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MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 234

IMPOSING A FINE ON ASSISTANT DIRECTOR OF PUBLIC LIBRARIES
PASCUAL BUENAVENTURA.

This is an administrative case against Mr. Pascual Buenaventura, assistant director of Public Libraries, who is charged, together with other officials of the Bureau of Public Libraries, with irregularities in connection with the selection and requisition of books and periodicals by that Office. The whole matter was investigated by the Undersecretary of Education who found the respondent assistant director innocent of the charges except those treated below in which I concur.

Charge No. 1

That the members of the book selection committees, one of which is headed by respondent assistant director, never met in banc and simply approved requisitions in their respective individual offices, paying particular attention only to their respective lists of books, etc.

In an administrative order issued by the Secretary of Education on February 26, 1954, three committees, called book selection committees, were created to pass upon books and other publications proposed to be purchased by the Bureau of Public Libraries. One of these committees is headed by the respondent assistant director. It is admitted that the selection committees never met in banc and that they approved the lists of books suggested for purchase in their respective offices.

The defense claims that under the administrative order committee meetings were not mandatory but only directory; that when the members had any disagreement they consulted each other by telephone and/or by exchange of notes, hence the purpose for which the order had been issued was fulfilled; and that in no case was a book list passed and approved without the concurrence of all the members. Respondent Buenaventura for his part states that when he received a copy of said administrative order he consulted the former Director of Public Libraries who informed him that in his opinion meeting in banc was not necessary and that in case of disagreement it was enough that the members consulted each other by sending notes or by telephone conversation.

I am not impressed by the defense. That holding of meetings by committee members for the selection of the books to be purchased by the Bureau is required is evident from the provision of the administrative order that the "members of each committee must observe that only those passed and approved in the meetings shall appear in the final requisition" (last sentence, 7th paragraph). The provision that "meetings of each committee shall be called by each chairman whenever necessary or at the request of a member of the committee" (last sentence, 6th paragraph) merely refers to the manner or procedure of convening the committee to a meeting. The failure therefore of the committees to meet together constitutes a violation of the order.

As to the alleged advice given by the former director on the matter, the latter testified that he told respondent Buenaventura that committee meetings were to be held "if they have controversial questions and which they cannot decide" (p. 331, t.s.n.). It appearing that such situations existed, the members should have met in banc in accordance with the former director's advice. Yet, they never did. In thus failing to meet together at least when there were disagreements and considering the big amounts involved in the annual requisition for books placed by the Bureau, respondent and the other committee members are guilty of dereliction in the performance of their duties. However, the offense is mitigated by the fact that they appear to have satisfied themselves as to the suitability of the books approved by them for purchase.

Charge No. 5

That some members of the book selection committees usually requested individually for books and publications suggested to them by the Rebecca Trading, Inc., which was able to sell them at very high prices because the books and publications involved, although procurable at very cheap prices for being outdated, could not be supplied by other local dealers who do not handle outdated and, therefore, useless books; and that secondhand books with telltale marks have often been the subject matter of similarly questionable transactions between the Bureau and the Rebecca Trading, Inc.

Respondent admits requesting a book selector once to include in the requisition a dictionary for the use of his office. There is nothing to show that he requested the inclusion of books coming from Rebecca Trading, Inc.

Regarding the claim that the Rebecca Trading was able to sell at exorbitant prices books and publications which were considered outdated and procured abroad at very cheap prices, no evidence was presented that said dealer procured the same at cut prices. Even if it had, there was hardly a way for that fact to be known by the public, such prices being considered strictly confidential.

However, it appears that certain books were really acquired by local dealers at bargain prices and offered at prices lower than the publishers' prices; so that had the committee taken extra precaution they would have known of the existence of bargain books in certain book stores and could have set reasonable reduction in the unit prices of those books which were the bases of the bidding.

Respondent cannot be held liable for the alleged questionable transactions on secondhand books between the Bureau and the Rebecca Trading because the responsibility for having received those books lies with the property clerk and the representative of the General Auditing Office whose duties were to examine the books before acceptance or payment.

Charge No. 6

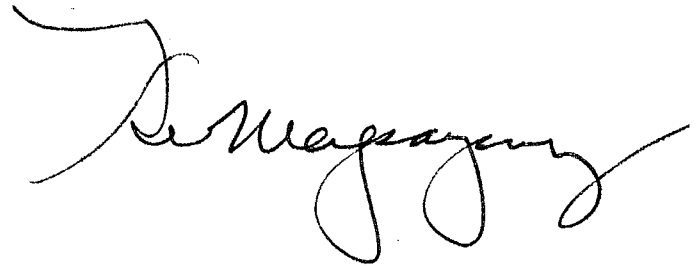
That Assistant Director Buenaventura abetted handcarrying of requisitions by writing to the finance and budget officer of the Department of Education requesting that the release of a particular requisition for books be expedited, which letter was handcarried by a relative of the controlling stockholder of the Rebecca Trading.

Respondent Buenaventura admits writing once to the finance and budget officer of the Department of Education to expedite the release of a certain requisition, but denies that the letter was handcarried by a representative of the Rebecca Trading. He explains that the letter was given to him already prepared and he signed it upon instructions of the former director who had been requested by a senator and a former senator to expedite the release of the requisition. Although respondent appears to have acted merely in obedience to lawful orders, he should try to avoid similar situations where his motives might be doubted.

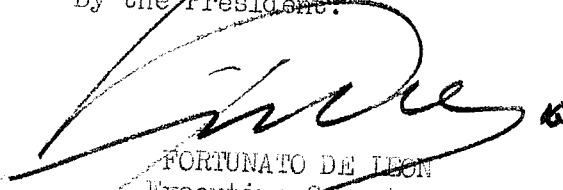
In view of all the foregoing, and in line with the recommendation of the Secretary of Education and the investigator, Mr. Pascual Buenaventura is hereby fined in an amount equivalent to one-month salary, reprimanded and warned that repetition of similar acts or omissions will be dealt with more drastically.

Let the records of the case be referred to the Commissioner of Civil Service for appropriate action as to the other officials and employees involved.

Done in the City of Manila, this 13th day of March, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.



By the President:



FORTUNATO DE LEON
Executive Secretary