

[ADMINISTRATIVE ORDER NO. 281, May 25, 1992]

IMPOSING THE PENALTY OF DISMISSAL FROM SERVICE OF LUIS C. PERDICES, CHIEF OF MISSION I, DEPARTMENT OF FOREIGN AFFAIRS

This pertains to the administrative case filed against Mr. Luis C. Perdices, Chief of Mission I by the Department of Foreign Affairs, (hereinafter, the "Department") for dishonesty, conduct prejudicial to the best interest of the service and for violation of MFA Instructions No. 13/17.V.85. This issuance strictly prohibits all DFA officers and employees from intervening on behalf of anybody in the issuance of visas from any foreign embassy or consulate.

The records show that on 15 October 1990, the Department instituted the instant administrative case against respondent Perdices upon the recommendation of the National Bureau of Investigation (NBI) on the basis of its evaluation of the complaint filed by Lusviminda Festin, Leonardo Mirafuente, Benjamin Manalo and Lourilie dela Rosa.

The NBI investigation showed that complainants are U.S. visa applicants who, upon the representation and assurance by respondent that he can secure their visas within two weeks, agreed to pay respondent the total amount of US\$4,000, US\$2,000 down payment and the remaining US\$2,000 upon their arrival to the United States. Mr. Perdices, however, failed not only to secure the visas but also to return the money.

Independent of the administrative case, a criminal case for Estafa under Art. 315 of the Revised Penal Code was also filed by the NBI against respondent with the City Prosecutor of Manila.

In his answer, respondent moved for the dismissal of the administrative case on the ground that the criminal case for Estafa has already been dismissed by the City Prosecutor of Manila in view of the desistance of the complainants. Complainants, in their joint-affidavit of desistance, stated that "respondents have attended to our complaints and have paid us fully to our satisfaction".

The Board of Foreign Service Administration denied the motion of respondent for dismissal and, in finding the respondent guilty of the charges, held that "the desistance of the complainants does not preclude the imposition of administrative disciplinary action because there is preponderance of evidence that respondent, senior foreign service officer who has a rank of Chief of Mission I, not only failed to uphold the high standard of integrity, dignity and honor required of him as Chief of Mission but violated DFA rules and regulations and committed acts of dishonesty".

Records also show that as early as 1 September 1988, the Department charged