

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 160

EXONERATING GOVERNOR ALFREDO K. BANTUG OF SOUTHERN LEYTE.

This is an administrative case filed by Miguel Orito, Pedro T. Arcenas, Monico Arnaiz, Jacinto Baro, Felixberto Bernadez and Remigio Espino against Governor Alfredo Bantug of Southern Leyte for malfeasance in office consisting of the following counts:

- 1) Falsification of payrolls and vouchers, in connivance with certain municipal mayors, by making it appear that an anti-rat campaign was being conducted in the province and that certain persons were employed therein;
- 2) Exacting, for his personal use, from merchant-owners, a fee of five centavos per "bulto" of cargo loaded and unloaded by members of the Federation of Labor of Maasin apart from his participation in other benefits as President of said union;
- 3) Conspiring with certain engineers in the Bureau of Public Highways branch in Southern Leyte in the padding of payrolls he caused to be inserted therein fictitious names and persons who did not in fact work;
- 4) Sending a circular letter to chiefs of all offices in the province requiring a loyalty check of all employees to determine their loyalty to the Nacionalista Party; and
- 5) Intimidating by means of letter Miss Eleuteria Duerte, a school teacher, to vote and campaign for Nacionalista Party candidates.

The respondent submitted the following answer:

- 1) The payrolls and vouchers prepared were in connection with an actual anti-rat campaign and the duplicate payrolls tending to prove the falsity thereof were never used as basis for payment;
- 2) It is not wrong for the Governor to be identified with a labor organization as President

Alfredo K. Bantug

thereof. As regards the collection of five centavos per "bulto" of cargo, his accusers, not being the aggrieved parties, are not the proper party complainants since even the merchants against which the levy is imposed or the laborers affected have not complained;

3) He has not signed and approved any payroll from the Bureau of Public Highways which did not reflect the truth of its contents;

4) The circular letter is but an ordinary campaign device which he, as an officer outside the pale of the Civil Service Law, is allowed to do. Employees who refused to heed the circular were not punished; and

5) The letter sent to Miss Duarte was merely a polite persuasion for her to vote Nacionalista.

Issues having been joined, a formal investigation of the charges was ordered. During the hearing the complainants introduce evidence only on the charge of falsification of payrolls and vouchers embodied in count (1), abandoning count (3) and submitting for decision the remaining counts without the presentation of evidence on their part.

The evidence shows that there was an actual anti-rat campaign conducted by the provincial government of Southern Leyte in the various municipalities of the province, for which the amount of ₱4,800 was appropriated by the provincial board and apportioned among the various municipalities at the rate of ₱300 each. Laborers were recruited in the various municipalities and they actually worked in said anti-rat campaign, as shown by the accomplishment reports which they were made to submit on the work that they had done. These laborers were actually paid for their work.

However, actual falsifications of the payrolls for the municipalities of Silago and Bontoc (Edns. A-Taña, C-Taña) were committed. In the payroll for the municipality of Silago, Rudy Tayum and Moises Isip appear to have signed the payroll as laborers and received their wages when actually, as testified to by them, they did not sign said payroll nor receive any amount. That their signatures were forged is shown by the obvious dissimilarity between their sample signatures and those appearing in the payroll, and by the fact that the residence certificates used for the purpose were issued in the name of other persons. In the payroll for the municipality of Bontoc the signatures of Ambrocio Cotanda and Dalmacio Geniza were likewise forged.

There is no evidence pinpointing the respondent as the one directly responsible for the falsifications of the above-mentioned payrolls. However, a careful consideration of the entire evidence shows, as the investigator concluded, that the falsifications were made with the knowl-

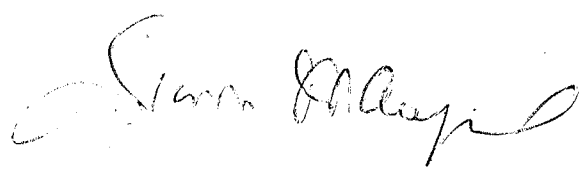
edge, consent and tolerance of three persons, namely: Felixberto Delima, the paymaster; Agustin Dulla, the confidential agent of respondent Governor Bantug; and Sinforiano Lison, police inspector of Southern Leyte in the Office of the Governor.

Although the falsifications were made with the knowledge of the confidential agent and police inspector of the respondent, it does not seem warranted, based on that accidental circumstance alone, to hold respondent liable indirectly therefor on the theory of command responsibility, as the investigator believed. The link of the respondent to the alleged falsifications has not been shown and the fact that he directed the preparation of the official payrolls is not sufficient basis for finding him guilty, even indirectly, of the charge of falsification. Moreover, "command responsibility" is not a valid ground for drastic action against civil service officials or employees whose tenure of office is guaranteed by law, like an elective official.

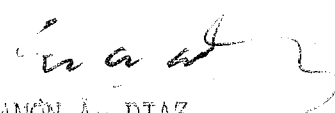
The doctrine enunciated by the Supreme Court in the case of Arturo B. Pascual vs. Provincial Board (G.R. No. L-111959 prom. Oct. 31, 1959) that reelection condones the offense should be considered in the disposition of this case. The pendency of the charge of falsification against the respondent notwithstanding, he was reelected in November 1963. Hence, he may not now be punished therefor because his reelection condoned the offense.

WHEREFORE, Governor Alfredo K. Bantug is hereby exonerated from the charges against him.

Done in the City of Manila, this 13th day of December, in the year of Our Lord, nineteen hundred and sixty-five.



By the President:



RAMON A. DIAZ
Acting Executive Secretary