

[ADMINISTRATIVE ORDER NO. 168, October 30, 1951]

EXONERATING MAYOR VICENTE Y. OSTIA OF OZAMIZ CITY

This is an administrative case against Mayor Vicente Y. Ostia of Ozamiz City, who is charged with alleged abuse of authority, graft and corruption, and nepotism.

The evidence of record discloses that on September 30, 1948, the respondent secured a personal loan of P150 from Mr. Maximo Lago, Assistant Treasurer of the same city. The loan was willingly granted as they are "compadres." That same day, upon learning that Mr. Lago was leaving for Oroquieta, respondent drew a personal check for P150 and requested that the same be cashed in Oroquieta in full payment of the loan. Mr. Lago readily agreed, and directed that the check be made payable to the "City Treasurer." He however failed to proceed to Oroquieta. On November 3, 1948, he sent the check to the Cebu Branch of the Philippine National Bank as part of the deposit of Ozamiz City. On November 30, 1948, the check was returned by the bank with the advice that the respondent had no sufficient funds, as the balance of respondent's deposit with the Philippine National Bank Agency at Oroquieta, as of that date, was only P36.42. However, when the check was drawn on September 30, 1948, respondent had still a balance of P1,211.42 in his favor. The check, therefore, was not a "rubber check" at the time of its issuance as it was amply covered by sufficient funds.

With respect to the charge that respondent falsified City Supplemental Budget No. 26, series of 1948, it appears that the Secretary to the Municipal Board, through inadvertence and oversight, certified to the effect that the fund thereby provided was fully "appropriated" by the Municipal Board on December 6, 1948, in its Resolution No. 257. On the strength of such certification, the respondent approved and signed the same. The certification of the Secretary turned out to be erroneous, because although the budget was actually submitted to the Municipal Board for consideration on that date (December 6, 1948), action thereon was deferred. Responsibility for the mistake therefore solely rests on the shoulders of the Secretary, and not on the respondent, who signed the budget in good faith.

As regards the charge that respondent "used to take merchandise from Chinese businessmen and others, besides the cash he borrowed from Them without paying," the records show that respondent is actually indebted to the Legaspi Store in the amount of P2,000, representing the unpaid balance of a piano purchased from said store on installments. Mr. Luciano Legaspi, owner of the store, testified that he is surprised that this account of respondent was involved in this case, as he did not authorize anyone to complain in his behalf; that he has no complaint against the respondent; and that the latter being his compadre, he sold him the piano on credit, fully confident that the respondent will in due time honestly fulfill his obligation to pay.