

**[ADMINISTRATIVE ORDER NO. 167, December
31, 1955]**

**REPRIMANDING COUNCILOR PEDRO CUEVAS, JR. OF BASILAN
CITY.**

This is an administrative case against Mr. Pedro Cuevas, Jr., councilor of Basilan City, who has been charged by Mayor Leroy S. Brown of the same city with (1) misappropriation of funds from public contributions, (2) corrupt actuation as a public official, and (3) illegal use of property purchased from public contributions. The charges were investigated by a special investigator who recommended that the same be dismissed.

After going over the records, I find that no sufficient proof has been adduced to hold the respondent guilty of Charges Nos. (1) and (3). The said charges are dismissed for lack of merit.

With respect to Charge (2), it appears that the Committee in charge of the 1945 fiesta of the district of Lamitan, Basilan City, collected voluntary contributions for the expenses of the said fiesta, and donated portion of the said contributions amounting P1,500.00 to a newly formed association called "Atomic Club" of which the respondent was the president. Out of this sum of P1,500.00, the club bought a building, a radio set and a book entitled "History of Basilan Island". In the year 1948, Atty. Dianala Jo made an offer to the respondent, who was then president of the club, to buy the building which was not then being used. The respondent deemed it necessary to convene the board of directors to decide the sale, but in view of the difficulty of convening the members thereof, he (respondent) allowed Atty. Dianala Jo to take possession of the building, without first paying the value thereof, believing that it would be for the best interest of the club as this building was then in a dilapidated condition. Attorney Jo made repairs and improvements on the building and utilized it as a school building up to 1953 when his school closed due to financial difficulties. The principal of the Lamitan Elementary School then made an offer thru the City Council and the Mayor to lease the building, and the said council approved a resolution, authorizing the Mayor to sign for and in behalf of the city the contract of lease with Atty. Dianala Jo as lessor.

The records show that the respondent voted in favor of the resolution knowing that the said building does not belong to Attorney Jo but to the "Atomic Club". The contract of lease, however, was not actually executed because it was found out that Attorney Jo was not the owner of the building. The question is whether in voting in favor of the said resolution, the respondent incurred violation of Section 18 of the Charter of Basilan City which reads:

"SEC. 18. The officers shall not engage in certain transactions nor receive favors or benefits.—It shall be unlawful for any officer of the city, directly or indirectly, individually or as a member of a firm, to engage in any business transaction with the city or with any of its authorized