

[ADMINISTRATIVE ORDER NO. 234, March 13, 1957]

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.