



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 251

CONSIDERING SHEIK COSAIN NAGA, MAYOR OF MARAWI (DANSALAN) CITY, AS RESIGNED FROM THE SERVICE.

This is an administrative case against Sheik Cosain Naga, Mayor of Marawi (formerly Dansalan City), who is charged with the following:

(1) Utilizing the services of prisoners in the construction of his house and performing menial tasks.

(2) Ordering his maids to get fish and household necessities from market collectors.

(3) Utilizing the services of Julio Molina, then a policeman, as driver of a government car to conduct him to Iligan City for recreational purposes; bringing the respondent's family outside the city limits to visit relatives and to campaign in Baloi, Lanao.

(4) Ordering Tindug Mindalano, then a policeman, to accompany him to Baloi, Lanao for three days to campaign in the 1955 elections, using a government car and collecting per diems.

(5) Using government trucks to haul gravel to his residence.

(6) Permitting the construction or placing of stalls on the street in the Dansalan City Bi-weekly market.

(7) Nepotism.

For insufficiency of evidence, charges nos. 2, 5, 6 and 7 are hereby dismissed.

With respect to the charge of utilizing prisoners in the construction of his house and requiring them to do menial tasks such as sweeping and scrubbing the floor, the evidences of record are contradictory. The witnesses of the complainants namely, Tindug Mindalano, Calandada Mangadang and Didaagun Mondas, former policemen of Dansalan, who were dismissed by the respondent, declared that while they were still policemen in the City of Dansalan they

guarded prisoners who were working in the house of the respondent doing odd jobs such as scrubbing, digging a pit for the toilet, carrying lumber boards, etc. Another witness, Constancio Villarasa, also testified having seen the respondent watching the policemen and the prisoners doing the cement work in his (respondent's) house.

On the other hand, the witnesses of the respondent testified otherwise. Pasagui Mangindiri, an ex-prisoner cited by complainants' witnesses to have worked in the respondent's house declared that he does not remember having worked in the respondent's house while he was still a prisoner, and that Policemen Mindalano, Mondas and Mangadang never guarded him outside of the city jail. Amir Kurot, lieutenant of the Dansalan police force testified that contrary to Villarasa's testimony that he recognized the prisoners working because of their uniform, averred that prisoners in the city jail were never provided with uniforms. Mangacup Macadato, police captain, also testified that since 1948, city prisoners had no uniform. Sheik Abdul Racunan Pacasun, father-in-law of the respondent, testified that he owns the newly-constructed house now occupied by the respondent and denied the employment of prisoners in its construction, particularly the digging of the toilet pit.

I have noted that the ex-policemen who testified against the respondent admitted having grudges against the latter for removing them from the service. Coupled with some inconsistencies and contradictory statements they made on substantial details, I entertain serious doubts as to the veracity of their testimonies. On the other hand I find no reason to doubt the credibility of the witnesses of the respondent.

In view thereof, I am constrained to dismiss this charge against the respondent.

Charges (3) and (4) are essentially the same. The respondent is charged with dishonesty for using a government vehicle and gasoline other than for official purposes, and collecting per diems while out of his official station.

The evidence of record discloses that the respondent went to the municipality of Baloi, Lanao, several times shortly before the 1955 elections to help campaign for his father-in-law who was a candidate for mayor of the said municipality. He used the car owned by the City of

Dansalan during the campaign and received from the city reimbursements for the gasoline used during the campaign. The same car was also used by the respondent and his family in going to Iligan City for recreation purposes and to several other places in the province of Lanao while campaigning for certain senatorial candidates.

These facts are sufficiently established not only by oral testimony but by documentary evidence. Exhibits 1, 2, 3 and 4 are city vouchers reimbursing the respondent in the aggregate amount of ₱573.58 for gasoline consumed, per diems and other expenses of travel covering the period from September 28 to November 8, 1955. These vouchers are supported by Transportation Orders and Records of Travel, eleven of which carry the certificate of the respondent to the effect that the transportation was used for campaigning for senatorial candidates in different places in the province of Lanao.

The respondent admitted having made trips outside the City of Dansalan using his official car but that he always had some official business to transact and that the campaigning was merely incidental. He further explained that the travel orders in question were not personally prepared by him.

I find this explanation not satisfactory. When he affixed his signature on the vouchers not personally prepared by him, he should have exercised reasonable care that they are accurate and exact.

I find
For such neglect I therefore find him guilty of dishonesty thru negligence. Wherefore, Sheik Cosain Naga is hereby considered resigned as Mayor of Marawi City effective as of the date of his suspension.

Done in the City of Manila, this 15th day of August, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.



By the President:



FORTUNATO DE LEON
Executive Secretary