

[ADMINISTRATIVE ORDER NO. 155, September 24, 1941]

SUSPENDING PROVINCIAL GOVERNOR BENITO OF ALBAY FOR ABUSE OF AUTHORITY

This is an administrative case against Provincial Governor Saturnino Benito of Albay for abuse of authority.

The investigator who conducted the investigation of this case found that the respondent has committed abuse of authority on five counts, to wit: (1) for having, on August 26, 1941, preventively suspended from office Mayor Vicente Nieves of Legaspi and Mayor Felipe Lotivio of Daraga, upon grounds not sanctioned and justified under Section 2188 of the Administrative Code; (2) for having appointed, on August 26, 1941, Alfredo Rebuena, a private citizen, acting mayor of Legaspi to temporarily take the place of Mayor Vicente Nieves, then under suspension, instead of Municipal Councilor Salvador de Vera who obtained the highest number of votes as such municipal councilor in the last general election, contrary to the mandatory requirement of Section 2195 of the Administrative Code; (3) for having appointed, on August 26, 1941, Municipal Councilor Mrs. Juana Imperial of Legaspi ad interim Vice-Mayor of said municipality and Pedro Abeleta ad interim Councilor in place of Councilor Mrs. Juana Imperial, in contravention of Section 16(b) of the Election Code; (4) for having, on August 26, 1941, appointed Elias Ayque, a private citizen, acting mayor of Daraga to temporarily take the place of Mayor Felipe Lotivio, who was then under preventive suspension, in violation of the mandatory provision of Section 2195 of the Administrative Code as on August 16, 1941, the President of the Philippines had already appointed Teodoro Cimanés as Vice-Mayor of Daraga; and (5) for having appointed, on August 26, 1941, in an ad interim capacity, two additional councilors for each of the municipalities of Pañganiban, Baras, Viga and Rapu-Rapu which had been raised to the category of fourth class municipalities, a power which is exclusively vested in the President of the Philippines by Section 2170 of the Administrative Code, as amended by Commonwealth Act No. 633. The investigator found that the respondent committed the foregoing acts in an effort to strengthen the voting strength of his political group in the provincial convention of the Nacionalista Party in Albay on August 27, 1941, wherein the official candidates of the said Party for members of the House of Representatives in the coming November elections for the first, second, and third representative districts of the province were to be chosen.

A careful review of the record of this case discloses that the foregoing findings of the investigator are fully substantiated by the evidence. I, therefore, find the respondent guilty of abuse of authority. It appears from the record, however, that the actuations of the respondent were apparently made in good faith and after consultation with his legal advisers, as he himself is not a lawyer, and that had he known that the foregoing acts committed by him were contrary to law, he would not have committed them.