

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 53

EXONERATING CHIEF OF POLICE CECILIO LEDESMA OF BASILAN CITY.


This is an administrative case instituted by Mr. Amalio Rondael against Chief of Police Cecilio Ledesma of Basilan City for grave misconduct and violation of law based on the information (Criminal Case No. 1329) filed with the Court of First Instance of Basilan City for qualified theft, wherein it was alleged that on or about January 8, 1963, respondent and Detectives Ramon Mufial and Domingo Fernando of the Basilan Police Department appropriated for their personal benefit the 194 cases of smuggled cigarettes amounting to ₱66,000 confiscated in a raid headed by respondent on Pilas Island, Isabela, Basilan City.

After submittal by respondent of his explanation to the administrative charges filed against him by Amalio Rondael and pending determination thereof, the then President on August 28, 1964, ordered his preventive suspension and simultaneously designated complainant Rondael as acting chief of police of Basilan City.

In its decision dated September 12, 1964, the Court of First Instance of Basilan City found respondent alone guilty as charged and sentenced him to imprisonment of from 10 years and 1 day to 17 years, 4 months and 1 day, and to indemnify the Republic of the Philippines in the sum of ₱66,000. Thereafter respondent appealed to the Court of Appeals.

During the pendency of respondent's appeal, the special investigator conducted the hearing of the administrative case on February 16, 1965, wherein he proposed to the respective counsel for complainant and respondent that the testimonial and documentary evidence presented in the criminal case be deemed reproduced and adopted in the administrative case. Respondent's counsel did not agree to the proposal, but manifested that he would interpose no objection if the evidence of the prosecution in the criminal case would be so utilized in the administrative case. Hence, the same was offered as evidence and admitted by the investigator.

When the investigator called for the evidence of respondent, the latter's counsel moved for the postponement of the hearing on

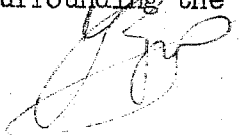


the ground that Ledesma was not present, which request was denied. However, the investigator gave respondent from February 16 to March 15, 1965, to present his evidence at the office of the Solicitor General in Manila. On February 25, 1965, respondent requested that the hearing of the administrative case be held in Isabela, Basilan City, as he was sick and had no money to defray the expenses in going to and from Manila, to afford him and his counsel full opportunity to confront and cross-examine the witnesses against him. Said request was likewise denied.

On the basis of the evidence submitted during the investigation, the investigator adopted the findings of the Court of First Instance of Basilan City in Criminal Case No. 1329 against respondent as follows: (a) that respondent sold 22 cases of Union cigarettes to Hadji Mohammad at Balukbaluk Island because "Hadji Mohammad himself testified that he bought 22 cases of Union blue-seal cigarettes from Ledesma wherein respondent/ at Balukbaluk Island," which "testimony was corroborated by two other witnesses, Aling Asmalludin and Jainuddin Susulan;" (b) that "there is no dispute that Ledesma ordered Lungi to get the kumpit from Isabela and loaded it with 200 (175) cases of cigarettes" that later disappeared; (c) that he failed to see to it that the 200 (175) cases were entered in the Daily Event Book of the Basilan City Police Department in the same way that he had entered the 33 cases of Union cigarettes; and (d) that the loss of the 200 (175) cases of cigarettes should have been investigated by respondent, considering that his subordinates handled the loading of the same. Accordingly, the investigator in his report dated May 4, 1965, found respondent guilty of the charges and recommended that he be separated from the service, effective as of the date of his preventive suspension on August 28, 1964.

Subsequently, the Court of Appeals reversed the judgment of the trial court and acquitted respondent of the charge (C.A. -G.R. No. 05288-CR, prom. Dec. 19, 1966). In acquitting respondent, the Court found no evidence whatsoever to implicate him in the commission of the alleged crime and that persons (positively identified by the Court) other than respondent were guilty thereof, which led it to state in no uncertain terms that "this is another instance where the prosecution failed in its mission to secure conviction of the real ladrones. The prosecution prosecuted the wrong man. It must have been the way around" (emphasis added).

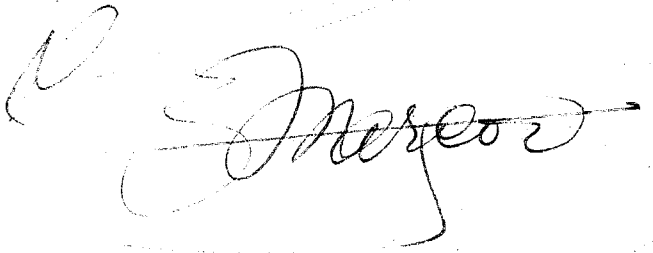
With the above categorical pronouncement on respondent's innocence, the evidence in the administrative proceedings based on the same facts must necessarily fall for total want of basis to support the same. A perusal of the records indeed fails to show that respondent had anything to do with the commission of the crime. On the contrary, indubitable facts and circumstances surrounding the



filing of the administrative and criminal charges against respondent, his preventive suspension from office and the subsequent appointment of complainant in his stead as acting chief of police of Basilan City pending resolution thereof tend to support the appellate court's apparent misgivings on the intrinsic merits of the criminal prosecution when it observed: "Much could be said about the telegrams received by Assistant City Attorney Emilio C. Andrion which apparently prompted him to file the instant information. We would refrain, however, from articulating further on these communications. There is more eloquence in silence."

In view of the foregoing, Mr. Cecilio Ledesma, Chief of Police of Basilan City, is hereby exonerated from the administrative charges against him. His preventive suspension is hereby lifted and he shall be reinstated forthwith, with right to receive salary corresponding to the period of his preventive suspension.

Done in the City of Manila, this 16th day of May
in the year of Our Lord, nineteen hundred and sixty-seven.



By the President:



RAFAEL M. SALAS
Executive Secretary