

[ADMINISTRATIVE ORDER NO. 177, January 04, 1952]

EXONERATING COMMISSIONER OF CUSTOMS ALFREDO V. JACINTO

This is an administrative case against Commissioner of Customs Alfredo V. Jacinto brought by Pablo Ventura, Jr. a former customs secret service agent, for alleged (1) dereliction of duty in allowing and tolerating the unloading and landing from the M/V Governor Smith, then docked at one of the Manila harbors, of forty-one cases of cigarettes which were without the required internal revenue stamps and (2) gross favouritism, unwarranted discrimination and scandalous abuse of authority for laying off more qualified customs secret agents, including the complainant, judged by their efficiency, academic attainments and record of service, and retaining these who were less qualified.

The charges were investigated by the Integrity Board and its findings and recommendation on the matter have been submitted to me.

Regarding the first charge, the evidence shows that the cigarettes in question were merely returned from Iloilo to the factory in Malabon, Rizal for reprocessing because they had become unfit for sale. As deduced by the Board, the stamps found missing in some of the cases must have been torn away or detached in the course of the continuous handling of said cases from the place of shipment to their final destination, considering that an internal revenue agent or representative is assigned in each and every cigar and cigarette factory to see to it that no box or case of cigars and cigarettes leaves the factory without the corresponding internal revenue strip stamps.

As to the other charge, it appears that complainant and others were laid off upon the recommendation of a screening committee created by the respondent to select the employees to be retained and those to be laid off in view of the abolition of many positions in the Bureau of Customs by Executive Order No. 392, dated January 1, 1951; that in the particular case of the complainant, the respondent decided to dispense with his services because of certain incidents reflecting on his honesty and integrity, some of which reached the court and the city fiscal's office of Manila and were brought to his attention, thereby causing him to doubt complainant's usefulness and to lose that confidence in him which is absolutely necessary for his retention in the service as his position was confidential in character.

Moreover, complainant apparently did not need his government position, for although he was receiving only P135 a month as a customs secret service agent he was using a private car of his own in going to the office and in performing his duties, he being the recipient, according to him, of a monthly pension of P700.00 from his father, unlike his co-agents who had the same qualifications and efficiency but who