



To : The POC Executive Board
From : POC Ethics Committee
Re : Complaint of EJ Obiena against Mr. Philip Juico

“Ethics is knowing the difference between what you have a right to do and what is right to do.”-
Potter Stewart

This resolves the complaint of Ernest John U. Obiena who is the official Philippine representative in pole vaulting for the 2020 Tokyo Olympics and a member of Philippine Athletics Track and Field Association (PATAFA) against Mr. Philip Ella Juico, who is the President of PATAFA.

The complaint stemmed from the Incident Report that Mr. Obiena filed before the Athletes' Commission for Acts of Harassment, possibly attempting to collude with coaches to create untruthful statements and Forcing Psychologist to break Doctor-Patient Confidentiality allegedly committed by Mr. Juico.

The Athletes' Commission forwarded the incident report to the Philippine Olympic Committee through the Ethics Committee. In support thereto, Mr. Obiena submitted his formal complaint dated 18 November 2021 against Mr. Juico for unethical conduct as President of PATAFA, and that the latter is unfit to represent the athletes of the Federation.

In his complaint, Mr. Obiena prayed to help him get back on track and remove Mr. Juico from PATAFA in order to reclaim the honor of the Federation.

Mr. Obiena made the following allegations in his complaint:

That as an athlete, he was required to undergo psychological evaluation by a sports psychologist to determine his mental fitness in preparation for the rigorous demands of the Olympic competition. For the said reason, he engaged the services of Sports Psychologist Dr. Sheryll M. Casuga. He learned from Dr. Casuga that Mr. Juico was pressuring her to disclose the details of his psychological assessment. Dr. Casuga declined as it is covered by the doctor-patient privilege and told Mr. Juico that the request was beyond what she could ethically disclose to any third party. She maintained that she could only provide him Mr. Obiena's training progress report. Instead of respecting Dr. Casuga's stance, she was insulted by Mr. Juico. Worse, Mr. Juico told her that they even falsified her previous reports to justify their payments to her. Dr. Casuga told him that she does not condone the



falsification of her reports. Mr. Juico then threatened her that if she would not submit the requested report, she will not get paid.

Mr. Obiena further alleged that in view of his failure to get what he wanted from Dr. Casuga; he received the wrath of Mr. Juico. Mr. Juico blamed and accused him of directly instructing Dr. Casuga not to disclose his psychological evaluation report. According to Mr. Obiena, he never gave her any such instruction and her refusal to share that information was all her decision.

That as President of PATAFA, he expected more from him. Unfortunately, instead of supporting him as an athlete of the Federation, what Mr. Juico did was to continuously torment him. Mr. Juico would call him during his training, or even in the middle of the night when he was supposed to be recovering. Whenever he would return his call after his training, Mr. Juico would be furious and would remind him that he should pick up his calls all the time because he is the President of PATAFA. He would also demand that Mr. Obiena gave him a detailed daily report of all his activities. Instead of being an inspiration to his athletes, Mr. Juico just became a distraction.

That apart from this, Mr. Juico had been unnecessarily badgering him with the sponsorships. He demanded that Mr. Obiena included him in all the negotiations and consult with him before he signs any contract. This was very apparent when Mr. Juico berated him for signing with Summit, Amino Vital and Puma without him on the negotiation table.

That the most recent was when he received sponsorship from MVP Sports Foundation (MVPSF) for the 2020 Tokyo Olympics. As part of that sponsorship agreement, he was included in a social media post with all the other MVPSF supported Olympians. Mr. Juico confronted Mr. Obiena because he did not include him in the negotiation. He told him that he will not include Mr. Juico in any deal with sponsors that he will find for himself, but he will be more than happy to share a portion of his sponsorship with PATAFA that they can find for him. This made Mr. Juico very angry. It seems that more than anything, it is the financial aspect that he is interested in and not the welfare of his athletes.

That Mr. Juico's rant did not end from his issues with Dr. Casuga and Mr. Obiena's sponsorships. This time, Mr. Juico maliciously



accused him of squandering government funds intended for Coach Vitaly Petrov. Worse, he made this information public without giving him an opportunity to clarify this issue. Mr. Juico clearly acted in a vile, reckless, and malicious manner treating him like a criminal without any proper investigation.

That he has already paid Coach Petrov a substantial part of his salary months before this entire issue was made known to the public. They knew that he already paid and has liquidated or reimbursed payments all the way from 2018. In fact, Coach Petrov confirmed that he received from Mr. Obiena Eighty-Five Thousand Euros (Eur85,000.00) representing his coaching fees. Clearly, Mr. Juico obviously just wanted Mr. Obiena off the national team and to destroy his good name.

