

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 158

REMOVING MR. PRIMO L. CABRERA FROM OFFICE
AS CITY ATTORNEY OF ORMOC

This is an administrative case against Mr. Primo L. Cabrera, city attorney of Ormoc, who stands charged with corrupt practices in that (1) he made improper use of his official influence in the settlement of civil cases for personal profit; (2) he filed or dismissed criminal cases for pecuniary considerations; and (3) he illegally issued duplicate certificates of title, charging private fees for his services, and took advantage of his position as ex-officio register of deeds in borrowing money from persons transacting official business with his office. The charges were investigated by the Department of Justice and in his report the Secretary of Justice recommends the dismissal of the respondent.

With respect to the first charge, it appears that sometime in July, 1950, through the intervention of respondent, the husband of one Guillerma Cabiling de Barabad gave to respondent for delivery to his aforementioned wife the sum of ₱400 as part of her accumulated allowances due from her husband, but respondent gave her only ₱300, retaining the ₱100 for himself; that sometime in 1950 respondent intervened in the settlement of an inherited property, as a result of which Francisca Monte Vda. de Aviles and her sister succeeded in obtaining one-half thereof; that although their share was sold, through the mediation of the respondent, for ₱250, he gave them only ₱100 and kept the balance of ₱150—₱100 for himself and ₱50 for alleged cost of survey.

Respondent admits the occurrence of the above transactions but denies having received any amount for himself in connection therewith and attempted to substantiate his denial. After weighing the evidence for respondent, I find that it failed to overcome the probative value of the testimony of Mesdames Barabad and Aviles. If respondent did not receive the amounts allegedly taken by him, considerations of gratitude would have compelled them to come to his defense. That they acted otherwise by testifying against him strengthens the veracity of the first charge.

The second charge is dropped for lack of merit.

As regards the last charge, Eugenio Go testified that he paid respondent ₱40 for the issuance of two certificates of title for his two lots; that respondent did not issue any official receipt for the amount; that on December 2, 1950,

he obtained a loan of ₱500 from a Dr. Serafica secured by the mortgage of these two lots; the papers having been drawn up in respondent's office; that the ₱500 being a check, Go asked respondent to help him cash it; that together they went to a Bombay store where it was cashed; that respondent gave him ₱300 only and told him that he was borrowing the ₱200, for which he signed a receipt; and that in deference to respondent Go consented thereto. Go also declared that his titles to the lots in question were burned during the war; and that despite the absence of court session and his not having filed a petition with the court for the issuance of duplicate certificates of title, respondent issued the duplicate certificates without the corresponding court order.

Pedro Torralba testified that he and two others bought a piece of land which had been mortgaged to the Philippine National Bank; that although the former owner had already redeemed the mortgage, no annotation to that effect appeared on the title, so he and his co-owners asked respondent to have the mortgage cancelled and a new certificate of title issued in their favor; and that they paid respondent ₱200 for his services.

It likewise appears that without proper court order, but merely on the strength of the affidavits executed by Pelagio P. Codilla and Rufino Conui, respondent issued transfer certificate of title No. 339 in favor of Mrs. Luisa Codilla Vda. de Siy.

Respondent admits the occurrence of these three transactions but denies having personally profited by them. I have carefully considered respondent's evidence, including his explanation, and I find the same unsatisfactory. The issuance by respondent of the duplicate transfer certificate of title in the particular case of Mrs. Siy is not only highly irregular and anomalous but also evidently illegal.

The foregoing facts clearly show respondent's gross misconduct by prostituting his public office. Consequently, I have no alternative but to take drastic action against him for the protection of the public service.

Wherefore, Mr. Primo L. Cabrera is hereby removed from office as city attorney of Ormoc, effective as of the last day of his service with pay, with prejudice to reinstatement in the government service.

Done in the City of Manila, this 27th day of June, in the year of Our Lord, nineteen hundred and fifty-one, and of the Independence of the Philippines, the fifth.

ELPIDIO QUIRINO

President of the Philippines

By the President:

MARCIANO ROQUE

Acting Assistant Executive Secretary