

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 65

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 by 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 Sub-division, 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

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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 ₱2,500.00 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 Lumiarez. However, the prosecutor later insisted for Ruel Abdon to permanently drive the

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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 Lumiarez,
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 DHS-203 from the 'pila' and that the reason why it was not allowed at the respective terminals of the B & G Subdivision-Tacloban City route was the fact that complainants are not members of the operators and drivers association. She denies demanding or receiving any money from the association or its officers or any driver plying said route. Submitted by respondent prosecutor are the affidavits of Ruel Abdon, and the joint affidavits of Francisco Bicol, Francisco Felix Colandog and Antonio Verian.

"On the basis of the foregoing, Regional State Prosecutor Francisco Q. Aurelio, Jr., who was tasked to investi-

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gate the administrative complaint found substantial evidence to support a finding of respondent's guilt and recommended that the Department endorse to the Office of the President her removal from the service. Salient excerpts from his resolution is hereinbelow quoted for your ready reference:

'The undersigned observes that the particular episodes (complained of) are not specifically denied by Prosecutor Clotilde T. Daffon in both her comment of October 19, 1992 and counter-affidavit of November 25, 1992. She instead alleges in a general way that if these incidents did happen, they were not of her own making as she wasn't then around and could not have possibly caused them to occur she not being connected in any way with OPERDA and TACPRODA.

However, this investigation has concluded that Prosecutor Daffon undoubtedly committed excesses by using her official position to exploit the ignorance and colonial mentality of the association members so much so that the association's decision to expel Ruel Abdon and substitute him with Federico Lumiare amounted to nothing in the face of Prosecutor Daffon's order for Abdon's return to the pila. Even the barangay captain (Salvador Lumiare) appears to have been cowed into submission in exhorting the association to obey the prosecutor because they all might 'be summoned to City Hall', supra, when it should have been his duty to politely exclude Prosecutor Daffon and take charge of the situation being a private affair among association members and a problem that might be settled at barangay level. This is undue influence at its worst. //

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In the case of spouses-complainants, Prosecutor Daffon deprived them of their ownership, management and disposition of DHS-203 by dictating on them who was to drive the vehicle and using it as if it were her own private vehicle in going to, and from her office, at the City Hall. At such times, no earning would be reported to the complainants because the vehicle would be unable to pick-up passengers and generate income.

In addition, Prosecutor Daffon mulcted them of ₱2,500.00 so they could rejoin the association and the pilas as if to say that the money was to be Prosecutor Daffon's fee for bringing the parties together again, and even used the CHPG in order to effectively harass them.

x x x Prosecutor Daffon admits being a regular passenger of OPERDA & TACPRODA unit and would be asked by association members for legal advice. x x x The only trouble is that she gave it, instead of politely declining on the ground that she is a prosecutor dealing only with criminal complaints and prosecuting criminal cases. The familiarity, that soon developed enabled her to control and interfere with association business and the lives of spouses-complainant, as well."

In the same letter-memorandum, the DOJ Secretary made the following evaluation and recommendation:

"We find the foregoing findings of RSP Aurelio to be fully borne out by the record of the case. There is substantial evidence that respondent committed the abuses complained of which her counter-evidence has not overcome. We are unconvinced by her denial which ring

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hollow and lacking in conviction, more so as she failed to impute wrongful motives on the part of the complainant-spouses for making the accusations against her. To say the least respondent has used the powers and influence of her office for oppression and corrupt activities. Used to grovelling, she resented if when complainant-spouses belatedly decided to assert their rights over the passenger jeepney DHS-203 by replacing Ruel Abdon with a driver of their own choice and by refusing to accord to Prosecutor Daffon special privilege not enjoyed by other passengers such as being fetched from her own house. The prosecutor retaliated by ordering the association to unjustly curtail the complainant's rights to terminal privileges. These and the other abuses committed by her leaves no doubt that she is lacking in the degree of morality required for public service. We believe that her continuance as assistant prosecutor will contribute to the impairment of public confidence in the National Prosecution Service and that therefore she does not deserve to remain therein. We therefore recommend that the ultimate administrative sanction of dismissal be meted to respondent Daffon."

After circumspect study, I am in complete accord with the above findings and recommendation of the Secretary of Justice. The evidence unerringly suggests that respondent had wittingly abused the power and influence of her Office to harass and oppress **complainants**. Such being the case, her continuance in Office will surely tarnish the good name and reputation of the prosecution service, to say nothing of the fact that it will imperil the dispensation of fair and impartial justice. Needless to stress, her actuation are not worthy of emulation by her peers, as a public office is a position of trust and public service demands of every government officer or employee, no matter how lowly his position may be, the highest degree of responsibility and integrity. //

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WHEREFORE, and as recommended by the Secretary of Justice, respondent Second Assistant City Prosecutor Clotilde T. Daffon of Tacloban City is hereby DISMISSED from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this day of *10th July* in the year of Our lord nineteen hundred and ninety-three.

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By the President:

[Handwritten Signature]

TEOFISTO T. GUINGORA, JR.
Executive Secretary

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