

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 91

**IMPOSING THE PENALTY OF THIRTY (30) DAYS SUSPENSION WITHOUT
PAY ON ASSISTANT PROVINCIAL PROSECUTOR ARTURO A.
LLOBRERA, PROVINCIAL PROSECUTION OFFICE, TARLAC,
TARLAC.**

This refers to the administrative complaint filed by Marciano Doctor, Romeo Carbonell, Ernesto Delos Santos and Eufrocino Balmores against Assistant Provincial Prosecutor Arturo A. Llobera of Tarlac for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights.

The records show that on July 1, 1987, complainants Doctor, et al., filed a criminal complaint against Ramon Ping Ting before the Office of the Provincial Prosecutor of Tarlac, docketed as I.S. No. 87-280. Later, on August 25, 1987, complainant Balmores filed before the same office a separate criminal complaint against Ting, the complaint docketed as I.S. No. 87-362. Both cases were assigned to respondent Prosecutor Llobrera. However, despite the lapse of almost three (3) years, Prosecutor Llobrera did not act upon the said complaints. Dismayed by the long delay, Balmores brought such dereliction of duty to the attention of the Chief State Prosecutor, who, in separate directives dated April 25, 1990 and May 21, 1990, ordered the Provincial Prosecutor of Tarlac to make a report on the charges of neglect of duty filed against Llobrera. When asked to comment on the said charges filed against him, Llobrera did not reply thereto nor act upon the criminal complaints filed by the complainants.

On the basis of the foregoing, complainants filed before the Office of the Ombudsman an administrative complaint for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights against respondent prosecutor. The case was docketed as OMB-ADM-1-96-0541 entitled "*Marciano Doctor, et al., versus Arturo A. Llobrera, et al.,*". Despite directives from the Office of the Ombudsman, Llobrera did not file his counter-affidavit nor submit any controverting evidence to refute the charges against him. On the basis of the uncontroverted evidence of the complainants, the Office of the Ombudsman, in an order dated September 4, 1997, found Llobrera guilty of simple neglect of duty. The Office of the Ombudsman, noting that this is Llobrera's first offense, merely recommend that he be suspended from office without pay for a period of thirty (30) days.

The Secretary of Justice forwarded the above order to this Office for implementation of the suspension from office of Llobrera, the latter being a presidential appointee.



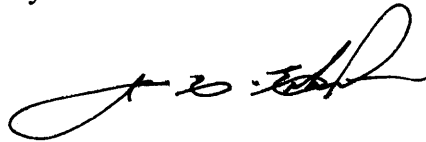
With the foregoing findings of the Ombudsman as guide and after evaluating the records of this case, no other conclusion can be drawn other than that Llobrera had been remiss in the performance of his duties. Glaringly unjustifiable delay in resolving the criminal complaints aforementioned, not even to determine whether or not there existed a probable cause to criminally charge Ramon Ping Ting in court, cannot be countenanced by this Office. We have consistently held that the failure of a prosecutor to decide a criminal complaint or file the same in court within a reasonable period of time is not excusable and constitutes gross inefficiency. Such non-observance of the rule, needless to stress, is a ground for administrative sanction against the erring prosecutor.

Furthermore, we look with disfavor the reprehensible disregard by respondent prosecutor of the lawful orders not only of the Office of the Ombudsman, but also of his superiors for him to submit his explanation why he neglected or failed to act on the cases assigned to him despite the lapse of three (3) years. Such disdainful act by the respondent prosecutor not only cause insolence and disrespect to the said officials but also, and more importantly, transgresses the right of the complainants to a speedy disposition of their cases.

The imposition of the penalty of suspension from office without pay is not undeserved. Prosecutor Llobrera's transgression betrays his failure to measure up to the stringent standards of his public position. His gross inefficiency in the performance of his duties and repeated disregard of the orders of his superiors and the Office of the Ombudsman are serious violations of the norms of conduct for public officials.

WHEREFORE, and as recommended by the Office of the Ombudsman, Assistant Provincial Prosecutor Arturo A. Llobrera of Tarlac is hereby **SUSPENDED** from office without pay for a period of **THIRTY (30) DAYS**, with the warning that repetition of the same will be dealt with severely by this Office.

Done in the City of Manila this 14th day of October, in the year of Our Lord, Nineteen Hundred and Ninety Nine.



By the President:



RONALDO B. ZAMORA
Executive Secretary

