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MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 249

IMPOSING A FINE ON DEPUTY CIVIL AERONAUTICS ADMINISTRATOR EMILIO
M. ASISTORES.

This is an administrative case filed by the Civil Aeronautics Administrator against Deputy Civil Aeronautics Administrator Emilio M. Asistores who stands charged as follows:

1. That in 1947 he was dropped from the rolls of reserve officers in the Armed Forces of the Philippines (AFP) for having himself processed as captain when in fact he was only a first lieutenant, which dropping was equivalent to a dishonorable discharge;
2. (a) That he required nine laborers of the Civil Aeronautics Administration (CAA) to work during office hours in his house for 15 days without paying them but making them draw their pay from the office;
- (b) That he used as private driver a CAA laborer who continued to collect salary from the office;
- (c) That he collected ₱900 for the supposed hire of a private car for official use which he never hired, submitting falsified receipts to support the vouchers for reimbursement;
- (d) That he charged and collected from the Government the sum of ₱667.10 for a private party given by him and his wife;
3. That he was suspended by the Bureau of Civil Service for dishonesty; and
4. That he defaulted in the payment of a personal obligation.

The case was investigated by a special investigator who submitted an exhaustive report thereon. From the evidence of record, I agree with him that respondent is liable only under charges 1, 2(a) and 2(c).

As to charge 1, it appears that upon the recommendation of the Chief of Staff, AFP, the respondent was dropped on December 9, 1947, from the rolls of the reserve force for having procured himself to be processed as captain on April 20, 1945, in Tolosa, Leyte, well knowing that he was only a first lieutenant, in viola-

Emilio M. Asistores

lation of Article of War 97. There is no record from the AFP headquarters of any special order promoting him to captain nor of any request from him for the confirmation of his rank as such. He was proceeded against before a military court-martial for said alleged violation but the case was dismissed on the special plea of prescription interposed by the defense. Respondent was therefore saved from possible punishment by that plea which obviously did not mean that he was innocent of the acts charged for which he was still amenable administratively. However, it does not appear that his subsequent services were adversely affected by this lapse of his nor that an army rank was necessary for his present position.

Regarding Charge 2(a), the evidence shows that for a period of 15 days in January 1955, around nine laborers from the CAA worked in the private house of respondent in San Juan, Rizal, at least two of them during and after office hours and the rest after office hours; and that during the period involved all these laborers received their regular wages from the CAA. Although he did not personally ask the laborers to work in his house, the fact remains that he took advantage of their labor for purely private purposes by reason of his office. What is worse, some of the laborers worked in his house on government time. Even if they did so without his knowledge, he could not escape his share of the responsibility therefor, as he should have guarded against that possibility. I am not convinced by respondent's claim that no laborers worked during office hours. Not only was he in no position to attest to that fact, but the attempts to tamper with the testimony of two laborers so that they would recant their damaging affidavits that they worked during office hours in respondent's house strongly militate against respondent's assertion.

With respect to charge 2(c), it appears that respondent collected ₱900 for the hire of a private car belonging to Fabian Hembrador in connection with the holding of two air international conferences in Manila where he acted as secretary-general. The hiring of the car appears irregular in that respondent never negotiated with the car owner but only with the latter's brother. The receipts submitted by the respondent to support payment of the car hire were not signed by the creditor as it was made to appear therein but apparently by his brother. In other words, the receipts presented by the respondent were falsified. Even if he did not know of the falsity, still, as a responsible official he should have seen to it that the receipts submitted by him in support of his reimbursement vouchers were genuine.

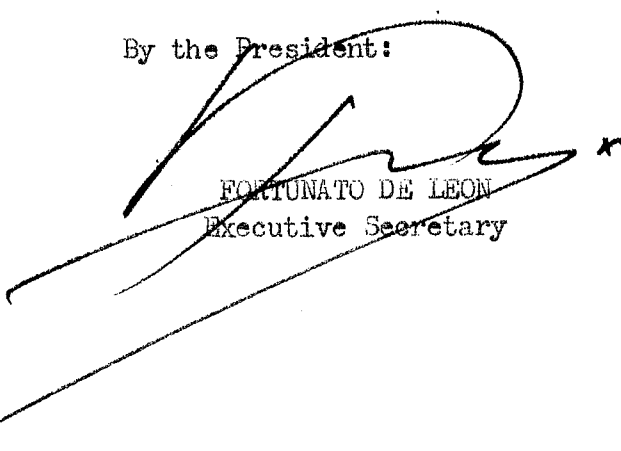
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In view of the foregoing, the respondent is hereby fined in an amount equivalent to his salary for one month, reprimanded and warned that repetition of similar acts or omissions will be dealt with more severely.

Done in the City of Manila, this 30th day of July, 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