

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 394

IMPOSING THE PENALTY OF REPRIMAND ON AMBASSADOR FORTUNATO D. OBLENA OF THE DEPARTMENT OF FOREIGN AFFAIRS

This refers to the administrative complaint filed motu proprio by the Department of Foreign Affairs against Ambassador Fortunato D. Oblena for falsification of public documents, misrepresentation, and conduct unbecoming of an Ambassador in connection with the invalid adoption by Amb. Oblena of his son, Brigido Oblena, age 6.

To ascertain the veracity of the allegations against Amb. Oblena and to correct any violations of law which may have been committed by Amb. Oblena and other concerned individuals, the Department of Foreign Affairs requested the Office of the President for a Presidential Authority to investigate the aforementioned allegations against Amb. Oblena pursuant to the provisions of Section 51 of R.A. 7157 (Foreign Service Act of 1991);

Upon the grant of the Presidential Authority to investigate, the Department constituted a Fact-finding Mission to determine whether or not a prima facie case exists against Amb. Oblena in connection with the aforementioned allegations;

The Fact-finding Mission headed by Undersecretary Leonides T. Caday with Mr. Generoso Calonge, Career Minister, and Mr. Henry Bensurto, FSO II, as members, proceeded to the Middle East to examine the allegations against Amb. Oblena and to secure pertinent documents relating the allegations;

The Fact-finding Team reported to the Secretary of Foreign Affairs that "based on its examination of the persons involved in or have knowledge of the case as well as the pertinent documents on the matter, there is reasonable ground to believe that Amb. Oblena has committed the offenses of falsification of public documents, misrepresentation, and conduct unbecoming of an Ambassador under Section 46, Chapter 7, Title I, Book V of E.O. 292 (Revised Administrative Code of 1987) in connection with his alleged adoption of his supposed adopted son, Brigido."

The Department of Foreign Affairs lodged formal administrative charges against Ambassador Fortunato D. Oblena, dated 23 January 1998, for falsification of public docu-

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ments, misrepresentation, and conduct unbecoming of an Ambassador stemming from the alleged invalid adoption of Amb. Oblena of a child named Brigido and the Ambassador's false declarations concerning Brigido's paternity;

In his answer to the Formal Charges dated 11 February 1998, Amb. Oblena admitted to the irregularity in the adoption of his ward, Brigido, and manifested that such was due not to any malicious intent on his part to falsify documents or to commit any acts of misrepresentation, but mainly to his desire to provide the proper care and support to Brigido who had been abandoned by his biological parents and because of the improper legal advice extended to him by his former lawyer;

Amb. Oblena further informed the Department that he does not elect a formal investigation and hearing of the case but is submitting the case for resolution based on existing records;

Ambassador Oblena informed the Department that he filed a formal petition for the adoption of Brigido with the Regional Trial Court of Quezon Province where hearings regarding the special proceeding for adoption are currently on-going;

Amb. Oblena has taken the necessary steps to secure new documentations for Brigido, including, the cancellation of the latter's diplomatic passport and the issuance of a new passport;

The Board of Foreign Service Administration at its Regular Meeting No. 02-98 agreed en banc to recommend that Amb. Oblena be admonished in connection with the administrative case lodged against him in view of his explanation that he was provided with the incorrect legal advice and his having adopted Brigido mainly out of sincere desire to assist a fellow Filipino, furthermore, that he has undertaken the proper legal steps to lawfully adopt Brigido;

Upon an examination of the records of the case and in view of the recommendations of the Board of Foreign Service Administration, the Secretary of Foreign Affairs adopted the Board's position on the matter;

In view of the above findings as well as of the need to convey a clear reminder to all government officials and



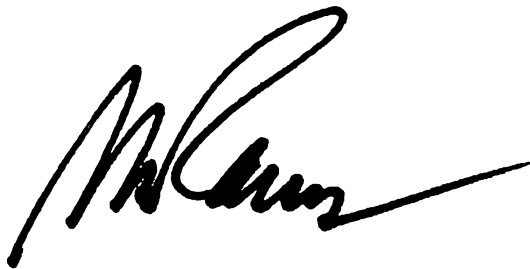
employees to be more circumspect in their actuations, especially when third parties are affected, the Secretary of Foreign Affairs recommended that the penalty of REPRIMAND be imposed on Ambassador Oblena in connection with the above charges for falsification of public documents, misrepresentation, and conduct unbecoming of an Ambassador.

We concur with the findings of the Secretary of Foreign Affairs.

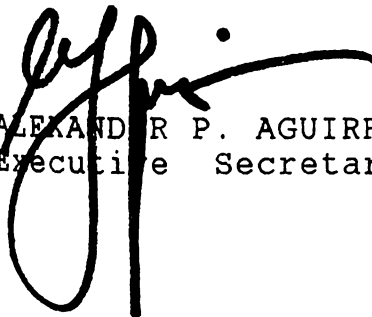
WHEREFORE, premises considered, respondent Fortunato D. Oblena, Chief of Mission II, is hereby found guilty as charged. Accordingly the penalty of reprimand is hereby imposed and is further directed to:

- (1) submit to the Department periodic reports on the status of the adoption proceedings concerning Brigido;
- (2) provide the Department with a certified true copy of the final decree of adoption of Brigido if and when said decree is issued by the court; and
- (3) exercise caution and care in future undertakings of a similar nature.

Done in the City of Manila, this 8th day of May, in the year of Our Lord, nineteen hundred and ninety eight.



By the President:



ALEXANDER P. AGUIRRE
Executive Secretary