A clarificatory hearing was conducted on 10 December 2021 wherein both parties were in attendance, Mr. Obiena presented his side and stated how he was harassed by Mr. Juico and was accused of embezzlement of government funds without giving him the opportunity to explain his side. To further guide this Committee in its investigation, Mr. Obiena's longtime mentor, Mr. James Lafferty, presented a slideshow showing all the payments made by Mr. Obiena to his coach, Mr. Petrov. Based on Mr. Lafferty's presentation, Mr. Obiena already paid Mr. Petrov, a total amount of EU87,817.00, which was even way above than what was due to him for his coaching fees. Mr. Lafferty also explained the reason behind PATAFA's delay in the release of Mr. Obiena's funds and how it contributed to the problem.

On the other hand, during the clarificatory hearing, Mr. Juico and his counsels were adamant to recognize the authority of this Committee. Instead of answering the accusations against him and refute all the evidence against him in order to clear his name, he moved for the dismissal of the complaint for lack of jurisdiction. The motion was denied and this Committee maintained that it has jurisdiction over a complaint filed by an athlete against an officer of a National Sports Association.

Upon conclusion of the clarificatory hearing, the parties were further directed to file their respective Position Papers. Mr. Obiena filed his Memorandum, while Mr. Juico in his letter dated 17 December 2021 opted to refrain from submitting his Position Paper on the ground that this Committee lacks jurisdiction to take cognizance over the matter.

After a careful review of all the allegations in the complaint and supporting documents thereto, this Committee takes cognizance of this case as the complaint involves the conduct of the President of an NSA, which is a regular member of the POC. The actions being complained will adversely affect the mission and purposes of the POC if left not acted upon. Hence, this Committee takes appropriate action hereto.



The only issue in this case is whether or not Mr. Philip Ella Juico, President of PATAFA, committed unethical conduct.

To recapitulate, in the formal complaint of Mr. Obiena, he made the following accusations against Mr. Juico.

1. Mr. Juico allegedly pressured Dr. Casuga to disclose the details of her psychological assessment of Mr. Obiena, to the point that he admitted that they falsified Dr. Casuga's previous reports to justify payments to her. Furthermore, Mr. Juico allegedly threatened Dr. Casuga that if the latter will not submit her report, she will not get paid;
2. Mr. Juico allegedly blamed him and accused him of directly instructing Dr. Casuga not to disclose his psychological evaluation report, continuously tormented him, called him during training or even in the middle of the night, demanded that he should pick up the calls of Mr. Juico at all times, and to give him a detailed report of his daily activities; that Mr. Juico was a distraction and berated him for signing sponsorships with Summit, Amino Vital and Puma without Mr. Juico on the negotiation table, and got angry for not being included in the negotiations for the sponsorship agreement with MVP Sports foundation.
3. Mr. Juico allegedly maliciously accused him of squandering government funds intended for Coach Vitaly Petrov, made the said information public without giving him an opportunity to clarify the issue and acted in a vile, reckless and malicious manner treating him like a criminal without any proper investigation. The allegations in his complaint were all supported by the written statements of the witnesses and by documentary evidence. Mr. Obiena's allegations about pressuring Dr. Casuga and the alleged falsification of reports were supported by the written statements of Dr. Casuga. The written statements of Dr. Casuga were provided to Mr. Juico in order for him to refute. However, he opted not to.

The acts of Mr. Juico pressuring the disclosure of the details of psychological assessment with a threat of nonpayment if she will not submit the requested reports plus the admission of falsification of previous reports clearly constitute unethical conduct, as it falls outside of what is considered right or proper for a person, belonging to a profession or an industry. More so with him being the President of the Federation. As the President of PATAFA, he should have handled the situation in a more professional manner. The falsification of previous reports just for Dr. Casuga to get paid, as admitted, is certainly not an acceptable conduct. Such an action puts the organization in a disadvantageous position. This Committee will not close its eyes on this kind of practice by the highest-ranking officer of an NSA. If Mr. Juico, after due investigation indeed finds that Dr. Casuga



is not in compliance with the contractual obligation of the latter to the former, a notice of termination of the contract for breach thereof should have been served as the proper recourse. Falsification of reports is definitely not acceptable to POC for being a clear unethical practice.

With regard to the acts of Mr. Juico causing distraction to Mr. Obiena's ongoing training especially during preparation for the Tokyo Olympics, Mr. Obiena presented screenshots of the exchange of messages between him and Mr. Juico showing the argumentative stance of Mr. Juico while Mr. Obiena was training and preparing for the Tokyo Olympics.

Clearly, this is not an acceptable conduct by a President of an NSA. The Committee finds the nature of the WhatsApp conversation presented as evidence to be inappropriate at that time while the training was on going. A careful reading of the messages shows that Mr. Juico was engaging Mr. Obiena in a late-night argumentation. With Mr. Juico's autocratic behavior as shown in the exchange of messages, he caused Mr. Obiena to suffer high mental stress in the middle of his preparation for the Olympics.

