



MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 378

REPRIMANDING MR. RODOLFO GANZON, MAYOR OF ILOILO CITY.

This is an administrative case filed by Mr. Ernesto Rosales against Mr. Rodolfo Ganzon, Mayor of the City of Iloilo, for oppression, misconduct in office and oral defamation.

It appears that in the night of August 22, 1956, the People's Forum was on the air at Radio Station DYRI, Iloilo City. The guest speaker for the evening was Atty. Edmundo Ganzon, younger brother of the respondent. The panel of interrogators was composed of Messrs. Ernesto V. Rosales, program director and commentator of the station, Rodolfo Claparols and Francisco Rodillado, a newspaperman.

In the course of the program, a telephone call was received by Rosales from an unidentified woman requesting him to ask the guest speaker who his wife was. When this query was relayed to Atty. Ganzon, he felt slighted. At this juncture, the respondent mayor called up Rosales by phone expressing indignation at the manner he questioned the guest speaker and threatening to go to the station to sock him. Within a short time the respondent arrived at the station and barged into Studio "A" accompanied by about ten men, some of whom were in uniform. Those identified were Patrolmen Godofredo Dumaran, Romeo Fernandez and Antonio Respal. Upon arrival, the respondent immediately lambasted Rosales expressing displeasure at the way he interrogated his brother. He also directed Rosales to stop the program and shouted at the radio technician, Vicente Amena, to stop the broadcast. Scared by the Mayor's outburst of temper, the technician switched off the controls. Thereafter, the respondent collared Rosales with his left hand and struck him with his right palm on the nape of the neck and uttered slanderous remarks against him.

Rosales protested meekly stating that there was no malice in his question. Patrolman Dumaran, a companion of

the respondent attempted to box Rosales but Claparols, one of the interrogators, placed himself between them. Noticing the act of Pat. Dumarán, the respondent ordered him to desist.

Shortly thereafter, the respondent directed the complainant to resume the program and to apologize publicly. The complainant complied meekly and apologetically announced to the radio audience that they were sorry for having been off the air for a few minutes due to some slight misunderstanding. Then the respondent left the station followed by most of his men.

From the foregoing, it is indubitable that the respondent committed acts constituting slander by word and deed. The question is whether under the facts and circumstances these acts constitute misconduct in office or oppression.

Misconduct in office has a definite and well-understood meaning. Misconduct or malfeasance in office means official misconduct or misfeasance, rather than personal misbehavior alone not in any way affecting the incumbent's fitness or capacity to perform the duties of the office (27 Words and Phrases, 317). It is a misconduct such as affects the performance of his duties as an officer and not such as affects his character as a private individual. In such cases, it is necessary to separate the character of the man from the character of the officer. (Mechem, Public Officers, 457, p. 290).

The word "oppression" has not acquired a strictly technical meaning, and may be taken in its ordinary sense, which is an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of the unlawful power or other means, in depriving an individual of his liberty or property against his will, is generally an act of oppression. (U.S. vs. Deaver, 14 F. 595, 597, cited in 29 Words and Phrases, 606). But oppression, in order to be a sufficient cause for administrative discipline, must have been committed in connection with the official duties of the respondent or in abuse thereof.

While the acts of the respondent may be considered as an act of cruelty, severity and domination, there is no evidence that he made use of his office or abused his authority in the commission thereof. In the absence of such evidence, the acts cannot be considered as official

misconduct or oppression so as to merit suspension or removal from office.

Section 8 of Commonwealth Act No. 158, otherwise known as the Charter of the City of Iloilo, as amended by Republic Act No. 1209, provides that the Mayor shall hold office for four years unless removed, x x x." The Charter is silent as to the causes or grounds for removal or suspension of the mayor. However, in the case of the Mayor of Manila whose Charter contains similar provision as regards removal of the mayor, the Supreme Court held that the power of the President to remove or suspend the mayor is confined to disloyalty to the Republic, or at most, for the other causes enumerated in Section 2078 of the Revised Administrative Code, namely, disloyalty, dishonesty, oppression, or misconduct in office (Lacson vs. Roque, 49 Off. Gaz. No. 1, p. 93).

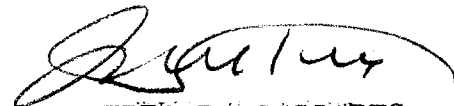
The acts of the respondent in barging into the radio station, disrupting the broadcast and subjecting to abuse one of the principal participants in the program, is to say the least, highly reprehensible. However, in the absence of positive proof that said acts were committed with abuse of office or authority, no severe administrative penalty can be imposed on the respondent.

WHEREFORE, Mr. Ganzon is hereby reprimanded and admonished to act with more decorum and circumspection in keeping with the exalted position he holds.

Done in the City of Manila, this 26th day of December, in the year of Our Lord, nineteen hundred and sixty-one and of the Independence of the Philippines, the sixteenth.



By the President:



EDILBERTO B. GALLARES  
Asst. Executive Secretary