

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 100

REMOVING MESSRS. FRANCIS P. YUSECO, JUSTO I. IBAY AND
RUPERTO S. CRISTOBAL AS COUNCILORS OF THE CITY
OF MANILA.

This is an administrative case against Councilors Francis P. Yuseco, Justo I. Ibay and Ruperto S. Cristobal, for and in consideration of the approval by the Municipal Board of a resolution granting permit to the Lirio Terminal Market Association to establish a private market ("talipapa") at a vacant site bounded by Elcano, Asuncion and Zaragoza streets, the said councilors obtained and received the amount of ₱5,000.00 from Juanita Lirio y Lanting, President of the said association.

The aforementioned charge was investigated by a committee composed of Dr. Gaudencio Garcia, as Chairman, Solicitor Ramon Avanceña and Atty. Jesus Paredes as members. After due investigation, the said committee found the charge substantiated and recommended the respondents' dismissal from the service.

In substance, the complainant, Juanita Lirio testified that she approached Councilor Cristobal regarding her pending application to build a private market on a leased lot near the Divisoria Market, whereupon Cristobal took her to see Councilor Yuseco in the latter's house. In Yuseco's house, the three of them talked of the object of her visit and Yuseco told her that the desired resolution could be arranged on payment of ₱5,000.00. Lirio replied that she would consult the other members of her association, which she did. Soon after, she returned to Yuseco's house accompanied by Felipe Pagaspas, one of her partners in the business, and agreed to pay the amount fixed by Councilor Yuseco, after she unsuccessfully tried to have it reduced. It was agreed in that meeting that of the stipulated amount, ₱2,500.00 would be paid before the passage of the proposed

*Councilors
of Manila*

resolution and ₱2,500.00 thereafter. The first installment was to be paid to Councilor Ibay, Chairman of the Committee on Police, at the Bicolandia Restaurant on Taft Avenue on March 24, 1952. On that date, however, she was able to give Ibay only ₱2,100.00, but she promised to pay the balance the following day, and it was paid to Councilor Cristobal in his office in the City Hall. The second installment of ₱2,500.00 was paid to Yuseco personally on April 7, 1952, in the toilet room in his office.

Lirio declared that the payment to Ibay was made in the presence of Arsenio Gonzales, Norberto Almario and a confidential agent of Yuseco, while the payment to Cristobal was witnessed by Simeon Verder and the payment to Yuseco by Arsenio Gonzales and Feliciano Magtira.

Magtira testified that on April 7, 1952, he and Gonzales went with Lirio to Yuseco's office and from the office moved to the toilet room; that in the toilet room, he handed Lirio ₱1,800.00 upon previous indication of Gonzales. He explained that Gonzales had told him to have this amount ready because Councilor Yuseco was asking for money. Magtira further testified that after he handed the money to Lirio, Yuseco came into the toilet room. He said, however, that he did not see Lirio give any money to Yuseco because he looked out of the window at the moment Lirio was said to have passed some cash to Yuseco. He also said that he did not hear the conversation between Lirio and Yuseco.

Arsenio Gonzales testified that he was in the toilet room and saw the delivery to Yuseco by Lirio of paper money in one-hundred peso rolls, some of which, after counting, Yuseco put in his wallet and some straight in his pockets. Gonzales also testified that he went to the Bicolandia Restaurant with Lirio and Almario and saw Lirio gave Ibay ₱2,100.00 of which ₱500.00 came from him; that he heard Ibay asked Almario who the witness was and Almario answered that he was a member of the Lirio Terminal Market Association.

Almario declared that he went to the Bicolandia Restaurant on request of Lirio who, he said, told him that they were going to discuss some business matters. He admitted that they met Ibay in that restaurant and

that Ibay and he greeted each other. He also said that Lirio approached Ibay but denied that Lirio gave the Councilor any amount or that he (Almario) gave Lirio ₱800.00 as Lirio had testified.

