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**MALACAÑANG**  
**Manila**

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 63

IMPOSING THE PENALTY OF SUSPENSION FOR ONE YEAR WITHOUT  
PAY ON 2ND ASSISTANT PROVINCIAL PROSECUTOR RODOLFO  
S. YANSON OF MAGUINDANAO

This refers to Administrative Case No. 91-0069 which the DOJ filed motu proprio against 2nd Assistant Provincial Prosecutor Rodolfo S. Yanson of Maguindanao (formerly connected with the City Prosecution office of Cotabato City) for graft and corruption.

The case stemmed from the Investigation Report dated November 26, 1990 of the NBI which found that respondent-prosecutor 1) misappropriated for his own personal use and benefit the amount of ₱2,000.00 representing the cash bail bond posted by Floresto Balofinos, a respondent in Criminal Case No. 391 for violation of Batas Pambansa Bilang 22 of which Yanson was the public prosecutor; 2) received various amounts on different dates from Balofinos allegedly as partial settlement of the case, which amounts were also misappropriated by Yanson; 3) misappropriated the evidence money of ₱47,070.00 in I.S. No. 89-10-32 (People vs. Elpedio Carmelotes, et al.) for violation of PD 1602; and 4) had not turned-over the amount of ₱40,000.00, a part of the loot in the robbery-holdup case of the AMANAH BANK in Cotabato City, to the City Prosecutor's Office when he transferred to the Office of the Provincial Prosecutor of Maguindanao.

On June 26, 1991, the Chief of the Legal and Evaluation Division of the NBI recommended that respondent-prosecutor be charged for 1) Estafa thru False Pretense; 2) Theft; and 3) Violation of paragraph 9, Sec. 3 of R. A. 3019, as amended.

On August 29, 1991, the entire records of OMB-ADM-3-91-0344 entitled Siao Ching Ho versus Maminting Malli and Rodolfo Yanson was referred to the DOJ for administrative adjudication.

Pursuant to DOJ Department Order No. 315, a formal investigation of the administrative case was conducted.

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In traversing the accusation, respondent-prosecutor categorically denied having received the cash bail bond in the amount of P2,000.00 for the reason that the same was directly filed with the Clerk of Court. He claims that if at all he received the total amount of P21,000.00 from Balofinos as partial settlement of the case, it was upon authority of complaining witness Siao Ching Ho and with the imprimatur of City Prosecutor Ortillano Tan. The said amount was returned on March 29, 1990. He further claims that the evidence money in I.S. No. 89-10-32 in the amount of P47,070.00 was returned on June 30, 1990.

The Secretary of Justice found respondent-prosecutor liable for gross misconduct in office and recommended that the penalty of suspension for one (1) year be imposed. The DOJ Secretary's recommendation is anchored on his findings which reads:

"What we find questionable however are the acts of Yanson:

1) in personally seeing to the settlement of the case, this, despite the imprimatur of the Provincial Prosecutor, since Balofinos and Ho were being represented by their counsel who should have been the ones to negotiate the amicable settlement of the civil liability of respondent. It does not even appear on record that Adil, counsel of Balofinos, had initiated any overtures in settling the case;

2) in not immediately turning over the various amounts representing partial payments of the amount due Ho which definitely constitutes grave misconduct on his part as any conscientious person would have seen to it that Ho duly received the payments so that no doubts can be entertained by anybody that the amount(s) has (have) been misappropriated. We, therefore, cannot absolve Yanson's conduct despite the fact that the total amount had been returned to Balofinos through Mrs. Adil;

3) in not immediately returning the records of the case to the Branch Clerk of Court which only shows his personal interest in the same despite his denials." *M*


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I concur with the findings of the Secretary of Justice.

WHEREFORE, premises considered, respondent 2nd Assistant Provincial Prosecutor Rodolfo S. Yanson is found liable for grave misconduct in office. Accordingly, the penalty of suspension for one (1) year without pay is hereby imposed.

Done in the City of Manila, this 10<sup>th</sup> day of July in the year of Our Lord, nineteen hundred and ninety-three.



By the President:

  
TEODORO T. GUINGONA, JR.  
Executive Secretary