

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 157

SUSPENDING MR. FELIX P. AMANTE FROM OFFICE AS MAYOR OF
BACOLOD CITY.

This is an administrative case against Mayor Felix P. Amante of Bacolod City, who is charged in a complaint filed by Juan P. Barleta with (1) graft and corruption in office for having constructed a garage at his residence with government funds, materials and labor; (2) unlawful use and malversation of public funds and property for using the facilities of the Fire Department in supplying his home, garden and farm with water; (3) summarily dismissing certain members of the city police force and other city employees in violation of civil service law and regulations; (4) knowingly abetting his special agent Mrs. Henriqueta Opao Lanario in falsifying her daily time record; (5) using a government jeep for electioneering purposes; (6) utilizing the services of the finger-print experts of the Bacolod City Police Department to examine, for his personal benefit, the ballots involved in the protest against his election as city mayor; (7) terrorism, accomplished thru the use of his special agents, policemen and provincial guards, "gangsters" and hoodlums; and (8) conduct unbecoming a public official.

Charge No. 1 and the specification of Charge No. 3 regarding the alleged arbitrary dismissals of Antonio Arceo and Hibernon Baltazar of the office of the District Engineer, are not considered herein, the same having been disposed of under Administrative Order No. 251, dated December 23, 1953.

With respect to Charge No. 2, the evidence shows that in availing himself of free water service during the dry season of 1954, the respondent only followed the practice of his predecessors in office who had caused city water to be supplied during each dry season and without cost, not only to their own households but to other city residents in need of the same commodity. The evidence discloses that his house has two big water tanks which have to be refilled at regular intervals, and that during the dry season of last year, this free water

bo. Amante, Felix P.

service was rendered by the city Fire Department to the respondent's residence from February 13 to May 17, 1954. There is however no evidence showing that the respondent used the facilities of the Fire Department in watering his garden and farm.

There is no showing that prior to February 19, 1951, this free water service had been expressly authorized or disauthorized by the City Council. On that date however, the Council passed Ordinance No. 68, requiring the residents of Sumag and Mansilingan districts to pay, beginning March 1, 1951, two and one-half centavos for every kerosene can of water delivered to them by the city Fire Department. However, the respondent made no effort to enforce the ordinance. On the contrary, he not only allowed the continuance of the free water service for the residents of Sumilang and Mansilingan but approved in April, 1954, the granting of free water service to the residents of Lupit District and High School Subdivision although they offered to pay under the said ordinance.

The respondent is therefore guilty of unlawfully using the facilities of the Fire Department in supplying his residence with water from the city reservoir, and of dereliction of duty in not enforcing Ordinance No. 68 of the city aforementioned.

Referring to Charge No. 3, it appears that after assuming office as city mayor on August 11, 1951, the respondent arbitrarily dismissed several temporary members of the police force and a temporary market superintendent, replacing them with his own appointees. He also suspended 10 permanent policemen, created a committee to investigate the charges against them, and upon its recommendation, dismissed the said 10 permanent policemen.

The record shows that the removal of the temporary policemen and employees aforementioned was sanctioned by both the Commissioner of Civil Service and the Executive Secretary. Although the removal of the 10 permanent city policemen was similarly sanctioned, it appears, however, that the approval of the Commissioner of Civil Service and the Executive Secretary was obtained under a misrepresentation of facts submitted by the respondent. Moreover, these 10 permanent policemen may only be investigated and removed by the City Council as a body (Sec. 1, Republic Act No. 557; *Pestejo v. Municipal Mayor and Municipal Treasurer of Nabua, Camarines Sur*, G. R. No. L-4983, promulgated on December 22, 1954); and that, therefore, the said removal, based as it was on the findings of an illegal committee,

had no force and effect.

The respondent is therefore guilty of violation of law and grave abuse of power in dismissing the said 10 permanent policemen.

Regarding Charge No. 4, it was proven that Mrs. Enriqueta Opao Lanario, a regular special agent in the office of the respondent, had been tampering with her daily time record during the period from June, 1953 to March, 1954, inclusive, by entering thereon full-time service to the city government when she had been actually working as a full-time teacher in the Negros Institute of Technology during the same period of time. The evidence, however, shows that the respondent neither connived with nor in any manner abetted her in falsifying her time record. The respondent is exonerated of this charge.

Concerning Charge No. 5, the "Jeep P.I. - 504" therein mentioned is operated under the supervision and control of the secretary of the Mayor who at the time herein referred to was Dominador Ballesteros. The evidence shows that the jeep was used by the leaders of the Liberal Party in the barrio of Granada for about a month before the 1953 election, and that during this period of time, driver Lucrecio Memoria, although he was not actually driving the jeep, religiously continued to report for duty and to file with the office of the city auditor the usual "transportation order and record of travel", making it appear that Dominador Ballesteros had been using the jeep all that time. During the same period, driver Memoria requisitioned and obtained by order of Ballesteros, 600 liters of gasoline for the use of the jeep - 400 liters when the jeep was in the barrio of Granada and 200 liters while it was being repaired. There is no sufficient showing that the respondent had knowledge of nor had anything to do with the lending of the jeep to the Liberal Party leaders in the barrio of Granada. As to the requisitions for the gasoline, he explained - and his explanation has not been refuted - that he signed and approved the same "as a matter of course". However, his failure to exercise due diligence in preventing or stopping the unlawful use to which the city jeep had thus been subjected was a clear case of neglect of duty on his part.

