

[ADMINISTRATIVE ORDER NO. 175-A, December 12, 1951]

REPRIMANDING LT. COL. ANDRES O. CRUZ AND DISMISSING THE CHARGES AGAINST LT. COL. VICTOR H. DIZON, ACTING ADMINISTRATOR AND ACTING DEPUTY ADMINISTRATOR RESPECTIVELY, OF THE CIVIL AERONAUTICS ADMINISTRATION

This is an administrative case against Lt. Cols. Andres O. Cruz and Victor H. Dizon, acting administrator and acting deputy administrator, respectively, of the Civil Aeronautics Administration, brought by Eliodoro de la Resa, general counsel of the same office, charging the first with gross misconduct in office, grave abuse of authority, active political participation and unlawful use of government vehicle and the second with complicity (with the other respondent) in coercing the complainant to resign and indifference towards the complainant when his co-respondent attached the former and engaged him in a physical encounter. The charges were investigated by the Integrity Beard which found those against Dizon not substantiated but found Cruz guilty of gross misconduct and political activity.

It appears that for some time prior to January 9, 1951, there was a movement, of which respondent Cruz was aware, to secure the appointment of civilians to manage the Civil Aeronautics Administration then being run by military men. The personnel thereof was divided into two factions, one for maintaining the status quo and the other favoring the change. Complainant, who was apparently interested in the post of administrator, was identified with the latter group. A couple of meetings of officials and employees were called by respondent Cruz to sound out, among other things, their preference as to who among the respondents and complainant should run the office. In the meeting held on the afternoon of January 9, 1951, Cruz suggested to complainant to go on leave in order that he could work for his candidacy as administrator.

Acting on the suggestion, complainant submitted the next day an application for one month's vacation leave which was forthwith endorsed by respondent Cruz. Upon learning, however, that complainant had more leave to his credit, Cruz insisted that the former exhaust all his leave on condition that he submit his resignation to take effect at the expiration of his leave. Complainant refused to comply with the conditions invoking his rights as a classified civil service officer. Whereupon Cruz tore the application and, after an exchange of hot words, stood up and boxed complainant on the mouth. They grappled but were separated by some employees. Complainant left the room and went to his desk but was followed by Cruz who persisted in further laying hands on him. Efforts of cooler heads to prevent him from so doing proved to no avail. When finally they were separated, complainant, who was the smaller of the two, emerged with several injuries which required medical attention.

It also appears that in violation of existing law and regulations respondent Cruz