

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 69

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF WHATEVER BENEFITS THAT MAY HAVE ACCRUED IN HIS FAVOR DURING HIS TENURE OF OFFICE ON 3RD ASSISTANT PROVINCIAL PROSECUTOR RUFINO A. QUITASOL, PROVINCIAL PROSECUTION OFFICE, ALBAY.

This refers to the administrative complaint filed against 3rd Assistant Provincial Prosecutor of Albay, Rufino A. Quitasol, detailed with the Office of the Provincial Prosecutor of Rizal, for Grave Misconduct and/or Conduct Unbecoming of a Public Officer, in connection with the death of Lex Talionis Fraternity Neophyte, Raul Camaligan, a student of San Beda College.

The formal charge was based on the resolution dated 20 January 1992 of the City Prosecutor of Quezon City in I.S. No. 91-2092, recommending the filing of the information for homicide against all the respondents therein which included herein respondent Quitasol.

Respondent waived the formal investigation and adopted the documentary evidence adduced in the preliminary investigation of I.S. No. 91-2092.

The record of the said criminal case shows that Aries Sayson, Angel Miranda, Jr., Jerry Jones Acuna and Raul Camaligan, all San Beda College Freshmen law students, were recruited to join the Lex Talionis law fraternity on the representation that hazing will not be one of the requisites for full-fledged membership. The final initiation rites were held on 8 September 1991 which also happened to be the first bar examination day for 1991. The neophytes were first made to serve in the "bar operations" at Legarda St., Manila, by way of running menial errands for their "masters", one of whom was respondent Quitasol, who were supposedly extending moral support to some fraternity members who were taking the bar examinations. In the afternoon of the same day, said neophytes were brought to Barangay Cruz na Ligas in Quezon City where they were subjected to alleged

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"repeated merciless beatings by older fraternity members with the use of paddles, belts and pieces of wood" and "given fist blows and kicks on different parts of their bodies" which resulted in the death of neophyte Camaligan and physical injuries to the rest of the neophytes.

Respondent denies any participation in the 8 September 1991 initiation rites held in Bgy. Cruz na Ligas in Quezon City and claims that he went to Manuel L. Quezon University (MLQU) in the morning of said date to extend moral support to some examinees who were his students at the Aquinas University in Legazpi City and while there "chanced" upon his fraternity brothers who invited him to join them in an on-going "bar operations" at the nearby restaurant where he was introduced as "fiscal" to his other fraternity brothers and three neophytes that included Aries Sayson. After one and a half hours, he left the group and went to his parent's house where he had lunch. At 4:00 p.m. he, together with his wife and children, attended the Sunday Mass at Mt. Carmel and, thereafter, went to SM Centerpoint, Sta. Mesa where they stayed up to 8:30 in the evening.

Romeo Soria affirms respondent's claim that he, together with his family, was at Mt. Carmel church at around 4:00 p.m. on 8 September 1991 to attend the Sunday Mass.

Respondent's allegations were, however, negated by neophyte Aries Sayson when he testified during the October 1991 hearings, in this categorical language, thus:

"Q: Aside from these 10 identified, you mentioned that there are others, do you know their name?

"A: Yes, Sir. Arthur Cuevas, Joel Calaje, Fiscal Rufino Quitasol.

"Q: Are you saying that all these persons you named were present during the hazing?

"A: Yes, Sir. (TSN Oct. 8, 1991 page 15 and 16)

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x x x

"Q: Are you saying that all of these respondents participated at one point or another?

"A: Yes, sir. (TSN Oct. 8, 1991 p. 20)

"Q: When did you notice the fiscal for the first time?

"A: I first notice his presence when I was blind fold and referred to him as fiscal and when my blind fold was taken off, I noticed him and I particularly recall him wearing a yellow short instead of the fraternity shirt which the other masters were wearing. (TSN. Oct. 20, 1991, pp. 4 & 5, underscoring supplied)"

Based on the foregoing factual backdrop, the Secretary of Justice disregarded the charge of grave misconduct but found respondent liable for conduct unbecoming of a public officer and recommended that he be dismissed from the service with forfeiture of whatever benefits that may have accrued in his favor during his tenure of office. The explanation given by the Secretary pertinently reads:

"Anent the charge of Grave Misconduct, the Supreme Court has ruled that the same must have direct relation to and be connected with the performance of official duties, amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office (Sarigumba vs. Pasok, 155 SCRA 646, underscoring supplied.)

"As to the charge of conduct unbecoming of public official or officer, said offense has been defined as 'such conduct of public official which has a tendency to destroy public respect' (Presidential Administrative Order No. 37 dated Sept. 30, 1987).

"The public outcry against hazing which is oftentimes reflected in the press and aired in broadcast media indicates the moral decay with which the public relates to hazing and the depravity attributed to one who participates in it. That the herein conduct of respondent which resulted in the filing of criminal charges against him, affects his office, is

best demonstrated in the fact that when charges were filed against respondents in I.S. No. 91-2092, Quitasol deserved particular mention as a prosecutor (Daily Globe Nov. 13, 1991). Again, when administrative charges were filed against him, it was given prominent news coverage (Times Journal, April 6, 1992, Philippine Daily Inquirer, April 6, 1992). That the incongruous situation of a public prosecutor tends to destroy public respect for the office respondent holds needs no further elaboration."

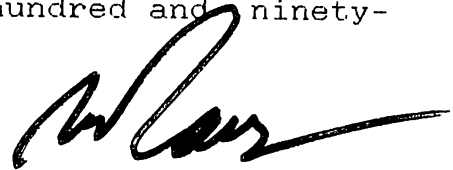
This brings to the fore the core issue of whether respondent should be held administratively liable for conduct unbecoming of a public officer.

I find no cogent reason to disturb the findings of the DOJ Secretary.

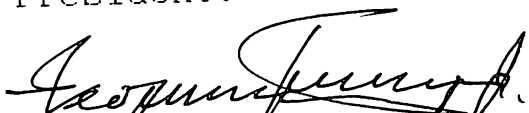
Respondent's denial cannot prevail over the positive and categorical assertion of Aries Sayson, one of the neophytes that he (respondent) was present and actually participated in the hazing of the Lex Talionis Fraternity Neophytes on 8 September 1991 which resulted in the death of Raul Camaligan. This act of respondent Quitasol clearly constitutes conduct unbecoming of a public officer because it tends to destroy public respect to the public office he holds.

WHEREFORE, premises considered, respondent 3rd Assistant Provincial Prosecutor of Albay, Rufino A. Quitasol, is found guilty of Conduct Unbecoming of a Public Officer and is hereby meted the penalty of dismissal from the service with forfeiture of whatever benefits that may have accrued in his favor during his tenure of office.

Done in the City of Manila, this 22nd day of July, in the year of our Lord, nineteen hundred and ninety-three.



By the President:


TEOFISTO T. GUINGONA, JR.
 Executive Secretary



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