

[ADMINISTRATIVE ORDER NO. 100, February 16, 1955]

REMOVING MESSRS. FRANCIS P. YUSECO, JUSTO I. IBAY AND RUPERTO S. CRISTOBAL AS COUNCILORS OF THE CITY OF MANILA.

This is an administrative case against Councilors Francis P. Yuseco, Justo I. Ibay and Ruperto S. Cristobal, of the City of Manila, for alleged dishonesty in that for and in consideration of the approval by the Municipal Board of a resolution granting permit to the Lirio Terminal Market Association to establish a private market ("talipapa") at a vacant site bounded by Elcano, Asuncion and Zaragoza streets, the said councilors obtained and received the amount of P5,000.00 from Juanita Lirio y Lanting, President of the said association.

The aforementioned charge was investigated by a committee composed of Dr. Gaudencio Garcia, as Chairman, Solicitor Ramon Avanceña and Atty. Jesus Paredes as members. After due investigation, the said committee found the charge substantiated and recommended the respondents' dismissal from the service.

In substance, the complainant, Juanita Lirio testified that she approached Councilor Cristobal regarding her pending application to build a private market on a leased lot near the Divisoria Market, whereupon Cristobal took her to see Councilor Yuseco in the latter's house. In Yuseco's house, the three of them talked of the object of her visit and Yuseco told her that the desired resolution could be arranged on payment of P5,000.00. Lirio replied that she would consult the other members of her association, which she did. Soon after, she returned to Yuseco's house accompanied by Felipe Pagaspas, one of her partners in the business, and agreed to pay the amount fixed by Councilor Yuseco, after she unsuccessfully tried to have it reduced. It was agreed in that meeting that of the stipulated amount, P2,500.00 would be paid before the passage of the proposed resolution and P2,500.00 thereafter. The first installment was to be paid to Councilor Ibay, Chairman of the Committee on Police, at the Bicolandia Restaurant on Taft Avenue on March 24, 1952. On that date, however, she was able to give Ibay only P2,100.00, but she promised to pay the balance the following day, and it was paid to Councilor Cristobal in his office in the City Hall. The second installment of P2,500.00 was paid to Yuseco personally on April 7, 1952, in the toilet room in his office.

Lirio declared that the payment to Ibay was made in the presence of Arsenio Gonzales, Norberto Almario and a confidential agent of Yuseco, while the payment to Cristobal was witnessed by Simeon Verder and the payment to Yuseco by Arsenio Gonzales and Feliciano Magtira.

Magtira testified that on April 7, 1952, he and Gonzales went with Lirio to Yuseco's office and from the office moved to the toilet room; that in the toilet room, he handed Lirio P1,800.00 upon previous indication of Gonzales. He explained that Gonzales had told him to have this amount ready because Councilor Yuseco was