

[ADMINISTRATIVE ORDER NO. 7, February 14, 1954]

ADMONISHING CITY TREASURER MARCELINO SARMIENTO OF MANILA.

This is an administrative case filed by former Congressman G. Viola Fernando against City Treasurer Marcelino Sarmiento of Manila for allegedly (1) paying exorbitant prices for quonset huts acquired by the city, (2) granting a loan of P25,000 to the City Cooperative Association without security, (3) being negligent and lack in the supervision of his subordinates resulting in the misappropriation by one of them of public funds (radio fees collection) amounting to P43,000, (4) failing to collect since 1946 internal revenue amusement taxes and penalties amounting to P36,255 and (5) (a) publishing the list of distrained city properties in a newspaper of limited circulation to favor said newspaper and (b) selling such distrained properties at unconscionably low prices.

The case was investigated by the defunct Integrity Board which found charges (1) and (3) without merit because, as to the first, the price of P3,500 per quonset hut paid by the city government to Leonardo Manas was just and reasonable under the circumstances and the transaction was passed in audit without question, and, as to the third charge, respondent should not be held responsible in any manner for the acts of one Porfirio Yumul who, although designated by the respondent as his special deputy, is a regular employee of, and held office in the Bureau of Internal Revenue and who is now under prosecution for malversation of public funds. Charges (2) and (4) were dropped by the Board, it appearing that they covered questions involved in cases pending in this Office and the Supreme Court. Parenthetically, it may be stated that respondent was cleared by this office of any liability in disbursing the P25,000 to the City Cooperative Association pursuant to the resolution passed by the municipal board and approved by the city mayor.

However, the Board found the respondent remiss in the discharge of his duties in connection with counts (a) and (b) of the fifth charge, for causing the notice of auction sale of properties for nonpayment of taxes to be published in Ang Bagong Balita, a newspaper of limited circulation, resulting in the failure of the Government and the landowners concerned to obtain the best prices obtainable, and for selling distrained properties in their entirety, more particularly that belonging to the Hijas de la Caridad (with an area of 2,500 square meters and an assessed valuation of P1 per square meter) which was sold for the paltry sum of P74.78, the amount of the tax lien, when under the law only so much of the same as would cover such lien should have been sold. No actual pecuniary damage resulted, however, from the sale of the specific property referred to as the same was not finally carried out because of its nullification by the City Fiscal of Manila and the Secretary of Justice.

In view of the foregoing, the Integrity Board recommended that the respondent be admonished with warning. I agree with the Board's findings and recommendation.