

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 235

IMPOSING A FINE ON, AND WARNING CITY TREASURER MARCIAL LIANKO OF NAGA

This is an administrative case against Mr. Marcial Lianko, City Treasurer of Naga, who stands charged with having made excessive, unnecessary, and irregular purchases of supplies and materials worth ₱236,830.42 and having paid exorbitant prices therefor while he was acting provincial treasurer of Camarines Sur.

The respondent admits having acquired supplies and materials in excess of the requirements of the service for six months but alleges, among other things, that on the basis of issues thereof made during his incumbency, the stock turned over by him to his successor could have been consumed from nine to ten months; that the regulations limiting the quantity of supplies and materials to be carried in stock to the needs of six months's service were prescribed for normal times; that it took the former Procurement Office and the Bureau of Printing months to fill requisitions of the province, by reason of which local purchases had been resorted to; and that after the premises of the Bureau of Printing had been burned, printed forms had to be acquired from private dealers in the interest of the service.

Respondent's explanation is not entirely satisfactory. The fact that the instructions governing the quantity of supplies and materials that may be carried in stock were issued before the war when conditions were different does not justify utter disregard thereof, the same not having been revoked by competent authority and hence still in force. At least it should have occurred to him to consult the Secretary of Finance before deviating therefrom. Moreover, to avert detriment to the service, the quantity acquired should have been limited to that which was absolutely necessary for six months' use. Although the purchase of printed forms from private dealers after the burning of the premises of the Bureau of Printing may be justified, he should have obtained the required approval of the Department of Finance before placing his orders with those dealers.

As regards the charge that he paid excessive prices for the articles involved, some of which were allegedly unnecessary, respondent denies the same and alleges that the need therefor was duly certified to by the property clerk and, in certain instances, by the chief of the division that would use them; that the provincial governor had approved the vouchers concerned and even signed certificate No. 2

on the face thereof; that the vouchers were paid after they had been passed in audit by the provincial auditor; and that the prices of the Bureau of Printing could not be used as guide in determining the loss suffered by the province because that office was not then in a position to supply the needed forms.

Except the last allegation which may be accepted as satisfactory, the others only indicate that he reposed excessive confidence in his subordinates. He was not also sufficiently alert against possible abuse of that confidence by his men as well as encroachment on his functions and undue influence by other officials. Had he been otherwise, he could have avoided the purchase of printed matters worth ₱126,400 from dealers D. P. Ret, Gregorio Balagtas and Alfredo Balagtas and of such useless article as saddle soap costing over ₱15,000. Respondent cannot find relief in the fact that the purchases had been passed in audit by the provincial auditor, as the latter assumes a separate responsibility under the law.

Relative to the alleged irregular procurement of the articles in question, respondent states that although no competitive bidding was held, canvassing of prices was had, quotations were secured and the goods are acquired from the dealer charging the lowest cost. This explanation is not wholly satisfactory. The methods followed by him were not, and could not be the equivalent of, public bidding required by the regulations.

In going over the record of this case I came across certain admissions and statements of respondent which only betray laxity and an unwholesome complaisant disposition on his part which worked to the prejudice of the public interest. Considering, however, his long service in the Government, the absence of any blot on his previous record, the non-use of trust funds and the absolute want of indication that he profited pecuniarily from these transactions, I am inclined to view his case with some measure of leniency.

Wherefore, and as recommended by the Secretary of Finance, Mr. Marcial Lianko is hereby fined in an amount equivalent to his salary for one month, with a warning that commission of similar irregularities in the future will be dealt with more severely.

Done in the City of Manila, this 23rd day of December, in the year of Our Lord, nineteen hundred and fifty-three, and of the Independence of the Philippines, the eighth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary