

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 85

SUSPENDING MR. JAVIER ARIOSA FROM OFFICE AS PROVINCIAL
GOVERNOR OF ZAMBOANGA DEL SUR

This refers to four (4) administrative cases filed against Provincial Governor Javier Ariosa of Zamboanga del Sur, to wit: Administrative Case No. I, for oppression and serious misconduct in office filed by Mayor Maulod Pausa of Siay, Zamboanga del Sur; Administrative Case No. II, for oppression and grave misconduct in office filed by the same mayor; Administrative Case No. III, for oppression and serious misconduct in office filed by Councilor Edmundo Dalid of Dumalinao, Zamboanga del Sur; and Administrative Case No. IV, for dishonesty and serious misconduct in office filed by Jose Almazan Jr. of Dumingag, Zamboanga del Sur. These cases were jointly investigated by Assistant Solicitor General Antonio A. Torres who found respondent guilty only in one (Adm. Case No. III), for oppression and serious misconduct in office, and, believing the preventive suspension undergone by respondent as sufficient punishment, recommended his reinstatement in office.

Administrative Case No. I - for Oppression and
Serious Misconduct in Office

A review of the record shows that the evidence is wanting to sustain the allegation that respondent governor appropriated for his own personal benefit the twelve (12) hectares of reforestation project in Siay, Zamboanga del Sur, which the Emergency Employment Administration turned over to the province sometime in October 1964. However, it was established that the governor tolerated and abetted the indiscriminate utilization of convicted and detention prisoners in the various projects of the province in contravention of Section 1727 of the Revised Administrative Code, which constitutes serious misconduct in office.

Administrative Case No. II, for Oppression and
Grave Misconduct in Office

The record discloses:

1. That the governor caused the release into his custody of a detention prisoner to work in his privately owned fishpond located at Muricay, Zamboanga del Sur;
2. That in some projects of the province, detention prisoners were made to work side by side with convicted criminals;

3. That respondent knew and tolerated the massive terroristic activities of convicted and detention prisoners on November 8 and 9, 1965 (eve and date of the general elections), wherein they, in groups, roamed the streets in several barrios and towns of that province and sowed terror upon the voters and sympathizers of the opposite political party; and

4. That the Comelec failed to effect immediate control of the provincial jail and guards until November 9, 1965, and this was due to the indifferent attitude of the provincial guards who, for dilatory purposes, demanded from the Comelec deputies for the governor's clearance. Besides, only a handful of prisoners were left in the jail after the majority were already out purportedly working in projects outside the provincial jail premises, but who actually were then terrorizing the residents.

When respondent caused the release of the detention prisoners to work in his fishpond, he violated thereby Section 1727 of the Revised Administrative Code. For reasons only known to him, he observed and tolerated this practice in utter disregard of prison law and rules.

Notwithstanding the fact that the terroristic activities of the prisoner were of such magnitude and territorial coverage, respondent failed and did not even lift a finger to suppress them. On the contrary, when he was confronted, respondent merely said to let alone the prisoners, and if they (his opponents) were looking for trouble, he too would look for trouble.

Under Section 1731 of the Revised Administrative Code, respondent is charged with the keeping of the provincial jail as well as its administration. Although it was not shown that he had a direct hand in the release of the prisoners, yet that does not make him any less culpable because as keeper and administrator, he is ultimately responsible for the proper management of the jail. At the very least, his apparent laxity and inaction reveal his ignorance of one of the executive responsibilities of his office. What is appalling is the misguidance of the unfortunate prisoners which rendered illusory the aim of the government to restore them to society as upright citizens. Ironically, they became tools of respondent in spreading terror among the peaceful inhabitants of the province.

Administrative Case No. III, for Oppression and
Serious Misconduct in Office

It appears that on November 3, 1965, four (4) RCA personnel who refused to release some 1,000 bags of rice demanded by respondent were

incarcerated. Escorted by provincial guards, they were marched off to the provincial jail from the respondent's house, like criminals, to their utter embarrassment and humiliation. They were kept in confinement and were released only when they finally succumbed to respondent's whim and caprice. Consequently, they virtually threw open the RCA bodega to the respondent who was able to effect withdrawal not only of 1,000 bags as demanded, but a total of 6,277 bags during the period from November 3 to 7, 1965.

From the above it is manifest that respondent is guilty as charged. The mere fact that three of the RCA personnel involved later executed an affidavit placing respondent in the clear does not offset the established facts, it being highly probable that they were subsequently approached by respondent and, with promises, prevailed upon to make the affidavit in question.

Administrative Case No. IV. for Dishonesty and
Serious Misconduct in Office

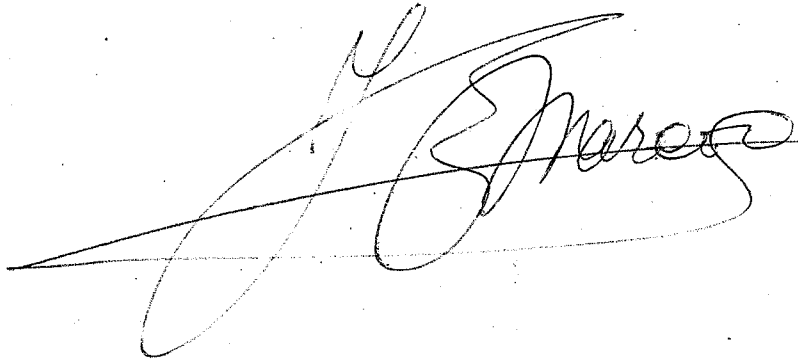
It also appears that respondent, through deceit and highhanded means, caused the withdrawal from the RCA bodega of 6,277 bags of rice, worth ₱192,187, backed up by worthless promissory notes of his, the same not having been authorized by the provincial board. He caused the distribution of this rice as a political gimmick in several towns of the province for no consideration other than the promise to vote for the Liberal Party ticket in the election of November 9, 1965. The promissory notes, supposed to be payable on or before December 31, 1965, have not as yet been redeemed and the distributees never bothered to pay for what they got.

It is beyond cavil of doubt that respondent caused a heavy financial loss to the government. That the procedure he took in effecting the withdrawal of the rice from the RCA bodega constitutes serious misconduct in office cannot be gainsaid.

From the above findings, the inevitable conclusion is that respondent is guilty of the charges levelled against him. The gravity of the offenses committed by him indicates his propensity to be oppressive, tyrannical and abusive in his official actuations. Respondent carried his partisan feelings too far to the extent of violating laws and regulations and thwarting the free exercise by the people of the sacred right of suffrage. Although the seriousness of the acts committed would warrant his outright removal were he an appointive official, in deference to the popular will, suspension for two years from the date of his preventive suspension is deemed sufficient. However, in view of the proximity of the end of his term of office,

he is hereby suspended up to the expiration of that term.

Done in the City of Manila, this 10th day of September ,
in the year of Our Lord, nineteen hundred and sixty-seven.

A large, stylized handwritten signature in black ink, likely belonging to the President mentioned in the text below. The signature is written over a horizontal line.

By the President:

A handwritten signature in black ink, appearing to be 'Rafael M. Salas', written over a horizontal line.

RAFAEL M. SALAS
Executive Secretary