

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 278

REPRIMANDING FOREIGN AFFAIRS OFFICER MARCIANO A. JOVEN

Mr. Marciano A. Joven, foreign affairs officer, Class IV, is charged with the commission of acts involving serious misconduct and/or malfeasance in office, to wit: (1) issuing checks of the Philippine Legation in Pakistan and using the proceeds thereof for blackmarket purposes from which he enriched himself, (2) collecting refund of taxes for the Philippine Legation and depositing the same in his name, (3) engaging in illegal traffic of liquor, (4) permitting illegal loans of Legation funds to private persons, (5) writing anonymous letters against his principal officer and (6) accepting a cash deposit for the Legation without issuing an official receipt therefor.

Specifications (5) and (6) were looked into by Ambassador Narciso Ramos, then Philippine Minister in Pakistan, while the rest were investigated by Mr. Enrique M. Garcia as commissioner of the Board of Foreign Service which found the following:

(1) There is no direct evidence to show that respondent actually negotiated the three checks involved at blackmarket rates, nor proof of appropriation by him of the difference between the official rate of conversion and the blackmarket rate. However, the issuance of Legation checks under his authority without the corresponding vouchers to support them reveals lack of due diligence in the supervision of Government funds and negligence in the performance of official duties on the part of the respondent.

(2) The gasoline for which the refund in question was made was purchased by respondent out of his own funds, but he requested the refund in the name of the Legation to satisfy local regulations. Although no bad faith was shown, respondent should have been more discreet and careful in using the name of the Legation for his private purposes.

(3) Respondent does not deny the possibility that his son trafficked in liquor, but there is no direct and conclusive proof that he was in connivance or in partnership with him. Hence, it would not seem fair to hold him responsible, either singly or jointly, for his son's acts of which he had no proven knowledge.

As to the alleged dissatisfaction of the Pakistan foreign minister towards respondent arising from the arrest of the latter's son for illegal traffic of liquor, there is nothing to show that the Pakistan Government took any steps for respondent's recall. On the contrary, during his more than three years' tour of duty in Karachi after that incident respondent was accorded by the Pakistan Government all the courtesies due a foreign diplomatic representative and he enjoyed the respect and admiration of the local diplomatic community.

(4) The proofs establish the fact that it was not respondent but the administrative and finance officer who made the questioned loans. It does not appear that respondent was aware that the money being loaned belonged to the Legation. His participation was merely to "note" or "witness" the transactions. However, these transactions again show that respondent was negligent in the discharge of his duties and lax in the supervision of his subordinates.

(5) There is no satisfactory proof that respondent was the author of the anonymous complaints against Consul Tagakotta Sotto.

(6) It is true that respondent accepted from a private party money for deposit with the Legation without issuing an official receipt therefor, but it appears that the deposit was made with him in his private capacity.

In view of respondent's long and faithful service in the Foreign Service in posts where conditions of living were difficult and unhealthful, the Board of Foreign Service believes that he should be given a chance to acquit himself in the service. It, therefore, recommends that he be reprimanded with a stern warning. The Secretary of Foreign Affairs agrees with the Board.

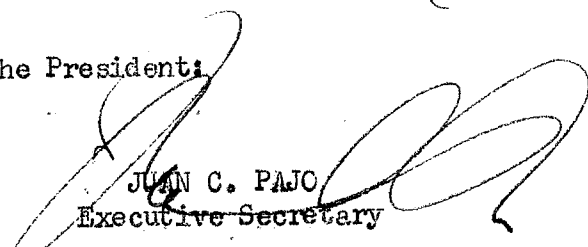
After going over the record of the case, I concur in the findings and recommendation of the Board of Foreign Service.

WHEREFORE, Mr. Marciano A. Joven is hereby reprimanded and strongly warned that repetition of similar acts and omissions will be dealt with more severely.

Done in the City of Manila, this 18th day of September, , in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.



By the President:



JUAN C. PAJO
Executive Secretary