

MALACAÑAN PALACE
MANILA
BY THE PRESIDENT OF THE PHILIPPINES
ADMINISTRATIVE ORDER No. 186

EXONERATING SECRETARY OF COMMERCE AND
INDUSTRY CORNELIO BALMACEDA

This is an administrative case against the Honorable Cornelio Balmaceda, Secretary of Commerce and Industry, brought by one Saturnino S. Monzon, charging the former with irregularly (1) issuing a radiotelephone license to Major Ramon M. Zosa, pilot and personnel manager of the Philippine Air Lines, (2) reversing the decision of the Radio Control Board suspending Major Zosa from flight for one year and (3) dismissing the complaint

Vol. 48 NO 8
AUGUST 1952
P. 3153-3157

the latter. The charges were investigated by the Integrity Board and in its report the Board recommended respondent's complete exoneration.

As regards the charge that Major Ramon M. Zosa was given in 1949 a license to operate a radiotelephone without having been subjected to a reexamination as required by the rules and regulations governing the matter, the Board found that Major Zosa took and passed in 1947 the corresponding examination for the issuance of a license to operate radiotelephone but did not care to take such license at the time and secured only in 1949; that the regulation in force when he took the examination fixed no time limit during which a successful examinee should get the license; and that the new regulation issued in 1948 requiring re-examination should the successful examinee fail to secure the license within six months after having been advised of the result of the examination was not applicable to him because it was promulgated after he had already taken and passed the examination.

Regarding the other charges to the effect that Major Zosa should have been punished for allegedly operating a radiotelephone without license and that respondent acted arbitrarily in reversing and setting aside the previous decision finding the former guilty of said act, it has been shown that Major Zosa merely "listened in" while acting as pilot or co-pilot on an aeroplane, which act, according to expert opinion, did not constitute "operation" of radiotelephone within the contemplation of law. In view thereof, the Board held that respondent acted within the law and in the lawful exercise of his discretion when he reversed the previous decision finding Major Zosa guilty of the charge referred to and exonerated him therefrom.

After going over the record, I fully concur in the findings and recommendation of the Integrity Board.

In view of the foregoing, the Honorable Cornelio Balmaceda is hereby exonerated from the charges filed against him.

Done in the City of Manila, this 7th day of August, in the year of Our Lord, nineteen hundred and fifty-two, and of the Independence of the Philippines, the seventh.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Executive Secretary