

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 126

IMPOSING THE PENALTY OF FORCED RESIGNATION ON CITY
PROSECUTOR CASIANO VAILOCES OF DANAOS CITY

This is an administrative case against City Prosecutor Casiano Vailoces of Danaos City (hereinafter referred to as "respondent prosecutor") for corruption and illegal and immoral acts.

In a letter of Justice Secretary Franklin M. Drilon, dated September 29, 1992, Danaos City Mayor Jesus D. Durano requested the immediate replacement of respondent prosecutor on grounds of corruption. Attached to the letter was a petition jointly signed by five (5) presidents of various civic and workers' organizations, namely: Alfredo Gorre of Danaos United Vendors' Association; Julius Caesar Arseno, M.D. of Titane; Patrick Sualit of Fishermen Association; Nestor Sabayton of Workers' League of Danaos and Orlando Reyes of Parish Youth Council, requesting an investigation. Also attached to the same letter was the complaint-affidavit of Aniceto Galon, wherein he alleged that (a) he was charged with violation of Presidential Decree No. 1866 or for illegal possession of firearms in three (3) separate cases and (b) as consideration for the dismissal of these charges, respondent prosecutor demanded P15,000.00 for each case.

An investigation of the case was subsequently conducted, during which the following transpired:

(1). Aniceto Galon alleged that he was charged with illegal possession of firearms in three (3) separate cases. As consideration for the dismissal of these complaints, respondent prosecutor demanded P15,000.00 for each case. For the first case, Galon himself delivered the amount demanded. Payments for the second and third cases were delivered by Mrs. Lourdes Dacillo, Galon's sister. Subsequently, on December 27, 1992, respondent prosecutor sent a note to Galon, addressing him therein as "Dear Antong", demanding, on the pretext of a loan, for two (2) señorita revolvers. (underscoring supplied).

(2). Mrs. Lourdes Dacillo testified that she went to the residence of respondent prosecutor twice to deliver P15,000.00 to the latter on each occasion. The second time she went to respondent prosecutor, the latter scolded her for having brought

along her two daughters who witnessed him receiving the money.

(3). Alfredo Gorre, a businessman engaged in lending money, declared that respondent prosecutor assisted him in collecting receivables for which a 20% commission was demanded by respondent prosecutor. The commission was paid over to respondent prosecutor.

(4). Lucita Galinto, an employee in the City Prosecutor's Office, alleged that respondent prosecutor sent him to deliver the "Dear Antong" note to Galon who gave her a small package wrapped in a cement paper bag which she delivered to respondent prosecutor in the latter's office.

(5) For his part, respondent prosecutor denied the charges against him. He stated that the Galon complaint and petitions were prepared documents and signed as accommodation to Mayor Durano, the alleged authors being blind followers of the Mayor. He added that he was caught in the cross fire of warring politicians in Danao City. Although admitting that he authored the "Dear Antong" letter, respondent prosecutor asserted that he was merely ordering toy guns for Christmas gifts.

(6). Although represented by counsel, respondent prosecutor personally conducted the cross-examination of the witnesses against him.

After termination of the formal investigation, the Office of the Regional State Prosecutor, Regional VII, Department of Justice, found respondent prosecutor guilty of grave misconduct and recommended his dismissal from the service. The Secretary of Justice, likewise, recommended the dismissal of respondent prosecutor.

In the standard of moral certainty, the charge of corruption has been established. The declaration of the complainant's witness in this regard was firm despite the gruelling cross-examination by respondent prosecutor. As the Secretary of Justice aptly observed, the convergence of circumstances relative to the dismissal of the complaints vis-a-vis payment of amounts demanded and received by the respondent prosecutor was inextricably intertwined with each other, thereby indubitably establishing the fact of corruption.

The "Dear Antong" note further bolstered the utter depravity of respondent prosecutor. Having found the ease and facility with which he had accomplished his demands of payment from Galon, he was emboldened to make new demands, in kind, from the latter.

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Given the unsavory character displayed by respondent prosecutor in his dealings with Galon, it is not farfetched to assume that his transactions with Gorre, conveniently styled as "commissions" were similarly tainted. Clearly, respondent prosecutor had no qualms and reservations about using his office and position for his own selfish ends which, as exemplified by the complaints, were inconsistent with his duty as a public officer to dispense justice.


Respondent prosecutor's defense of political oppression and harassment cannot be accorded credence. As it were, respondent prosecutor, by his own actuations, provided the evidence of his unfitness to remain in the government service. *However*, for someone who has practically spent his whole life with the government (29 years in government service, about 14 years of which with the Prosecution Service) dismissing the respondent from the service may be too harsh a penalty.

WHEREFORE, the penalty of forced resignation is imposed on City Prosecutor Casiano Vailoces effective immediately.

DONE in the City of Manila, this *22^d* day of April in the year of Our Lord, nineteen hundred and ninety-four.



By the President:



TEOFISTO T. GUINGONA, JR.
Executive Secretary