

PHILIPPINE FOOTBALL FEDERATION  
Philsports Complex, Building B, room no. 405  
Meralco Avenue, Pasig City

Administrative Case no.0001-2008

IN THE MATTER OF ADMINISTRATIVE COMPLAINT FILED BY ARTURO Y.  
PACIFICADOR JR. PRESIDENT LAGUNA PFA AGAINST EDWARD  
MAGALLONA.

x-----/

ORDER

This pertains to the letter-complaint filed by Mr. Arturo Pacificador, President of Laguna Football Association, dated February 4, 2008, against Mr. Edward Magallona. Upon receipt of the letter complaint, Atty. Zoilo Antonio G. Velez, the Legal Adviser of PFF was assigned to conduct investigation and submit recommendation. On June 26, 2008 a resolution was submitted by the legal adviser, with his recommendation. Since the facts, issues presented and that the respondent Mr. Edward Magallona was accorded procedural due process, the resolution is hereby adopted.

Let an issue therefore be issued, adopting the recommendation.

WHEREFORE in view of the foregoing premises, this order is issued by the authority of the Office of the President of the Philippine Football Federation, pursuant to Article 6, Section 1 of the 2007 By-laws, imposing a disciplinary action upon the respondent for the violation of Statutes, Rules, Regulations and Standing Orders of PFF, for gross misconduct, in violation of the Statutes, inimical to the objects of the PFF. Mr. Edward Magallona is hereby expelled from the PFF, in all its affairs, games, tournaments, activity and from being appointed to any official position with the Philippine Football Federation.

SO ORDERED, this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2008 at the Philippine Football Federation Office, room 405, Philsports Complex, Meralco Avenue, Pasig City, Metro Manila, Philippines.

**JOSE MARI MARTINEZ**  
Philippine Football Federation (PFF)

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RESOLUTION

For resolution, is an administrative two (2) pages letter complaint filed by one ARTURO Y. PACIFICADOR, JR. (referred to as Complainant), current President of Laguna Football Association, received by the PFF on February 4, 2008. The complaint is against Mr. Edward Magallona (referred as Respondent), former President of Laguna Football Association. In the letter complaint of Mr. Arturo Pacificador, two issues were raised:

1. Unserved suspension order of Mr. Edward Magallona for 18 months from February 15, 2005 to September 15, 2006, pertaining to the striking incident while President of Laguna Football Association;
2. Over pricing in the purchase of second hand computer for Php 5,000.00 with an approved budget of Php 50,000.00.

On February 4, 2008, President of Philippine Football Federation, Jose Mari Martincz, appointed the undersigned legal adviser for the PFF, to conduct ad hoc investigation.

On February 5, 2008, Mr. Edward Magallona was required to Show Cause why the letter complaint, dated February 4, 2008 should not be acted upon and given due consideration, for him to submit his explanation, in relation to the written complaint. The Show Cause letter was duly mailed to the respondent, after getting his last known address at the PFF Office, Philsports Complex, Meralco Avenue, Pasig City, Metro Manila.

Sometime on April 2008, the undersigned Investigating Officer received a folder from the Philippine Football Federation Office, a long envelope containing the undated letter explanation of Mr. Edward Magalona, in reply to the complaint of Mr. Arturo Pacificador. Together with the undated letter reply of Mr. Edward D. Magallona are the following, to wit:

- i. Annual Report 2003 of Laguna Football Association (consisting of 14 pages), unsigned and prepared by respondent alone;

- ii. Improvements Made on the LFA Building (2 pages) unsigned and prepared by respondent alone;
- iii. One (1) page brochure, reflecting the set of Officers, Vision, Mission, immediate Programs for 2003, Areas of Concern, Competitions, Manpower Development, Players Development, Teaching/Training Materials, Infrastructure and Medical. All these in one page short bond paper, in colored print;
- iv. May 2003, Special Issue of THE GOALPOST, Laguna Regional Football Center to be Inaugurated, with page 2 at the back;
- v. One page Laguna Football Association, Regional Football Center. With topics on Vision, Mission, Areas of Concern;
- vi. Print out of different Regional Football Centers, particularly: FIFA/PFF ADMINISTRATION BLDG. ZAMBOANGA CITY, Cagayan de Oro Training Center, Agusan Del Sur Training Center, Laguna Training Center, with 17 pictures of different views of buildings and the interior of the Laguna Regional Football Center.
- vii. Photo copy of a letter by Acting General Secretary Domeka B. Garamendi, dated 27 July 2005, addressed to Mr. Edward Magallona, on *PFF Sanction*;

