

SUSPENDING MR. SALVADOR G. CAJOT FROM OFFICE AS ASSISTANT PROVINCIAL FISCAL OF CAMARINES SUR

ADMINISTRATIVE ORDER NO. 460, December 29, 1982

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This is an administrative case filed by Mrs. Clara Siguenza dela Vega against Assistant Provincial Fiscal Salvador G. Cajot of Camarines Sur for alleged slander, violation of lawyer's oath, and violation of Constitution and Civil Service rules and regulations. The charges were investigated by the Ministry of Justice.

The case stemmed from the administrative complaint file by Mrs. Dela Vega with the Ministry of Justice on June 23, 1982. Complainant alleged that since 1957 and up to the filing of the complaint, respondent fiscal, without the requisite authorization from either the Ministry of Justice or the Office of the President, has been serving as Manager of the Philippine Loans and Credit Corporation (PHILCOR), a private Concern engaged in the business of extending small loans in the sum of from P100 to P300. Complainant charged that respondent's actuation constitutes a violation of the Constitution and Civil Service rules and regulations.

Complainant further averred that respondent slandered her by calling her dishonest in public for her refusal to return the alleged overpayment of P500 she received from respondent's cashier-son, Electo Salvador Cajot, Jr.

Likewise, complainant claimed that respondent violated his oath as a lawyer not to make any groundless or false suit nor give aid or consent to the same by falsely charging her, through his cashier-son, with theft and/or estafa before the Naga City Fiscal's Office.

In his answer, respondent alleged, among others, that (a) he was already PHILCOR Manager long before his appointment as 4th Assistant Provincial Fiscal of Camarines Sur; (b) he never concealed in his information sheet or bio-data submitted on several occasions to the Ministry of Justice the fact that he is PHILCOR Manager; (c) PHILCOR was organized principally to assist small government employees obtain loans with legal rate of interest rather than from "loan sharks" who usually charge 10 to 20 per cent interest a month; (d) he only repaired to the PHILCOR office every after 5:00 P M to check the collection report of the cashier, but he seldom went thereto after a treasurer has been appointed; and (e) if he really used government time in managing the PHILCOR, he could not have consistently earned an efficiency rating of "Very Satisfactory".

Respondent also took exception to the charge that he carelessly and maliciously slandered complainant by publicly charging her with dishonesty. According to respondent, if said imputation were true, complainant should have filed a libel case in court to vindicate her honor and integrity. Respondent further insisted that the filing of the theft case against complainant by respondent's son is but a valid exercise of a legal right to seek redress of a wrong from the duly constituted authorities.

In sum, respondent maintained that the instant charges were resorted to by complainant as a leverage to secure the withdrawal of the complaint for theft filed against her by respondent's son.

After a careful study of the case, I agree with the Minister of Justice that the evidence presented are not sufficiently efficacious or overwhelmingly persuasive to sustain a finding of guilt vis-a-vis the charges of slander and violation of the lawyer's oath. Thus, complainant dismally failed to show that respondent uttered the alleged

defamatory remark in public or within the earshot of at least one person. The rule is settled that for an utterance or remark to be considered slanderous or defamatory, it should be made publicly or at least be heard by persons other than the speaker and the addressee (*People vs. Prieto* [CA], 71 O.G. 3251; *People vs. Balbastro* [CA], 47 O.G. 1297; *People vs. Clarin* [CA], 37 O.G. 1106).

What is more, complainant's testimony fails to inspire credence for not being corroborated and wanting in material details as to the date, time and place of the alleged utterance of the defamatory remark.

Anent the charge of violation of lawyer's oath, it was not respondent but his son who actually filed the criminal complaint for theft against complainant before the Naga City Fiscal's Office. Regardless of who between father and son initiated the complaint, I find nothing inherently wrong or legally objectionable therein inasmuch as the filing of the complaint was a valid exercise of a legal right, i.e., the right to seek redress of a wrong from the duly constituted authorities. After all, it has not been proven whether said complaint is in fact false or malicious because it is still pending preliminary investigation.

But be that as it may, I am persuaded that for holding on, without the required authority, to two different and antagonistic positions, one private and the other public, respondent violated Section 12 of Civil Service Rule XVIII prohibiting government employees from engaging directly in private business, vocation, or profession or being connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the department (now Ministry) head. In this regard, Memorandum Circular No. 1025, dated November 25, 1977, provides that no official or employee of the government shall obtain or accept employment in any capacity in any private agency, office or institution without prior authority from the Office of the President.

Neither am I satisfied with respondent's explanation that he became Manager of PHILCOR long before his appointment as Assistant Provincial Fiscal and that he never concealed that fact in his information sheets submitted to the Ministry of Justice. As a bona fide member of the Bar, the better part of prudence should have prevailed upon respondent to either resign as PHILCOR Manager or secure the necessary permission to continue discharging the duties of said position.

WHEREFORE, and as recommended by the Minister of Justice, Assistant Provincial Fiscal Salvador Cajot of Camarines Sur is hereby suspended from office for three (3) months without pay, effective upon receipt of a copy of this Order.

Done in the City of Manila this 29th day of December, in the year of Our Lord nineteen hundred and eighty-two.

(Sgd.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(Sgd.) MANUEL M. LAZARO
Presidential Assistant for Legal Affairs

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