

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 118

EXONERATING HONORABLE GEDEON G. QUIJANO, PROVINCIAL  
GOVERNOR OF MISAMIS OCCIDENTAL.

This is an administrative case against Honorable Gedeon G. Quijano, Provincial Governor of Misamis Occidental, who is charged in a complaint filed by Atty. Casiano U. Laput and others, dated January 21, 1954, with "misconduct in office" on eight counts, to wit: (1) toleration of gambling; (2) technical malversation as defined by Article 220 of the Revised Penal Code; (3) malversation of public property; (4) illegal disbursement of governor's discretionary fund; (5) terrorism; (6) nepotism; (7) abuse of authority; and (8) utilizing the services of provincial prisoners.

Counts 1 and 3 are hereby dismissed, the first due to the inability of Capt. Villafuerte of the Philippine Army, lone prosecution witness, to attend the hearing and testify, and the second, on account of the failure of the complainants to submit evidence after they were allowed many days of grace to do so.

Under the second count, the respondent is accused of having technically malversed 30 pieces of galvanized iron roofing for having ordered the use thereof in the repair of the Bato Elementary School Building, municipality of Plaridel, instead of that of the Lo-oc Elementary School Building, for which they were at first intended, allegedly in violation of Article 220 of the Revised Penal Code which prohibits the application of any public fund or property to any public use other than that for which each fund or property was appropriated. It appearing that although said galvanized iron sheets were purchased out of the sum of ₱2,000.00 appropriated by Republic Act No. 670 "for the purchase of building materials for the schools of the municipality of Plaridel", the law does not specify any particular school or schools therein for which said materials shall be used.

As regards the fourth count, the respondent is alleged to have illegally disbursed his discretionary

fund by using it in paying the salaries of additional special agents and informers whom he employed during the period "from August, 1953 to and including November 10, 1953" especially "to bolster up" the election of the candidates of the Liberal Party. I find this charge groundless, the evidence sufficiently proving that although the respondent actually increased the number of his special agents and informers during the same period he did so, not for electioneering activities, but for the purpose of strengthening the maintenance of peace and order in the province because there were news of Huk infiltration in Northern Mindanao. Furthermore, the payment of the salaries of the additional special agents and informers was duly passed in audit.

In connection with the fifth count, complainants claim that the respondent committed an act of terrorism for having issued a pre-election order, dated November 3, 1953, requiring the temporary surrender of all privately-owned firearms by "nacionalista partisans only". I likewise find this imputation entirely without merit, it being disclosed by the evidence that said order was decreed by the respondent solely "to insure clean and peaceful election and that it was not only for the nacionalistas but for all firearm holders, regardless of political party affiliations.

The sixth count is entirely unfounded. The cause of the complaint was the appointment of a sister of the respondent as pharmacist in the Provincial Hospital. She was appointed as such by the Director of Public Hospitals and there is no showing whatsoever that the respondent has had any intervention in or in anyway used his influence to secure the appointment of his sister. Furthermore, the respondent exercises no control or supervision over the Provincial Hospital.

With respect to the seventh count, the complainants contend that the respondent committed "abuse of authority" in that after receiving, free of charge, a narra tree from one Fortunato Pabate of barrio Tipalac, Oroquieta, on the strength of his promise to procure employment for a son and a daughter of the former, he failed to fulfill said promise. This contention is not sustained by the evidence. It is true that the respondent took one of Pabate's narra trees which the latter at first voluntarily wanted to give him as a gift but which he insisted to pay for by inserting the amount of ₱20.00

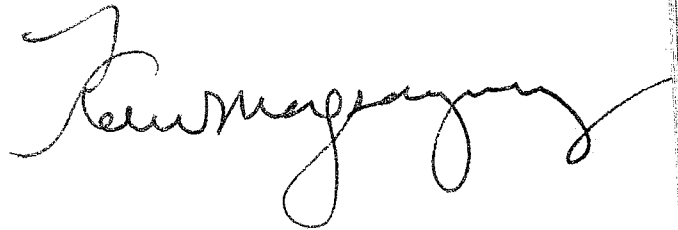
into Pabate's shirt pocket. It is likewise true that after Pabate agreed to give the narra tree, Pabate requested the respondent and the latter agreed to procure employment for Pabate's son Gualberto and his daughter Miss Pabate who, as a graduate of the elementary teaching course, was seeking employment as public school teacher. Thereafter, through the help of the respondent, Gualberto Pabate was able to get a job for almost three months as gatekeeper at the Tipolo Toll Bridge which, incidentally, was the same job that he had previously held for five months, also through the recommendation of the respondent. As regards Miss Pabate, despite the fact that the respondent personally recommended her to the Division Superintendent of Schools, she could not be employed as a teacher because she did not even pass the "qualifying teacher's test". Thus, even though the respondent's promise to help the Pabate children to get employment was not made as a condition precedent for the sale to him of the narra tree, he substantially fulfilled the same.

Count eight cites four imputations against the respondent, namely (a) requiring six provincial prisoners sometime in August, 1953 to fetch and kill a cow, fetch water and cook foods in the house of his father on the occasion of the death of the latter; (b) requiring some prisoners (names and number not stated) to work on his fishpond located in the town of Baliangao; (c) requiring three prisoners, one of whom was Samuel Floren, to do painting work on show cases at his store; and (d) requiring prisoner Samuel Floren to go to the municipality of Baliangao to assist Mayor Agapito Yap to campaign in the barrios for the Liberal Party candidates. Imputations (a) and (b) have not been substantiated. The preponderance of the evidence justifies the finding that sometime during the month of July, 1953 (date not stated) the three prisoners mentioned in imputation (c), upon order of the Assistant Provincial Warden, did painting work on the show cases in the store of the respondent for three successive days. To support this charge is the testimony of prisoner Samuel Floren to the effect that the assistant provincial warden told him that it was by order of the respondent. This is hearsay evidence and not having been corroborated by the assistant provincial warden, cannot be given credence. Concerning imputation (d), the real fact as disclosed by the evidence of record is that sometime in the month of September, 1953, upon request of Mayor Agapito Yap

of Baliangao, prisoner Samuel Floren was transferred temporarily from the provincial jail to the municipal jail of that municipality, not for the purpose of helping Mayor Yap to campaign for the Liberal Party but to assist in the cleaning of the municipal market and streets.

In view of the foregoing considerations, and as recommended by the special investigator, the respondent is hereby exonerated from the aforementioned charges against him.

Done in the City of Manila, this 17<sup>th</sup> day of May, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:

  
MARIANO YENKE, JR.  
Assistant Executive Secretary