

[ADMINISTRATIVE ORDER NO. 73, November 12, 1954]

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 remise "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.