Mr. Juico, being the President of the Federation to which Mr. Obiena belongs, should have served as an inspiration and motivator to Mr. Obiena to persevere in his ongoing training, more so in the preparation for the upcoming Tokyo Olympics at that time. Any issue that Mr. Juico may have had with Mr. Obiena, such as the alleged attitude problem towards him as the President, sponsorship matters, and psychological reports should have been addressed accordingly after the competition and not during the actual and on-going training. Mental and emotional preparations for the actual competition are equally important with that of physical training. As the head of the sports federation, Mr. Juico should have been cautious on that aspect. Sadly, his actions do not help in the athlete management and welfare.

As a head of an Olympic sport, listening, inspiring and managing World class athlete must be the ultimate mission. And that his vision is to understand and motivate these athletes, as some cases, may be tough when it comes to psychological aspect. Likewise, Mr. Obiena presented proof that he has already paid Coach Petrov a substantial part of his salary, months before the entire issue was made known to the public.

This issue should not have been brought up and highlighted to the public especially that it is a baseless conclusion that was reached without any proper investigation. In fact, the demand letter dated 15 November 2021 directing Mr. Obiena to return to the PSC and PATAFA the amount of EU85,000.00 was prematurely done as Mr. Obiena was not even given the opportunity to explain his side. Mr. Juico's continued depiction of Mr. Obiena to the public as someone who has misused government funds certainly ruined Mr. Obiena's dignity and reputation as a world-class athlete. Notably, Mr. Obiena's coach has already given a statement clearing the name of Mr. Obiena in the alleged controversy concerning



use of funds. Thus, Mr. Juico should have apologized for the mistake to boost the morale, confidence and enthusiasm of his athlete. A gesture of admitting one's mistake is the emblem of a good leader. However, instead of humbling himself, Mr. Juico went further and dwelled on the delay in payments to Mr. Petrov. However, Mr. Obiena was able to explain clearly and present a witness testifying on the reason for the delay.

With the uncontroverted narration of facts by Mr. Obiena, this Committee finds that Mr. Juico's actions constitute unethical conduct.

It is worthy to note that Mr. Juico is the President of PATAFA. As such, he should behave in the most professional manner. Being the head of the organization, his behavior should be highly professional, and he should act in a dignified manner at all times towards all athletes including any third party like that of Dr. Casuga. Unfortunately, Mr. Juico miserably failed on this aspect.

Further, Mr. Juico being a former PSC Chairman and a President of an Olympic sport for several years, the Committee expects him to uphold the basic virtues of Olympism and abide by the bylaws, rules and regulations of the POC. Mr. Juico failed to show respect towards the Committee and subdue his passion towards the directive.

Worthy of mentioning is the Committee's observation during the clarificatory hearing that Obiena has never forgotten his namesake as he continuously carries his birthright, being a Filipino. The Committee witnessed during the meeting how courteous and modest this young fellow was towards the body. He opted not to answer accusations thrown at him during the open meeting. The Committee was impressed the way he conducted himself as very professional and respectful young athlete. Although he is not a perfect athlete, yet he is surely a world class athlete, but the way he presented himself to the committee gallantly with his Filipino values is remarkable. The Committee believes that when Mr. Obiena filed his complaint, it is absent of any malice.

In sum, the actions of Mr. Juico towards a very promising world-class athlete and a prized possession in the sports of pole vaulting under his supposed care and stewardship constitute unethical conduct. Absolutely, Mr. Obiena was adversely affected as an athlete with the way he was treated by the President of PATAFA, the very person who should be protecting, nurturing and caring for him. As the leader of PATAFA, he should have invested not only on the physical growth of the athletes but also on the emotional and mental health of everyone under his care. By his acts and conducts, all the efforts of the NSA and the POC as well to develop and produce the Filipino greatest pole vault athlete will all just go to waste. The Committee likewise finds that Mr. Juico's conduct in addressing his concerns with Dr. Casuga as highly unprofessional specially the falsification of reports as unethical practice. Correspondingly, the Committee has this firm impression that Mr. Juico failed to serve his ultimate purpose and principal commitment as president of PATAFA, to support and serve the athletes.



WHEREFORE, PREMISES CONSIDERED, the Committee hereby recommends that Mr. Philip Ella Juico be declared *persona non grata* in the POC and therefore not to be recognized by the POC as President of PATAFA until a new President is duly elected for not adhering to POC's aim of uplifting the level of performance of Filipino athletes in international competitions and for committing acts not necessary for the proper accomplishment of the purposes of the POC.

Signed:


PATRICK C. GREGORIO
Chairman- Ethics Committee


GERRY ALQUIROS
Member- Ethics Committee