

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 119

EXONERATING HONORABLE SERAPIO J. DATOC, PROVINCIAL GOVERNOR OF
ZAMBOANGA DEL SUR.

This is an administrative case against Honorable Serapio J. Datoc, Provincial Governor of Zamboanga del Sur, who is charged with oppression, misconduct in office, dishonesty and abuse of authority.

On the charge of oppression, the complainants, Luis Bantas, Dioscoro Alagenic, Gregorio Apug and Domingo Villanueva, individually alleged that they were driven from their land-holdings by the respondent with the use of threats, force and intimidation. From the evidence of record, it appears that the land in question which is located in sitio Komatang, Balongating, municipality of Pagadian, Zamboanga del Sur, having an area of about sixty (60) hectares, is the property of the respondent declared in his name under Tax Declaration Nos. 12675 and 1948, and that he has been paying the land taxes thereon since 1945.

The complainants were squatters in the premises. Gregorio Apug, one of the complainants, retracted his previous complaint declaring that the respondent never forced or intimidated him into leaving the land in question; that he and the other complainants, Bantas and Villanueva conspired to execute affidavits against the respondent to the effect that the latter, by force and intimidation, had driven them out of their lands with the sole purpose of dividing among themselves the sixty (60) hectares of land belonging to the respondent.

As regards the charge of misconduct in office for having caused certain detention prisoners confined in the provincial jail to register and vote during the national elections in 1953, the evidence of record discloses that during the last registration day and election day, several detention prisoners registered and voted in precinct No. 4 in the poblacion of Pagadian. No evidence was presented to prove that the prisoners registered and voted on instructions of the respondent. On the contrary, provincial warden Geronimo Irong assumed responsibility for permitting the prisoners, upon previous consultation with the provincial fiscal, to leave the provincial jail under proper escort, for the purpose of registering and voting. Furthermore, detention prisoners are not included among the persons disqualified to vote if otherwise eligible.

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With respect to the charge of dishonesty filed by Mr. Alfonso Donaire against the respondent for having allegedly collected sums of money from several residents of barrio Liargao, in consideration of the promise of the respondent to work for the conversion of Liargao into a municipality and the appointments of the contributors to choice positions in the prospective municipality, it appears from the record that there was a movement initiated by several civic-spirited residents of Liargao, prominent among whom were Messrs. Sumicad, Quimbo, Lubguban and Donaire, for the conversion of their barrio into a municipality.

Mr. Santiago Sumicad who was proposed as the town mayor upon the creation of the new municipality, testified that he was the one who solicited and received sums of money from the complainant and other persons amounting to about ₱400.00, and that this amount was spent exclusively by himself in going to Manila for transportation and other expenses while following up the papers and making representations for the conversion of Liargao into a new municipality, as requested by the people of Liargao.

There is no convincing evidence that the respondent asked for and received sums of money as charged.

The respondent is also charged with acts of terrorism in abuse of his power and authority for having unduly employed members of the Philippine Constabulary in effecting the suspension of Mayor Javier Ariosa of Molave, Zamboanga del Sur; in the installation of Atty. Zosima C. Ledesma, his appointee, as Acting Mayor of Molave; and in cowing down the opposition of the local Nacionalistas to the said appointment of Atty. Ledesma.

It appears of record that on June 22, 1953, the respondent filed with the provincial board of Zamboanga del Sur four (4) separate administrative cases against Mayor Javier Ariosa of Molave, for abuse of authority, oppression and neglect of duty. On the same day, he ordered the suspension of Mayor Ariosa and designated Atty. Zosima C. Ledesma as Acting Mayor. Copy of the suspension order was served on Mayor Ariosa by Capt. Viajar of the local constabulary, but Mayor Ariosa refused to vacate the office on the ground that he was not furnished with copy of the charges against him. Sensing the growing tension and fearful of the imminent disruption of the peace and order situation in Molave, the respondent requested the President through the Provincial Commander of the province, to place Molave under constabulary control.

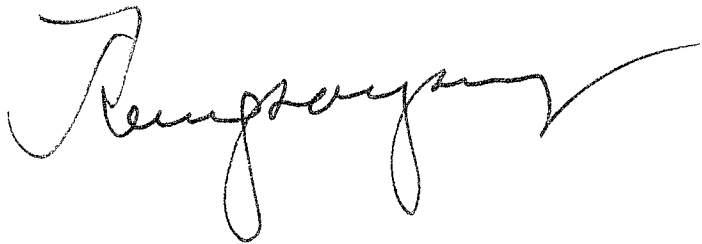
Capt. Viajar of the local constabulary, believing that the existing condition warranted placing the police force of Molave under constabulary control, acted accordingly without waiting for authority from the Office of the President. Subsequently, or on

July 25, 1955, this Office authorized placing the police force of Molave under Constabulary control.

There is no evidence of acts of terrorism committed by members of the Constabulary during the time that Molave was under constabulary control. On the contrary, it has been established that when Councilor Lobetaña of Molave questioned the legality of the designation of Atty. Ledesma as Acting Mayor during the joint session of the provincial board and the municipal council of Molave, nobody threatened or cowed him into silence, and the respondent, after hearing his views, did not insist in having his appointee, Atty. Ledesma, assume the office of mayor but allowed the vice-mayor, Mr. Manlegro, to discharge the duties of mayor.

In view of the foregoing, the respondent, Honorable Serapio J. Datoc, is hereby exonerated from all the charges against him. It appearing that he is under preventive suspension, his immediate reinstatement as provincial governor of Zamboanga del Sur is hereby ordered.

Done at the City of Manila, this 16th day of June, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:


MARIANO TENKO, JR.
Assistant Executive Secretary