Since the respondent was accorded administrative due process and as in fact a letter reply was signed by him, procedural due process is served. Evaluating the February 4, 2008 letter-complaint, it was alleged that respondent was suspended for Eighteen (18) months from February 15, 2005 to September 15, 2006. It was further claimed that instead of serving such suspension, he was even rewarded by the PFF with a consultancy position. Hence, a violation of ethical standards set by the FIFA. Further, it was alleged by the complainant that respondent admitted that a second hand computer was purchase at Five Thousand Pesos, instead of buying a new one with an approved budget of Fifty Thousand Pesos (Php 50,000.00). Finally, the complaint alleged that the respondent reported, received and certified that the LAGUNA FOOTBALL ASSOCIATION bought and received a computer system worth Php 50,000.00. A positive certificate of budget received.

In his defense respondent denied the allegations and claimed that he served the suspension. In fact according to him the papers for his service of suspension is with the Philippine Football Federation. Respondent claimed

that his actuation was justifiable as President of LFA, for which reason he was suspended for striking a player and grave threats with a bolo. On the purchase of personal computer, the respondent committed negative pregnant. It was claimed that it was not possible to purchase the computer unit at Php 5,000.00 since the same is functional. And in support of his allegation that the computer was functioning, is the fact that he was able to produce a lot of output and even an LFA poster, brochures and an initial issue of the LFA newsletter "GoalPost". Respondent's defense is that he enclosed a copy in his undated reply, the brochure, newsletter and other output produced from the controversial computer unit. Respondent however never asserted that he purchased a brand new computer, thus a receipt or affidavit to that effect would have been very convenient to rebut the accusation against him.

In resolving this administrative investigation, the undersigned investigating officer, seeks to strike fairness and impartiality in arriving at the issues presented before him. On the issue of "Unserved suspension order for 18 months from February 15, 2005 to September 15, 2006" and the purchase of computer at Fifty Thousand Pesos (Php 50,000.00), the issues are hereby identified as follows, to wit:

Whether or not the respondent in fact served the suspension order.

Whether or not respondent spent the amount of Fifty Thousand Pesos (Php 50,000.00) to purchase the personal computer as reported, received and certified by him.

The investigating officer is not convinced of the letter explanation of respondent, Mr. Edward Magallona.

On the issue of serving suspension order, there is no substantial evidence to support that respondent served, either the 18 months or the 9 months. Respondent argues that before his suspension period ended, he requested for an early termination. In support of this, respondent submitted the letter of Mr. Domeka B. Garamendi, dated 27 July 2005, reducing the sanction from 18 months to 9 months. This letter of Mr. Garamendi proves, as evidence that respondent was suspended for 9 months period, the least. Assuming that the suspension period was reduced. It is worthy to note that the letter of Mr. Garamendi was dated July 27, 2005, hence upon the receipt of the subject letter; respondent would have to serve nevertheless the

remaining Four (4) months. The lifting of suspension order is not a revocation. Hence nevertheless respondent is suspended for 9 months.

The comment as to the purchase of the personal computer is a clever evasion but it is not clever enough. It does not satisfactorily explain why he has to take a circumnavigation of explanation on his defense regarding the purchase of other equipments, TV and Fax Machine, while the issue is the purchase of Fifty Thousand Pesos (Php 50,000.00) for the personal computer. He did not dispute the relevant fact that he did not purchased the computer for Fifty Thousand (Php 50,000.00), but rather focused on the viability and functionality of the purchased computer. It is a wonder that he even hoped to convince this investigating officer of such a feeble if not absurd argument. Respondent claimed that it was not possible to purchase the computer unit at Php 5,000.00 since the same is functional. And in support of his allegation that the computer was functioning, is the fact that he was able to produce a lot of output and even an LFA poster, brochures and an initial issue of the LFA newsletter "GoalPost". That as a defense, a copy was enclosed in his undated reply, are the brochure, newsletter and other output produced from the controversial computer. Looking at the evidences presented, enclosed were the supposed issue of the brochure and newsletter, produced from the controversial computer, to prove that the computer was able to print. However, the printed issue of the brochures and the supposed newsletter "GoalPost" bears the exact similarity with the material filed as the undated letter reply of respondent. With a heading "To: Ad Hoc Investigation Committee". The letter reply should have been printed after respondent was required to file his comment or after February 4, 2008. While the sample print out of the computer subject of the Fifty Thousand ( Php 50,000.00) Purchase computer were printed together with his undated reply, because the paper used are the same and the staple wire are all the same.

