

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 54

REMOVING MONEBRIO F. ABELLANA FROM OFFICE
AS CHIEF OF POLICE OF DAVAO CITY

The following sworn administrative charges were filed by complainant Guillermo Teves against Monebrio F. Abellana, Chief of Police of Davao City, to wit:

(1) Extortion, for having forced the changing of an adverse report by certain police investigators against Lee Dag, a Chinese who was applying for naturalization, into a favorable one in consideration of the amount of ₱600 paid by the said Lee Dag to the respondent;

(2) Tolerating or abetting gambling or other illegal games, for not acting on reports of gambling or paying no heed to gambling apprehensions;

(3) Failing to turn over confiscated blue seal cigarettes, by not making the correct accounting of the said cigarettes turned over to him by his men;

(4) Abuse of authority and falsification, for having issued regular police IDs to persons who are not regular members of the Police Force;

(5) Immorality, for maintaining immoral relationships with several concubines;

(6) Inefficiency, for not performing his job as police chief in connection with the maintenance of peace and order;

(7) Violation of law, for having caused the appointment of special policemen whom he equipped with badges and IDs.

These charges were accordingly referred to Solicitor General Antonio Barredo who was duly authorized to conduct the investigation thereof pursuant to Administrative Order No. 17, series of 1966. In the meantime, respondent was suspended preventively.

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Records bear the fact that hearings were duly conducted by the Investigator, wherein both complainant and respondent with their respective counsel and witnesses appeared and extensive testimonial and documentary evidence for either party were adduced.

In all but the charge of tolerating and abetting gambling, where the Investigator gives respondent the benefit of the doubt, the Investigator found the respondent guilty and on the basis of the findings recommended that respondent be dismissed or removed from office with complete forfeiture of all rights to which he might otherwise be entitled from the government.

On the first charge of extortion, the Investigator found that respondent had indeed changed the adverse report against a Chinese applicant for naturalization into a favorable one which respondent forwarded to the Solicitor General. The basis of this finding is the testimony of Patrolmen Macasaet and Operiano of the Davao City Police Force who were assigned by respondent to investigate the Chinese applicant, and the Investigator chose to believe the patrolmen's testimony because of certain documentary evidence showing that the Chinese had falsified reports to the immigration authorities regarding the number of his children, had made false statements as to his residence and had failed to report and pay the annual report fee.

On the charge that respondent failed to make a correct accounting of confiscated untaxed blue seal cigarettes, the complainant's witness claims that there were 139 cases of blue seal cigarettes confiscated and turned over to respondent but the latter endorsed to the Bureau of Internal Revenue only 65 cases, thus failing to account for 74 cases. Although only one witness was presented to support this charge, the Investigator gives more credence to his testimony because this witness, Police Sgt. Emmanuel Mesias, was with the confiscating party and the testimony of two other police officers who were also with the confiscating party were conflicting and illogical. For instance, witness of respondent Patrolman Libunaw stated that the police pick-up truck made only one trip in transporting the confiscated cases of blue seal cigarettes. The Investigator found this hard to believe because even if there were only 65 cases of blue seal cigarettes the same could simply not be accommodated in a single trip together with the eight members of the anti-smuggling team, and considering that it took the team from dawn till 10 o'clock at night to transport only 65 cases.

Regarding the charge that the respondent had issued IDs for regular police officers to persons who are not regular members of the police force, the Investigator on the basis of testimonial and documentary evidence found that in at least ten cases IDs for regular police officers were issued to persons who had no appointment on record. The Investigator also found that there was no procedure for the issuance of these IDs, and that there was no record kept of the appointments of special policemen who were issued IDs for regular police officers. On the defense of respondent that he was only following orders of the City Mayor in the issuance of these IDs, the Investigator cited the testimony of the City Mayor's private secretary that the Mayor's office had nothing to do with the issuance of the said IDs. Pointing to the laxity with which the IDs were issued, the investigator states that the tendency of the evidence shows that IDs were being given almost to anyone who asked for it.

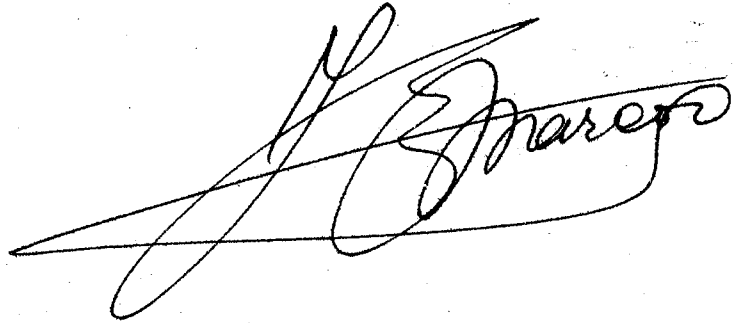
Two witnesses, Alfreda Tulayba and Patrolman Operiano, testified to the fact that the respondent maintained relations with several women with one of whom he had a son by the name of Nelson, a fact which appears in the birth certificate of the child. This was of course denied by respondent but, on the basis of the testimony of these witnesses, the Investigator found respondent guilty of immorality.

The Investigator adjudged respondent guilty of inefficiency because of his past and present record of absences from office and his handling of the matter of special policemen which borders on criminal negligence. In making this finding, the Investigator cited past instances of respondent's unsatisfactory service such as the passage of City Council Resolution No. 630, series of 1956, condemning respondent's weakness and incompetence and unwillingness in the enforcement of the laws.


The issues raised by the charges against respondent are issues of fact and, after having carefully scrutinized the records containing the evidence presented during the hearings, I am satisfied that the findings of the Investigator are amply supported. Whatever may be said against the said findings, there is no denying the fact that they exhibit the respondent to be an irresponsible, incompetent and corrupt person unfit to be entrusted with the challenging and demanding responsibility of enforcing the law and maintaining peace and order.

WHEREFORE, and upon the basis of the recommendation of Solicitor General Antonio Barredo, Special Investigator-designate, Mr. Monebrio F. Abellana is hereby removed from office as Chief of Police of Davao City effective upon receipt of a copy of this order.

Done in the City of Manila, this 16th day of May, in the year of Our Lord, nineteen hundred and sixty-seven.

A large, stylized handwritten signature in black ink, appearing to read 'Antonio Barredo', is written over a horizontal line.

By the President:

A smaller, stylized handwritten signature in black ink, appearing to read 'Rafael M. Salas', is written over a horizontal line.

RAFAEL M. SALAS
Executive Secretary