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IMPOSING THE ACCESSORY PENALTIES OF DISQUALIFICATION FROM THE GOVERNMENT SERVICE AND FORFEITURE OF ALL FINANCIAL BENEFITS, ON JOVITO VERNON S. VALENTE, THEN DIRECTOR IV, ADMINIS...

OP ADMINISTRATIVE ORDER NO. 41, October 01, 2002

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This refers to the letter-complaint dated August 1, 2001, by Secretary Emilia T. Boncodin of the Department of Budget and Management (DBM) charging Jovito Vernon S. Valente, Director IV, Administrative Service (AS), Department of Budget and Management, for Dishonesty and Gross Misconduct, having officially claimed in official papers/documents on file with the said department, the following: (a) to be a Certified Public Accountant (CPA); (b) to be an 8th Placer in the 1975 CPA Board of Examinations; (c) to be a holder of a Master of Science in Commerce Degree, major in Business Economics at the University of Sto. Tomas; (d) to have earned a grade of Meritissimus in his management degree; and (e) to be a candidate for PhD in Economics with dissertation in progress at the University of Sto. Tomas, when in truth and in fact, he was not.

Quoted hereunder are the findings of facts and law of the Presidential Anti-Graft Commission as contained in its Resolution dated March 26, 2002, thus —

> "On August 3, 2001, the criminal aspect of the case was referred to the Office of the Ombudsman for appropriate action. (p. 167, Records)
>
> "On August 30, 2001, this Commission requested the Chief, Personnel Division of the said DBM to bring certified true copies of the 201 File of the respondent. (p. 168, Records)
>
> "On September 12, 2001, the Chief, Personnel Division appeared bringing with her the requested papers. She affirmed the truth and authenticity of the documents attached to the letter complaint, more particularly, the alleged misrepresentations of the respondent in his Personal Data Sheet.
>
> "On September 20, 2001, finding the existence of a prima facie case against the respondent, this Commission issued an order requiring him to file his counter-affidavit or verified answer to the complaint. (pp. 169-170, Records)
>
> "The respondent failed to comply, hence, on January 10, 2002, this Commission issued another order stating, among other things: (a) that until then respondent failed to file his required counter-affidavit; and (b) that because of the gravity of the offense charged, and his not being able to consider the consequences of his failure to file the required counter-affidavit, that is: waiver of his right to file the same and present evidence in his behalf (Sec. 2, Rule 5 of the Revised Rules of Procedure).
>
> "On February 6, 2002, at the preliminary conference, because the respondent still failed to file his counter-affidavit, he was again given another fifteen (15) days to file the same.
>
> "On March 18, 2002, in his letter to this Commission dated March 15, 2002, he informed that Secretary Boncodin was desisting from pursuing the case against him. (p. 174, Records)
>
> "On March 22, 2002, this Commission, bending a little backward, for the last time, gave respondent until April

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> 3, 2002 to file the said counter-affidavit and to attend the preliminary conference on April 10, 2002.
>
> "Still, respondent failed to comply.
>
> "On April 10, 2002, at the preliminary conference, both parties failed to appear despite due notice. Hence, this Commission, considering that the evidence for the complainant have already been presented, ordered that the hearing be terminated and the case be considered submitted for resolution based on the records of the case.
>
> "The records of the case disclose that in a letter of the respondent to Secretary Boncodin dated April 10, 2002, respondent expressed true contrition of the things he had done, and hoped that the Secretary 'will find it in her heart to be understanding and drop the case against' him. Thus, we quote:
>
> 'I have suffered through many sleepless nights and have been constantly bothered by my conscience. My wrongdoings have affected my health and more important(ly), my peace of mind. Inasmuch as I had already suffered so much and equally gave up so much, my career and hopes for a better future, I appeal for your compassion and humanitarian consideration. Finally, I regret whatever damage or inconvenience I may have caused.'

"These are words manifesting acts of contrition for a wrong done. They are, nevertheless, admission of a wrongful act with dire consequences as it leaves no doubt as to the truth of the allegations of the letter-complaint.

"The term 'admission' embraces any statement of fact made by a party which is against his interest or unfavorable to the conclusion for which he contends or inconsistent with the facts alleged by him. (Gomez vs. Lituania, 65 OG 7592)

"While this Commission commiserates with him, the law must be enforced; justice must prevail as a stark lesson to those inclined to inflict injury to any party including the government.

"Respondent committed acts of falsification in violation of Art. 171 (4) of the Revised Penal Code in relation to Sec. 4, (par. A), subpar. (c) of Republic Act 6713, the Code of Conduct and Ethical Standards for Public Officials and Employees.

"Thus, par. 4, Art. 171 of the Revised Penal Code reads, as follows:

'Art. 171. Falsification by public officer, employee; or notary or ecclesiastical minister. — The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

1. x x x x x x x x x

2. x x x x x x x x x

3. x x x x x x x x x

4. Making untruthful statements in a narration of facts.'

And Sec. 4, par. (A), sub-par, (c) of R.A. 6713 reads as follows:

'(c) Justness and sincerity. — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the right of others, and shall refrain from doing acts contrary to law, good morals good customs public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members

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of their personal staff whose terms are coterminous with theirs.' (Underscoring ours)

> "Dura lex sed lex — The law may appear to be harsh, yet the law is the law and its validity presumed, so that its majesty should be respected and obeyed. (Donato vs. Aquino, 00214-R (CAR), October 2, 1972)
>
> "WHEREFORE, PREMISES CONSIDERED, this Commission finds the respondent GUILTY and so recommends to Her Excellency, President Gloria Macapagal-Arroyo that, the respondent being no longer in the government service, only the accessory penalties of disqualification from the government service and forfeiture of all his financial benefits be imposed.
>
> "SO RESOLVED."

After a careful review of the records of the case, this Office affirms in toto the findings of the Commission holding the respondent GUILTY of the charges against him.

WHEREFORE, in view of the foregoing considerations, and as recommended by the Presidential Anti-Graft Commission, the accessory penalties of disqualification from the government service and forfeiture of all financial benefits are hereby imposed on respondent Jovito Vernon S. Valente, then Director IV, Administrative Service, Department of Budget and Management.

Adopted: 01 Oct. 2002

BY THE PRESIDENT:

(SGD.) ALBERTO G. ROMULO
Executive Secretary

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