

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 115

DROPPING THE MATTER OF THE ALLEGED INVOLVEMENT OF SECRETARY
OF NATIONAL DEFENSE MACARIO PERALTA JR. IN SMUGGLING.

In view of newspaper reports implicating Secretary of National Defense Macario Peralta Jr. in smuggling activities and upon his own request for an investigation to prove his innocence, a presidential investigating committee was constituted composed of retired Justices Alex Reyes, as chairman, and Jose Gutierrez David and Gustavo Victoriano, as members, to conduct an inquiry into the matter.

The reports linking Secretary Peralta with smuggling being press accounts of statements made by Senate President Ferdinand Marcos on the floor of the Senate and elsewhere, as well as press versions of testimony given before the Senate Blue Ribbon Committee then looking into smuggling activities, the investigating committee, in furtherance of an orderly investigation and so as to concretize the accusation against Secretary Peralta, asked Senate President Marcos to formulate his charges and substantiate them at the hearing.

However, the Senate President declined the request, claiming, among other things, that as the legislative department was already conducting an investigation of the anomalies, it would be a breach of the rules of propriety and the principles of separation of powers and equality of departments of government and a waste of time, energy and government funds for another department to conduct an investigation simultaneously without awaiting the result of the investigation of the other department; that Secretary Peralta having submitted himself to the jurisdiction of the Blue Ribbon Committee by appearing before it, cross-examining the witnesses and reserving the right to present his own evidence, the President was "estopped from pulling away from the jurisdiction of the Blue Ribbon Committee the investigation of the smuggling activities" in which Secretary Peralta "may have connections"; and that he had requested the chairman of the Blue Ribbon Committee to immediately transmit to the investigating committee its findings after the investigation had been terminated.

Macario Peralta Jr.

Upon reference of the matter to my office for instructions, the investigating committee was directed to go ahead with the investigation, as the mere fact that one was being conducted by the Senate Blue Ribbon Committee did not preclude the President from conducting his own separate inquiry into the alleged involvement of Secretary Peralta in smuggling activities as aired by the Senate President on the floor of the Senate, the purpose of the Senate investigation being to gather facts about smuggling activities for the formulation of remedial legislation, while that of the investigation directed by the President was to determine "the guilt or innocence of Secretary Peralta with the end in view of guiding the President in deciding whether or not to retain said official in his present capacity."

Being itself of the opinion that the investigation by the Blue Ribbon Committee of the Senate did not preclude the President from ordering his own investigation of charges hurled against a member of his Cabinet so that he could determine the fitness of said member to remain in office, the investigating committee reiterated its request for Senate President Marcos to formulate his charges before it. However, the Senate President, through his assistants, informed the committee, first, that he could not attend the hearing because he was sick in the hospital and, later, reiterated his former position stated at the outset.

With this impasse the investigating committee, believing that it could not properly proceed without the participation of the accuser, considered it futile to go any further in the discharge of its commission which it deemed terminated. Observed the committee:

"We rather think that for an investigation for such purpose to have a satisfactory result, an ex-parte inquiry without the participation of the accuser would not suffice. For whatever may be found through such mode of inquiry, in the end, if there is to be a finding of guilt or innocence, there must be a formal hearing of specific charges preferred, the answer thereto, and the proof in support of both to satisfy the requirements of due process. In that way, no one may thereafter complain that his accusation or defense has not been fully looked into or that

all his witnesses have not been heard or all his proof considered. It is for this reason that from the beginning we asked Senate President Marcos to formulate his charges against Secretary Peralta and substantiate them at the hearing. As he has declined to do so and made clear his determination not to take part in the investigation we propose to conduct, we have to inform Your Excellency, much to our regret, that it would be futile for us to go any further in the discharge of the commission with which you have honored us and which, as far as the Peralta case is concerned, must now be deemed terminated."

In the light of the foregoing, the matter concerning the alleged involvement of Secretary of National Defense Macario Peralta Jr. in smuggling is hereby dropped.

Done in the City of Manila, this 22nd day of February ,
in the year of Our Lord, nineteen hundred and sixty-five.

By the President:

RAMON A. DIAZ
Executive Secretary