

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 339

REMOVING MR. JUSTINIANO N. MONTANO JR. FROM OFFICE AS
CHAIRMAN OF THE GAMES AND AMUSEMENTS BOARD.

Mr. Justiniano N. Montano Jr., Chairman, Games and Amusements Board, is charged with various irregularities in three (3) complaints along with other officials of the Board. The first case, filed by the Philippine Racing Club, Inc. (PRCI), on March 7, 1967, is for (a) fixing of races, (b) falsification, (c) usurpation of functions and (d) oppressive exercise of authority. The second case, filed by Carlos H. Reyes on April 23, 1969, is for (a) gross insubordination, (b) dereliction of official duty, and (c) willful violation of a lawful order. The third case, filed by the Philippine Charity Sweepstakes Office (PCSO), on June 23, 1969, is for (1) usurpation of official function and gross disobedience, (2) willful violation of law, (3) oppressive exercise of authority, (4) grave abuse of authority and (5) dereliction of duty.

The charges were formally investigated by the Presidential Investigating Committee created under Administrative Order No. 50, s. 1967, which found respondent Chairman Montano, among others, guilty under certain charges to be treated hereunder. The case of the other respondents will be disposed of separately.

1. PRCI complaint. On the charge of fixing of races, whereby respondent GAB officials allegedly altered racing programs prepared and approved by the committee on handicapping for the December 11 and 12, 1965, and June 18 and 19, 1966, horse races to favor horses owned by persons identified with Chairman Montano, the evidence shows that there were instances of movement of horses from one group to the next higher or lower group in the aforesaid weekend races. However, said movements are permissible under the rules on handicapping. There is no evidence that the horses who won were owned by people identified with or close to respondent Montano.

However, there is evidence showing that respondents, especially Chairman Montano, unduly intervened in the preparation of the programs of races for said weekend races. The very testimony of Secretary Salud at the rehearing of the case shows that such programs were greatly the work of the respondents and not of the Committee on Handicapping or of

the handicapper who under the law should prepare the program initially. According to Secretary Salud, the program of races for the December 11 and 12, 1965, races was handed to him by the Committee on Handicapping after its meeting, the members of which then present being Chairman Marquez and Member Olmedo; that the members gave him "tips" that certain horses were misgrouped; that he communicated those "tips" to the members of the Board; that when the Chairman of the Board opened the meeting of the Board and the members of the Committee on Handicapping were called he, the Chairman, acting mainly on the tips but informing that in his long experience certain horses were misgrouped, and passing from group to group in the program he indicated the misgrouped horses and asked what they thought about them, and when they said "OK," then he, respondent Salud, wrote the names of such horses under the proper group. The same is true with respect to the program for the June 18 and 19, 1966, races. Such program prepared and submitted by the Handicapper to the Committee on Handicapping was deliberated on by the latter and then submitted to the GAB for approval. When the same was returned for the preparation of the final program for release, it showed on its face the many names of horses written by the respondents, Chairman Montano and Secretary Salud, under each race member - sometimes the name of a horse appearing under different race numbers.

On the charge of oppressive exercise of authority, in that respondent Chairman, in conspiracy with leaders of associations of jockeys, hatched a plan to boycott the January 28 and 29, 1967, races, in complainant's race track by imposing the condition that jockeys should secure clearances from their association before their licenses could be renewed, although there was no regulation to that effect and in the same race days out of 60 jockeys who appeared and signed declarations to participate therein only about 16 who, after the races, were charged by the respondent with wearing the wrong racing colors, which was not true, while those who failed to appear were not charged despite the fact that they were liable under the GAB regulations, it appears from the pleadings and documentary evidence, in the absence of witnesses to testify thereon, that jockeys supposed to ride during those two racing days were intimidated, some were taken from their house by force or by stealth, some paid not to ride, some prevented from entering the hippodrome by picketeers, so that out of some 60 jockeys who signed the declarations to ride and participate in said races only about 16 were able to report to the hippodrome. Those few jockeys who were able to report when already in the jockey's enclosures before the first race

were allegedly threatened in various ways including suspension and non-issuance of jockey's license in the event that they persisted in riding during those two (2) racing days. If jockeys already in the enclosures were really threatened, as the investigating committee was convinced they were, they must have been threatened by the respondents who possess not only the power to suspend and punish the jockeys but also the exclusive authority to license jockeys and renew their license.

