

[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