

**[ ADMINISTRATIVE ORDER NO. 158, June 27,  
1951 ]**

**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 P400 as part of her accumulated allowances due from her husband, but respondent gave her only P300, retaining the P100 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 P250, he gave them only P100 and kept the balance of P150—P100 for himself and P50 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 P40 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 P500 from a Dr. Serafica secured by the mortgage of these two lots, the papers having been drawn up in respondent's office; that the P500 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 P300 only and told him that he was borrowing the P200, for which he signed a receipt; and that in deference to