It is evident that the respondents wanted to complete what the picketeers, as the respondents called the intimidators of jockeys, failed to do. When the respondents themselves failed because at least 12 jockeys persisted in riding, the picketeers struck again and "two (2) jockeys who were already about to ride their mounts had to scamper for safety to avoid bodily harm and were unable to ride their respective mounts" (Annex "G").

The respondents, whether acting in concert with the picketeers or independently of them, could have no other purpose or design than to frighten away the jockeys who reported to the hippodrome and frustrate the holding of the races therein scheduled.

After the races, the jockeys who participated therein were punished but those who failed to appear and participate, disregarding their commitment to ride, were not punished "because the GAB, in the exercise of its sound discretion, did not see fit to punish them for meritorious causes like being threatened or prevented from entering the race tracks by picketeers." The action of respondents in the case of these two sets of jockeys shows that they could punish those whom they wanted to punish and exempt from punishment those whom they wanted to exempt. This is clearly an oppressive exercise of punitive authority.

As jockeys were threatened and intimidated from riding during the two races held at the PRC on January 28 and 29, 1967, so were horse owners threatened or persuaded not to run their horses on said dates. On January 27, 1967, on the eve of the racing day, the GAB Veterinarian certified that fourteen (14) horses registered to participate in the races were lame or sick. Only five (5) of those certified ran in their respective races. In their answer denying the charge, respondents branded the same as "baseless, irresponsible and malicious" with the obvious intention of disassociating themselves from the action of the Veterinarian and claimed

that they "could not possibly control the physical conditions of horses, the wishes of their owners nor the findings of the Veterinarian . . ."

I agree with the findings of the investigating committee that the Veterinarian could not have issued the aforesaid certification that the fourteen (14) were lame or sick without the knowledge, authorization or order of the GAB. To quote from the committee report:

"Seemingly they [respondent GAB officials] want to dissociate themselves from the action of their Veterinarian, claiming they 'could not possibly control the physical conditions of horses, the wishes of their owners nor the findings of the Veterinarian x x x.' This Committee, however, is persuaded that the GAB Veterinarian would not have issued the Certification that fourteen (14) horses registered to participate in the races were lame or sick without the knowledge, authorization or order of the GAB. Section 5 of the Rules and Regulations on Horse Racing provides:

"The Veterinarian shall have the following duties: (Veterinarian of the Games and Amusements Board)

"(a) To make a physical examination of the horses whenever ordered by the Board to determine whether or not they are suffering from any defect which prevent them from taking part in the races for which they are declared;

"'xx xx xx xx'

When ordered by the GAB to make a physical examination of the horses, the Veterinarian must necessarily issue a certificate of his findings. In the instant case, of the fourteen (14) horses certified as lame and sick it is evident the Veterinarian had not made any real examination of said horses. And it could not be the wishes of their owners to have their horses certified as lame and sick. Yet the Veterinarian certified said horses as lame and sick.

"The certification that said fourteen (14) horses were lame and sick can be read only as a method of persuading their owners not to run their horses in those races in which such horses

were registered to participate. It was an arm-twisting method of persuading sought to be applied by the respondent through the GAB Veterinarian to help attain their purpose and design to frustrate the holding of those races of January 28 and 29, 1967. The action of the respondents in this case is an oppressive exertion of authority."


2. Reyes complaint. On the charges of gross insubordination, dereliction of official duty and willful violation of order for refusal to implement the directive of the Office of the President to disqualify race horse "Independence" for being underage from participating in the Special Grand Derby Race held on March 23, 1969, at the Manila Jockey Club race track, the evidence discloses that respondent Chairman Montano became aware of said directive hours before the actual start of the race and that instead of disqualifying said race horse he returned the directive with a statement that he could not possibly implement the same principally for certain technical reasons stated therein. Considering that the GAB is under the control and supervision of the Office of the President, respondent's failure and/or willful refusal to implement the order of said Office constituted palpable insubordination on his part. Moreover, by such refusal, he in effect simultaneously countenanced a violation of applicable rules and regulations designed to promote horse racing for the benefit of the betting public.

In the light of the above findings and conclusions establishing or pointing to irregularities committed by Chairman Montano which are sufficiently serious to call for drastic action, indicating as they do his unfitness for the high and sensitive position he holds, I find no more need to dwell any further on the other charges.

Wherefore, Mr. Justiniano N. Montano Jr. is hereby removed from office as Chairman of the Games and Amusements Board, effective upon receipt of a copy of this Order.

Done in the City of Manila, this 26th day of September, in the year of Our Lord, nineteen hundred and seventy-two.

By the President:


ROBERTO V. REYES
Acting Executive Secretary