

CORDERO, Jonathan L.

Re: Complaint; Crime Involving
Moral Turpitude

x-----x

RESOLUTION NO. 01-1224

Janus T. Jarder, employee of the Sugar Regulatory Administration (SRA), Bacolod City, filed a complaint before this Commission seeking the dismissal from the service of Jonathan L. Cordero, Senior Regulation Officer of that same office, for conviction in Criminal Case No. 66523 for Light Oral defamation, a crime allegedly involving moral turpitude.

In his complaint, Jarder asserted the following:

“3. *That respondent by virtue of the decision rendered by the Municipal Trial Court (MTCC) (sic) Branch 01, Bacolod City and dated October 9, 1996, was convicted of the CRIME OF ORAL DEFAMATION x x x.*

“4. *That the crime of which respondent was convicted is a crime involving moral turpitude which is punishable by dismissal from the service at its offense as provided in Section 52, A (5), of the Revised Uniform Rules on Administrative Cases in the Civil Service.*

“5. *By virtue of the foregoing Court decision, complainant additionally files complaint against respondent for the following offenses:*

‘a) *Grave Misconduct as provided in Section 52, A (3) of the said Rules;*

‘b) *Conviction of Crime Involving moral turpitude as provided in Section 52 A (5).”*

Jarder also filed a motion to place the respondent under preventive suspension in view of the alleged conviction of a crime

involving moral turpitude.

When asked to answer or comment, Cordero maintained the following arguments, thus:

“4. Respondent vehemently denies paragraphs 4 and 5, the truth of the matter being that the crime of light oral defamation is not a crime involving moral turpitude and is not within the confines of Section 52 of the Revised Uniform Rules on Administrative Cases in the Civil Cases (sic), contrary to complainant’s claim.

“5. Crimes involving moral turpitude is a crime that reflects on the moral character of the person, such as homicide, estafa, etc. It does not include crimes based on negligence, such as homicide through reckless imprudence.

x x x

“7. In the case of the respondent, the words uttered were done in the height of excitement, there was no prior misunderstanding between the parties and there was a good rapport between them as co-employees before the utterances;

“8. Based on the nature of the crime of light slander, where what is punishable is the effect of word to the reputation of the complainant, light slander could not be deemed a crime which reflects the moral character of the accused or moral turpitude.”

The sole issue in this case is whether or not the criminal offense of light oral defamation, to which Cordero was convicted, constitutes the administrative offense of Conviction of a Crime Involving Moral Turpitude, so as to justify his removal from the office.

Records disclose that Cordero was charged with Grave Slander under **Article 358 of the Revised Penal Code** before Branch I, Municipal Trial Court in Cities (MTCC), Bacolod City. The Information reads:

“That on or about the 6th day of June 1996, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, without any justifiable cause or motive, with deliberate intent of bringing the person of the herein offended party, Atty. Janus T. Jarder, a respectable lawyer and a duly elected President of the Sugar Employees Association of the Philippines (SUGAREAP), Sugar Regulatory Administration, Bacolod City, unto public discredit and contempt, did, then and there willfully, unlawfully, and feloniously utter against the latter the following words on two instances of the same day, to wit:

“- That he (Atty. Janus Jarder) surreptitiously received a 3% commission from Atty. Yulo out of the 15% contingent fee of the said law firm;

“- Nakakwarta gid si Janus sini! (Janus made money out of this!);

“- Indi, a! Nakabaton gid siya 3% commission kay Yulo, secreto lang,’ (No its not! He did receive a 3% commission from Yulo in secret)

“Which words are of serious and insulting in nature and were uttered in the presence of, and within the hearing of several persons, thus casting dishonor, discredit and contempt upon the person of the said offended party.

“Act contrary to law.”

Upon a plea of guilty to a lesser offense however, Cordero was convicted of the crime of light oral defamation. The Court imposed the penalty of fine equivalent to Four Hundred (P400.00) Pesos.

Article 358 of the Revised Penal Code prescribes the penalty for the crime of slander or oral defamation. Said crime has all the elements of libel, except that defamation is made orally (**Padilla, Ambrosio; Criminal Law, Book IV, 1990, twelfth ed., p.833**). The crime of libel on the other hand, has the following elements:

1. Defamatory imputation, which causes dishonor or discredit;

2. Malice, either in law or in fact;
3. Publication; (orally done in oral defamation)
4. Victim must be identifiable.

Under the Revised Penal Code, defamation is punished because the enjoyment of a private reputation is as much a constitutional right as the possession of life, liberty or property. It is one of those rights necessary to human society that underlie the whole scheme of civilization. The law recognizes the value of such reputation and imposes upon him who attacks it, by slanderous words or libelous publication, the liability to make full compensation for the damages done (**Worcester vs. Ocampo, 22 Phil 42**). If prosecuted and found guilty of the crime of libel, he may suffer imprisonment or to pay a fine or both.

On the other hand, in **CSC Resolution No. 00-0657 dated March 10, 2000 (Robredillo, Mario)**, citing **Dela Torre vs. COMELEC (258 SCRA 483)** the concept of moral turpitude has been aptly defined as *“something immoral in itself, regardless of the fact that it is punishable by law or not. It must not be merely mala prohibita, but the act itself must be inherently immoral. The doing of the act itself, and not its prohibition by statute fixes moral turpitude.”* Moral turpitude does not, however, include such acts as are not of themselves immoral but whose illegality lies in the fact of their being positively prohibited. (**Zamboanga del Norte vs. De Guzman, 94 SCRA 323**).

Viewed in the light of the foregoing, light oral defamation is not a crime involving moral turpitude warranting dismissal from the service.

WHEREFORE, the instant complaint of Janus T. Jarder is hereby **DISMISSED** for lack of prima facie case. Likewise, the motion of the complainant to place the respondent Jonathan L. Cordero under preventive suspension is denied for lack of basis. However, Jonathan L. Cordero is warned to be more circumspect in his dealings with both his co-employees and other private individuals.

Quezon City, **July 19, 2001**

(Signed)

J. WALDEMAR V. VALMORES

Commissioner

(Signed)

KARINA CONSTANTINO DAVID

Chairperson

(Signed)

JOSE F. ERESTAIN, JR.

Commissioner

Attested by:

(Signed)

ARIEL G. RONQUILLO

Director III

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