

**[ ADMINISTRATIVE ORDER NO. 124, April 15, 1940 ]**

**DISMISSING COUNCILOR DONATO C. ENDRIGA OF THE CITY OF DAVAO, FOR THE GOOD OF THE SERVICE**

This is an administrative case against Donato C. Endriga, elective councilor of the City of Davao, who was charged by the City Attorney: (1) with having engaged in and/or tolerated the business of prostitution, together with his paramour, Maria A. de Josol, alias Maria Endriga, in his residence in the former municipality of Davao (now City of Davao), during the period comprised between the latter part of 1937 up to the early part of 1939; (2) with having, during the same period, also in confederation with Maria A. de Josol, engaged in and/or tolerated gambling in his house situated at Tomas Claudio Street, City of Davao; and (3) with having received P300 monthly from a Chinese gambling club denominated Davao Metropolitan Club during the year 1937 and sometime thereafter.

After due investigation conducted by the Department of the Interior, the first and second charges were found to be substantiated. No evidence was presented to support the third charge.

The respondent made a general denial of the existence of prostitution or gambling, either in his house on Magallanes Street or in that located at Tomas Claudio Street. In his desire to prove that he relinquished ownership of the house on Magallanes Street long before his election as Councilor, the respondent presented Exhibit No. 6, which is a copy of a deed of sale dated March 27, 1937, ceding the property to Maria A. de Josol (alleged paramour of the respondent) for the consideration of P500.00. The investigator, in this connection, very appropriately remarked that the transaction is of a fictitious nature because the house alone, not including the value of the land, was assessed at P5000.00.

Mr. Endriga also attempted to prove that his house on Tomas Claudio Street was leased to one Restituto J. Quibod beginning April 1, 1939. In support of his claim he sent to the investigator, after the parties had completed the presentation of their respective evidences, Exhibit No. 7, a receipt purported to have been prepared on March 2, 1939. The investigator invited attention to the fact that the receipt has the appearance of a newly made instrument. This Exhibit is, therefore, in the nature of self-serving evidence. Moreover, it does not disprove the fact that the respondent was actually in possession of the house in question during the time charged in the complaint.

The defense set up by the respondent that these charges are mere sequels of the 1938 elections for Assemblyman for Davao, is without merit. There is no evidence that the charges were initiated by his alleged political enemies. Besides, this case was instituted in view of the report of a confidential agent of the Department of Finance whom I designated on August 4, 1939 to conduct an ex-parte inquiry into