

ADMINISTRATIVE ORDER

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 83

EXONERATING UNDERSECRETARY OF FINANCE GUILLERMO GOMEZ
FROM THE CHARGES FILED AGAINST HIM IN HIS CAPACITY AS
ACTING INSULAR COLLECTOR OF CUSTOMS.

On September thirtieth, nineteen hundred thirty-eight, one

Justo M. Porcuna filed charges against Undersecretary of Finance Guillermo Gomez as Acting Insular Collector of Customs, alleging: (1) that he was partial in the decision of certain cases, due to the influence of a Chinaman by the name of Uy Khey Tin who was his close personal friend; (2) that he was despotic in his manners towards the public; and (3) that he showed favoritism in making appointments in the Bureau of Customs, giving preference to the natives of his province (Iloilo) and the Visayan provinces generally.

Pursuant to my instructions, these charges were promptly and thoroughly investigated by the Honorable Francisco Enage of my staff. On October twenty-first nineteen hundred thirty-eight, the investigator submitted his report recommending that Undersecretary Gomez be exonerated from all the charges filed against him and that the case be dismissed.

After examining the record of these proceedings, I find the conclusions of the investigator fully supported by the evidence submitted by both parties. I therefore approve the recommendation of the investigator and hereby exonerate Undersecretary Gomez of the charges filed against him.

The most important of the charges presented against Undersecretary Gomez is his alleged partiality in certain cases involving Chinamen. His decisions in these cases were clearly within the law and a legitimate exercise of his official discretion. In all of them Undersecretary Gomez acted in accordance with announced policy of the Department of Finance and the views expressed by the Head of the Department. In all probability, no complaint would have been formulated against Undersecretary Gomez in relation to these cases were it not for the fact that Uy Khey Tin, who posed as his intimate friend, made it appear that he intervened in said cases in behalf of the individuals against whom the Insular Collector of Customs sought to assess unpaid duties and penalties.

There is not the slightest evidence in the record that Uy Khey Tin had in fact influenced Undersecretary Gomez in these cases or that in any event he could sway his judgment in official matters; as a matter of fact, every evidence submitted at the investigation leads to the contrary conclusion, for when Undersecretary Gomez was collector of customs of Iloilo he prosecuted a close relative of Uy Khey Tin and obtained his conviction. If any fault can be found in the conduct of Undersecretary Gomez in the cases mentioned in the complaint, it is that he unwittingly allowed Uy Khey Tin to create the impression among some of his countrymen that he was in a position to influence the decisions of the Insular Collector of Customs. Sometimes, however, it is very difficult for public officials to protect themselves against individuals who have the ability to exploit meaningless outward appearances as indicating intimate and influential relationship. I am convinced that in this case Undersecretary Gomez neither knew nor encouraged the machinations of Uy Khey Tin to create the impression that he enjoyed a close personal relationship with him.

Public officials would do well take pains to protect themselves and protect the public against their false friends. If individuals succeed in creating the impression that they enjoy the confidence of a public official and can exert decisive influence upon his actions, it permits these unscrupulous individuals to exploit unsuspecting persons who are interested in matters pending before such officials. Moreover, when that impression gains currency in the community, it undermines public confidence in the integrity of that Government official and all his actions are clouded by the alleged influence exerted upon him. Not only that, but the public officers are made responsible for many unlawful or improper acts committed by the person who poses as his friend and thereby opens himself to public condemnation. This should be the object of constant concern on the part of Government officials, particularly in the Philippines, considering the readiness with which our people accord significance to appearances and the current belief of the power which friendship can exert upon official conduct.

I have known Undersecretary Gomez for many years as an honest and conscientious public servant. My confidence in him has not been shaken in the least by the evidence submitted in this case. As a proof of my confidence, I have decided to appoint Undersecretary Gomez as Insular Collector of Customs. I have asked him to accept this Office because it is my desire to place in that difficult position the

best man available to the Government. This means a personal sacrifice to Undersecretary Gomez and his willingness to accept the responsibility is the best evidence of his patriotism and devotion to the public service.

Done at the City of Manila, this twenty-third day of December, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines