

MALACAÑANG  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 480

PENALIZING ERIBERTO C. POCPOC, JR. WITH FORCED RESIGNATION  
FROM OFFICE AS STATE PROSECUTOR II IN THE MINISTRY OF  
JUSTICE WITH PREJUDICE TO REINSTATEMENT

This is an administrative case filed by Isidoro Viray, Romeo Ortiz, Leonila de la Vega, Benjamin Estrella, Virgilio Garcia, Esperanza Miranda, Julian Bejerano, Mariano Tamondong, Florialinda Tamondong and Martin Pigganay against State Prosecutor Eriberto C. Pocpoc for alleged illegal recruitment. The charges were investigated by the Ministry of Justice.

The essence of the charge against respondent Pocpoc is his involvement in the illegal recruitment of the complainants for overseas employment, aggravated by his public position as State Prosecutor and member of the Task Force on Illegal Recruitment which was created by the Ministry of Justice to investigate and prosecute cases of illegal recruitment.

The complainants' evidence consist of their respective sworn letter-complaints, official receipts evidencing payment of placement fees, their oral testimonies at the investigation, and other documentary evidence. The complainants testified that Pocpoc was introduced to them as a Fiscal and business partner by a certain Mrs. Aurea Reyes of the Caprigem Placement and General Services Agency (CAPRIGEM); that such representation induced the complainants to apply with the firm for overseas employment and pay exorbitant fees; that Pocpoc himself received said fees from some of the complainants; that, on various occasions, Pocpoc was seen drinking brandy in the CAPRIGEM Office; that Pocpoc himself assured the complainants of work abroad; and that the complainants did not get the foreign job they were applying for and were not refunded the fees they paid.

Pocpoc denied all the acts imputed to him by the complainants. Among other things, he testified that he is merely a close friend of Mrs. Aurea Reyes; that he had no participation in the recruitment business; that he has not rendered any service to CAPRIGEM or to Mrs. Reyes or to any member of the Reyes family in connection with the recruitment business.

Pocpoc, however, did not present any witness to corroborate his testimony. Despite his earlier announcement that he would present Mrs. Aurea Reyes and a certain Mr. Sedusta of the Ministry of Labor and Employment, Pocpoc never presented his alleged witnesses.

After due investigation, the Minister of Justice ruled that all the circumstances "indubitably show respondent's connection with

CAPRIGEM either as an actual business partner or one who merely lent his name, for some consideration or otherwise, to further the business interest of CAPRIGEM." The Minister of Justice added:

"In other words, even granting that respondent had no material interest in CAPRIGEM, by his actions, as above described, respondent had made himself a willing party to a fraud. These are viewed as acts of indiscretion unworthy of a member of the Ministry of Justice Task Force on Illegal Recruitment who should be the most concerned in seeing to the proper implementation of the law." (Underscoring supplied).

For such transgression, the Ministry of Justice recommended the imposition upon Pocpoc of the administrative penalty of transfer to another station or place of assignment with the accessory penalty of disqualification for promotion for a period of six (6) months from the date Pocpoc reports to the new position or station.

After going over the records of the case, I agree with the Ministry of Justice that State Prosecutor Eriberto C. Pocpoc, Jr. has conducted himself in a manner prejudicial to the best interest of the public service, which constitutes a grave offense under paragraph III-A-13 of Civil Service Commission Memorandum Circular No. 8, Series of 1970.

Against the complainants' positive testimonies, Pocpoc failed to present controverting evidence. He simply said that he did not know the complainants, and then he denied all their allegations against him. Mere denial cannot prevail over positive and direct testimonies (See: U.S. vs. Bueno, 41 Phil. 447, 452; de Gala vs. Gala, 42 Phil. 771, 780; People vs. Cuachon, 62 Phil. 966; People vs. Gonzales, 76 Phil. 473; People vs. Borbano, 76 Phil. 702; People vs. Osi, 85 Phil. 592; People vs. Velayo, 96 Phil. 973; People vs. Bolivas, 110 Phil. 372).

Under the shocking circumstances of this case, the penalty recommended by the Minister of Justice is too light. Considering that a State Prosecutor holds a very sensitive position in the Ministry of Justice, and if only to serve as a warning to others, the more appropriate penalty should be Forced Resignation with Prejudice to Reinstatement, in accordance with the Civil Service Law, rules and regulations. Indeed, for State Prosecutor Pocpoc to commit an offense which was tasked upon him to investigate and eradicate is such a gross and palpable misconduct as to warrant the severest penalty.

Verily, the position of a State Prosecutor is crucial to the public interest, to the country's political system and to the

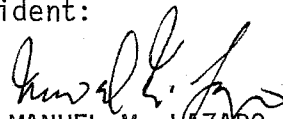
people's faith in their Government. Directly charged with deciding, investigating and prosecuting criminal cases, a State Prosecutor, by the nature of his Office, vividly personifies the Government as a dispenser of justice, especially for the helpless and poor citizens. When he breaks the public duty reposed upon him, a State Prosecutor erodes the people's trust in the administration of justice. Public service requires utmost integrity and the strictest discipline. For this reason, the people in their sovereign capacity have enshrined such tenet in the Constitution. "Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency, and shall remain accountable to the people" (Section 1, Article XIII, Constitution).

WHEREFORE, Eriberto C. Pospoc, Jr. is hereby penalized with Forced Resignation from office as State Prosecutor II of the Ministry of Justice, effective upon receipt of this Administrative Order, with prejudice to reinstatement.

SO ORDERED.

DONE in the City of Manila, this 16th day of March, in the year of Our Lord, nineteen hundred and eighty-four.

By the President:



MANUEL M. LAZARO

Presidential Assistant for Legal Affairs