

MALACAÑANG  
MANILA

ADMINISTRATIVE ORDER NO. 76

DISMISSING FROM THE SERVICE ALFREDO M. GARGOLES,  
ASSISTANT FISCAL, OFFICE OF THE CITY FISCAL OF  
MANILA.

This refers to the administrative complaint filed by Maria Tuazon de la Cruz against Assistant Fiscal Alfredo M. Gargoles, Office of the City Fiscal of Manila, for (a) shouting defamatory and threatening remarks at her while under the influence of liquor; (b) acting as counsel for a private party and appearing in the fiscal's office and the court in Navotas during office hours; and (c) practicing his profession without permission from the Department of Justice.

A formal investigation of the complaint was ordered to be conducted by the Secretary of Justice. Notices were then sent to the parties. However, despite thereof, respondent fiscal failed to appear during the investigation. Hence, he was deemed to have waived his right to confront and cross-examine the complainant and her witnesses. The complainant thus presented her evidence ex parte.

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After the formal investigation was terminated, the Secretary of Justice, in his Memorandum of April 18, 1988, recommended the dismissal of respondent from the service. In support of his recommendation, he stated that:

"After a careful and judicious evaluation of the evidence, we find the allegations of the complainant and her witnesses to be more credible.

"Complainant's version of the April 18, 1987 incident when Fiscal Gargoles, who was drunk, confronted complainant is more convincing as against Fiscal Gargoles' defense that the incident is a mere fabrication. In her narration of the incident as it occurred, complainant stated that Fiscal Gargoles had to inquire and ascertain first if she was 'Aling Maring' and upon her reply that she was the one, Fiscal Gargoles then proceeded with his tirade in the manner hereinafter quoted. Unwittingly, Fiscal Gargoles corroborated complainant's averment with respect to her identity when he stated in his Reply Affidavit that he does not know the complainant personally thus the need to inquire

and ascertain complainant's identity. The manner by which Fiscal Gargoles conducted himself particularly where he brandished unabashedly the fact that he is the Fiscal of Manila and that he is handling the case of Leticia Doria to impress upon complainant his power and authority (being the Fiscal of Manila), constitutes grave misconduct. Fiscal Gargoles did not only disgrace himself but in the process inflicted perdition upon his fellow fiscals. Under Civil Service Rules and Regulations, grave misconduct is a grave offense (CSC MC No. 8, June 26, 1970).

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"Fiscal Gargoles and his witnesses, former clients of his, admitted to the fact that he had been attending to his clients' cases by appearing in the fiscal's office and the court in Navotas during office hours. Certifications were issued to the effect that on April 21, May 7 and May 28, 1987, Fiscal Gargoles had not filed any Leave of Absence and that on those dates, he received his salary. Considering that it is a requisite for the payment of the salary that a fiscal must file a certification upon his honor that he has rendered service for the salary period covered for which the salary is being claimed, the fact that he received his salary for those dates when he was not attending to his official duties without filing a leave of absence corresponding to the said dates indubitably implies that Fiscal Gargoles did not truthfully state the extent of the service he had rendered for the government in the accomplishment of the required certification. In this regard we find Fiscal Gargoles guilty of dishonesty, a grave offense under Civil Service Rules.

"Finally, our records do not show that Fiscal Gargoles had requested permission for him to handle his clients'

cases as required by Section 12, Rule XVIII of the Revised Civil Service Rules, which provides:

'Sec. 12. - No officer or employee shall engage directly in any private business, vocation, or profession without a written permission from the head of Department.  
x x x."

"Under the Rules, this infraction is classified as a light offense."

After a careful review of the case, I agree with, and adopt the findings and recommendation of, the Secretary of Justice, supported as they are by the evidence on record.

WHEREFORE, and upon recommendation of the Secretary of Justice, respondent Assistant Fiscal Alfredo M. Gargoles of the Office of the City Fiscal, City of Manila, is hereby dismissed from the service, effective upon receipt of a copy hereof.

Done in the City of Manila, Philippines, this 27th day of June, in the year of Our Lord, nineteen hundred and eighty-eight.

*Corazon B. Aquino*

By the President:

*Catalino Macaraig, Jr.*  
CATALINO MACARAIG, JR.  
Executive Secretary

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