With respect to Charge No. 6, the evidence discloses that the respondent verbally ordered the city chief of police to detail a number of policemen in the office of the Clerk of the Court of First Instance to watch the opening of the ballot boxes and the revision of the ballots

during the hearing of the protest against his election as city mayor. Two of those detailed, Lt. Jose Fuentes and Patrolman Mariano Machan, were finger-print experts of the City Police Department. Although these finger-print experts served in that assignment until the termination of the trial of the election protest covering approximately two years, they continued to draw their corresponding salaries as members of the City Police Department. The respondent avers that although it is true that he ordered the detail of policemen to watch the revision of the ballots, he had no knowledge of the assignment of Lt. Fuentes and Patrolman Machan as assistant finger-print experts for his case, and that said assignment must have been made under the sole initiative and responsibility of his lawyer, who did not consult him at all. Considering his vital interest in the case and the fact that it took the court two years to finish it, it is unbelievable that he did not know of the employment of the two police finger-print experts in his favor. In thus availing himself of the services of members of the city police force to promote his personal interest, the respondent is guilty of serious abuse of authority.

Regarding Charge No. 7, it has been proved that numerous acts of electoral terrorism were perpetrated during the pre-election days of 1953 by men under the official and personal control of the respondent who was then Acting Governor of Negros Occidental and Mayor of Bacolod City, to wit: his special agents headed by one Manuel Bibauco; the provincial guards; the Bacolod City police force; and the so-called "blue jackets", a group of Liberal Party affiliates headed by then Justice of the Peace Jesus Torrecarrion of Murcia, and a relative by affinity of the respondent. The activities of these men consisted of inflicting physical violence on and otherwise molesting and intimidating candidates, leaders and voters of the Nacionalista and Democratic Parties; disturbing or breaking their public rallies or meetings, and puncturing the tires of their motor vehicles. The puncturing of tires was done mostly in the police check points within the city of Bacolod through which most of the motor vehicles pass in going to the different parts of the province. The idea of establishing these police check points was conceived by the respondent for the laudable purpose of "checking on the illegal traffic of firearms reported to him"; but later on, they "degenerated into an instrument of abuse". The vehicles were stopped at the check points for the checking of the firearms, and when the passengers were known or suspected to be affiliates of the opposing political parties, the tires of their

vehicles were perforated with a sharp-pointed tool with a wooden handle and locally known as "ice pick". As intended this perforation performance resulted in "flat tires".

While there is no direct proof that the respondent had expressly ordered the perpetration of these politically inspired acts of terrorism, nevertheless, there can be no other conclusion, after all the attendant circumstances are carefully evaluated, than that the said acts were executed as the modus operandi to implement a pre-conceived scheme which, if not deliberately planned by the respondent himself, was at least abetted and tolerated by him, to sabotage the cause of the opposition candidates in the election of 1953. I am therefore constrained to find the respondent guilty of oppression characterized by extreme severity and abuse of authority.

Charge No. 8 is dismissed for lack of evidence.

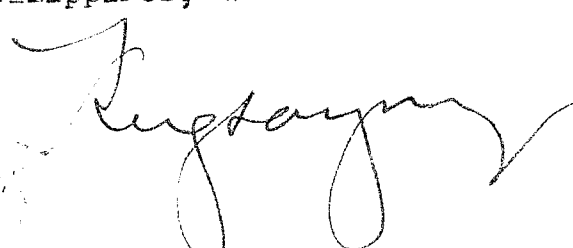
The above facts show that the respondent is guilty of unlawful use of the facilities of the Fire Department of Bacolod City to supply his residence with water and of dereliction of duty under Charge No. 2; violation of law and abuse of power and authority under Charges Nos. 3 and 6; neglect of duty under Charge No. 5 and grave oppression under Charge No. 7.

As the respondent has been under preventive suspension since May, 1954, the suspension already undergone by him is hereby imposed as sufficient penalty for the offenses aforementioned. His reinstatement in office is hereby ordered, effective upon notice hereof.

The City Attorney of Bacolod City is hereby directed to investigate city employees Mrs. Enriqueta Opao Lanario and Mr. Dominador P. Ballesteros, for possible falsification of public documents in connection with Charges Nos. 4 and 5 respectively.

Done in the City of Manila, this 14th day of December, in the year of Our Lord, nineteen hundred and fifty-five and of the Independence of the Philippines, the tenth.

By the President:


MARIANO YENKE, JR.
Assistant Executive Secretary