

**[ ADMINISTRATIVE ORDER NO. 108, October 20, 1939 ]**

**IN THE MATTER OF THE ADMINISTRATIVE INVESTIGATION OF GOVERNOR RAMON SAMONTE OF CAVITE**

This is an administrative case against Governor Ramon Samonte of Cavite, the charge being that in suspending the municipal mayors of Cavite, Tanza, and Imus, on October seventh, nineteen hundred and thirty-nine, he committed an illegal act and was guilty of abuse of authority and arbitrariness.

It appears that on the twentieth of September, nineteen-hundred and thirty-nine, the Secretary of the Interior issued a circular telegram to all governors advising them of the provisions of Commonwealth Act Numbered Four hundred ninety-two and stating that no new election inspectors should be appointed except for the purpose of filling vacancies. On October seventh, nineteen hundred and thirty-nine, the municipal mayors of Cavite and Imus, the former after consulting the provincial fiscal, and pursuant to nominations made by the authorized local representative of the National Directorate of the Nationalist Party, appointed one new Nationalist election inspector in each election precinct in their respective municipalities in substitution of one of the two Nationalist inspectors in the last election, under the authority of section seventy-four of the Election Code. The municipal mayor of Tanza extended an appointment as poll clerk for a certain election precinct, which position was not vacant at the time. Governor Samonte, upon being informed of these facts, on his own initiative and without the knowledge or authority of the Secretary of the Interior, ordered the immediate suspension of the mayors above referred to, such suspension to continue until seven o'clock in the evening of the same day, October seventh.

The respondent admits having suspended the aforesaid mayors, but justifies his act upon the ground that he has authority therefor under section eighty of the Election Code, which permits the immediate suspension of any officer who shall not comply with an order of any competent authority relative to the appointment of inspectors or poll clerks.

The explanation given by Governor Samonte for his action in the premises is not satisfactory. The authority given in section eighty of the Election Code cannot be exercised by the provincial governor, because under section two of the Code, it is only the Secretary of the Interior who may suspend recalcitrant officers and appoint temporary substitutes. A provincial governor has no authority, under the Election Code, to suspend even a recalcitrant official.

In view thereof, I find that Governor Ramon Samonte of Cavite, in the case of the suspension of the municipal mayors of Cavite, Imus, and Tanza on October seventh, nineteen hundred and thirty-nine, acted with abuse of authority and arbitrariness. The period of suspension which he has already undergone is, however, considered a