

MALACAÑANG
Manila

ADMINISTRATIVE ORDER NO. 125

**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 Prosecution 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.



PJEE Hologram # 18149



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.

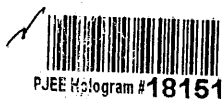
ADMINISTRATIVE CASE NO. 98-0011-FS

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 said amount. However, on April 6, 1999, the DOJ received a letter from Gonzales complaining that Ubaldo did not perform his obligation and stating that:

"For so many times in my personal experience, State Prosecutor Ubaldo had again demonstrated his craftiness in deceiving people, through this agreement and words we had caught in his mouth verbally transpired in front of you Lady Fiscals. He is a First Class, qualified and greedy cheat and are one of those "Hoodlum in Robes" who do not deserve to be in government service."

Consequently, the investigation resumed and Ubaldo was eventually found guilty of conduct unbecoming a public official. In his letter dated April 10, 2000, Justice Secretary Artemio Tuquero recommended the suspension of Ubaldo from office for one (1) year.



We adopt the sound and persuasive report of the DOJ. However, the recommended penalty is too light. The gravity of the charge against Ubaldo merits a more severe penalty of dismissal from the service.

As public servants, prosecutors must, at all times, exhibit the highest sense of honesty and integrity not only in the performance of his official duties but also in his personal and private dealings with other people. This kind of conduct is necessary in order to preserve the good name and standing of the prosecution office.

In this case, Ubaldo falls short of the exacting standards of conduct required of a member of the prosecution service of the government. He not only violated the law against double sales but also deceived both the complainant and the DOJ. His continued apathy to reimburse Gonzales is, to our mind, an act of insolence, which we cannot allow to pass without the corresponding sanction. We must bear in mind that those involved in the administration of justice must live up to the strictest standard of honest and integrity in the public service. This is in accord with Section 4 (c) of RA 6713 which provides that public official must, at all times, "respect the right of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest."

CONCLUSION

The conduct of public prosecutors should at all times be free from any appearance of impropriety. Ubaldo has not been exactly scrupulous in exemplifying such high ideals. It cannot be over-emphasized that public confidence in the prosecution service is severely eroded by such irresponsible and improper conduct of Ubaldo. An indiscretion committed in an unguarded moment may perhaps be tolerated, but not a regrettable series thereof. In an earlier case, the DOJ recommended Ubaldo's suspension from office for six (6) months for neglect of duty after he failed to resolve within the prescribed period the preliminary investigation of the frustrated murder case filed by Felimon Justo III against Ricardo de los Santos. Likewise, Ubaldo is presently being investigated for allegedly demanding from defendant Ana Marie Sioson a bottle of liquor and Twenty Thousand Pesos (P20,000.00) as settlement of her case with the defendant in Criminal Case No. 53016 filed before the aforesaid court. This series of transgression evidently shows his penchant to violate with impunity the law.

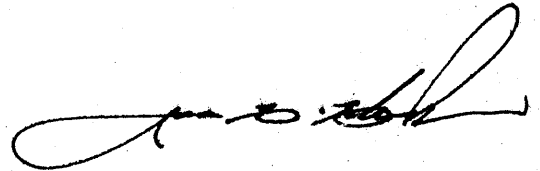
It is worth emphasizing that the prosecution service of the government exists for one solemn end - to promote justice by protecting the interests of both the State and the oppressed. The prosecutor is the visible representation of the law and of justice. Hence, a



prosecutor who, through serious misconduct, frustrates the people's search for justice and "commits a rank disservice to the cause of justice which calls for rectification and the imposition of appropriate disciplinary measures " (Santos vs. Lumang, 177 SCRA 435).

WHEREFORE, premises considered, State Prosecutor Manuel Z. Ubaldo is hereby **DISMISSED** from the service with forfeiture of all retirement benefits and privileges, effective upon his receipt hereof.

Done in the City of Manila, this *31st* day of May, in the year of our Lord, Two Thousand.



By the President:



RONALDO B. ZAMORA
Executive Secretary

