

**[ ADMINISTRATIVE ORDER NO. 157, December  
14, 1955 ]**

**SUSPENDING MR. FELIX P. AMANTE FROM OFFICE AS MAYOR OF  
BACOLOD CITY.**

This is an administrative case against Mayor Felix P. Amante of Bacolod City, who is charged in a complaint filed by Juan P. Barleta with (1) graft and corruption in office for having constructed a garage at his residence with government funds, materials and labor; (2) unlawful use and malversation of public funds and property for using the facilities of the Fire Department in supplying his home, garden and farm with water; (3) summarily dismissing certain members of the city police force and other city employees in violation of civil service law and regulations; (4) knowingly abetting his special agent Mrs. Enriqueta Opao Lanario in falsifying her daily time record; (5) using a government jeep for electioneering purposes; (6) utilizing the services of the finger-print experts of the Bacolod City Police Department to examine, for his personal benefit, the ballots involved in the protest against his election as city mayor; (7) terrorism, accomplished thru the use of his special agents, policemen and provincial guards, "gangsters" and hoodlums; and (8) conduct unbecoming a public official.

Charge No. 1 and the specification of Charge No. 3 regarding the alleged arbitrary dismissals of Antonio Arceo and Hibernon Baltazar of the Office of the District Engineer, are not considered herein, the same having been disposed of under Administrative Order No. 251, dated December 23, 1953.

With respect to Charge No. 2, the evidence shows that in availing himself of free water service during the dry season of 1954, the respondent only followed the practice of his predecessors in office who had caused city water to be supplied during each dry season and without costs not only to their own households but to other city residents in need of the same commodity. The evidence discloses that his house has two big water tanks which have to be refilled at regular intervals, and that during the dry season of last year, this free water service was rendered by the City Fire Department to the respondent's residence from February 13 to May 17, 1954. There is however no evidence showing that the respondent used the facilities of the Fire Department in watering his garden and farm.

There is no showing that prior to February 19, 1951, this free water service had been expressly authorized or disauthorized by the City Council. On that date however, the Council passed Ordinance No. 68, requiring the residents of Sumag and Mansiliñgan districts to pay, beginning March 1, 1951, two and one-half centavos for every kerosene can of water delivered to them by the city Fire Department. However, the respondent made no effort to enforce the ordinance. On the contrary, he not only allowed the continuance of the free water service for the residents of Sumilang and Mansiliñgan but approved in April, 1954, the granting of free water service to the residents of Lupit District and High School Subdivision although they offered to pay under the said ordinance.

The respondent is therefore guilty of unlawfully using the facilities of the Fire Department in supplying his residence with water from the city reservoir, and of dereliction of duty in not enforcing Ordinance No. 68 of the city aforementioned.

Referring to Charge No. 3, it appears that after assuming office as city mayor on August 11, 1951, the respondent arbitrarily dismissed several temporary members of the police force and a temporary market superintendent, replacing them with his own appointees. He also suspended 10 permanent policemen, created a committee to investigate the charges against them, and upon its recommendation, dismissed the said 10 permanent policemen.

The record shows that the removal of the temporary policemen and employees aforementioned was sanctioned by both the Commissioner of Civil Service and the Executive Secretary. Although the removal of the 10 permanent city policemen was similarly sanctioned, it appears, however, that the approval of the Commissioner of Civil Service and the Executive Secretary was obtained under a misrepresentation of facts submitted by the respondent. Moreover, these 10 permanent policemen may only be investigated and removed by the City Council as a body (Sec. 1, Republic Act No. 557; *Festejo v. Municipal Mayor and Municipal Treasurer of Nabua, Camarines Sur*, G. R. No. L-4983, promulgated on December 22, 1954); and that, therefore, the said removal based as it was on the findings of an illegal committee, had no force and effect.

The respondent is therefore guilty of violation of law and grave abuse of power in dismissing the said 10 permanent policemen.

Regarding Charge No. 4, it was proven that Mrs. Enriqueta Opao Lanario, a regular special agent in the office of the respondent, had been tampering with her daily time record during the period from June, 1953 to March, 1954, inclusive, by entering thereon full-time service to the city government when she had been actually working as full-time teacher in the Negros Institute of Technology during the same period of time. The evidence, however, shows that the respondent neither connived with nor in any manner abetted her in falsifying her time record. The respondent is exonerated of this charge.

Concerning Charge No. 5, the "Jeep P.I. - 504" therein mentioned is operated under the supervision and control of the secretary of the Mayor who at the time herein referred to was Dominador Ballesteros. The evidence shows that the jeep was used by the leaders of the Liberal Party in the barrio of Granada for about a month before the 1953 election, and that during this period of time, driver Lucrecio Memoria, although he was not actually driving the jeep, religiously continued to report for duty and to file with the office of the city auditor the usual "transportation order and record of travel", making it appear that Dominador Ballesteros had been using the jeep all that time. During the same period, driver Memoria requisitioned and obtained by order of Ballesteros, 600 liters of gasoline for the use of the jeep - 400 liters when the jeep was in the barrio of Granada and 200 liters while it was being repaired. There is no sufficient showing that the respondent had knowledge of nor had anything to do with the lending of the jeep to the Liberal Party leaders in the barrio of Granada. As to the requisitions for the gasoline, he explained - and his explanation has not been refuted - that he signed and approved the same "as a matter of course". However, his failure to exercise due diligence in preventing or stopping the unlawful use to which the city jeep had thus been subjected was a clear case of neglect of duty on his part.