

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 35

SUSPENDING MR. JOSE R. VILLARAMA FROM OFFICE AS PROVINCIAL GOVERNOR OF BULACAN.

This is an administrative case against Provincial Governor Jose R. Villarama of Bulacan who stands charged by Provincial Board Members Manuel Lizaso, Felipe Buencamino and Amado Pineda of said province with dishonesty, oppression and grave misconduct. The charges were formally investigated by Dr. Gaudencio Garcia as special investigator who found respondent guilty thereof.

The Investigator found the following facts established:

I. Dishonesty

(a) That respondent governor was authorized by the provincial board of Bulacan to transfer the ₱2 million trust fund of the province deposited with the Philippine National Bank to any private commercial bank; that after securing, through his personal follow-up, the approval of the Department of Finance and the General Auditing Office, respondent selected the Philippine Commercial and Industrial Bank where the ₱2 million trust fund was deposited on June 9, 1964; that all along since January 16, 1964, there had been pending with the office of the City Fiscal of Manila a complaint for estafa filed by the Philippine Commercial and Industrial Bank against said respondent; that before the actual deposit was made, there was a negotiation between respondent and the bank for the amicable settlement of the estafa case against the respondent involving the amount of ₱182,195.98; and that respondent's selection of the Philippine Commercial and Industrial Bank which is prosecuting him for the crime of estafa was with expectation of some benefit to him in return in relation to his estafa case, which is in violation of the Anti-Graft and Corrupt Practices Act (Rep. Act No. 3019).

(b) That respondent, through the provincial cashier, received the sum of ₱40,000 from the Philippine Commercial and Industrial Bank in return for the ₱2 million time deposit; that the provincial cashier, with the knowledge and consent of the provincial treasurer, deposited the said sum in his office covered by Official Receipt No. 2469078 dated

June 10, 1964, which reads: "Received from Dr. Jose Villarama x x x ₱40,000 x x x Donation to Province (later changed to "deposit") x x x For Provincial Governor's project;" that this deposit was treated by the office of the provincial treasurer as the personal and private fund of respondent who alone could withdraw the same; and that all withdrawals from said deposit on October 19, November 9, December 1, 11, 21 and 29, 1964, and February 5, 1965, totalling ₱40,000, in payment to Buenaventura Cruz for the construction of the provincial canteen Nos. 1 and 2, certified by respondent as having been spent, were not authorized by the provincial board; that respondent failed to render any accounting and corresponding report on the exact amount he had received from the bank and the benefit, if any, for the renewal of the deposit; and that respondent treated the ₱40,000 fund in the office of the provincial treasurer as if it were his private property because he entered into a contract for the construction of a four-door canteen without the intervention of the provincial board and without benefit of public bidding, and upon its completion respondent allowed someone to deposit a three-month advance rental, also as if the canteen were his private property.

(c) That despite the provincial board's resolution appropriating ₱4,000 for the hauling of 621 pieces of confiscated logs which were to be used for school purposes pursuant to a directive of the Office of the President and resolution advising the provincial treasurer that any disposition of the logs found within the compound of the capitol building should be decided by the board and brought to the attention of respondent, and notwithstanding the latter's certification that the logs were provincial property, and the provincial treasurer's request from respondent to submit to his (treasurer's) office the original copies of the requisition and vouchers covering the issue of lumber to different schools so as to write off the lumber issued from the accounts of the province, respondent did not render or make any accounting of the distribution of the pieces of lumber sawn out of the confiscated logs to the provincial treasurer who under the law "shall have custody and supervision of all government funds and properties" (Sec. 2080, Rev. Adm. Code) nor did he relay any information to the provincial board despite its resolutions passed on September 15, 1965, in its regular session that the disposition of logs in question must be with the approval of the provincial board; that the logs sawn in the Meycauayan Sawmill were mainly distributed in the first district of Bulacan where respondent's wife was then the Liberal Party candidate for representative in the last election; and that the diversion of some lumber

for other purposes than for schools for which the logs were intended (like the repair and widening of local bridges, for constabulary barracks, use of religious association [Iglesia Filipina Independiente] and for irrigation purposes), constitute misapplication or diversion of public properties.

(d) That upon respondent's initiative a hollow block factory was established with the provincial board appropriating P10,000 for the purchase of equipment and machinery for said factory for which the provincial treasurer purchased the needed machines; that he designated his technical assistant, Alberto Violago, to supervise the factory, utilizing the services of six to twelve prisoners daily in the manufacture of hollow blocks; that no accounting regarding the factory or disbursement was ever submitted to the provincial treasurer's office; and that he failed to render any accounting on the operation of the factory, where government dump trucks were used in ordering and hauling materials needed and in the disposition of the hollow blocks manufactured, which constitute illegal use of government properties for his private purpose, albeit the materials utilized may have come from his own private funds.

