

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER No. 72

REQUIRING ASSISTANT PROVINCIAL FISCAL EVARISTO CARMONA OF
CAGAYAN TO RESIGN FROM OFFICE

This is an administrative case against Assistant Provincial Fiscal Evaristo Carmona of Cagayan.

From the investigation conducted, the Secretary of Justice finds the respondent guilty of: (1) ignorance of the law, in that he incorrectly advised the justice of the peace of Sanchez-Mira, Cagayan, that a certain criminal case for attempted mutilation falls within the jurisdiction of the said justice of the peace; and (2) conduct unbecoming a public officer, in that while under the influence of liquor he uttered offensive remarks against Harry C. Wahlgren and challenged the latter to a fight.

After a careful study of the case, I find the conclusions of the Secretary of Justice to be warranted by the facts appearing of record. I do not agree, however, with his recommendation that the respondent be merely fined thirty days' pay with a final warning that the commission of another offense in the future will be sufficient cause for his removal from office. Officers charged with the prosecution of crimes cannot be overly careful in the performance of their duties. They must not only possess ample knowledge of the law but they must so conduct themselves as to inspire the confidence and command the respect of the people whose interests they are sworn to protect. The least that can be said of the respondent in this case is that he does not have the requisite judgment and discretion expected of prosecuting officers.

In view of the foregoing, and considering that in a previous administrative case he was found guilty of drunkenness and conduct unbecoming a public officer and warned that the commission of a similar offense will be sufficient ground for his separation from the service, the respondent, Evaristo Carmona, is hereby required to resign from office as Assistant Provincial Fiscal of Cagayan upon receipt of this order.

Done at the City of Manila, this 24th day of June, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

(Sgd.) MANUEL L. QUEZON
President of the Philippines