

[ADMINISTRATIVE ORDER NO. 117, May 17, 1955]

SUSPENDING FROM OFFICE HONORABLE PACIENCIO G. YSALINA, PROVINCIAL GOVERNOR OF MISAMIS ORIENTAL.

This is an administrative case against Honorable Paciencia G. Ysalina, Provincial Governor of Misamis Oriental, who is charged with the following:

- (1) Appointing two persons as councilors of Tagoloan, Misamis Oriental, in violation of law;
- (2) Construction of the "Ysalina Highway" leading to respondent's private land;
- (3) Recommending the creation of the new municipalities of Villanueva and Libertad and inducting the newly appointed officers of the said municipalities notwithstanding a contrary order from the Executive Secretary;
- (4) Gross dereliction of duty for failure to investigate as directed by the Executive Office, the summary dismissal of members of the police force of Balingasag, Misamis Oriental, by the Municipal Mayor thereof;
- (5) Causing the unnecessary detour of the old provincial road leading to the municipal district of Lumbia in order to make it traverse his own land wherein he has his residential house;
- (6) Employing the services of provincial prisoners to clear his lands and fence his cattle ranch;
- (7) Tolerating the gross neglect of duty of the Provincial Secretary who failed to submit to the Provincial Board in its regular and special sessions for appropriate action, the ordinances, resolutions and other proceedings of the municipal councils; and
- (8) Utilizing for his exclusive benefit and for the improvement of his own cattle, two Indian bulls sent to the province by the Department of Agriculture and Natural Resources for the improvement of the breed of local cattle.

CHARGE NO. 1

The evidence of record discloses that on March 1, 1951, the respondent signed the appointments of Messrs. Lucio Achas and Justino Casiño as councilors of Tagoloan, Misamis Oriental, vice Celso Bagongon and Doroteo Acebo, resigned. Under the law (Section 21 (b) of the Revised Election Code), said appointments shall be made by the President and not by the Governor. The respondent claimed that the two

appointments were surreptitiously placed on his desk among routinary papers which he used to sign without reading. Thus he had unwittingly signed the appointments.

Although the act of the respondent in signing the appointments in question constitute a usurpation of the authority vested in the President, it does not appear that the public interest or the government was prejudiced thereby. Nevertheless, the idea of signing public documents without previously examining the same is repugnant to standard office procedure and therefore reprehensible.

CHARGE NO. 2

There is no evidence substantiating the alleged construction of the "Ysalina Highway". In fact, there is no such highway. What actually happened was the retracing or resurvey by the District Engineer of the old road connecting Santa Ana with the San Martin road. When the amount of P2,000.00 appropriated for the purpose was exhausted, the resurvey was abandoned. The respondent having no control or supervision over the District Engineer, is hereby exonerated of this charge.

CHARGE NO. 3

For lack of merit, the charge against the respondent for recommending the creation of the new municipalities of Villanueva and Libertad and inducting the newly appointed officers of the said municipalities, is hereby dismissed.

CHARGE NO. 4

It appears of record that upon the assumption of office of Manuel Varquez as municipal mayor of Balingasag, he required eight (8) policemen to tender their resignations. Thereafter those policemen complained to the President and to the Commissioner of Civil Service. The latter referred the said complaint thru this Office to the Mayor of Balingasag, for comment, by indorsement dated March 11, 1952. In its indorsement dated August 11, 1952, this Office forwarded the complaint to the Municipal Mayor, thru the Provincial Governor of Misamis Oriental. On October 27, 1952, the Acting Mayor of Balingasag returned the pertinent papers to this Office stating that the policemen concerned are no longer interested in pushing through their case as not one of them is a civil service eligible, and that they are aware that their appointments will not be renewed by Mayor Varquez.

From the foregoing, it is clear that the respondent gave due course to the correspondence from this Office and cannot be held liable for dereliction of duty as charged.

CHARGE NO. 5

Due to the enlargement of the International Airport between Cagayan de Oro City proper and the district of Lumbia, a portion of the road connecting the said city with Lumbia and Talakag was absorbed, thereby creating the necessity for the construction of a temporary detour in order not to delay the work on the airstrip and at the same time provide access to the airport, Talakag and Lumbia.

Upon representation of the respondent, the construction of a temporary detour or diversionary road was undertaken under the supervision of military authorities, using the Army bulldozer, Army grader and Army labor. For surfacing the same, the amount of P10,000.00 was released by the Secretary of Public Works and