II. Oppression

(a) That respondent had the session hall for the provincial board at the capitol building locked by the Secretary of the Board who would not open it unless ordered by him on regular session days except in those rare instances when he was in attendance; that he told the provincial board that the question of opening and closing the session hall was within his authority; and that he attended not more than five or six regular sessions from June 9, 1965, to July 21, 1966, and in three regular sessions he refused to accept motions duly seconded for the opening of the session hall on regular session days so that said motions did not appear in the minutes of the board of the particular day.

(b) That he delayed the signing of the vouchers of the members of the board for their gasoline allowance, thus preventing them from collecting such allowance on the last day of the month.

III. Grave Misconduct

(a) That respondent refused to turn over the twenty-four (24) Toyota dump trucks (purchased from Road and Bridge Funds) to the office of the Highway District Engineer and failed to erase the markings on the twenty-four (24) Toyota dump trucks "Kilusang Pampaunlad ng

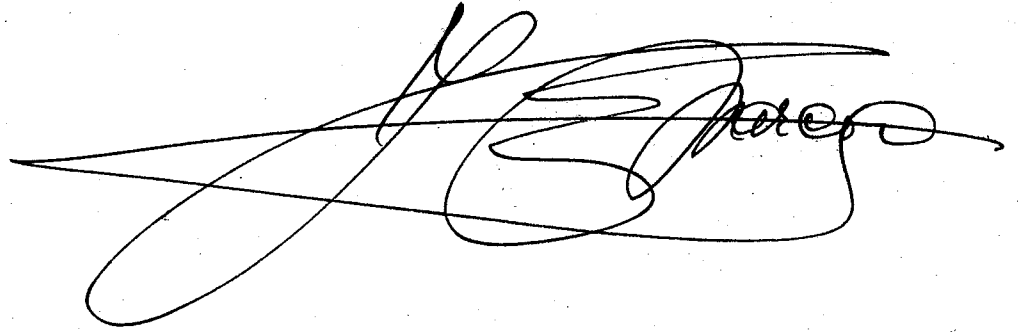
Bulakan" under which were written 'Governor Jose R. Villarama'" ordered by him in violation of established rules and regulations and of General Circular No. 50 dated February 28, 1958, of the Auditor General which require that government vehicles should be marked solely with "For Official Use Only" under which should be written the name of the office or bureau to which they belong.

(b) That notwithstanding his knowledge of the decision of the Supreme Court in the case filed against him (Castillo vs. Villarama et al., G.R. No. 24649, prom. Sept. 18, 1965), declaring valid and legal the actuation of the provincial board in its regular sessions of June 2 and 9, 1965, attended by only three board members (with respondent and vice-governor absent), respondent authorized or allowed the payment of salaries of employees whose positions had been abolished by the board, including those of his office staff, and he did not honor the resolutions passed in a regular session of the board attended by three board members, like Resolution No. 64 adopted on February 9, 1966, requiring the turnover of the twenty-four (24) Toyota trucks to the Highway District Engineer, and Resolution No. 65 to suspend the work on public works authorized by Resolution of August 25, 1965, not to start public works not then commenced and to revert unspent sums to where they belonged.


(c) That respondent misused his authority or discretion for not taking administrative proceedings against Liberal Party Mayor Roberto Chico of Baliwag, Bulacan, for malversation of public funds through falsification of public documents based on the sworn complaint, with a similar complaint filed against said mayor with the office of the provincial fiscal; that, in contrast, and contrary to administrative practice of giving a respondent full opportunity to be heard in an administrative case, respondent governor immediately filed an administrative charge against Nacionalista Party Mayor Bienvenido Castillo of Pulilan, Bulacan, and ordered his suspension based on the incident near the municipal building in which a certain Carlos Espino was wounded, which shows that he practiced a double standard of justice in dealing with administrative cases affecting local officials of different political parties.

After a review of the records, I agree with the findings of the special investigator. The nature of the irregularities committed, in my opinion, warrants at least suspension from office. Wherefore, Mr. Jose R. Villarama is hereby suspended from office as Provincial Governor of Bulacan for six (6) months without pay, effective upon receipt of a copy hereof.

Done in the City of Manila, this 22nd day of February,
in the Year of Our Lord, nineteen hundred and sixty-seven.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

By the President:

A smaller handwritten signature in black ink, appearing to be 'Rafael M. Salas' with a flourish at the end.

RAFAEL M. SALAS
Executive Secretary