

*Malacañang*  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 49

REMOVING MR. MANUEL VALLEY AS CHIEF OF POLICE OF CALBAYOG CITY.

This is an administrative case filed by Atty. Antonio R. Enriquez against Mr. Manuel Valley, chief of police of Calbayog City, for (1) electioneering and terrorism, (2) grave abuse of authority and usurpation of official functions and (3) conduct unbecoming a public official.

The charges were investigated by Major Francisco Omaña, staff judge advocate of the III PC Zone, who was designated special investigator by this Office.

In support of the charge of electioneering and terrorism, complainant's witnesses testified that respondent wrote on a propaganda leaflet of congressional candidate Luto the following: "Garcia Pres. Puyat Vice Rosales Senator Luto Represen" (Exhs. A-1, A-2); that he held a public meeting in Barrio Osmeña, Calbayog City, attended by about 200 persons, and strongly endorsed the candidacy of said candidates; and that on November 14, 1961 (election day), respondent, with members of his police force who were fully armed, a PC soldier and a certain Attorney Casurao, arrived at Barrio Costa Rica, Almagro, a municipality outside the jurisdiction of Calbayog City, and threatened to kill the wife of Pedro Jao, a leader of congressional candidate Yancho, and that he also held a public meeting espousing the candidacies of Garcia, Puyat, Rosales and Luto.

As to the charge of grave abuse of authority, Tarciano Asis alleged that he was maltreated and mauled by respondent outside the public market of Calbayog City and by certain policemen on respondent's orders.

No specific evidence appears to have been introduced to substantiate the charge of usurpation of official functions in that respondent arrogated unto himself and discharged the functions of the police in Almagro or of the Philippine Constabulary stationed therein, and of conduct unbecoming a public official in that he made public speeches as if he were a candidate and boasted about the venalities he committed in the previous election. However, Corporal Jumangit of the Philippine Constabulary, detailed to the municipality

*Manuel Valley*

of Almagro to preserve peace and order during election day, testified that respondent gave him advice on certain voting procedures to avoid confusion which he followed for being sound. Evidence was also introduced that respondent ordered the impounding of a jeepney driven by a certain Pablo Dequiatan on election day.

Denying the imputations against him of complainant's witnesses, respondent declared that his presence in Almagro was in obedience to a telegram he had received that armed goons of congressional candidate Yancha were set to terrorize voters in the island municipalities of Sto. Niño and Almagro, and that rough seas drove them there. He claimed that Asis, whom he allegedly mauled, was a habitual criminal offender and that on the day of the alleged mauling, he merely helped disarm him of a slingshot and arrow and a butcher knife, because Asis was resisting arrest on a warrant for frustrated murder.

The issues are factual; that is, whether respondent as chief of police of Calbayog City committed the offenses charged.

As regards electioneering, the investigator found that there were striking similarities between the letter strokes written on the propaganda leaflet of Luto allegedly made by respondent (Exh. A-2) and those in the specimen respondent was made to write during the investigation (Exh. M-2) but that the evidence in this regard was insufficient to support the charge that the disputed writing on the propaganda leaflet was made by respondent. He therefore recommends submission of the matter to a handwriting expert to ascertain whether the respondent really wrote the questioned writing.

The allegation that respondent held a public meeting at Barrio Osmeña, Calbayog City, wherein he endorsed the candidacies of Garcia, Puvat, Rosales and Luto was found by the investigator as not deserving of "any consideration, for it was highly improbable for the respondent Chief of Police to have allegedly called the said public meeting by himself and spoke alone in that meeting before about 200 persons, taking into consideration the maturity and experience of the respondent as a public officer; and that the evidence was based on the testimonies of Jacinto Dealagdon and Eugenio Degenio, all residents of Bo. La Paz, Calbayog City and LP followers ....."

Respondent was absolved by the investigator from "any act bordering on abuse of authority" under the charge that he ordered the impounding of a jeepney during election day, because the evidence shows that it was Lieutenant Punay, the traffic officer, who had ordered the apprehension of the vehicle for traffic violations and that the officer responsible for the release of the jeep was Captain Dagomon, the assistant chief of police.

In connection with the trip of Pvt. Malindog of the Philippine Constabulary together with the group of respondent to Barrio Costa Rica, Almagro, on election day, the investigator found that the PC soldier went on his own volition in defiance of the orders of his superiors.

