



MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 73

REMOVING MR. PRIMITIVO P. CAMMAYO FROM OFFICE AS ASSISTANT
FISCAL OF MANILA.

This is an administrative case against Assistant Fiscal Primitivo P. Cammayo of Manila for alleged dishonest conduct prejudicial to the interest of the service. It is alleged that he asked and received from insular prisoner Domingo Bebania, the complainant, the amount of P200 and attempted to get from him a "Texas" fighting cock, assuring the prisoner that he would soon be released from confinement, as the respondent had talked to the former President, his "compadre," but which release never materialized.

The evidence for the complainant tends to show that following the denial by the former President of his petition for conditional pardon, prisoner Bebania requested in writing respondent's help in effecting his release. In response thereto, the respondent went to visit the prisoner at his hut in the New Bilibid Prison. At that meeting the respondent, claiming to be a "compadre" of the former President, assured Bebania that he would attend to the latter's papers. On December 22, 1953, the respondent wrote to Bebania informing him that he was rushing Bebania's papers and that he was going to see the President that same day. In that letter the respondent asked for P200 for expenses, as he might possibly have to follow the former President in Baguio. The letter concluded with a promise that the respondent would "try to do all that could possibly be done."

On the following day, December 23, 1953, the respondent visited Bebania personally and reassured him that the release papers had already been signed by the former President. On this occasion, Bebania declared, he gave the respondent the P200 requested near the swimming pool situated near the main gate of the prison compound, with no third person present. However, according to Bebania, Policeman Agapito Macatangay noticed the respondent as the latter was departing, which was confirmed by Macatangay to the extent that he did notice a certain person leaving Bebania's hut but that he would not be able to recognize that person should he see him again. Macatangay also stated that Bebania had informed him on that occasion that he, Bebania, had had a visitor and that he would be released the following day.

Two other letters written and sent by the respondent to prisoner Bebania were presented in evidence. The first, dated December 27, 1953, stated that Bebania's papers were in the hands of Dr. Roque (the former Acting Executive Secretary) and that the respondent would definitely know the action of the President by December 29, 1953. The second, dated January 30, 1954, expressed respondent's regrets for his failure to secure the desired pardon and set forth a fresh promise "to do all that is possible" and to send Bebania's papers to me. In this same letter, Bebania was requested to deliver his best "Texas" rooster to the bearer thereof "because he is the one helping me" (respondent). Bebania admitted orally that he did not deliver the rooster requested.

Prisoner Bebania testified further that on September 16, 1954, he was visited by Ventura Malayao (his uncle) and Augusto Paragua who informed him that they had been requested by the respondent to induce him to withdraw his complaint and retract his statement about having given money to the respondent; and that he accompanied them to the office of the prison superintendent who told them that the matter was already beyond his jurisdiction, the same having been referred to the Department of Justice. The prison superintendent corroborated Bebania's testimony on this point.

In his defense the respondent declared that he had not seen prisoner Bebania since the latter's conviction for parricide eight years before and that he had never received anything from Bebania. To explain his request for P200 in his letter of December 22, 1953, the respondent presented Atty. Ramon Encarnacion, who declared that the respondent went to his office several times to secure his services in connection with Bebania's pardon case; that he requested the respondent to ask from Bebania some money for expenses but that none came; and that the respondent had requested him to follow up Bebania's papers in Malacañang, but that when he went there he found out that no application had been filed for Bebania's pardon.

The respondent alleged that the "Texas" rooster he had asked from Bebania was not intended for himself but for his two office mates as a gift, which allegation was confirmed by the latter. He also presented Bebania's uncle, Ventura Malayao, who declared that he came to Manila voluntarily upon being shown a copy of the letter of the Secretary of Justice informing the respondent of Bebania's charges; that Bebania told him that the former was "just mad" at the respondent for the latter's failure to obtain the desired release; and that no money had in fact been given to the respondent.

It is undisputed that prisoner Bebania solicited respondent's help to obtain his release from prison; that the respondent asked from Bebania the amount of P200 and a "Texas" rooster; and that the rooster was never delivered to the respondent.

As to whether or not Bebania actually gave P200 to the respondent, the fact that prison regulations prohibit possession of money by prisoners and that the prisoners are subjected to periodic unannounced inspection by the prison authorities--so that it could hardly have been possible for Bebania to have accumulated so substantial an amount--would seem to indicate the falsity of Bebania's claim. Moreover, Bebania has shown himself rather wanting in truthfulness by inserting in his letters to the respondent false statements calculated to evoke the latter's sympathy.

But whether or not the respondent actually received the P200, his proven acts show an intent to derive profit from the prisoner's plight. Like Bebania, he has proven himself lacking in truthfulness. For instance, he admitted that he had no intention of following the former President in Baguio and that he meant to send Atty. Encarnacion instead, whereas in his letter to Bebania of December 22, 1953, he gave the impression that he himself might do so. He also admitted that Mr. Abad, the bearer of his letter to Bebania dated January 20, 1954, and designated there as "the one helping him" had had nothing to do with the respondent's supposed efforts to obtain Bebania's release.

The alleged participation in this case of Atty. Encarnacion has not been sufficiently shown. On this point the respondent appears to have involved himself in gross contradiction. Thus, at one time, he alleged that he wished to show that there was a lawyer helping him in the case so that Bebania would know that the P200 was not meant for himself. At another time, he declared that he did not wish Bebania to know that he had "hired" a lawyer, as Bebania was of the impression that he could do everything by himself. The conclusion that respondent requested and sought the amount of P200 for his own use and benefit is therefore very difficult to resist.

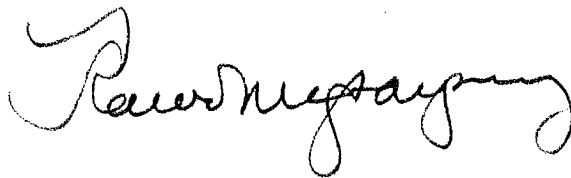
The sum total of the efforts exerted by the respondent in behalf of Bebania consisted, it appears, in writing and filing two petitions for executive clemency, the last of which was denied by the President on June 23, 1954. Whatever expenses these efforts entailed could not possibly have come up to P200. As to his request for a fighting cock, even on the assumption that it was really intended for his co-employees, the cold fact remains that he again unconscionably sought to take advantage

of a poverty-stricken prisoner by attempting to take away the latter's poor possessions.

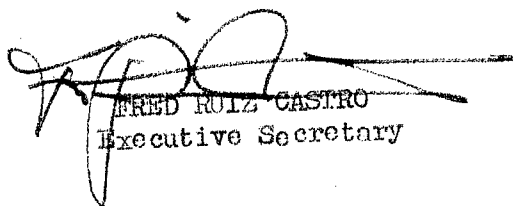
The foregoing amply shows that the respondent is guilty of the charge. While respondent's actuations in the premises had no connection with the discharge of his official duties and while he may not have actually succeeded in obtaining what he sought to obtain, yet his acts clearly show his moral unfitness for public service. Observance of the highest standards of personal integrity and decorum is required of all public officials if the Government is to deserve the trust and confidence of the people. A fiscal, a vital part of the machinery for the administration of justice, who deceives a prisoner hungry for freedom and seeks to extract from him what little he possesses certainly falls far too short of those standards.

Wherefore, Mr. Primitivo P. Cammayo is hereby removed from office as assistant fiscal of Manila, effective upon receipt of notice hereof.

Done in the City of Manila, this 12th day of November, in the year of Our Lord, nineteen hundred and fifty-four, and of the Independence of the Philippines, the ninth.



By the President:



FRED RUIZ CASTRO
Executive Secretary