

[ADMINISTRATIVE ORDER NO. 76, June 27, 1988]

**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.

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 MG No. 8, June 26, 1970).

"Fiscal Gargoles and his witnesses, former clients of his, admitted to the