

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 64

SUSPENDING FOURTH ASSISTANT PROVINCIAL PROSECUTOR
PATERNO S. SOYANGCO OF RIZAL FROM OFFICE

This pertains to the administrative complaint filed by Rodolfo Tagle against Fourth Assistant Provincial Prosecutor Paterno S. Soyangco of the Provincial Prosecution Office of Rizal, for Ignorance of the Law, Blatant Disregard of the Law on Preliminary Investigation, and Conduct Unbecoming of a Public Officer.

The antecedent facts are stated in the letter of the Secretary of Justice to the President, dated January 16, 1993, to wit:

"It appears that on August 17, 1990, complainant Rodolfo Tagle filed a criminal case for robbery against Pedro dela Rosa and Andres dela Rosa docketed as I.S. No. 90-6386. The case was assigned to respondent prosecutor for preliminary investigation, after which he issued a resolution, dated May 23, 1991, recommending the dismissal of the case.

"Complainant now claims that:

1. Despite the strong evidence, consisting of the admissions of the respondents, of Pfc. Antonio de Lumen and of some barangay officials that they destroyed the door and window of the store, without a court order, nonetheless, respondent prosecutor recommended the dismissal of the case.

2. The complaint was filed on August 17, 1990 and submitted for resolution on November 5, 1990. However, respondent prosecutor resolved the case only on May 23, 1991, or almost eight (8) months from its

inception and more than six (6) months from the date it was submitted for resolution.

3. Everytime complainant would follow up the case, respondent prosecutor would tell them to settle the case for half the price of the things lost, at the same time, boasting that he is 'Fiscal Areglo'; that while he talked, he would reek of liquor; that respondent prosecutor would drink liquor with respondents in Taytay and that he could no longer identify complainant, who has been waiting for him for hours in his office, because he would then already be drunk.

"In his answer, respondent prosecutor alleges that his resolution recommending the dismissal of the case was based on the evidence on record, thoroughly reviewed by the reviewing prosecutor and ultimately approved by the Provincial Prosecutor. Thus, said resolution is an office resolution and not his resolution alone.

"As regards the apparent delay in the resolution of the case, respondent prosecutor explains that the complaint for robbery is rather complicated, such that several settings were scheduled for clarificatory questioning, and that he gave the parties ample time to settle the case amicably. He claims that the delay in the disposition of the case is unavoidable, because he has to travel from his residence in Navotas to his court assignments in Pateros and Taytay in the morning. From Pateros and Taytay, he would travel back to his office in Capitolyo, Pasig to attend to preliminary investigations and inquests, which consume a good deal of his working time, thereby affecting his health and diminishing his efficiency."

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The DOJ, in the aforesaid letter, observed and ruled in this wise:

"While there is no sufficient basis to hold respondent prosecutor administratively liable for the dismissal of I.S. No. 90-6386 for robbery, we find the delay in the resolution of the case as violative of the rules on preliminary investigation.

"Ministry of Justice Circular No. 1 dated January 7, 1985, provides that preliminary investigations shall be terminated within sixty (60) days from the date of filing of the complaint. It may be extended by the head of office concerned for valid and meritorious reasons but in no case to exceed thirty (30) days. Record shows that the complaint was filed on August 17, 1990. Respondent prosecutor resolved the case only on May 23, 1991, or eight (8) months from the filing of the complaint. He should have acted on the said case within a reasonable period of time with the end in view of giving speedy justice consistent with due process.

"Further, respondent prosecutor failed to refute complainant's allegation that he boasted being a 'Fiscal Areglo'. Likewise, there is no refutation of complainant's allegation that he was drinking liquor with respondents (in the criminal complaint) and that he would always reek of liquor whenever he would report to his office in Pasig. These to our mind, constitute acts unbecoming of a public officer. A public officer should hold himself up in high esteem and with utmost dignity. A prosecutor should be circumspect in his behavior and the words he utters for, to his community, he stands as a symbol of the law. His behavior in everyday life should always be beyond reproach (Martin, Legal and Judicial Ethics, 4th Edition, p. 277).

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"WHEREFORE, finding respondent prosecutor to be administratively liable for violating reasonable office rules and regulations and for disgraceful conduct, it is hereby recommended that he be meted the penalty of suspension for a period of three (3) months without pay."

After going over the records of the case, I agree with the findings of the Secretary of Justice. Indeed, respondent's delay in the resolution of I.S. No. 90-6386 was unjustified and, hence, constitutes a violation of the rules and regulations on the conduct of preliminary investigation. Considering his lofty position, respondent should have been more circumspect in the discharge of his duties, since his primordial task is the promotion of a fair and speedy disposition of cases. Furthermore, respondent's taking of alcoholic drinks during office hours, which not only impairs his judgment but also tarnishes his image and reputation as prosecutor, tends to erode the people's confidence in the fair and impartial dispensation of justice. By his actuations, therefore, respondent had shown a clear departure from the strict norms of conduct laid down for members of the prosecution service.

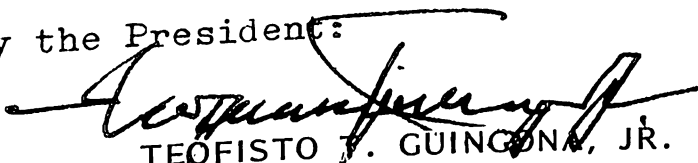
WHEREFORE, and as recommended by the Secretary of Justice, Fourth Assistant Provincial Prosecutor Paterno S. Soyangco of Rizal is hereby SUSPENDED from Office for three (3) months without pay, effective upon receipt hereof.

Done in the City of Manila, this day ^{10th} of ^{July} in the year of Our Lord, nineteen hundred and ninety-three.



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By the President:


TEOFISTO T. GUINGONA, JR.
Executive Secretary

