

[ADMINISTRATIVE ORDER NO. 169, January 04, 1956]

FINDING LIEUTENANT COLONEL VICTOR H. DIZON GUILTY OF NEGLIGENCE IN PERMITTING THE UNAUTHORIZED LOAN OF RADIO TOWER PARTS TO THE BOLINAO BROADCASTING CORPORATION AND IMPOSING UPON HIM A FINE OF ONE MONTH'S SALARY AS CIVIL AERONAUTICS ADMINISTRATOR

The Committee appointed by me to determine the liability of Lieutenant Colonel Victor H. Dizon in connection with the loan of parts of a dismantled radio tower to the Bolinao Broadcasting Corporation, found that the dismantling of said radio tower in Palawan and the shipment of the dismantled parts to Manila upon the direction of Colonel Dizon, and the lending of the same parts to the Bolinao Broadcasting Corporation about a year later, were entirely unrelated events; that Colonel Dizon approved the loan of the said radio tower parts in good faith and in the belief that they could be parts of the radio beacon (HHW) tower which had been previously leased to said corporation by the Board of Liquidators; that the said loan was an honest mistake attributable to the confusion in the identity of the dismantled parts of both towers. The Committee has recommended the complete exoneration of the respondent.

I concur in the finding that respondent did not order the dismantling of the Palawan radio tower for the purpose of lending it to the Bolinao Broadcasting Corporation. However, after carefully examining the record of investigation, I cannot agree with the Committee's conclusion that the unauthorized lending of the radio tower parts was an unavoidable mistake for which the respondent should not be held responsible as Acting Civil Aeronautics Administrator and as the approving authority for such loan. The evidence discloses that Lieutenant Colonel Dizon was negligent in

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- a. failing to inquire from subordinates who were in a position to identify the tower parts, particularly his Property Officer, Mr. Juan Perez, whether the additional parts being loaned to the Bolinao Broadcasting Corporation belonged to the Palawan radio tower or any other tower in the possession of the Civil Aeronautics Administration;
- b. assuming that if the parts covered by MR's marked Exhibits "A" and "B" (Palawan tower) were found to fit the radio beacon (HHW) tower, this would conclusively prove that the said parts were actually the structural constituents of the radio beacon (HHW) tower, when he knew that the Civil Aeronautics Administration had supporting members and accessories of at least two different towers which could be used interchangeably either in their original state or with slight alterations;
- c. failing to provide a means of checking whether the Bolinao Broadcasting Corporation, a private entity, would actually and honestly