Simeon Verder, who had made a sworn statement to the effect that he went to Cristobal's office with Lirio on March 25, 1952, and saw Lirio hand Cristobal ₱400.00, testified at the trial that he only had heard Lirio talk with Cristobal regarding the passage of the projected resolution. He denied that he had seen her giving the Councilor any money.

On the whole, the case depends on the veracity of the above witnesses; and it must be admitted that these witnesses' statements are replete with contradictions and "half-truths". Some of them showed at the investigation a marked tendency to back out of their previous sworn declarations or to lighten the full impact thereof. Lirio herself before the investigation started had made a written retraction of her first incriminating affidavits.

Lirio, however, explained that her change of front was exacted as a condition to the revival of the resolution in her favor, which had been revoked by another in favor of the owners of the site on which she proposed to erect a market. She explained that to her this was a "matter of life and death" and that she would make again another retraction if she were confronted with a similar proposition. Lirio's retraction is evidently based on an understandable human feeling. I, therefore, concur in the Committee's conclusion that her first statement as ratified by her in the formal hearing was the truth.

Two facts, however, stand out which can hardly be disputed; namely, (1) the complainant had no reason falsely to incriminate the respondents, and (2) the statement of expenses of the association for 1952 as shown in Exhibit B-1 as follows:

"March 1952 Expenses

March 24 - Bicolandia (A. Gonzales-J. Lirio-
Almario) permit & license (Ibay
& Yuseco) - - - - - ₱2,500.00

x x x x x

x x x x x

x x x x x

April 6 -- Rent of Claudio's lot (Juanita
₱200.00 and Almario ₱40.00) - - ₱ 240.00

7 -- City Hall (Juanita, A. Gonzales,
Magtira) Permit & License (Yu-
seco & Remigio) - - - - - ₱2,500.00."

Almario, Treasurer of the association explained that the above entries were dictated by Lirio. The figures therein tally with the amount alleged by Lirio to have been demanded by Yuseco and have been paid to Yuseco, Ibay and Cristobal. The said amounts, considering their size, could not have been paid for "permit and license". The absence of Cristobal's name in any of the entries cannot be taken as an indication that this respondent did not receive any part of the bribes, for the evidence discloses that the three amounts paid were not intended to be for the respective recipients therein named. The association was understood to be dealing with the respondents jointly or as one group.

The findings of the Committee are therefore in accordance with the evidence.

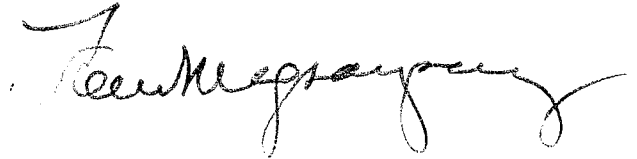
It is never trite to repeat that a public office is a public trust and that the incumbents thereof, particularly officials of responsibility like the respondents, should be guided by a standard of behavior calling for the highest degree of moral integrity. Considering the serious nature of the offense of which they have been found guilty, I have no other recourse, painful as it may be, but to order the separation of the respondents from the service.

Wherefore, Messrs. Francis P. Yuseco, Justo I. Ibay and Ruperto S. Cristobal, are hereby dismissed as councilors of the City of Manila.

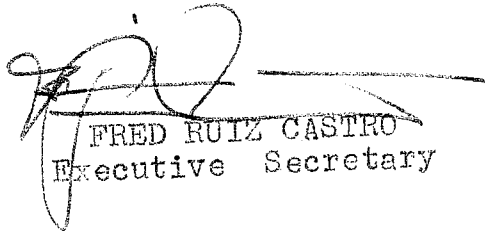
As recommended by the Committee, I hereby direct the transmittal of the records of this case to the Secretary of Justice, for such possible prosecution not only of the respondents but also of Juanita Lirio and other members of the Lirio Terminal Market Association, as the facts may warrant.

Done in the City of Manila, this 16th day of

February, in the year of Our Lord, nineteen hundred
and fifty-five, and of the Independence of the Philip-
pines, the ninth.



By the President:



FRED RUIZ CASTRO
Executive Secretary