

[ADMINISTRATIVE ORDER NO. 53, May 16, 1967]

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 Muñal and Domingo Fernando of the Basilan Police Department appropriated for their personal benefit the 194 eases of smuggled cigarettes amounting to P66,000 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 P66,000. 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.