

[ADMINISTRATIVE ORDER NO. 86, December 02, 1954]

REMOVING MR. FILEMON F. BUSA FROM OFFICE AS CHIEF OF POLICE OF BUTUAN CITY.

This refers to the administrative cases against Mr. Filemon F. Busa, Chief of Police of Butuan City, for (1) "official misconduct" on three counts, to wit: (a) electioneering; (b) leaving the territory of Butuan City without the permission of the City Mayor; and (c) betting in a licensed cockpit, and (2) "acts of immorality".

Referring to the first charge, I find that Count (a) thereof – electioneering – has not been sufficiently substantiated by the evidence of record. As regards Counts (b) and (c), however, which are interrelated, the evidence shows that on February 3, 1954, which was the date of the town fiesta of the municipality of Cabadbaran, Agusan, the respondent left the territorial limits of the City of Butuan and went to Cabadbaran without the permission of the City Mayor, and that, once in Cabadbaran, he entered the town cockpit and made bettings on cockfights.

The acts of the respondent in entering the Cabadbaran cockpit and betting in the cockfights although, in a strict sense, incompatible with the dignity of his position as chief of police, cannot legally be made the basis of administrative action against him for the reason that betting in licensed cockpits is legal. However, his leaving the territorial jurisdiction of his city without the permission of the City Mayor constitutes "abandonment of post". His guilt is aggravated by the fact that as Chief of Police of the then municipality of Butuan (now Butuan City) he was also found guilty of "abandonment of post" for having left, without official sanction, the territorial limits of his municipality and gone to the municipality of Cabadbaran, and for this irregularity he was required to resign with prejudice to reinstatement as peace officer. The decision, however, was reconsidered by the Commissioner of Civil Service in the sense that instead of being required to resign, he was made to pay a fine equivalent to one month's salary, with the stern warning that repetition of the offense would be considered sufficient cause for his dismissal.

As regards charge No. 2, it has been proved that the respondent became a widower in 1947 when his first wife, Fidela Dellorosa died; that on December 27 of the same year, he married Polquiera Esma of Macrohon, Leyte; that a few weeks after this second marriage, he deserted his wife, for which reason she left the conjugal dwelling located at Silongan Street, Butuan City, and went back to her hometown where she is still living; and that notwithstanding the fact that his marriage to said Polquiera Esma has not been legally dissolved, he has been, since 1953, living openly and publicly in his own house with another woman named Consuelo Valmores, the two holding themselves out to the community as husband and wife.

In view of all the foregoing, I find the respondent Filemon F. Busa, Chief of Police of Butuan City, guilty of misconduct in office by abandoning his post and of immorality.