

MALACANANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 95

EXONERATING MARIANO VILLANUEVA, MEMBER OF THE PROVINCIAL BOARD OF CAVITE.

This is an administrative case against Mr. Mariano Villanueva, Member of the Provincial Board of Cavite, for alleged grave abuse of power and serious misconduct in office in that he did wilfully, unlawfully and feloniously induce and convince Lino Silan, then a policeman of Indang, Mateo Ferenal, Francisco Nobestro and Tomas Panganiban, to kidnap for ransom Antero Jocson of Naic, by promising them protection and immunity by virtue of his (respondent's) position and power.

This administrative case is based on the same facts as Criminal Case No. 11,867 against the respondent and others, for the offense of kidnapping, which is now pending before the Court of First Instance of Cavite.

The only witness presented for the complainant in the administrative investigation was Tomas Panganiban, one of the accused in the criminal case, who testified to the effect that the respondent and Mayor Baes were the masterminds of the kidnapping of Antero Jocson which took place on February 27, 1952 in the municipality of Naic, Cavite. The said witness involved himself in gross material contradictions. In his sworn statement before Justice of the Peace Nestorio Mojica of Naic, he stated that three weeks more or less after the kidnapping of Antero Jocson, at early dawn, Mayor Baes, Villanueva (respondent), Lino Silan, Sierra, Vicente Fidel and other companions went to his (Panganiban's) place in Dayne, Indang, and that there Mayor Baes instructed them to take Jocson to the river bank at Dayne, and tie him tightly to a tree to be ready for rescue by the party of Baes. However, during the investigation, said Panganiban testified that it was one of the boys of Lino Silan who gave the instructions to take Jocson to the river bank and that he (Panganiban) was informed that Baes and Villanueva and party would

rescue the victim. In his affidavit dated June 24, 1954, the same witness stated that the respondent was not with Mayor Baes and his companions who went to his (Panganiban's) place one early dawn. In view of these material inconsistencies and considering the established principle that the uncorroborated testimony of an accomplice must be accepted with extreme caution (U. S. v. Manabat and Simeon, 42 Phil. 569), I am constrained to disregard the statements of Panganiban.

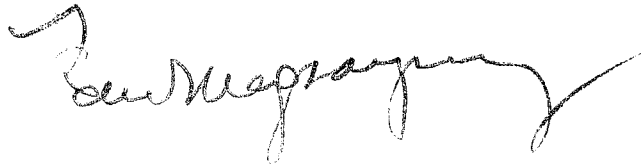
The respondent contended that on February 27, 1952 when the kidnapping of Antero Jocson was planned and committed, he could not possibly have met Mayor Baes, Tomas Panganiban, Lino Silan, Mateo Nobestro, Vicente Fidel, and Engracio Sierra, for at that time he was in Bongabong, Nueva Ecija and appeared before Mayor Sixto Gumila of said municipality to swear to a tenancy agreement; and that on the following day, February 28, 1952, he returned to Cavite City and attended the regular session of the provincial board. For attending this session he collected his per diem and traveling expenses. This defense of the respondent is sustained by the evidence.

Assuming arguendo, that the respondent has committed the offense of kidnapping by induction, there was no sufficient evidence however, to show that the offense was committed in connection with the discharge of the duties of his office or in abuse thereof. At any rate, it is difficult to sustain the proposition that the offense of kidnapping of which the respondent is accused could have been committed by him in connection with the discharge of the duties of his office, considering the fact that the principal duty of a member of the provincial board is to attend the sessions of the board and participate in its proceedings and that, unlike the provincial governor or the municipal mayor, he does not have executive functions. A strict construction of the law relating to suspension and removal of public officers is the universal rule. The reason for this stringent rule is said to be that the remedy is a drastic one and penal in nature. (Cornejo v. Naval, 54 Phil. 809; Lacson v. Roque, G.R. No. L-6225, promulgated on Jan. 10, 1953).

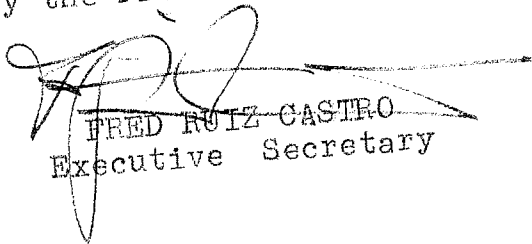
Wherefore, the respondent is hereby exonerated from the aforementioned charges against him. As he is under

preventive suspension, his immediate reinstatement in office is hereby ordered, without prejudice to the final outcome of the Criminal Case No. 11,867 against him, for kidnapping.

Done in the City of Manila, this 1st day of February, in the year of Our Lord, nineteen hundred and fifty-five, and of the Independence of the Philippines, the ninth.



By the President:



FRED RUIZ CASTRO  
Executive Secretary