

[ADMINISTRATIVE ORDER NO. 125, May 31, 2000]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
MANUEL Z. UBALDO, STATE PROSECUTOR, DEPARTMENT OF
JUSTICE, (PRESENTLY DETAILED AT THE KALOOKAN CITY
PROSECUTION OFFICE)**

In these consolidated cases (Adm. Case Nos. 98-0022-FS and 98-0011-FS), State Prosecutor Manuel Z. Ubaldo, presently detailed at the Kalookan City Prosecutor Office, is administratively charged with (a) corruption and grave misconduct, and (b) conduct unbecoming of a public official.

ADMINISTRATIVE CASE NO. 98-0022-FS

This case arose from the criminal cases for illegal recruitment and estafa filed by Zenaida Rendon against Minda Alvarez, docketed as Criminal Cases Nos. C-53388-89 (98) and filed with the Regional Trial Court (RTC) of Kalookan City, Branch 121, wherein Ubaldo is the trial prosecutor.

During the trial of the said cases, Ubaldo informed Rendon that he would be acting as her lawyer and, as such, solicited the corresponding attorney's fees. On April 13, 1998, Rendon gave Ubaldo the amount of Five Hundred Pesos (P500.00) by way of attorney's fee. A day later, Rendon again gave Ubaldo the same amount of P500.00.

In a meeting held at the DOJ Prosecution Office in Kalookan City, Ubaldo advised Rendon not to pursue her cases against Alvarez and instead accept her (Alvarez) offer of settlement consisting of Fifteen Thousand Pesos (P15,000.00) cash and twelve (12) postdated checks in the amount of Eight Thousand Pesos (P8,000.00) each. At first, Rendon declined the offer. However, upon persistent prodding of Ubaldo, the said offer was finally accepted by Rendon.

On April 21, 1998, while the court was on recess, Ubaldo approached Rendon and demanded his share in the monetary settlement of the cases. This was overheard by Teresita Ramos and Dr. Corazon Gigantana, companions of Rendon, and by Judge Adoracion Angeles of the RTC, Kalookan City, Branch 121, who advised Rendon to file an administrative case against Ubaldo.

On July 21, 1998, Judge Angeles addressed a letter to the Secretary of Justice reporting, among other things, the extortion attempt of Ubaldo. Attached therewith are copies of the sworn statements of Rendon, Ramos and Gigantana, all accusing Ubaldo with attempted extortion. On the basis thereof, the Secretary of Justice directed the City Prosecutor of Kalookan City to investigate Ubaldo's alleged illegal exaction of money.

In his letter dated August 7, 1998, Kalookan City Prosecutor Ramon Rodrigo reported, among other things, that Rendon denied giving Ubaldo his "commission"

but admitted handing him (Ubaldo), on two occasions, the amount Five Hundred Pesos (P500.00) as meal allowance.

On October 15, 1998, the Secretary of Justice formally charged Ubaldo with corruption and grave misconduct. In his answer, Ubaldo denied all the charges imputed against him and contended that Judge Angeles merely pressured Rendon into filing the charges against him. On the other hand, Rendon and her witnesses affirmed the contents of their sworn statements.

After investigation, the Department of Justice (DOJ) found Ubaldo guilty of the said charges and recommended that he be for dismissed from the service.

We agree with the findings and recommendation of the DOJ. The acts of Ubaldo, in soliciting a commission in the monetary settlement of the cases and receiving, on two occasions, the amount of Five Hundred Pesos (P500.00) as attorney's fees or meal allowance, even if given voluntarily, are indeed highly improper and despicable. By such acts, Ubaldo cheapened his noble office, as well as the entire prosecution service of the government. It bears stressing that public prosecutors are prohibited, in the course of their official duties, from soliciting directly or indirectly anything of monetary value from any person (Section 7 [b] of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees). This is in consonance with the oft-stated principle that a public office is a public trust. As a public servant, Ubaldo is bound to discharge his official duties with candor, fidelity and diligence without expecting anything in return. This is the essence of government service.

By the same token, we find it highly irregular and reprehensible his act of insisting and forcing Rendon to amicably settle with the defendant. As a public prosecutor, Ubaldo should ought to know that amicable settlement are generally frowned upon in criminal cases.

Finally, the defense of Ubaldo that Rendon was merely pressured by Judge Angeles to file the instant administrative case against him appears implausible in view of the positive averments of Rendon and her witnesses that he (Ubaldo) indeed solicited "commission" and charged attorney's fees from her. We cannot conceive of any plausible reason why Rendon and her witnesses, or even the presiding judge of the court where the extortion attempt took place, should make such grave imputation against Ubaldo unless they are true. It is most likely that Rendon's decision to file administrative complaint against Ubaldo may have been prompted by the fact that she could no longer bear to suffer the latter's abusive conduct in silence.

ADMINISTRATIVE CASE NO. 98-0011-FS

In his administrative complaint, Danilo Gonzales alleged that sometime in August 1995, he entered into a "Deed of Conditional Sale" with Ubaldo for the sale of a parcel of land in Kalookan City, covered by TCT No. T-101879, containing an area of 312 square meters. From the total purchase price of P280,000.00, Gonzales paid Ubaldo the amount of P229,000.00, leaving a balance of P51,000.00. However, on April 11, 1996, Ubaldo, without the knowledge and consent of Gonzales, again sold the same land to a certain Henry Piasan.

During the investigation, Ubaldo signed a covenant obligating himself to reimburse Gonzales the amount of P229,000.00. By reason thereof, the administrative proceeding was temporarily suspended to allow Ubaldo the opportunity to settle the