

MALACAÑANG

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 172

REQUIRING DR. FELINO N. HERNANDEZ TO RESIGN AS MEMBER AND ACTING
CHAIRMAN OF THE BOARD OF OPTICAL EXAMINERS.

This is an administrative case against Dr. Felino N. Hernandez, acting chairman of the Board of Optical Examiners, who is charged with a number of irregularities including neglect of duty, incompetence and unprofessional and immoral conduct supposedly committed by him as a member of the board. The charges were looked into by a special investigating committee appointed for the purpose.

It appears that on February 1, 1954, the Secretary of the Optometric Association of the Philippines wrote to the Board of Optical Examiners complaining about the signboard of the respondent displayed in his establishment at 113 Ascolta, Manila, allegedly in violation of the regulations governing the practice of optometry in the Philippines in that he announced therein his business jointly with his profession. In his answer to the complaint the respondent stated, among other things, that his signboard had been corrected in accordance with the regulations. Later, or on March 23, 1954, he and Dr. Nemesio Garcia, the other board member, adopted Resolution No. 5 dismissing the complaint of the optometric association against the respondent on the ground that the cause of action no longer existed, from which the former board chairman, Dr. Pablo C. Feliciano, dissented.

The signboard in question of the respondent before its correction read thus:

HERNANDEZ OPTICAL CO.
Watches & Jewelry
Dr. Felino N. Hernandez - Optometrist"

Respondent claimed that said advertisement was not an announcement to the public of his profession as an optometrist but of his business establishment known as Hernandez Optical Co., which deals, among other things, in watches and jewelry; that his name was written thereon only to show that he was the owner; that the word "optometrist" following his name was intended to show that the said "Dr. Felino N. Hernandez" was an optometrist; that he could not omit the word "optometrist" after using the word "Dr." in his name, as it would not be known in what branch of science he is a doctor;

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and that to advertise his business is something entirely different from announcing the practice of his profession as an "optometrist." He also claimed that he wanted to distinguish his business or store from that of "L. A. Hernandez, Optical and Jewelries" on Rizal Avenue, Manila; and that some leading practitioners in Manila displayed similar signs.

Respondent's explanation is not satisfactory. While it is true that under the disputed sign he was advertising his business establishment, it is nevertheless undisputable that he was also advertising himself as an optometrist. The regulations prohibit the announcement of the profession jointly or in combination with any other business. The fact that he corrected his sign after his attention had been called to it is a tacit admission of its defective nature. He is therefore guilty of unprofessional conduct with the mitigating circumstance of having corrected the offending signboard before any formal action could be taken against him.

Far from finding relief in the fact that other practitioners also violated the regulations by displaying similar signboard as his, he only convicted himself of dereliction of duty for failing, as board member, to take or initiate proper administrative action against said offenders.

His participating in the deliberation and disposal of the charge against him by the optometric association and signing, together with board member Nemesio Garcia, Resolution No. 5 dated March 23, 1954, dismissing said charge are obviously improper and immoral. That no person should pass judgment on his own case is a principle too basic to require elaboration. In fact even a mere indirect interest in a case disqualifies a person from sitting therein. He is therefore guilty of immoral or unethical conduct.

It has also been duly established that in the examination questions in anatomy of the eye given to Arlinda Garcia, daughter of Dr. Nemesio Garcia, during the optometrist examination on April 23, 1953, the respondent copied verbatim all the questions on said subject from "State Board questions and answers by Harry E. Pine." This is in violation of the rules and regulations governing board examinations.

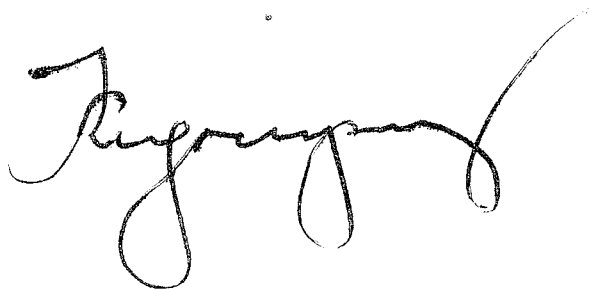
The nature of the irregularities committed by the respondent clearly shows that he is totally unfit to continue in office. In view thereof, I am constrained to take drastic action against him.

Therefore, Dr. Felino N. Hernandez is hereby required to tender his resignation as member and acting chairman of the Board of Optical Examiners within fifteen days from receipt hereof. If

he fails to do so within the period given, he shall be deemed removed from his posts effective the day following the expiration of said period.

Done in the City of Manila, this 9th day of January, in the year of Our Lord, nineteen hundred and fifty-six, and of the Independence of the Philippines, the tenth.

By the President:




HENRO, Jr.
Assistant Executive Secretary