

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 321

CONSIDERING MR. CARLOS GOCO RESIGNED FROM OFFICE AS ASSISTANT
PROVINCIAL FISCAL OF RIZAL.

This is an administrative case against Mr. Carlos Goco, assistant provincial fiscal of Rizal, for alleged breach of trust and conduct unbecoming a public officer. The charges were investigated by the Department of Justice and the Secretary of Justice recommends that respondent be required to resign.

It appears that sometime in 1949 the tenants of the Hacienda de Tulay in Malabon, Rizal, agreed to buy the land from its owner, the Roman Catholic Archbishop of Manila, in order to avoid the payment of high rentals being required of them. A committee composed of tenants was formed to negotiate for the purchase of the property. Respondent, though not a tenant, was included therein obviously because of his familiarity with the law. He accepted the trust and caused the collection of contributions from the tenants for his expenses which he fixed at P.20 a square meter of the lots occupied by them. He also required them to make a cash deposit equivalent to 30% of the estimated value of the lots to cover the anticipated earnest money that might be required by the Archbishop.

Subsequently, the full responsibility of dealing with the Archbishop on behalf of the tenants fell upon respondent who later on entrusted the active negotiations to three brokers and another lawyer, Mr. Augusto Francisco, who carried out the same in the name of Leonila Siochi, wife of respondent. However, respondent continued to take part in the protracted negotiations which culminated in the sale of the estate on January 19, 1954, to his wife for a total sum of P149,000 of which P19,000 represented one-half of the back rentals of delinquent tenants.

Thereafter, respondent's wife conveyed the property for one peso (P1) to A.M. Raymundo & Co., a partnership engaged in real estate business, which he helped organize and of which he appeared to be the legal counsel. This partnership undertook the sale of the lots of the hacienda to tenants and outsiders indiscriminately, no preference having been given to the tenants despite the fact that some had given advance money for the purchase of the hacienda, except that the money they advanced would be credited to the purchase price of their lots or returned to them if they failed to exercise the option within five days from notification. The purchase price per square

meter was a little over P5 but the tenants are being charged P10 per square meter for the poorest lots and P25 for the best ones. The tenants, who claimed to have been kept in the dark by the respondent during the negotiations, believed that they had been exploited. They complained against the respondent and even went to court to file civil actions against him, his wife and the partnership.

In his defense respondent contends that upon turning over the negotiations to Atty. Francisco he ceased to have anything to do with the transaction; that he never profited a single centavo in the deal nor received anything for his services; that of the total contribution of P10,000, the sum of P8,000 was paid to the brokers and the balance of P2,000 included in the deposit made with the Archbishop; and that he could not be dealt with administratively for acts not connected with the discharge of his official duties.

I am not impressed by respondent's claims. The record shows that he took active part in the negotiations even after he had employed said brokers and lawyer and that the sale was finally consummated in the name of his wife who transferred the property to A. M. Raymundo & Co., of which he was a partner and legal counsel. His claim that he could not be punished administratively for acts not having anything to do with the discharge of his official duties is a very extravagant claim in the face of facts showing his underhanded dealings and pecuniary interest in the transaction. At any rate, respondent engaged in outside business and professional activities without the permission of his superiors, in violation of Executive Order No. 103, s. 1913, and Rule XIII, Section 5, of the Civil Service Rules.

The violation by itself might not be apparently serious but what make it condemnable are the consequences that have arisen therefrom. By his actuations he exposed, to say the least, hundreds of people to apparent exploitation by unscrupulous parties, forcing them to complain against him administratively and judicially for redress.

Without categorically passing on the charges of bad faith, betrayal of trust, fraud and the like, which are being ventilated in court, I agree with the Secretary of Justice that it has been sufficiently established that respondent acted as counsel for the parties, including his wife who was favored by the deal, and devoted considerable time in the negotiation and consummation thereof without the permission of his superiors as required by existing regulations.

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WHEREFORE, Mr. Carlos Geco is hereby considered resigned as assistant fiscal of Rizal upon receipt of a copy of this order.

Done in the City of Manila, this 12th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

Carlos Geco

By the President:

Natalio P. Castillo
NATALIO P. CASTILLO
Executive Secretary