

**[ ADMINISTRATIVE ORDER NO. 137, August 24, 1955 ]**

**SUSPENDING FROM OFFICE HONORABLE FELIPE B. AZCUNA,  
PROVINCIAL GOVERNOR OF ZAMBOANGA DEL NORTE.**

This is an administrative case against Provincial Governor Felipe B. Azcuna of Zamboanga del Norte, who is charged with (1) abuse of authority for (a) removing civil service eligibles from the service without cause and hearing as required by law and (b) grabbing lands from ignorant people in the barrio of Siare, Municipality of Sindangan and in the barrio of Madalag, Municipality of Katipunan, Zamboanga del Norte; (2) wilful neglect of duty (toleration of gambling and illegal cockfighting), and (3) dishonesty for (a) taking seedlings of fruit trees and abaca from a government nursery without paying for them and using government vehicles to haul said seedlings to his land; (b) utilizing public works laborers and government funds and equipment for his own personal benefit and gain; (c) collecting his salary on days he was absent from office, and (d) securing loans from private parties without paying for them; and (4) violation of the Election Law.

The above charges were investigated by a special investigator of this Office before whom respondent was given all opportunity to be heard in his defense and to present his evidence.

1. Abuse of Authority

(a) Upon his assumption of the office of Governor of Zamboanga in January, 1952, the respondent, thru his Technical Assistant Romulo Garovillo, advised Valeriano Patangan, a civil service eligible, to relinquish his position of minute clerk in the Governor's office in order to accommodate Gregorio Patangan. Patangan was warned that should he fail to do so, administrative charges would be filed against him for electioneering. Effective January 1, 1952, he also appointed Eugenio Sugano, Jr. as clerk vice Abelardo Macute, a civil service eligible, despite the fact that the latter had not resigned. When Patangan and Macute failed to resign and remonstrated against the attempt to oust them, the respondent suspended them from office effective March 6, 1952, and filed with the Bureau of Civil Service administrative charges against them for electioneering. Patangan and Macute were subsequently exonerated by the Bureau of Civil Service.

Inasmuch as Patangan and Macute are civil service eligibles occupying classified positions, I am convinced that the action taken by the respondent at the start of his administration of requiring them, under pain of removal, to resign in order to accommodate his men, constitutes a clear abuse of authority.

(b) The respondent is also charged with having utilized his official influence and power in grabbing public lands from ignorant people in the barrio of Siare, Municipality of Sindangan, and in the barrio of Madalag, Municipality of Katipunan. The records show that the respondent filed on December 27, 1949, a sales

application for a parcel of land containing one hundred hectares, part of the former pasture land of the Siare Valley Estate, and that the issuance of the corresponding patent in his favor was ordered by Acting Director of Lands Zoilo Castrillo on January 22, 1953. As the sales application was unopposed, it cannot be believed that the respondent grabbed the land applied for or portions thereof allegedly allocated to ignorant people nor instigated or ordered his men, Messrs. Gumersindo Ortega, Agapito Gomez and the Nazareno brothers to squat thereon. As a matter of fact, Juan Bugarin, witness for the complainants and the leader of those who have been allegedly deprived of their lands, testified that the latter have abandoned their lands and waived their rights to the same. Besides, the respondent could not have abused his office in acquiring the land in question because he was then a private person when it was being applied for by him, having resigned as governor in March, 1949, to run for Congress.

With respect to his land in the barrio of Madalag, the records show that the respondent acquired the same through purchase from the original owners, Messrs. Dionisio Gomolon and Victor Olvis, in January, 1950, when he was no longer the governor of the province. This land is now covered by Free Patent Application No. V-2699 of his wife, Mrs. Carmen Sevilla Azcuna, filed on March 10, 1950. The investigation conducted by the representative of the Bureau of Lands reveals that no opposition or protest has been filed against the said application.

The respondent is exonerated of this charge.

## 2. Neglect of Duty

The charge against the respondent for wilful toleration of rampant gambling and illegal cockfighting is hereby dismissed for lack of evidence.

## 3. Dishonesty

(a) The respondent admitted that he took from the Government Nursery at Mapang, Rizal, Zamboanga, from July 22, 1952 to July 3, 1953, seedlings of abaca and other fruit trees, such as orange, chico, avocado, caimito, mangosteen and mango, worth P314.00. At the termination of the investigation of this case, the respondent had not yet paid this amount, although he manifested his willingness to pay on demand. Considering the fact that the price of these seedlings has remained unsettled since July 22, 1952, or for almost three years, I am constrained to hold the respondent guilty of taking undue advantage of his office in not taking any steps to settle his said obligation.

(b) The respondent is also charged with having caused the diversion of a certain amount intended for the construction of roads and bridges traversing the province, for the construction of the new Panglalan-Dalongdong-Punot-Marupay Road and the extension of the Katipunan-Matam Road both leading to his hacienda. The records show that the Director of Public Works recommended the release of government funds for the survey of roads traversing the province of Zamboanga, known as Sindangan-Liloy-Ipil-Pagadian Road and Sindangan-Molave-Aurora Road. However, the District Engineer of Zamboanga recommended on June 27, 1952, the allocation of the sum of P43,240.00 (share of the province from the P15,000,000 Highway Special Fund) to be spent for the Sindangan-Liloy Road, Liloy-Titay-Sanito Road and Salug-Molave-Dipolog Road. On motion of the respondent, the Provincial Board of Zamboanga approved Resolution No. 700, dated July 21, 1952, allocating the said sum of of P43,240.00 for the Panglalan-Dalongdong-Punot-Marupay Road;