



Zafiro Respicio of the BID, Atty. Ronald G. Deray, Legal Officer I of the BID, reported that after an investigation conducted, he found x x x irregularities surrounding the issuance of the SWP's x x x.

Moreover, Law Instruction No. 20 dated 4 May 1988 by then BID Commissioner Miriam Defensor Santiago provides that before the Law Division processes the application (for a special work permit), or before the Commissioner's Office releases the permit, the applicant shall file the CID cashier's receipt for the sum of P300.00, plus an overtime fee of P200.00. The evidence of the respondent shows that the application was filed on 17 February 1994; the permit was released on the same day but the payment was made only on 23 February 1994 or six (6) days after its release. Moreover, respondent failed to submit any evidence to prove that payment was made for the extension of Mitchell's special work permit on 13 May 1994 x x x.

Finally, it should be noted that special work permits are issued to aliens - temporary visitors - who come to the Philippines for business. The business must be commercial, industrial or professional in character, but does not include coming for employment, or for clerical or manual work (Law Instruction No. 27, May 25, 1988, BID Commissioner Miriam Defensor Santiago). In the case of John David Mitchell, he was employed with Givaudan Toure (Phils.) from January to December 1993 and as General Manager, Fragrance Division, International Flavors and Fragrances (PHil.), Inc., in January 1994 up to the filing of the complaint for his deportation sometime in April 1994. Mitchell was, therefore, not qualified for any Special Work Permit. What made matters worse was that despite the pendency of a complaint for summary deportation against Mitchell filed sometime in April 1994, respondent, on 13 May 1994 issued an extension of Mitchell's special work permit. Respondent's acts were in violation of the internal rules and procedures of the BID and of Section 3 (j) of the Anti-Graft and Corrupt Practices Act (R.A. 3019) which provides:

'Section 3. Corrupt Practices of Public Officers. In addition, x x x

j) Knowingly approving or granting any license, permit, privilege or benefit



in favor of any person not qualified for or not legally entitled to such license, permit, or a mere representative or dummy of one who is not so qualified or entitled.'

"ACCORDINGLY, the Commission finds respondent Deputy Commissioner Bayani M. Subido, Jr. of the Bureau of Immigration and Deportation (BID) guilty of violation of Section 3 (j) of R.A. 3019; of violation of the internal rules of the BID, and of acting without and/or with grave abuse of authority, and with evident bad faith in issuing special work permit to an Australian national, John David Mitchell, who was not entitled thereto and in order to frustrate the efforts of the BID to cause the investigation and summary deportation of said John David Mitchell for violation of labor laws."

After a review of the evidence on record, this Office concurs with the findings of the Commission.

Pursuant to Personnel Order No. 452, respondent herein was not authorized to issue Special Work Permits. Said Order, as certified to by the Personnel Officer of the Bureau of Immigration last September 30, 1994, has not been revoked, amended or superseded and remains to be valid as of said date. This notwithstanding, respondent issued a Special Work Permit to Mr. John David Mitchell and even extended the same upon its expiration. Moreover, as admitted by respondent himself, he had, as of July 8, 1994, issued 1,011 Special Work Permits.

It is worthwhile to point out too that part of the records of this case is a letter dated May 31, 1994 sent by Atty. Alfonso N. Navarro, Chief, Law and Investigation Division (LID), of the Bureau of Immigration, to Atty. Ronaldo P. Ledesma, Resident Ombudsman of the said Bureau, stating in detail the procedure for the filing and processing of special work permit, to wit:

x x x

"The following is the procedure for the filing and processing of special work permit (SWP):

1. Receipt of application and its attachment for SWP with derogatory clearance by the Bureau's Receiving Unit at rm. 202

- 00001-10002-3
2. Receipt of application from rm. 202 by Ms. Doris Sipin, LID, for raffle to Legal Officer/Special Investigator
  3. Raffle of application to assigned Legal Officer/Special Investigator
  4. Transmittal of application to assigned Legal Officer/Special Investigator
  5. Processing by assigned Legal Officer/Special Investigator
  6. Transmittal of application with recommendation of assigned Legal Officer/Special Investigator to the Chief, LID, for screening
  7. Transmittal of application to Approving Official of the Bureau. "

However, as can be gleaned from the handwritten note dated May 31, 1994 of Ms. Doris Sipin of the Law and Investigation Division, attached to the above-quoted letter, there is no record in the said Division of any application of SWP of one John David Mitchell received by LID between January and February 1994.

Moreover, in a letter dated May 20, 1994 also addressed to Atty. Ronaldo P. Ledesma, Ms. Maria Bella J. Estrada, Records Officer III of the Bureau of Immigration stated that as of said date, they have no record of Special Permit No. BS-94-936 issued to John David Mitchell.

The non-compliance of the above procedures not only shows respondent's violation of the Bureau's rules and regulations but also indicates irregularities in the issuance of the Special Work Permit in favor of Mr. Mitchell.

It must be stressed that respondent is a Deputy Commissioner of the Bureau of Immigration. Holding such a high position, he should know or at least he is presumed to know all the rules and regulations of the Bureau which he is tasked to enforce and implement. As Deputy Commissioner, he is expected to strictly abide with these rules and regulations.

**IN VIEW OF THE FOREGOING**, and as recommended by the Presidential Commission Against Graft and Corruption,

respondent Deputy Commissioner Bayani M. Subido, Jr. is hereby DISMISSED from the service for violation of Section 3(j) of R.A. 3019 and of the internal rules and regulations of the Bureau.


Let the Office of the Ombudsman, which is investigating the criminal aspect of this case, be furnished a copy of this Administrative Order.

SO ORDERED.

Done in the City of Manila, this 28th day of February in the year of Our Lord, nineteen hundred and ninety five.



By the President:

  
TEOFISTO T. GUINGONA, JR.  
Executive Secretary