her, respondent transferred her to another division. While he may be justified in not taking Mrs. Bueno as his secretary for lack of confidence, he had no valid reason to reduce her salary from P207.90 to P202 per month.

IV. DISHONESTY

It is likewise alleged that respondent, despite the fact that he used the Bureau's station wagon PI-1351, continued receiving his gasoline allowance of P100 a month; and that while still a subordinate officer in the Bureau of Soil Conservation, he received the sum of P1,500 from the Litton Spinning and Weaving Mills, Inc., for the survey of its land in Hermosa, Bataan, to determine the suitability of the soil for cotton.

As regards the charge that respondent continued receiving gasoline allowance while using the Bureau's station wagon PI-1351, the record shows that during the period from July 1, 1960, to June 30, 1961, he used said vehicle from residence to office and return as evidenced by trip tickets and at the same time collected his monthly transportation allowance of P100.

Respondent alleges in his defense that he was not the one who signed the vouchers for his transportation but the office auditor after having been processed by all the authorities concerned. By collecting complete transportation allowance and using government vehicle at the same time from residence to office and return, respondent collected from the government twice an amount for the same purpose, which is contrary to law.

The other charge for dishonesty against the respondent had to do with the soil survey of a certain hacienda. It appears that upon request of Mr. Edward Litton, in behalf of the Litton & Co., Inc., respondent, then chief of the Division of Soil Laboratories, Bureau of Soil Conservation (now Bureau of Soils), agreed to survey the agricultural land of the corporation in Hermosa, Bataan, to determine its suitability for cotton, and received from Mr. Litton P1,000 as partial fee for the survey on November 10, 1954; that on the following day respondent paid to the cashier of the Bureau of Soils the amount of P300 in the name of Mr. Edward Litton as deposit for conservation survey and land use planning; that on November 17, 1954, Mr. Marcos Alicante, then Director of the Bureau of Soils, informed respondent that the total expenses incurred by the Bureau of Soils in connection with the survey was only P94.20, and the sum of P205.80 was refunded to Mr. Litton; that on December 22, 1954, respondent again received from the Litton Spinning & Weaving Mills, Inc., the further sum of P300 as complete and absolute satisfaction of all claims for professional services.

Respondent testified that in accordance with Mr. Litton's request for the survey of the land of said firm, he contacted Mr. Rodolfo Quiogue, a contractor for agricultural and landscaping work on farms and residential lots, who agreed to take charge of the trial planting of cotton at the Litton farms in Hermosa, Bataan, and that Mr. Litton agreed to take him. For his expenses and services of his men, Mr. Quiogue received money from the respondent. According to the respondent, the excess amount was used in paying his companions, whose services he made use of in undertaking the job.

Respondent's explanation is unsatisfactory. The result of the work undertaken was signed by him in his capacity as an official of the Bureau of Soils. All payments made to him should have been turned over to the Bureau of Soils and the excess returned to Mr. Litton. Any payment made by him to private persons would merely compound his act of dishonesty because then he just made use of the Bureau of Soils as an unwilling tool or entity to get money from Mr. Litton and to pay the same to private individuals.

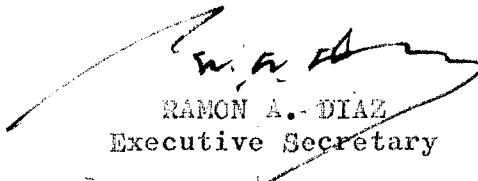
Furthermore, respondent had no reason to receive P500 as payment of his professional services in connection with the agricultural survey. The Civil Service Law and Rules prohibit officers or employees of the government to engage directly in any private business, vocation or profession without the written permission of the Department Head (Sec. 12, Rule XVIII, Civil Service Rules).

In view of the foregoing, and in line with the administration's drive for moral regeneration, respondent's further continuance in office is believed incompatible with the best interest of the public service. Wherefore, Mr. Ricardo T. Marfori is hereby removed from office as Director of Soils, effective on receipt of a copy of this Order.

Done in the City of Manila, this 3rd day of May, in the year of Our Lord, nineteen hundred and sixty-five.

Ricardo T. Marfori

By the President:


RAMON A. DIAZ
Executive Secretary