

NORM OF CONDUCT EXPECTED OF PUBLIC SERVANTS

At this juncture this Board feels warranted in making a general discussion of the causes for which a government employee may be removed from office. We conceive that the time is ripe thus to clear up certain misapprehensions on the subject and to place these basic considerations in their proper light. Under the provisions of the Civil Service Law (Sec. 695 of the Administrative Code as amended by Commonwealth Acts No. 177 and 598) the Commissioner of Civil Service may for neglect of duty or violation of reasonable office regulations or in the interest of the public service remove any subordinate officer or employee from the service, suspending him without pay for not more than two months, reduce his salary or compensation or deduct therefrom any sum not exceeding one month's pay. Rule XII, par. 6, of the Civil Service Rules provides that such officer or employee may be removed from the service for "notoriously disgraceful or immoral conduct." It is apparent from the foregoing provisions of law that the primary object of the statute is to protect the public service, and to secure the faithful and efficient performance of official functions. (Case No. 6 against Jose Lansang-Cuengco, decision promulgated March 12, 1941.) In order that the Government may command the respect of the people, public morality and the orderly administration of government demand that its officials and employees observe that norm of conduct in their official as well as in their private lives, which will not impair the dignity of their office or expose the government service to public censure or ridicule. Because of the moral influence which public officers and employees have upon the community by virtue of the position they hold in the government, it is necessary that they should be first to show an exemplary conduct not only by words but also by deeds, so that by such comportment they shall gain the

respect and esteem of the people.

No definite norm of conduct or criterion for all public servants can however be established as that will depend upon the character and nature of the position occupied. Thus for officials or employees who, due to the nature of their duties, are in frequent contact with the public or occupy positions which directly influence the morality of the community, a high standard of decency, respectability and integrity is required of them. The school teacher, for example, in view of his relation to the youth under his care and tutelage is looked upon in the community with esteem and as a model of good moral reputation and honesty, both in his official and private lives and for this reason, for slight impropriety even in his private transactions, his usefulness as teacher in the community may come to an end. Accordingly, in the recent case against Fortunato Jatico, temporary school teacher in Santander, Cebu, this Board held that for immorality and disreputable conduct committed even prior to his entering the service as teacher, he should be dropped from the teaching force in the interest of public service with prejudice to future reinstatement as a school teacher as the proper punishment (Case No. 5, decision promulgated March 12, 1941).

Coming to the case of a peace officer, it is his duty to maintain peace and order, to see to it that the laws are obeyed, and that the rights of others are respected and protected. In the community where he lives, he personifies peace, order, fairness, and justice. In the interest of public service, therefore, peace officers should, in official as well as in private lives, be above reproach. The herein respondent peace officer has, by his conduct, described above, offended social orderliness and decency and has given cause for the community to question his honor and integrity. Considering

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the fact that he is earning only seventy-five pesos (P75) a month as detective-inspector with his wife and five children to support, it is impossible to believe that he could also afford to maintain a paramour within his lawful income. The conclusion is therefore inescapable that the maintenance of the illicit relation between the respondent and complainant offers a great temptation for the former to obtain money from other sources and that most likely he would make use of his office and authority to mulct a few pesos to support his paramour. It is therefore believed that his continuation in the Manila Police Department is detrimental to the public service. Taking into consideration, however, the misery and suffering that will ensue from his dismissal on the part of his innocent family and the twelve years' efficient and continuous service that the respondent has rendered to the Government it is the sense of the Board that the penalty of removal in this case is rather severe.

In the light of all the foregoing considerations, it is the opinion of the Board and it is so decided that the respondent should be considered as having been required to resign from the service effective upon his last day of service with prejudice to reinstatement in the Manila Police Department. (Case No. 34, March 26, 1931, Civil Service Board of Appeals.)

INCOME CONTRASTED WITH CAPITAL AND OUTLAY

Income as contrasted with capital or property is to be the test. The essential difference between capital and income is that capital is a fund; income is a flow. Capital is wealth, while income is the service of wealth. "The fact is that property is a tree, income is the fruit; labor is a tree, income the fruit; capital is a tree, income the fruit; (Waring v. City of Savannah [1878], 60 Ga., 93.)—Madrigal and Paterno v. Rafferty and Concepcion, 38 Phil. 414.

State . . .

is to muster and organize all our resources, preserve our credit and prestige abroad, and guard against their dissipation at home.

I call on every man, woman and child of this nation to share in the privilege of the great tasks before us. I appeal for the utmost courage, wisdom, vision and dedication in taking up the challenge of our common objectives.

When I assumed office, my only pledge was what I recited in my oath. I meant every word of it. My policy has been simple. I have had only two main immediate objectives: the restoration of peace and order, and the strengthening of the morale of the people and their faith and confidence in the government.

I pledge to you, gentlemen of the Congress, my full cooperation in the greater tasks ahead, convinced that with Divine Guidance we will attain the goals we have set for ourselves to promote and safeguard—the welfare of our country and our contribution to the peace and happiness of the world.

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