

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 106

CONSIDERING MR. GAUDIOSO VILLEGAS, CHIEF OF THE QUEZON CITY FIRE DEPARTMENT, AS RESIGNED FROM THE SERVICE.

This is an administrative case against Mr. Gaudioso Villegas, Chief of the Quezon City Fire Department, who is charged in a complaint filed by Mr. Day Lamaca with misconduct in office on five counts, to wit: (1) Selling and refilling fire extinguishers; (2) Using a government jeep for personal purposes; (3) Getting gasoline by siphoning it from fire tankers; (4) Taking lumber posts under the custody of the Fire Department; and (5) Electioneering.

Charge (1)

The evidence shows that sometime in 1953 respondent Villegas, accompanied by his driver, Jose Cruz, took from the La Loma cockpit, Quezon City, two fire extinguishers which were recharged in his house with chemicals known as foamite solution and were thereafter returned to the said cockpit. Respondent also bought fire extinguishers at a store along Gandara Street, Manila, delivered one to the La Loma Lumber and another to the La Loma Cabaret.

It also appears that Marcelino de Castro, owner of the nickel plating shop located at 128 Baco, La Loma, was required by the respondent to buy one extinguisher; that he bought one from the respondent for the amount of P45.00, paying the same thru the latter's chauffeur; and that his fire extinguisher was recharged twice, for which he paid P10.00 each time to the driver of a PI jeep.

There is no direct evidence that the respondent personally received monetary consideration for the refilling or recharging of the fire extinguishers. Nevertheless, the fact that said extinguishers were recharged in the premises of his residence and not in the Central Fire Station or sub-stations, in ac-

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cordance with existing regulations, leads inescapably to the conclusion that he was motivated by personal pecuniary interest.

Charge (2)

From the testimony of Jose Cruz, driver of PI Jeep 507 assigned for official use only to the Quezon City Fire Department, it appears that in 1953 the respondent used during nighttime PI Jeep 507 from his residence to the La Loma Cabaret. At past midnight, he called Cruz by phone, directing him to bring PI Jeep 507 to the police outpost where the call came from. When Cruz arrived at the police outpost, he saw the respondent with four girls who were taxi dancers. They all boarded the jeep and Cruz was instructed by the respondent to proceed to Malabon where they ate at a certain restaurant. After the repast, they returned to Quezon City and alighted at the corner of Bulusan and Tacio Streets, La Loma. Cruz returned to the fire station at about 2:20 in the morning. The incident above-described was repeated on another occasion.

The record also discloses that on two occasions upon request of the respondent, Jose Cruz conducted in PI Jeep 507 the respondent's daughter nicknamed "Ciencia" from his house in La Loma to the Uson College at España Street, Manila; that Crispin de los Santos, another driver in the Quezon City Fire Department, conducted the respondent in PI Jeep No. 507 from the latter's home to the La Loma Cabaret where he (Villegas) stayed until the closing of the saloon; and that from the cabaret de los Santos drove the respondent with three taxi dancers to Malabon to eat in a certain restaurant, then back to Quezon City.

Charge (4)

On May 30, 1953, the respondent addressed a letter to Mr. Carlos Rivera, Manager of the Filipino Lumber & Sash Factory, requesting the latter to donate to the Quezon City Fire Department six posts to be used as lamp posts in the San Jose Fire Station playground.

Mr. Rivera granted the request and on order of the respondent Crispin de los Santos and Mario Macapal, employees of the Fire Department, went to the Filipino Lumber, received the six apitong posts, loaded them on the truck of the fire department (water tank truck No. 501) and brought the same to the Central Fire Station. Upon their arrival, respondent directed them to place the posts alongside the said fire station.

After a week or two, the same posts, on instruction of the respondent, were transferred to his house at La Loma where they are at present found, allegedly for safekeeping because the lighting materials have not yet been furnished by the city. The respondent also claimed that the posts in question were given to him in his personal capacity and not in his official capacity as Chief of the Quezon City Fire Department, and to prove this claim he presented a certificate issued by the said Carlos Rivera, after this complaint had been filed with the Mayor's office, stating that the six posts were given by him to Mr. Villegas for his own use and not for the use of the Quezon City government. This certificate was given upon request of the respondent himself apparently in a belated attempt to exculpate himself from the charge.

Assuming that the contention of the respondent is true, nevertheless he committed a grave abuse of authority by utilizing the services of the employees under his immediate control and making use of the facilities of the fire department in taking the posts from the Filipino Lumber yard to the Central Fire Station and subsequently to his own house. The acceptance of said posts as a gift from Rivera was also improper on his part as they would not have been donated to him if he were not a high officer of Quezon City.

In either case he is guilty.

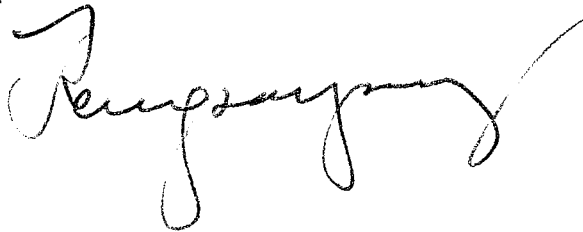
With respect to Charges Nos. 3 and 5 (siphoning gasoline from the tankers and for electioneering), I find no evidence to sustain the same. These charges are, therefore, dismissed for lack of merit.

Under ordinary circumstances, the charges of which respondent has been found guilty merit his dismissal from the service. His service record however shows that

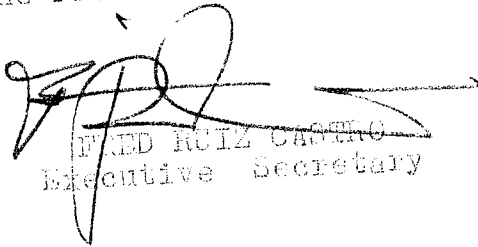
he has been in the government service since May, 1917. Save for a period of two years, or from April 21, 1920, when he resigned, to April 11, 1922, when he was reinstated, his service has been continuous. According to his own declaration, he is now sixty (60) years of age. Because of his advanced age and length of service in the government, I am constrained to temper justice with mercy.

Wherefore, Mr. Gaudioso Villegas is hereby considered resigned as Chief of the Fire Department, Quezon City, without prejudice to receiving whatever rights and benefits he may have earned under existing laws.

Done in the City of Manila, this 5th day of March, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:



RAMON M. MAGSAYSAY  
Executive Secretary