Since the respondent offered as evidence the sample brochure and GoalPost, as part of his evidence above under no's iii, iv and v respectively, the same shall be the focal point to be resolve here. The investigating officer cannot but turn away on the lameness of the fact that the sample printouts were printed during the preparation of respondent's undated reply. The sample brochure and GoalPost and the one page Laguna Regional Football Center were printed with a new clear white printed paper. Both the letter reply and the supposed sample print out shows that these were printed of recent vintage. Conscience and logic shows the fact that there was no substantial evidence to support that the computer was bought at Fifty Thousand Pesos (Php 50,000.00). Respondent readily admitted that it was a second hand unit,

because his defense was more on functionality. He should have presented the official receipt of the purchase price of the computer, to ultimately prove that the money appropriated for that purpose was devoted thereto. In other words, respondent has diverted the funds intended for the computer and acquired an inferior quality instead, all to the prejudice and damage of the Philippine Football Federation, its stakeholder, and the playing members of Laguna Football Federation.

Be it noted that the Philippine Football Federation is a component of the international family of football, the FIFA (Fédération Internationale de Football Association), AFC (Asian Football Confederation, AFF (Asean Football Federation) and POC (Philippine Olympic Committee). Accordingly, it is obliged to respect the statutes, regulations, directives and decisions of FIFA, AFC, AFF and POC and ensure that these are likewise respected by PFF members and officials.<sup>1</sup>

The respondent and the PFF, as an organization involved in the Game of Football are obliged to implement the principles of Fair Play. Hence part of this investigation therefore is the application of the PFF by-laws and the FIFA Code of ethics. Under Article 2 Application of FIFA by-laws, states: Any person who accepts and assumes the function of an official is bound by this Code. Officials are expected to be aware of the importance of their function and concomitant obligations and responsibilities. Their conduct shall reflect the fact that they support and further the principles and objectives of PFF, ACF and FIFA.

Respondent as officials of the PFF, being the President of Laguna Football Association shall discharge his affair with honestly, worthily, respectably and with integrity. Private or personal interests include gaining any possible advantage for him and acquaintances have no place in a fair game. Conflicts of interest arise if officials have, or appear to have, private or personal interests that detract from their ability to carry out their obligations as officials with integrity in an independent and purposeful manner, has no place in PFF. The spirit of PFF is voluntarism and the manifest diversion of PFF funds is a clear case of gross misconduct. On the issue of bodily harm and grave threats, the respondent can never be justified in chasing a player with a bolo in the field. Under the Criminal Law, threat to one's life is the only instance to use reasonable force to repel an unlawful aggression.

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<sup>1</sup> Article 1, paragraph no. 4, PFF 2007 Constitution and by-Laws

After evaluating the foregoing issues, we now determine what will be the appropriate sanction to be imposed. Under Article 6, on Disqualification of Memberships, Section 1 of the 2007 By-Law of the PFF states:

The PFF may impose the following penalties for any violation of its Statutes, Rules, Regulations and Standing Orders by its Members, Clubs, Schools, **Officials and Players**:

- a. Caution
- b. Fine
- c. Suspension
- d. Expulsion

#### RECOMMENDATION

WHEREFORE in view of the foregoing premises, it is most respectfully recommended to the President of the Philippine Football Federation MR. JOSE MARI MARTINEZ, under the authority vested upon his office, pursuant to Article 6, Section 1 of the 2007 By-laws to impose disciplinary action upon the respondent for the violation of its Statutes, Rules, Regulations and Standing Orders by its xxxxxxxx, **Officials and Players** and for serious violation of the Statutes, inimical to the objects of the PFF. **It is respectfully recommended that the respondent Mr. Edward Magallona be expelled from the PFF, in all its affairs, games, tournaments, activity and from being appointed to any official position with the Philippine Football Federation.**

**So recommended this 26<sup>th</sup> day of June, 2008 at the Philippine Football Federation Office, room 405, Philsports Complex, Meralco Avenue, Pasig City, Metro Manila, Philippines.**

**ZOILO ANTONIO G. VELEZ**

Hearing Officer- Ad Hoc Investigation  
Legal Adviser  
Philippine Football Federation (PFF)

CC: PFF

JOSE MARI MARTINEZ  
PRESIDENT