

**[ ADMINISTRATIVE ORDER NO. 65, July 10, 1993 ]**

**DISMISSING FROM THE SERVICE SECOND ASSISTANT CITY  
PROSECUTOR CLOTILDE T. DAFFON, OFFICE OF THE CITY  
PROSECUTOR, TACLOBAN CITY**

This refers to the administrative complaint against Second Assistant City Prosecutor Clotilde T. Daffon, Office of the City Prosecutor, Tacloban City, for Harassment, Dishonesty, Using Her Office for Illegal Acts, Grave Misconduct and Violation of Anti-Graft and Corrupt Practices Act, as amended, and Illegal Practice of the law profession.

The basic facts, as found in the Department of Justice (DOJ) in its letter-memorandum of March 16, 1993, are as follows:

"The record discloses that the complainant spouses are manager/operators of a passenger jeepney bearing plate no. DHS-203 which is owned by Dr. Lydia Jayobo and plies the route between the city proper of Tacloban City and Phase 2-B & G Subdivision, Tacloban City. They allege that sometime in May, 1992 the driver of DHS-203, Ruel Abdon, was ousted from the Operators & Drivers Association (OPERDA) and the Tacloban Professional Drivers Association (TACPRODA) of aforementioned route. As a result DHS-203 was also barred from joining the queue or 'pila' of passenger jeepneys at the respective terminals. Ruel Abdon sought the help of Prosecutor Daffon telling the spouses that if the association had strong backing from her, he was even in a better position because everyday he fetches her from her house and brings her to her office and back without fare and that he had served her well. The spouses allege that they along with Ruel Abdon and association officials were thereafter summoned to the house of respondent prosecutor. With her help, Ruel Abdon was reinstated as association member and DHS-203 was allowed to rejoin the pila, however, the spouses claim that this was after they had paid the amount of P2,500.00 demanded by her. Payment of the amount was allegedly coursed through Ruel Abdon who signed a receipt on behalf of Prosecutor Daffon which is submitted as evidence in the case. Thereafter, Prosecutor Daffon walked with them and association officials to the B & G terminal and herself announced to association members that henceforth DHS-203 will be allowed to rejoin the pila but that only Ruel Abdon and no other would drive it. Thereupon, Federico Lumiarez who was at the driver's seat of DHS-203 disembarked and Brgy. Captain Salvador Lumiarez who is also an association member exhorted everyone to respect Prosecutor's decision or else they will all be summoned to City Hall. The couple alleges that thereafter Prosecutor Daffon continued using DHS-203 in going to and from the City Prosecutor's office without fare. At times she allegedly would use the

jeepney for personal trips and on these occasions their driver Ruel Abdon would be unable to turn over the boundary because Prosecutor Daffon used the vehicle for free. The couple claim that sometimes their vehicle would disappear for hours at both terminals and that they would see it parked in front of Prosecutor Daffon's house. In view thereof they decided to rotate Ruel Abdon with another driver Federico Lumiares. However, the prosecutor later insisted for Ruel Abdon to permanently drive the vehicle after Danilo Elgera sought her help in the collection of an amount of money from a school teacher, who was subpoenaed by the respondent prosecutor. Thereafter, they tolerated Prosecutor Daffon's interference with respect to DHS-203 until the incident in June, 1992 wherein Ruel Abdon refused the front seat of DHS-203 to complainant Danilo Elgera and his five year old son upon the ground that it was reserved for Prosecutor Daffon. Complainant was thus forced to ride in the cramped passenger compartment. Because of this incident, they decided to replace Ruel Abdon with Alding Ojeda who was instructed not to fetch Prosecutor Daffon from her house anymore and to tell her to just go to the terminal like the other passengers if she likes to ride on board DHS-203. The following day, July 25, 1992, Antonio Verian, terminal dispatcher, informed the complainant-spouses that DHS-203 will no longer be allowed to join the 'pila' effective July 27, 1992 unless they would ask the forgiveness of Prosecutor Daffon.

"The spouses also allege that on July 24, 1991, when DHS-203 was still owned by them but using the franchise of one Romeo Villeza, they learned that their vehicle would be seized by the Constabulary Patrol Group (CHPG). They then drove to the CHPG headquarters in Tacloban and inquired about the information. They were asked to follow a CHPG car which led them to the office of Prosecutor Daffon at the City Prosecutor's Office. Prosecutor Daffon ordered the spouses to produce documents on DHS-203 and xeroxed copied them.

"The foregoing allegations of the complainant are supported by the affidavit of Elmer Diaz, Esteban Cortavista, Federico Lumiares, Eduardo Seno Ojeda and Edgar Galangue.

"Also submitted was the affidavit of Reynaldo H. Pagatpat, driver, attesting that when his driver's license was confiscated for a traffic violation, he had approached Prosecutor Daffon upon the advice of fellow drivers. She managed to settle the problem with the authorities but thereafter she demanded to use the jeepney for free.

"Also submitted was the affidavit of Lourdes M. Calleja alleging that she sought the help of Prosecutor Daffon in the collection of a debt from Nenita Sultan. Prosecutor Daffon allegedly subpoenaed debtor Sultan and received payments from her but subsequently refused or failed to turn over her collection to creditor Calleja.

"In her defense, respondent Clotilde Daffon avers that she is not in any way connected with the TACPRODA-OPERDA, being merely a regular passenger paying on a monthly basis who is sometimes consulted for legal advice as is the usual practice when lawyers are passengers of some drivers. She stated that she did not order or cause the removal of