

[ADMINISTRATIVE ORDER NO. 118, May 17, 1955]

EXONERATING HONORABLE GEDEON G. QUIJANO, PROVINCIAL GOVERNOR OF MISAMIS OCCIDENTAL.

This is an administrative case against Honorable Gedeon G. Quijano, Provincial Governor of Misamis Occidental, who is charged in a complaint filed by Atty. Casiano U. Laput and others, dated January 21, 1954, with "misconduct in office" on eight counts, to wit: (1) toleration of gambling; (2) technical malversation as defined by Article 220 of the Revised Penal Code; (3) malversation of public property; (4) illegal disbursement of governor's discretionary fund; (5) terrorism; (6) nepotism; (7) abuse of authority; and (8) utilizing the services of provincial prisoners.

Counts 1 and 3 are hereby dismissed, the first due to the inability of Capt. Villafuerte of the Philippine Army, lone prosecution witness, to attend the hearing and testify, and the second, on account of the failure of the complainants to submit evidence after they were allowed many days of grace to do so.

Under the second count, the respondent is accused of having technically malversed 30 pieces of galvanized iron roofing for having ordered the use thereof in the repair of the Bato Elementary School Building, municipality of Plaridel, instead of that of the Lo-oc Elementary School Building, for which they were at first intended, allegedly in violation of Article 220 of the Revised Penal Code which prohibits the application of any public fund or property to any public use other than that for which each fund or property was appropriated. It appearing that although said galvanized iron sheets were purchased out of the sum of P2,000.00 appropriated by Republic Act No. 670 "for the purchase of building materials for the schools of the municipality of Plaridel", the law does not specify any particular school or schools therein for which said materials shall be used.

As regards the fourth count, the respondent is alleged to have illegally disbursed his discretionary fund by using it in paying the salaries of additional special agents and informers whom he employed during the period "from August, 1953 to and including November 10, 1953" especially "to bolster up" the election of the candidates of the Liberal Party. I find this charge groundless, the evidence sufficiently proving that although the respondent actually increased the number of his special agents and informers during the same period he did so, not for electioneering activities, but for the purpose of strengthening the maintenance of peace and order in the province because there were news of Huk infiltration in Northern Mindanao. Furthermore, the payment of the salaries of the additional special agents and informers was duly passed in audit.

In connection with the fifth count, complainants claim that the respondent committed an act of terrorism for having issued a pre-election order, dated November 3, 1953, requiring the temporary surrender of all privately-owned firearms by "Nacionalista partisans only". I likewise find this imputation entirely