

*Malacañang*  
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 319

CONSIDERING MR. CONSTANCIO TRIAS RESIGNED FROM OFFICE AS CHAIRMAN,  
BOARD OF SPECIAL INQUIRY, BUREAU OF IMMIGRATION.

This is an administrative case instituted by the First Deputy Commissioner of Immigration against Mr. Constancio Trias, chairman of a Board of Special Inquiry in the Bureau of Immigration, for alleged bribery. When required to answer the charge and to state whether he desired a formal investigation, respondent, through counsel, claimed that the accusation was false and malicious and that "he will leave the whole matter dependent upon the outcome of the criminal case if any is filed in court." In view of the administrative charge against him, respondent was suspended effective April 25, 1954, pending investigation and disposition thereof.

On April 29, 1954, Criminal Case No. 26763 was filed against respondent in the Court of First Instance of Manila for bribery, of which he was acquitted on reasonable doubt engendered by the non-presentation of a certain attorney and an MIS agent considered as vital witnesses and the alleged serious contradictions in the testimony of the prosecution witnesses. Following his acquittal, respondent requested his reinstatement and payment of salary during his suspension. The petition was referred to the Secretary of Justice who asked the Commissioner of Immigration for comment on whether, notwithstanding respondent's acquittal, there was in the evidence in the criminal case anything that would induce grave suspicion as to his integrity and recommendation on whether administrative investigation should be conducted. It may be stated that action on the administrative case was held in abeyance pending termination of the criminal case filed against respondent. The Commissioner of Immigration was of the view that respondent was not guilty of the charge but suggested that he be made to explain by what authority he attempted to conduct an inquiry into the alleged responsibility of the uncle of the Chinese boy who is the root cause of this case.

Apparently not satisfied with the findings and recommendation of the Commissioner of Immigration, the secretary of Justice directed a formal inquiry to be conducted by the chief of the Prosecution division of his department. The investigation was forthwith conducted, and the proceedings in the criminal case were incorporated therein by reference and additional witnesses, including the attorney and the MIS agent who were not presented in court, were called to testify in the presence of the respondent and counsel who cross-examined the witnesses against the former.

The Investigator found that "(1) respondent did demand P500 as consideration for his rendering a favorable resolution of the immigration case of the Chinese boy, Jose Ong, and (2) respondent did receive said P500," and recommended that he be separated from the service.

After a careful consideration of the records, I find the following facts duly established:

Deportation proceedings were instituted against Jose Ong, an overstaying Chinese youngster, before a Board of Special Inquiry of which respondent was the chairman. In order that action would be favorable to the boy, respondent informed the latter's counsel that he should be given P1,000, later reduced to P500. Agreeing to the proposition, Jose Uy, with whom the lad was staying in Manila, arranged to meet the respondent at the Palo Alto Restaurant in Ermita, Manila. Uy was provided with P500 in photographed bills furnished by the First Deputy Commissioner of Immigration to whom the nefarious proposal had been previously reported. Agents of the National Bureau of Investigation (NBI) went to the restaurant and after the money was delivered, respondent was placed under arrest and frisked and the five photographed bills of P100 each were found in his possession. He was thereupon brought to the NBI where he refused to give a statement.

In his defense, respondent denied demanding bribe money, much less receiving it. He alleged that he had merely required the presence of the boy's uncle as guarantor which Jose Uy had repeatedly asked to be waived and that he had gone to the Palo Alto Restaurant for coffee and was followed there by Jose Uy without his knowledge. The defense intimated that the bribe money could have been "planted" by Jose Uy who was sore against respondent.

I am not impressed by respondent's defense. I am unable to see why agents of the National Bureau of Investigation would have testified falsely against respondent, much less be a willing tool for a private person's desire for revenge. No motive was shown for them to incriminate respondent. His persistent call for the boy's uncle, although the latter's presence would not admittedly affect one way or another the deportability of the boy, and his going to the Palo Alto Restaurant and occupying a private booth therein strongly militate against his protestations of innocence.

Respondent's claim that he is entitled to reinstatement and payment of salary during the period of his suspension in view of his acquittal in the criminal case is not well taken. He was suspended from office not because of his criminal case but because of his pending administrative case which is different and distinct from a criminal case. The purpose of the former is to protect the public service while that of the latter is to punish the offender. Moreover, the degree of proof required to convict in criminal cases is more strict--nothing less than proof beyond reasonable doubt. In administrative cases, moral conviction is sufficient.

The only case of seeming persuasive force cited by respondent's counsel is that of *Tabora v. Montelibano et al.* (G.R. No. L-8667, prom. April 13, 1956). But it will be noted that the employee involved there was not able to defend himself in the administrative investigation for want of notice and therefore was not afforded due process.

Equally unfounded is respondent's claim that there was no formal investigation of his case. One appears to have been conducted by then Chief Prosecutor Norberto J. Quisumbing where it was agreed that the evidence adduced at the trial of the criminal case for bribery would be considered reproduced in the administrative investigation and additional testimonial evidence of two witnesses who did not testify in the trial of the criminal case was presented. The reproduced evidence and the additional testimonial evidence were the bases for the investigator's findings. After the investigator had submitted his findings and recommendation to the Secretary of Justice, respondent asked that he be allowed to submit additional evidence, which was granted. Mr. Quisumbing having in the meantime resigned, the secretary designated Mr. Baldomero M. Villamor, new Chief Prosecuting Attorney, to continue the proceedings. Instead of presenting additional evidence, respondent submitted three memoranda to the new investigator who concurred in the findings of his predecessor.


The Secretary of Justice, considering respondent's long public service and this being his first administrative case, recommends that respondent be required to resign effective as of April 25, 1954, the date of his preventive suspension, with right to retirement benefits.

Wherefore, Mr. Constancio Trias is hereby considered resigned from the service as chairman, Board of Special Inquiry, Bureau of Immigration, effective as of April 25, 1954, without prejudice to receiving retirement benefits under the law.

Done in the City of Manila, this 23rd day of February , 1960 in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.



By the President:



NATALIO P. CASTILLO  
Executive Secretary