

MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 47

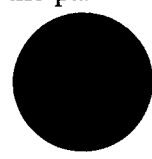
IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT CITY PROSECUTOR ZENAIDA C. ISIDRO OF THE OFFICE OF THE CITY PROSECUTOR OF TACLOBAN CITY, FOR DISHONESTY AND GROSS NEGLIGENCE OF DUTY

This refers to the administrative complaint, docketed as DOJ Administrative Case No. 99-0032-FS, initiated by Ruperto B. Golong, Jr, Chief City Prosecutor (CCP) of Tacloban City, charging Assistant City Prosecutor (ACP), Zenaida C. Isidro, of the City Prosecutor's Office of Tacloban City detailed at the City Prosecutor's Office of Calbayog City, for dishonesty. The charge sheet reads as:

“That you had consistently reported in your Monthly Accomplishment Report for 1996, 1997 and from January to June 1998 that you had either one (1) or two (2) or no (0) pending case for resolution and in your Monthly Certificate of Service for the same period; that you had no pending case for resolution beyond 60-day period. However, when an inventory of your cases was made x x x it was found out that you had fifty-six (56) cases unresolved for 1996, sixty-six (66) unresolved cases for 1997 and twenty-six (26) unresolved cases for 1998 or a total of one hundred forty-four (144) cases (unresolved) for the said years”

In support of the charges, CCP Gulong submitted Isidro's monthly accomplishment report where she made it appear that she had a 100% total disposition rate of cases for the period covering 1996-1998, and Isidro's Certificates of Service for the same period stating that she had no pending case for preliminary investigation/reinvestigation/or review that was more than sixty (60) days from the time a case was assigned to her.

In her defense, Isidro denies that she was dishonest when she certified in her accomplishment report that she had no pending cases for the periods 1996, 1997 and from January to June, 1998. She admits, however, that in 1996 to 1997 she suffered recurrent ailment that affected her efficiency. She further explains that the bulk of these cases were for violations of B.P. 22, which basically are collection cases where the complainant was less interested in prosecuting the respondents; that a number of these cases did not reach the courts because of complainants' desistance, while others did not end in conviction because of settlement. Thus, she explains, to rush the filing of these cases in court would only clog court dockets and entail additional expenses on the part of



the government. Under the circumstances, she reasons, it would be more judicious if the rules are relaxed than to adhere strictly to the time limit imposed by the rules. To substantiate her allegations, Isidro submitted her medical certificate and leave application filed on May 29 1997.

Isidro likewise cites other factors, such as the lack of mimeograph forms of the Information for BP 22, which she claims contributed to the delay in the resolution of the BP 22 cases.

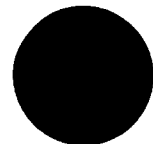
Lastly, she explains that, as a matter of usual practice, the Office of the City Prosecutor of Tacloban City distributes the Certificates of Service to the assistant prosecutors concerned for their respective signatures one or two days before they transmitted to the Central Office in Manila; that the forms are already prepared so she just had to affix her signature therein. She admits that she did not give meticulous consideration to the certifications written on the form notably the second certification regarding the pending cases. She insists though that she was not motivated by dishonesty when she affixed her signature on those forms.

Following a thorough investigation and a careful evaluation of the complainant's allegations and the evidence presented vis-à-vis Isidro's explanation, the Secretary of Justice found Isidro guilty of dishonesty and gross neglect of duty, and recommended that she be dismissed from the service

We concur with the DOJ's findings.

Dishonesty is the concealment or distortion of truth in a matter of fact relevant to one's office or connected with the performance of one's duties. Dishonesty is a serious offense. It reflects on the person's character and exposes the moral decay which virtually destroys one's honor, virtue and integrity (Prieto vs. Caraga 242 SCRA 315). Under Section 22 of Rule XIV of the Implementing Rules of the Civil Service, the offense of dishonesty is punishable by dismissal.

The fact that ACP Isidro committed acts constituting the offense of dishonesty appears to have been established. By declaring in her Accomplishment Reports that she had a 100% total disposition rate of cases for the periods covering 1996 to 1998, and by certifying in her Certificate of Service that she had no pending cases, when, in truth and in fact, she had a total of 144 unresolved cases for the said period, Isidro deliberately concealed the truth on a matter relevant to her office, i.e. that she failed to comply with the directive under DOJ Circular No. 49, s. of 1993. This issuance requires all prosecutors to terminate and resolve preliminary investigation of complaints within sixty (60) days from date of assignment. Being public documents, the falsification of Accomplishment Reports and the Certificate Service constitutes a serious offense of dishonesty as there is a duty to disclose the truth.



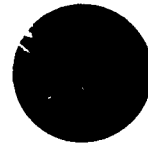
Isidro's protestations of innocence and good faith deserve scant consideration as they are but attempts to cover up and justify her negligence as well as her non-compliance with the prescription of DOJ Circular No. 49.

WHEREFORE, premises considered, and as recommended by the Department of Justice, Assistant City Prosecutor Zenaida C. Isidro of the Office of the City Prosecutor of Tacloban City, is hereby dismissed from the service for dishonesty and gross neglect of duty effective upon receipt of this Order.

DONE in the City of Manila, this *25th* day of *November* , in the year of our Lord, two thousand and two.



J. Maning



By the President:

Alberto G. Romulo
ALBERTO G. ROMULO
Executive Secretary