

MALACAÑANG

RESIDENCE OF THE PRESIDENT
OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 162

SUSPENDING FROM OFFICE CONSUL HORTENCIO
J. BRILLANTES

This is an administrative case filed by Mrs. Victorina A. Gaerlan against Mr. Hortencio J. Brillantes, Philippine consul in Seattle, Washington, for alleged serious misconduct on four counts, to wit;

1. That contrary to his agreement with the complainant to take with him to Seattle her daughter, Aurora Gaerlan, and to treat her as his eldest child, allow her to go to school at her own expense and secure a job for her, respondent made her instead a servant in his house and prevented her from going to school or from even leaving his house;

2. That the respondent obtained the sum of P1,542 for the transportation fare of Aurora Gaerlan from Manila to Seattle and that although the Philippine Air Lines transported her free of charge the respondent did not return said amount to the complainant but misappropriated it for his own use;

3. That the complainant gave respondent's wife \$50 in cash and another \$50 in bank draft for delivery to her daughter, Aurora Gaerlan, but that while respondent's wife gave the bank draft, she did not give the other \$50 to her until after the complainant had lodged a complaint against the respondent with Ambassador Carlos P. Romulo; and

4. That on account of respondent's unpleasant treatment of Aurora Gaerlan, the latter decided to move to the house of a certain Mrs. Maria Beltran; and that after she had left respondent's house in Seattle, respondent cancelled her special passport, placed

all sorts of difficulties for her to secure an ordinary passport and did not issue her an ordinary passport until he was directed by the Department of Foreign Affairs, upon complaint of Aurora's mother, to do so.

The case was thoroughly investigated by the Board of Foreign Service which found the respondent guilty under counts 2 and 4. A review of the record shows the following facts to have been duly established:

Count 2.—On November 29, 1952, complainant's daughter, Aurora Gaerlan, left with the respondent for the United States upon complainant's request. Aurora assumed responsibility for her plane fare of ₱1,452. Part of her plane fare in the amount of ₱902.80 was charged against and paid from a donation of the Philippine Air Lines (PAL) to respondent, said sum of ₱902.80 representing the unused portion of the total PAL donation of ₱2,500 to respondent for the fare of his children not included in his travel order. The difference of ₱549.20 between Aurora's fare and the donation allotted to her and used in making up her full fare was paid in cash. All the invoices for the plane tickets, as well as the tickets themselves, were issued in the name of the respondent.

Count 4.—While Aurora Gaerlan was staying in the house of the respondent in Seattle, the latter and his family treated her in accordance with the understanding that she was going to help in the household chores, accompany the Brillantes children to school and live with them as a member of the family. Respondent admonished her not to go out at night for her own safety. After leaving respondent's household, Aurora went to the consulate several times to file an application for a passport but the various applications were disapproved by the respondent for one reason or another, and it was only after the Department of Foreign Affairs had ordered him to issue a passport to her that he did so.

Count 2

Respondent denied having received the amount of ₱1,452 for Aurora Gaerlan's plane fare either personally or through his wife or having paid himself the ₱549.20 to the PAL office as alleged by the complainant. He claimed that the latter amount was paid by Aurora herself. After an analysis of the evidence, I agree with the investigating body that the full fare of ₱1,452 was not paid over to him. I am also convinced that the portion of the PAL donation used to complete Aurora's plane fare was evidently paid. In other words, the respondent converted into cash a portion of the PAL donation to him, contrary to the purpose and spirit thereof. This act of the respondent is a reflection on his official conduct and decorum as a consul of the Republic. Moreover, in seeking personal favors from the airline company with which his

office is in close relation, without the knowledge or consent of the Department of Foreign Affairs, he is guilty of highly improper conduct.

Count 4

In connection with this count, the respondent explained that the delay in the issuance to Aurora Gaerlan of a passport was due to the fact (a) that she was insisting on a special passport, (b) that she had no money to pay the fees, (c) that she had not gone to the consulate to make the necessary application, and (d) that he was confused as to her civil status.

Respondent's explanation is on the whole unsatisfactory. As held by the investigating body, Aurora could not have insisted on the issuance to her of a special passport after the respondent had explained to her that her special passport had been cancelled and returned to the Department of Foreign Affairs. Neither could it be true that she had no money to pay the fees and that the respondent saw her only once in the consulate, as the evidence shows that her uncle gave her various amounts ranging from several dollars to hundreds of dollars every time he left on a voyage and that she had gone to the consulate in company with her uncle twice and alone at least six times to prepare her application. Finally, respondent could not have been ignorant of Aurora's civil status, as he knew that she had been the victim of a married man and he had a talk with her lawyer before her departure for the United States.

The evidence amply shows that instead of helping Aurora obtain a passport, as it was his duty to, the respondent made it difficult for her to get one by resorting to dilatory tactics—first, by passing the matter of her application to his vice-consul, when he could have attended to it personally; second, by using the letter from her alleged husband as a reason for delaying the grant of a service passport to her; and third, by submitting the question to the Department of Foreign Affairs. I therefore find the respondent guilty of the charge that he placed all sorts of difficulties for Aurora Gaerlan to secure an ordinary passport.

I consider respondent's explanation as regards the first part of this count as satisfactory and, therefore, exonerate him therefrom. Counts 1 and 3 are dismissed for lack of merit.

Except for those failings, respondent has a satisfactory record of service. He has been highly commended by top officials of Seattle, the State Government of Washington, and civic organizations of that State. Such otherwise creditable performance as an officer of the Foreign Service, while not constituting a mitigating circumstance, truly deserves consideration.

In view of the foregoing, Mr. Hortencio J. Brillantes is hereby suspended without pay for a period of one year as consul of Seattle, Washington.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the tenth.

RAMON MAGSAYSAY

President of the Philippines

By the President:

MARIANO YENKO, JR.

Assistant Executive Secretary
