

[ADMINISTRATIVE ORDER NO. 115, March 05, 1968]

MODIFYING ADMINISTRATIVE ORDER NO. 122 DATED MAY 3, 1965, CONCERNING MR. RICARDO T. MARFORI, FORMER DIRECTOR OF SOILS

Under Administrative Order No. 122 dated May 3, 1965, Mr. Ricardo T. Marfori was removed from office as Director of Soils for (1) serious misconduct in office consisting of willful failure to pay just debts, (2) grave abuse of authority and dictatorial tendencies on three counts, (3) oppression on two counts and (4) dishonesty on two counts.

Respondent seeks reconsideration of the decision, insisting on his innocence. After a review of the ground relied upon by him in the light of the evidence on record, I find no sufficient justification for modifying the findings of fact arrived at by the special investigator except as to the charges treated below.

With respect to charge 1 for serious misconduct in office, consisting of willful failure to pay just debts in violation of the civil service rules and taking advantage of his position by borrowing money from a subordinate employee, sufficient evidence exists that the contracted loan of P500 was made long before respondent became director and that said amount was fully paid to the creditor as admitted in the latter's certification (Exh. 3). Accordingly, respondent is exonerated from this charge.

As regards the count in charge 4 for dishonesty that respondent, as Chief of the Division of Soil Laboratories, received P1,000 from Litton & Co. as partial fee for the survey and determination of whether its lands in Hermosa, Bataan, were suitable for cotton farm and another P500 as complete satisfaction of all claims for professional services, the records show that out of these sums the amount of P1,200 was given to one Rodolfo Quiogue, a contractor for agricultural and landscaping work on farms, who undertook the work of trial planting of cotton at the Litton farm in Hermosa, Bataan, as evidenced by Quiogue's affidavit (Exh. 15). The remaining P300 was deposited with the Bureau of Soils to answer for expenses of survey and soil analyses. The balance of P205.80 was refunded to Mr. Litton under official receipt No. B-0058814 dated December 2, 1960, after the sum of P94.20 for cost of survey and soil analyses had been deducted. While it is true that Mr. Litton took advantage of the services of respondent in his cotton project, I am inclined to believe, however, that the sum of P1,200 was not appropriated for respondent's personal benefit. At most, in this instance he engaged in the exercise of his profession as soil technologist without the corresponding permission from the Department Head, for which alone he should be held guilty under this count.

The special investigator, commenting on respondent's petition for reconsideration, states that considering that respondent is a career man, he having been in the