

**[ADMINISTRATIVE ORDER NO. 202, June 04,
1956]**

**REMOVING MR. EXEQUIEL TRINIDAD AS CHIEF OF THE FIRE
DEPARTMENT OF CABANATUAN CITY.**

This is an administrative case against Mr. Exequiel Trinidad, chief of the Fire Department of Cabanatuan City, who is charged with partisan political activity. The case was investigated by the Acting Provincial Fiscal of Nueva Ecija, who found the respondent guilty of the charge.

It appears that on the evening of October 17, 1953, a political meeting was held in Cabanatuan City by the Liberal Party in a place known as the Glorieta Ventanilla. The principal speakers were senatorial candidates Jacinto Borja and Jose Figueras. Some local leaders also delivered speeches during the meeting. Respondent, who was then already occupying his present position as chief of the fire department of said city, acted as toastmaster and introduced the speakers. In the course of his introductory remarks he exhorted the electors not to vote for the Nacionalista candidates. These facts were testified to by Gaudencio Cudia and Gregorio Kanleon, both residents of Cabanatuan City.

The respondent denied the imputation, but admitted that he was present during the meeting as a spectator but claimed that he did not speak against any candidate. The respondent's witnesses affirmed that respondent did not deliver any speech during the meeting in question.

As between the affirmative testimony of the witnesses against the respondent and the negative testimony of the respondent and his witnesses, the former should be accorded greater weight. I find no reason for doubting the testimony of witnesses Cudia and Kanleon who positively declared having heard the respondent deliver a partisan speech on the occasion referred to. It has not been shown that they were biased or had any motive to testify falsely against him. I therefore find the respondent guilty of engaging directly in partisan political activity, which is forbidden by the Constitution and existing laws and regulations (Article XII, section 2, Const.; section 687, Rev. Adm. Code; and Civil Service Rule XIII) and punishable with removal or dismissal from the service.

There is no merit in respondent's claim that he is not covered by the ban against electioneering inasmuch as he belongs to the unclassified service, and under the election code, which is a later enactment than section 687 of the Revised Administrative Code, only those in the classified service are embraced in the prohibition. The election code covers violations for purposes of criminal prosecution and the punishment of the offender, whereas this is an administrative proceeding, the purpose of which is to protect the public service and not to punish the offender, and is governed by the provisions of the Administrative Code and the Civil Service Rule above cited, which are still in force, unaffected by the enactment of the election code which is intended for an entirely different purpose.