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and considered a light offense pursuant to paragraph III, subparagraph C, No. 4 of Memorandum Circular No. 8, Series of 1970 of the Civil Service Commission. Pursuant to paragraph VI-A of the same memorandum circular, reprimand is the minimum of the penalty that may be imposed on the respondent in the absence of aggravating circumstance. It is not disputed that the respondent was in the service of the government since 1935 and has been a court stenographer since 1945. His long stay in the government with a clean record of public service except his behavior in the incident herein involved is to our mind a mitigating factor in the imposition of the penalty against him.

IN VIEW OF THE FOREGOING, the respondent is hereby reprimanded with the stern admonition that a repetition of a similar act will be dealt with more severely.

SO ORDERED.

Castro, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

FIRST DIVISION

[A.M. No. P-202. July 22, 1975]

RENE P. RAMOS, *complainant, vs.* **MOISES R. RADA,** *respondent.*

SYLLABUS

ADMINISTRATIVE LAW; CIVIL SERVICE; GOVERNMENT EMPLOYEES, PROHIBITED FROM ENGAGING DIRECTLY IN A PRIVATE BUSINESS, VOCATION OR PROFESSION OR BEING CONNECTED WITH ANY COMMERCIAL, CREDIT, AGRICULTURAL OR INDUSTRIAL UNDERTAKING WITHOUT A WRITTEN PERMISSION FROM THE HEAD OF THE DEPARTMENT.— Indubitably, therefore, Rada has violated the civil service rule prohibiting government employees from

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engaging directly in a private business, vocation or profession or being connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the head of the Department. But, indubitably, also, his private business connection has not resulted in any prejudice to the Government service. Thus, his violation of the rule — the lack of prior permission — is a technical one, and he should be meted no more than the minimum imposable penalty, which is reprimand.

DECISION

CASTRO, *J.*:

Moises R. Rada, a messenger in the Court of First Instance of Camarines Norte, Branch II, is charged with a violation of Section 12 of Civil Service Rule XVIII, which provides as follows:

"Sec. 12. No officer or employee shall engage directly in any private business, vocation, or profession or be connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the head of Department: *Provided*, That this prohibition will be absolute in the case of those officers and employees whose duties and responsibilities require that their entire time be at the disposal of the Government: x x x."

From the respondent Rada's letters of explanation and their annexes, dated December 16, 1973 and June 27, 1974, respectively, and the letter and its annexes, dated August 12, 1974, filed by the complainant Rene P. Ramos, by way of rejoinder to Rada's explanation, undisputed fundamental facts emerge that justify us in dispensing with a full-blown investigation of this administrative case.

The respondent Rada receives a monthly salary of ₱267.75. On December 15, 1972 he was extended an appointment by the Avesco Marketing Corporation, thru its president, Jimmy Tang, as representative to manage and supervise real properties situated in Camarines Norte which were foreclosed by the corporation. Rada accepted the appointment and discharged his duties as administrator. The administrative complaint against Rada was filed with the Department of Justice on October 3,

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1973. He requested permission to accept the appointment on October 27, 1973. It is not indicated that his acceptance and discharge of the duties of the position of administrator has at all impaired his efficiency as messenger; nor has it been shown that he did not observe regular office hours.

Indubitably, therefore, Rada has violated the civil service rule prohibiting government employees from engaging directly in a private business, vocation or profession or being connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the head of the Department. But, indubitably, also, his private business connection has not resulted in any prejudice to the Government service. Thus, his violation of the rule — the lack of prior permission — is a technical one, and he should be meted no more than the minimum imposable penalty, which is reprimand.

The duties of messenger Rada are generally ministerial which do not require that his entire day of 24 hours be at the disposal of the Government. Such being his situation, it would be to stifle his willingness to apply himself to a productive endeavor to augment his income, and to award a premium for slothfulness if he were to be banned from engaging in or being connected with a private undertaking outside of office hours and without foreseeable detriment to the Government service. His connection with Avesco Marketing Corporation need not be terminated, but he must secure a written permission from the Executive Judge of the Court of First Instance of Camarines Norte, who is hereby authorized to grant or revoke such permission, under such terms and conditions as will safeguard the best interests of the service, in general, and the court, in particular.

ACCORDINGLY, the respondent Moises R. Rada is adjudged guilty of a technical violation of Section 12 of Civil Service Rule XVIII, for which he is hereby reprimanded. He may however apply, if he so desires, for permission to resume his business connection with the corporation, in the manner above indicated.

Makasiar, Esguerra, Muñoz Palma, and *Martin, JJ.*, concur.

Teehankee, J., is on leave.