

**[ ADMINISTRATIVE ORDER NO. 140, October 04, 2000 ]**

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT PROVINCIAL PROSECUTOR ARTURO G. CABARON, PROVINCIAL PROSECUTOR'S OFFICE OF CEBU**

This refers to the formal charge (Administrative Case No. 95-010) against Arturo G. Cabaron, Assistant Provincial Prosecutor (APP), Provincial Prosecutor's Office of Cebu, for grave misconduct.

The formal charge stemmed from the alleged extortion by APP Cabaron, thru his wife Brigida Cabaron ( Brigida, for brevity), from the party-litigants relatives of litigants in the cases involving Josefina Aljo and Pablo Maningo. The facts of each case are treated separately, thus:

RE: Josefina Aljo case

Aljo testified that sometime in December, 1992, after being introduced by Rev. Zacarias Perocillo, her church pastor, to APP Cabaron, she sought the advice of the latter regarding five (5) bouncing checks issued to her by Gemma Clausen. APP Cabaron and Brigida assured her, " kami ang bahala diyan". On December 8, 1992, she brought the rubber checks to APP Cabaron's office and Brigida prepared the complaint-affidavit. A week later, Aljo went back to Cabaron's office and, as agreed upon, gave Brigida two envelopes: one, containing Five Thousand Pesos (P5,000.00) as partial payment for the attorney's fees of Atty. Quijano, and the other, containing Three Thousand Pesos (P3,000.00) for Brigida.

The criminal complaint against Clausen was assigned to APP Cabaron for preliminary investigation. During the hearing held in May 1993, Brigida convinced Aljo, in the presence of APP Cabaron, to withdraw her complaint against Clausen because the latter had showed them two (2) checks worth one million (P1,000,000.00) pesos each, which she (Clausen) could encash after forty-five (45) days. Aljo did not see the checks but she trusted the Cabarons because they were recommended to her by her church pastor. As per Brigida's instruction. Aljo signed the affidavit of desistance prepared by Atty. Quijano. Brigida thereafter reminded her to pay Atty. Quijano the balance of Seven Thousand Pesos (P7 ,000.00) for his attorney's fees. Subsequently, Brigida borrowed the amount of Ten Thousand Pesos (P10 ,000.00) from Aljo. At the expiration of the forty-five day period. Aljo discovered that the said million-peso checks was a "fraud".

Faith Petrocillo, pastor of the El Shaddai Congregation, testified that Aljo authorized him to collect the Ten Thousand Pesos (P10 ,000.00) from Brigida.

RE: Pablo Maningo case

Helen Maningo (Helen, for brevity), testified that on May 31, 1994, she went to the Regional Office of the National Bureau of Investigation (NBI) and executed a sworn statement against the Cabaron spouses in connection with the arrest of Pablo Maningo, her brother-in-law, during a raid in his house by elements of the PNP-CISC for illegal possession of ammunition on April 19, 1994. The case against Pablo Maningo was assigned to APP Cabaron for inquest. Helen and her companions attended the inquest proceedings. Brigida interviewed Pablo Maningo and his witnesses. APP Cabaron did not participate in the clarificatory examination. When Pablo Maningo informed them that his lawyer was Atty. Rolindo Navarro. Brigida recommended Atty. Quijano under the pretext that Atty. Navarro had some personal conflict with APP Cabaron. Brigida, in the presence of APP Cabaron, demanded and received from Helen an acceptance fee of Twenty Thousand Pesos (P20 ,000.00) for Atty. Quijano. Brigida promised Helen that the case could be amicably settled with the help of APP Cabaron and two (2) other prosecutors. On April 22, 1994, Helen went back to APP Cabaron's office, as instructed, to discuss the settlement of the case. Brigida informed her that the amount needed for the three (3) prosecutors was Seventy-Five Thousand Pesos (P75 ,000.00), to be delivered to the Cabaron residence. On the next day. Helen, together with Florecita Lapag, gave the amount of Fifty Thousand Pesos (P50 ,000.00) to Brigida. On April 28, 1994, APP Cabaron and Brigida instructed Pablo Maningo to look for a military man who would admit ownership of the seized ammunition. The idea baffled Pablo Maningo since he thought that he had a good defense because the place where the ammunition was seized was leased to Roberto Castanas. As per Cabaron's instruction, an affidavit was prepared for SPO3 Maximo Parawan of the Danao City Police Station. However, said officer, although willing to have his name used in the memorandum receipt, was reluctant to swear to a falsehood. Brigida reminded Helen of the balance of Twenty-Five Thousand Pesos (P25 ,000.00) which was to be paid on installment basis at Five Thousand Pesos (P5,000.00) per installment.

SPO3 Parawan corroborated the statements of Helen regarding the advice to them of APP Cabaron to look for someone from the military or the PNP who would admit ownership of the seized ammunition.

In defense, APP Cabaron denies the charge and avers that he dismissed the aforestated complaint filed by Aljo against