

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 69

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON 3RD
ASSISTANT PROVINCIAL PROSECUTOR ARNULFO F. MANZANO OF
ILOCOS SUR**

This refers to the administrative complaint against 3rd Assistant Provincial Prosecutor Arnulfo F. Manzano of Ilocos Sur for simple neglect of duty, committed, as stated in the formal charge, as follows:

"That on 12 April 1995 when your attention was first called until September 27, 1996 when the Provincial Prosecutor of Ilocos Sur reassigned your pending cases, you failed to resolve cases assigned to you for preliminary investigation/reinvestigation, thereby violating Section 5 and 6 of Rule 112 of the Rules of Court and Department Circular No. 35 dated 17 September 1991 and Department Circular No. 49 dated 14 July 1993."

The formal investigation of the case, docketed as Administrative Case No. 97-0003-FS, was assigned to State Prosecutor Albert Fonacier as the Hearing Officer, with State Prosecutor Ruben Carretas as the Prosecuting Officer.

Records show that on April 12, 1995, respondent's attention was called by the Provincial Prosecutor of Ilocos Sur for failure to resolve fourteen (14) of the cases assigned to the former within the period stipulated under the said Department Circulars. In reply, respondent reasoned out that his loaded schedule of hearings and personal problems hampered his efficiency. Respondent promised, however, to resolve said cases within fifteen (15) days.

A year after, or on April 30, 1996, Regional Trial Court Judge Florencio Ruiz called the attention of Regional State Prosecutor Constante Caridad regarding the pendency of cases that were assigned to the respondent. Consequently, the Provincial Prosecutor called again respondent's attention per Office Memo No. 6 by listing six (6) cases for reinvestigation and twenty (20) cases for preliminary investigation which had remained unresolved.

On May 29, 1996, the Regional State Prosecutor ordered an audit and/or inventory of pending cases in Region I. On September 6, 1996, the respondent's attention was again called by the Provincial Prosecutor to four (4) unresolved cases for reinvestigation and ten (10) unresolved cases for preliminary investigation.



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On September 3, 1996, the Regional State Prosecutor ordered respondent to show cause why no administrative sanction should be taken against him for violation of Department Circular No. 35 dated September 17, 1991 and Department Circular No. 49 dated July 14, 1993.

In his reply dated September 13, 1996, respondent alleges that he failed to resolve the cases because he figured in a vehicular accident in November of 1995 while on his way to attend trial. As a consequence thereof, he suffered recurring and intermittent neurosis. He further alleged that he requested the Provincial Prosecutor to have his ten (10) unresolved cases reassigned as it was imperative for him to have an immediate medical check-up/scanning of the brain. He even applied for sick leave. Respondent also attached a medical certificate dated September 25, 1996 issued by Dr. Divina R. Martin-Hernandez, F.P.N.A., a neurologist of the SLU Hospital of the Sacred Heart, Baguio City, with the following assessment: "Post Concussion Syndrome with beginning Depression".

In his 1st Indorsement dated October 16, 1996, the Regional State Prosecutor, finding respondent liable for gross violation of Department Circular Nos. 35 and 49, recommended respondents' suspension without pay for three (3) months. On March 20, 1997, respondent was formally charged for simple neglect of duty. Respondent reiterated his earlier explanation of his failure to resolve the cases and submitted medico-legal and neurologic reports issued by his physicians. He also opted to dispense with the formal investigation.

After a review of the records, the investigating prosecutor found respondent administratively liable for simple neglect of duty and recommended that the latter be admonished only with a stern warning that a repetition of the same infraction in the future shall be dealt with more severely. On review, the Secretary of Justice recommended the imposition of the penalty of dismissal from the service.

In line with the government's policy to speed up the administration of justice by way of early disposition of cases, particularly those under preliminary investigation, Department Circular No. 35 dated September 17, 1991 was issued by the Justice Department, directing all prosecutors of the National Prosecution Service to observe the following guidelines:

"1. Preliminary investigation of complaints shall be terminated and resolved within ninety (90) calendar days from the date of assignment to the investigating prosecutor. In other words, the total period that may be consumed in the conduct of the formal preliminary investigation up to the time the case is submitted for resolution and the same is actually resolved, shall in no case exceed the ninety (90) calendar days reglementary period;



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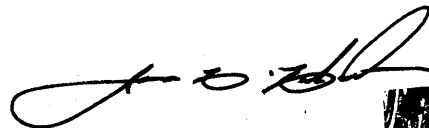

"2. With respect to cases originally investigated by the Municipal Trial Courts and the records of which are transmitted to the Provincial/City Prosecutors for appropriate action pursuant to Section 5, Rule 112 of the 1985 Rules of Criminal Procedure, the same shall be assigned to an investigating prosecutor within five (5) days from receipt of the records and the investigating prosecutor shall have thirty (30) days within which to terminate and resolve the case."

On the other hand, Department Circular No. 49 dated July 14, 1993 has further shortened the period to resolve cases under preliminary investigation to sixty (60) calendar days from the date of assignment to the investigating prosecutor.

Records clearly disclose that respondent prosecutor had pending cases which were not resolved within the prescribed period before and after his vehicular accident on November 13, 1995. As a matter of fact, he had twenty (20) unresolved cases prior to the incident, some of which date back to 1994. Hence, while we tend to be more understanding, for humanitarian reasons, of his lapses after the accident, his delays prior to the accident cannot be similarly overlooked. Bending the rules too far would greatly prejudice the interest of the service and deprive the party-litigants of their right to a speedy administration of justice.

WHEREFORE, 3rd Assistant Provincial Prosecutor Arnulfo F. Manzano of Ilocos Sur is hereby found administratively liable for gross neglect of duty and imposed the penalty of dismissal from the service.

Done in the City of Manila, this *17th* day of *JUNE*, in the year of Our Lord, Nineteen Hundred and Ninety-Nine.

By the President:



RONALDO B. ZAMORA
Executive Secretary



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