

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 222

REMOVING MR. ARCADIO CAPILI AS CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF CEBU.

This is an administrative case against Mr. Arcadio Capili, Chief of the Cebu City Fire Department, who is charged with I. Dishonesty on the following counts: (1) using government materials in the construction of his house within the compound of the Fire Department; (2) using 4 sheets of galvanized iron roofing, several gallons of paints and lumber in the construction of his private house at Junquera Street, Cebu City; (3) using government light and water in his private barbershop and store in the Fire Department compound which were constructed without corresponding permits; (4) taking barbed wire from the Central Fire Station to fence his private lot located at Guadalupe Street, Cebu City; (5) disposing fifteen (15) empty gasoline drums which were delivered to Lahug, Cebu City, by Fireman Rodolfo Obispo by using a Fire Department truck; and (6) misappropriating the funds of the Cebu Fire Department Association of which he was the president; II. Misconduct in office by taking advantage of his official position on eight counts - (1) requiring firemen during office hours and against their will to do repair works in his private house and construction of his store located respectively at Junquera Street and España, corner Sikatuna Street, Cebu City; (2) constructing without permit a private store open to the public within the compound of the Fire Department; (3) utilizing the services of the firemen during office hours to plant bananas in his private lot at Guadalupe, Cebu City; (4) opening a commercial barbershop within the Fire Department compound and detailing a fireman during office hours as a barber to attend said shop; (5) exacting in 1952 from each fireman the amount of ₱20.00 to defray his expenses in following up the appointments of said firemen in Manila, and ₱10.00 in 1953 for following up the appointments of the firemen even without their request; (6) acquiring a private car within a short period of two years service, and assigning and utilizing a fireman to drive his private car during office hours for fetching respondent's children to school, shopping and social calls of his wife; (7) misappropriating government gasoline, oil, tires, spare parts and other

Arcadio Capili

accessories for the use of his private car which was never used for official business since he was provided with a brand new jeep in addition to an official car; and (8) requiring the collection of ₱0.30 from each fireman on the pretext that the amount raised be the share of the City Fire Department personnel in defraying the expenses of the City Government on the occasion of the arrival of Secretary of Labor Adevos; III. Nepotism - employing his three sons in the Fire Department and non-compliance with the order of the Executive Office for the transfer or termination of the services of his three sons; IV. Favoritism - allowing without proper authority the construction within the Fire Department compound of the house of Fireman Lt. Antonio Capili, Prevention Inspector Ricardo Talanay, Fireman Capt. Segundo Tobasa and Fireman Rodolfo Obispo; V. Neglect of duty on three counts - (1) failing to take proper administrative action against his son, Segundo Capili, who called out a fire alarm which proved to be false when all the fire companies responded to the supposed fire scene; (2) neglecting to recover the money value of the Joeger pumps and other fire fighting equipment allegedly lost under the custody of the Chief of Construction and Repair Section of the Fire Department; and (3) abetting or tolerating the money-lending activities of his wife who charged exorbitant rates of interest to her victims, the firemen; and VI. Oppression on six counts - (1) calling the firemen "thieves" and other names for their slight mistakes; (2) manhandling Fireman Felicisimo Herediano on September 1, 1950 without any sufficient provocation, and boxing Fireman Sevillano Deiparine who sustained a cut in the mouth for refusal to drive a fire truck; (3) threatening to shoot Fireman Rufino Medalle and actually pointing respondent's gun between the eyes of said fireman; (4) assaulting and manhandling without sufficient provocation Firemen Isidro Pepito, Teodulo Bitana and Wilfredo Gatchalian; (5) manhandling of his other subordinates who are no longer in the service; and (6) running the Cebu Fire Department as a dictator and coining the "CFD" (correct abbreviation of Cebu Fire Department) to mean "Capili Fire Department".

For failure of the complainants to submit evidence, and as recommended by the Provincial Fiscal of Cebu as Special Investigator of this Office, Count (5) of Charge I; Counts (1), (2) and (3) of Charge V; and Counts (4) and (5) of Charge VI are hereby dismissed.

After going over the records and as recommended by the Special Investigator, I am satisfied that Counts (1), (2), (3), (4) and (6) under Charge I; Counts (1), (2), (3) and (8) under Charge II; Charges III and IV; and Counts (3) and (6) of Charge VI have not been sufficiently established and

therefore are hereby dropped.

Charge II

With respect to Count (4), the evidence shows that from February, 1954 to February, 1955, a barbershop was established inside the Fire Department compound operated by the wife of the respondent, and that Fireman Juan Bor-goña served as regular barber in said barbershop during office hours and for each haircut of ₱0.50, he received a share of ₱0.20 and ₱0.30 for Mrs. Capili, wife of the respondent. I therefore find the respondent guilty of this count.

Regarding Count (5), the evidence shows that sometime in 1952, Firemen Enrique Abella, Panfilo Abas and Inocencio Jaca each gave ₱20.00 to the wife of the respondent for following up the approval of their appointments. In 1953, several firemen contributed the amount of ₱10.00 each in the total sum of ₱825.00 which amount was sent by money orders to the respondent by Assistant Chief of Fire Department Saturnino Liston, upon his (respondent's) request. The respondent alleged that the money was intended for his wife who worked for the approval of the promotional appointments of the firemen. This defense is untenable, for it is highly improper for the respondent in permitting or abetting his wife to collect such contributions from his subordinates as a personal follow-up is not necessary for the early approval of appointments.

With respect to Count (6) there is no evidence to show that the respondent acquired by dishonest means a second hand Studebaker car in 1948 which he sold in 1950 to get a second hand car, nor misappropriated tires, spare parts and other accessories for his private car. However, he is found guilty of having used government gasoline and oil for fetching his children to school in his private car.

Charge VI

With respect to Count (1) there is no sufficient evidence to show that the respondent called the firemen "thieves" for their slight mistakes, but only reprimanded or scolded some of them like Firemen Inocencio Jaca and Herediano for stealing a box of tools during a fire. Nevertheless, I consider his failure to take proper administrative proceedings against the said firemen as gross neglect of duty.

As regards Count (2) the evidence shows that the respondent hit Fireman Felicisimo Herediano on the face with his jacket for giving a wrong location of a fire. He also slapped Fireman Servillano Deiparine for refusing to drive

a fire truck. The imposition of corporal punishment is not allowed however grave the offense may be. Instead the respondent should have taken proper administrative proceedings against Firemen Herediano and Delparine.

The foregoing irregularities committed by the respondent constitute corruption and serious misconduct which render him unfit to hold a public office.

Wherefore, respondent Arcadio Capili is hereby removed from office as Chief of the Fire Department of Cebu City, effective upon receipt of notice hereof.

Done in the City of Manila, this 23rd day of November, in the year of Our Lord, nineteen hundred and fifty-six, and of the Independence of the Philippines, the eleventh.

By the President:



FORTUNATO DE LEON
Executive Secretary