

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 247

EXONERATING MR. SANTOS B. RASALAN, DEPUTY COMMISSIONER, PHILIPPINE FISHERIES COMMISSION.

This is an administrative case against Mr. Santos B. Rasalan, Deputy Commissioner, Philippine Fisheries Commission, filed by the president of the Inter-Island Deep Sea Fishing Association, Inc. The complaint charges:

1. That one Arsenio Rasalan, son of respondent, and a certain Willie Quetulio interceded in behalf of a group of fishing boat operators known as the Ignacio Brothers and Mrs. Purificacion Yambao for the dismissal of the fishery cases pending against them before the said Fisheries Commission;
2. That ₱40,000 was allegedly given by the Ignacio Brothers and Mrs. Purificacion Yambao to Willie Quetulio in consideration for the dismissal of said cases;
3. That another son of respondent was given a Toyota de Luxe car as gift by the Ignacio Brothers;
4. That in consideration for not getting samples of dynamited fishes, from ₱2 to ₱5 per "bañera" was collected by certain officers of the Fisheries Commission;
5. That respondent failed to implement the provisions of Republic Act 428, as amended by Republic Act 1535, requiring on-the-spot examination of fish samples wherever they may found;
6. That sampling teams were re-organized and replaced with Ilocano friends of respondent;
7. That sampling teams did not take samples of the fishes known as "dalagang bukid" caught in big quantities, and instead took samples of fishes caught by trawlers; and
8. That 2,200 tons of dynamited fishes were landed between August and September 1966 in Navotas fish market alone.

A committee, headed by the Undersecretary for Natural Resources, was formed by the Vice-President and concurrently Secretary of Agriculture and Natural Resources, to investigate

the above charges, and in its report, the committee unanimously recommended the dismissal of all the charges for insufficiency of evidence. After going over the records of the case, I concur in the findings and recommendation of the investigating committee.

The records do not reveal any direct and categorical statement nor directive of respondent ordering the prosecutors, Benito Q. Bengzon, Jesus de la Torre and Amado Maclan, Jr., to dismiss the cases against the Ignacio Brothers and Mrs. Purificacion Yambao. As a matter of fact, these cases were never dismissed and are still pending. The burden of the case against respondent rests and centers on the alleged statement of respondent, "A sigue . . . bahala ka na nga Bengzon," addressed to Benito Bengzon in the presence of Willie Quetulio. Such statement, at most, appears ambiguous and subject to various interpretations -- favorable or otherwise to respondent, and in the absence of positive proof that respondent meant that the cases against the Ignacio Brothers and Purificacion Yambao should be dismissed, the doubt should at least be resolved in his favor. Granting arguendo that such a statement was uttered by respondent, it could well have meant that Bengzon should act on the cases in accordance with law.

On the second charge that ₱40,000 was given by the Ignacio Brothers and Yambao to the alleged intercessor, Willie Quetulio, through one Aristede Ignacio, for the dismissal of the cases against them, the sole evidence to support the same is the interpretation of Amado Maclan Jr. that the giver, Ignacio, impliedly admitted having given the money. This is, however, denied by Ignacio himself in an affidavit submitted to the investigating committee.

Relative to the third charge that another son of respondent was given a car as a gift by the Ignacio Brothers, there is no evidence whatsoever that said car was purchased and paid for by said brothers. Rather, the sales invoice bears the name of Virgilio Rasalan as purchaser, who as an architect could afford to buy the same.

The fourth charge alleges that in consideration for not getting samples of dynamited fish, from ₱2 to ₱5 per "bañera" was collected by certain officials of the Philippine Fisheries Commission. However, complainant's legal counsel himself stated that there are no available witnesses to testify to this effect. Consequently, no evidence to prove this charge was presented.

The fifth charge concerns the alleged failure of respondent to implement the provisions of Republic Act No. 428, as amended,

requiring on-the-spot examination of fish samples. The evidence shows that there are now four sampling teams and fish checkers. Each of these teams is assigned on an 8-hour rotation shift at the fish landing in Navotas, Malabon, Pier 14 and along the Pasig River.

The reorganization or reshuffling of sampling teams and the alleged replacement of the members thereof with Ilocano friends of respondent, even if true, is within the official prerogative of respondent. At any rate, the reshuffling is intended to avoid intimacy between the members of the sampling teams and fish operators.


With respect to the charge that the sampling teams did not take samples of fish known as "dalagang bukid" caught in big quantities, and instead took samples of fish caught by trawlers, no evidence whatsoever was presented to substantiate the same.

Finally, as to the charge that 2,200 tons of dynamited fish were landed between August and September 1966 in Navotas, Rizal, it may be observed that complainant's evidence on the matter is again insufficient to sustain the charge. There is a total lack of evidence that samples of fish were subject to laboratory examinations. Significantly, complainant's witness on this point admitted that he did not know the difference between a fish caught by explosives and that caught by other methods. He was never a witness to any laboratory examination of samples of fish allegedly caught by explosives.

Wherefore, and as recommended, the charges against Mr. Santos B. Rasalan, Deputy Commissioner, Philippine Fisheries Commission, are hereby dropped and he is accordingly exonerated therefrom.

Done in the City of Manila, this 2nd day of November, in the year of Our Lord, nineteen hundred and seventy.

By the President:


ROBERTO V. REYES
Acting Executive Secretary