However, the investigator found the evidence sufficient to establish the fact that respondent in the company of Attorney Diosdado Casurao, a private secretary to Ex-Senator Rosales, Pvt. Malindog of the Philippine Constabulary and four members of the police force of Calbayog City all in fatigue uniform and with firearms, including a submachine gun, were in the barrios of Costa Rica, Quinanasan and Kirikiti and the poblacion of Almagro, outside the jurisdiction of Calbayog City, on election day of November 14, 1961, wherein their mere presence caused consternation and fear among the voters "although the voting was continued, peaceful and orderly."

Respondent's defense that his group's presence there was caused by rough seas which carried them to the island municipality of Almagro was not given credence, as the evidence shows that respondent deliberately planned the trip. His claim that he was there on orders of Mayor Roño was found unsubstantiated by evidence because the basis thereof, which was the telegram stating "advice senator guns loaded on motor bancas bearing Yancha streamers terrorize Sto. Niño Almagro confirmed by eyewitnesses," was dated November 10, or four days before election day, and that the municipalities mentioned therein were outside his jurisdiction as chief of police of Calbayog City, in view of which the Philippine Constabulary could have been sufficiently forewarned without respondent's having to go there.

A note allegedly authorizing respondent to go to Calbayog City and requesting the governor to ask the PC Provincial Commander to send patrols to the north to verify possible tampering of returns was not given credence by the investigator because it "must have been sent after the elections for the same refers to the tampering of votes." However, the investigator found that respondent, while in the island municipality, did not electioneer or commit an abuse of authority or that he "attempted to exercise any police function thereat."

The investigator did not believe the allegation that respondent maltreated Tarciano Asis because of the fact that the latter was a habitual criminal offender and that at the time of the alleged mauling Asis was resisting arrest for frustrated murder under a warrant issued by the municipal court of Calbayog City. The investigator concluded

that the bruises on Asis' body must have been caused by the arresting officers when he resisted arrest.

On the basis of his findings, the investigator recommends that disciplinary action be taken against the respondent for his unauthorized presence with armed men in the barrios of Costa Rica, Guinansan and Kirikite and the poblacion of Almagro during the November 14, 1961, election and that if evidence warrants, proper criminal action be filed in court.

After a review of the records, I deem it unnecessary to have the handwriting specimens submitted to an expert. Even if it be true that respondent wrote the names of Garcia for President, Puyat for Vice-President, Rosales for Senator and Luto for Representative on a propaganda leaflet of the latter, the same would not be sufficient to convict him for electioneering, as the law does not prohibit a civil service officer or employee from mentioning the names of the candidates that he favors (Sec. 29, Rep. Act No. 2260). In the absence of evidence that respondent actively campaigned for certain candidates, he must be acquitted of the charge.

However, it is an undeniable fact that respondent, with six other fully armed companions, was present in certain barrios of Almagro during election day. What remains to be determined is his responsibility in this show of force. The investigator held that respondent and his group did not commit any act of electioneering, terrorism, abuse of authority or usurpation, as he merely told the gathering at Barrio Costa Rica that his group was there to meet the armed goons of congressional candidate Yancha, although its presence there was without authority, caused consternation and fear among the voters and might have affected the voting trend.

Contrary to the investigator's conclusion, I believe that the respondent is guilty of terrorism under the attendant circumstances, it being admitted that his group's armed presence, which was unauthorized, caused such fear and apprehension among the voters as to have affected the trend of the voting and the free and untrammelled exercise of their right of suffrage. I am foursquare against coercion or terrorism under any guise or form, direct or indirect, in the conduct of elections, the free ballot being the foundation of a true democracy and the effective medium of the citizen in the administration of governmental affairs. Respondent's liability is aggravated by the fact that he is a police officer, being no less than the chief of police, and as such was supposed to be the guardian of peace and order and not its irritant. That should never be countenanced but dealt with firmly. I am therefore

- 5 -

constrained to take drastic action against him.

Wherefore, Mr. Manuel Valley is hereby removed from office as chief of police of Calbayog City.

Done in the City of Manila, this 14th day of February ,  
in the year of Our Lord, nineteen hundred and sixty-three.



By the President:



SALVADOR L. MARINO  
Executive Secretary