

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 208

EXONERATING CAPTAIN ARTURO R. ILAGAN, FORMER MEMBER OF THE BOARD OF EXAMINERS FOR MARINE OFFICERS.

This is an administrative case against Captain Arturo R. Ilagan, former member of the Board of Examiners for Marine Officers whose term of office expired on August 21, 1969, for dishonorable conduct consisting of two counts: (1) falsifying his service records, particularly Item 12 thereof, and (2) making false entries in Item 17 of his information sheet, as contained in the investigation report of the Commissioner of Civil Service in his capacity as Executive Officer of the Boards of Examiners based on the letter of Board Chairman Enrique J. Mora dated May 13, 1968, concerning alleged acts of falsification committed by respondent. The charges were formally investigated by the Presidential Investigating Committee (composed of Chairman Gaudencio Garcia and Members Edilberto Barot and Ramon C. Fernandez), which found the charges without merit and recommended respondent's exoneration, with the admonition to be more careful in the future in the preparation of documents similar to his information sheet.

As regards the first count, the following data appear under Item 12 of respondent's information sheet:

<u>Inclusive dates</u>	<u>Position held</u>	<u>Name & address of employer</u>
1945-1946	3rd Mate	Port Area, Manila, USATS
1946-1947	2nd Mate	Port Area, Manila, AFL
1947-1948	Chief Mate	Port Area, Manila, LUSTEVECO
1948-1951	2nd Mate	Hongkong, EVERETT ORIENT LINES
1951-1966	Asst. Port Captain	205 Juan Luna, CIA MARITIMA

The point at issue is whether or not respondent actually served as second mate and chief mate with the Everett Orient Lines in Hongkong for the period 1948-1951.

During the hearing complainant (Board Chairman Mora) presented as witness Port Capt. Federico Pajaro of the Philippine Steam Navigation Company who had issued a certification to the effect that there was no record of service of respondent

Alfonso Ilagan - Captain

as deck officer in the Everett Orient Lines. The captain testified that the Everett Orient Lines is a foreign corporation and the Philippine Steam Navigation Company acts as its agent in Manila and supplies its principal with deck officers upon request. However, upon cross-examination and when confronted with the report of the Commissioner of Civil Service (Exh. "D"), more particularly paragraph four thereof, which states:

"Another certification was submitted to this Office by the Marine Superintendent of Everett Steamship Corporation, Kobe, Japan, stating among other things, that Capt. Arturo R. Ilagan served as chief mate and second mate for about three (3) years from 1949-1951 in that company."

the said witness admitted that this certification was issued on the basis of the records of the Everett Steamship Corporation.

As between the certification of Capt. Pajaro and his testimony at the hearing and the certification by the marine superintendent of the Everett Steamship Corporation, Kobe, Japan, as regards respondent's service record with Everett, the Investigating Committee correctly found the latter more credible, it appearing that in Item 12 of respondent's information sheet there was no mention whatsoever of his service with the Philippine Steam Navigation Company. Moreover, it appears from another certification of the same company that the records of the Everett Lines are no longer available and that the records thereof for the years 1949-1951 (the period in dispute) are not kept in the company's office.

With respect to the second count, the following entries appear under Item 17 of respondent's information sheet:

<u>Title of Examination</u>	<u>Date of Examination</u>	<u>General Rating</u>	<u>Rank in the Examination</u>
Third Mate	January '46	79.5	Topnotcher
Second Mate	January '47	80.3	Topnotcher
Chief Mate	January '51	77.97	Topnotcher
Master	January '54	76.51	Topnotcher

On the other hand, the official records of the Civil Service Commission show the following:

<u>Grade</u>	<u>Date of Exam.</u>	<u>Rating Obtained</u>	<u>Number of Examinees</u>	<u>Number Passed</u>	<u>Rank from Highest Rating</u>
3rd Mate	Jan. 1946	79.54	7	6	2nd
2nd Mate	Aug. 1947	89.51	39	39	13th
Chief Mate	Jan. 1951	77.97	19	14	5th
Master	Jan. 1954	76.51	20	2	2nd

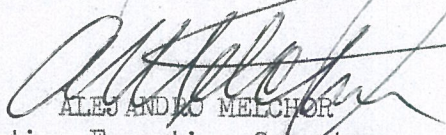
Complainant sought to prove from the official records of the Civil Service Commission that respondent had never been number one or first in any of the four examinations above-mentioned and could not therefore have been a topnotcher. Respondent, however, satisfactorily explained that the word "Topnotcher" under the column "Rank in the Examination" meant that he was among the top ten or above the median and that he did not intend to deceive or mislead the Civil Service Commission by using that word knowing, as he does, that the Commission could check his grades or ratings in said examinations any time it wants to.

There is an apparent discrepancy in the dates and ratings for the second mate examination as appearing in the information sheet of respondent and in the official record of the Civil Service Commission, for, whereas the information sheet states that said examination was taken in January 1947 with respondent obtaining a general rating of 80.3%, the official record shows that he took it in August 1947 with a rating of 89.51% and placed 13th out of a total of 39 examinees. Respondent, it is true, was not among the first ten but his grade in this particular examination was above the median. I agree with the Investigating Committee that since respondent placed in his information sheet a rating of 80.3% only when he really got 89.51%, his act of downgrading himself does not constitute misrepresentation. At any rate, the records show that respondent in four examinations taken by him got two second places, one is 5th place, with a 13th place in a fourth examination. The possibility that respondent committed a mistake in good faith concerning the August 1947 examination by stating that he was a topnotcher, as he did in connection with his rating therein, cannot be totally discounted.

In view of all the foregoing, and upon the recommendation of the Investigating Committee, Captain Arturo R. Ilagan, is hereby exonerated from the charges, with the admonition to be more careful in the future in the preparation of documents similar to his information sheet.

Done in the City of Manila, this 17th day of March,
in the year of Our Lord, nineteen hundred and seventy.

By the President:



ALEXANDRO MELCHOR
Acting Executive Secretary

