

CONSIDERING AS HAVING RESIGNED PROVINCIAL TREASURER ANDRES AGCAOILI OF QUEZON PROVINCE

ADMINISTRATIVE ORDER NO. 184, July 10, 1952

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This is an administrative case against Mr. Andres Agcaoili, provincial treasurer of Quezon Province, who is charged with having acquired without public bidding excessive supplies and materials at exorbitant prices and used trust funds in the payment thereof. It is also charged that he purchased Naric rice without proper authority, illegally disposed of part of the same on credit, used trust funds for the purpose and failed to account for 130 sacks of rice, and that he was negligent in the proper storage thereof, resulting in the deterioration of close to 900 sacks of rice.

After going over the record, I find that the charge of misuse of trust funds in the acquisition of supplies and materials and Naric rice has not been sufficiently established and that respondent's explanation on the other alleged irregularities concerning the purchase, disposal, etc., of Naric rice may be accepted as satisfactory.

As regards the charge that respondent acquired and carried in stock excessive supplies and materials in violation of standing regulations, it appears that as of April 30, 1950, the total value of supplies and materials held in stock by him was P547,538.06, which, on the basis of issues during the fiscal year 1949, would take a number of years to consume.

In his explanation the respondent states, among other things, that the stock held by him is not really so enormous as it would appear to be. He claims that on the basis of present-day prices and those obtaining in 1941 it is only about as much as that carried before the war; that roughly one-half of the articles were bought without his previous approval; that the papers bearing on the same were submitted to him after all the prerequisites had been complied with and the transaction consummated in every respect and all that was left for him to do was to approve, as he did, the corresponding vouchers to satisfy accounting requirements. He further claims that had he not done so the amounts involved would have been considered shortages in his accounts; that in all these purchases the property clerk, on whom he had every reason to rely in view of the peculiar nature of the duties of the former, certified that the quantity requisitioned did not exceed that needed for six months' use; and that the provincial auditor, whose duty it is to check excessive purchases, never questioned the quantities acquired.

Respondent's explanation is not satisfactory. As stated at the outset, the stock held by him would take years to consume, whereas the instructions explicitly limit it to that required by the service for six months. It is therefore idle to attempt a comparison between the stock held before the war and that after liberation. Moreover, as provincial treasurer he is responsible for the acquisition of necessary supplies and materials for the province and the proper disbursement of provincial funds. Once he affixed his signature to a given voucher he ratified the unauthorized act, if such was the case, of his subordinates and thereby became co-responsible for the consequences. He may not therefore find relief in the actuations of other officials or employees who assume separate liability under the law.

With respect to the charge that he paid excessive prices for the articles involved, resulting in losses to the province, respondent states that the reasonableness of prices should be determined in the light of existing

conditions at the time the purchase was made and that, in any event, the prices paid by him were certified as reasonable by the former Procurement Office which, under the law, determines the prices that should be paid by government offices.

Equally unsatisfactory is the respondent's foregoing explanation. The record shows that most of the purchases for which excessive prices were paid were made in 1949 and the early part of 1950. While there may be justification for paying high prices in 1945 and the first half of 1946 when office supplies were allegedly at a premium and prices were high, the same thing cannot be said of purchases made in 1949 and early 1950 when there was an abundant supply and prices went down to more reasonable levels. Moreover, as an experienced treasurer he should have consulted the Bureau of Printing, instead of the Procurement Office, with respect to the reasonableness of prices of printed matters, and could thereby have avoided the payment of exorbitant prices.

Relative to the alleged irregular procurement of these articles, respondent claims that in most of the purchases either competitive bidding was held or canvassing of local prices was made. As the regulations require public bidding, any other method adopted by him is illegal. Moreover, the evidence submitted by him is not convincing that real public bidding was held. I am inclined to believe that there was only a sham bidding so as to simulate compliance with existing regulations, and this was done only with respect to the acquisition of some of the printed forms. As to the purchase of supplies and materials and the other printed forms, neither public bidding nor canvassing of prices was resorted to. Obviously, respondent's explanation of this charge is not satisfactory.

The foregoing shows that Mr. Agcaoili has been grossly negligent in the discharge of his duties, having been particularly lax in the supervision of his subordinates, as a consequence of which Quezon Province suffered losses and accumulated a huge stock of supplies and materials worth over half a million pesos which would take it a good number of years to consume. An overall appraisal of his case convinces me that his retention in the service will not be in the public interest. Considering, however, his long and continuous service in the Government for a span of more than half a century, his clean and unblemished record until the commission or occurrence of these irregularities and the absence of any indication that he profited personally from the transactions or anything that would even cast a doubt on his honesty and integrity, I am inclined to view his case with some measure of leniency.

Wherefore, Mr. Andres Agcaoili is hereby considered as having resigned effective as of the date of his suspension by reason of this case, without prejudice to receiving whatever retirement benefits he may be entitled to under existing laws.

Done in the City of Manila, this 10th day of July, in the year of Our Lord, nineteen hundred and fifty-two, and of the Independence of the Philippines, the seventh.

(Sgd.) ELPIDIO QUIRINO
President of the Philippines

By the President:

(Sgd.) MARCIANO ROQUE
Acting Executive Secretary

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