

[ADMINISTRATIVE ORDER NO. 83, November 24, 1954]

EXONERATING VICE-MAYOR MANUEL VILLANUEVA OF BACOLOD CITY

This is an administrative case against Vice-Mayor Manuel Villanueva of Bacolod City, for (1) violation of Section 53 of the Revised Election Code (carrying a pistol during the day of the voting on November 10, 1953 within thirty meters from the polling places of Precincts Nos. 65 and 65-A of Bacolod City); (2) violation of the executive order prohibiting the carrying of firearms during election; (3) illegal possession of firearm; and (4) carrying firearm without valid permit (distinct from permit to possess firearm). These charges were investigated by a special investigator of this Office.

Regarding the first charge, it appears that at about 10:30 on the morning of November 10, 1953 (election day), Sergeants Prudencio Blase and Salvador Cañada of the Philippine Constabulary confiscated from Vice-Mayor Villanueva, who was then on inspection of Precincts Nos. 65 and 65-A located at Barrio Sto. Niño, Bacolod City, a Colt pistol, Cal. 38, Serial No. 71372, together with the provisional permit to carry the said firearm issued on November 2, 1952 by the Chief of Police of Bacolod City. There exists a dispute as to the precise place and manner of the confiscation of the said pistol. The complainant and his witnesses claimed that Sergeants Blase and Cañada and Pfc. Enrique Rife apprehended the respondent with the pistol tucked in his waist about 4 meters away from the polling places of Precincts Nos. 65 and 65-A. On the other hand, the respondent claimed that in the course of his inspection of precincts in his capacity as acting mayor, he stopped his car at Barrio Sto. Niño at about 10:30 a.m. on November 10, 1953, at a distance of between 40 to 42 meters away from the polling places of Precincts Nos. 65 and 65-A, and that while he was standing and leaning at the car to observe the surroundings, Sgt. Cañada approached and asked him his revolver telling him that he (Cañada) received information that he (respondent) was carrying a revolver; that the respondent, acknowledging he was carrying a revolver, ordered forthwith his driver, Patrolman Octavio to get it from the front compartment of the car; that he delivered it to Sgt. Cañada who returned the revolver to him (respondent) after seeing the provisional permit issued by the chief of police; that later on Sgt. Cañada returned telling him that he was ordered by Sgt. Blase to get back the pistol; and that he handed the pistol to Sgt. Cañada. This testimony was corroborated by Patrolman Octavio and Mr. Jaime Batapa, MPM Coordinator for Bacolod City.

The Chairmen of the Board of Election Inspectors in Precincts Nos. 65 and 65-A and the Poll Clerk in the latter precinct testified to the effect that they had not seen Vice-Mayor Villanueva near the polling place in their respective precinct during the whole day on November 10, 1953; and that the election therein had been peaceful and orderly and no untoward incidents took place. The minutes of the proceedings of the said boards do not record any confiscation of firearm during the day of the voting.