



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 March 2021** which reads as follows:*

“**A.C. No. 7926 (Emmanuel F. Salon v. Prosecutor Antonino G. Ruiz).** - The Court **RESOLVES** to **ADOPT** and **APPROVE** the findings of fact and the conclusions of law of the Department of Justice in its Findings¹ dated October 20, 2009. Accordingly, for lack of a *prima facie* case, the Court hereby dismisses the administrative complaint² against respondent Prosecutor Antonino G. Ruiz.

It is settled that in administrative proceedings, the complainant has the burden of proving with substantial evidence the allegations in the complaint. Mere allegation is not evidence and is not equivalent to proof.³ Thus, in the absence of contrary evidence, prosecutors are presumed to have regularly performed their official duties,⁴ as in this case, warranting the dismissal of the complaint.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court

29 APR 2021

¹ *Rollo*, pp. 28-31.

² *Id.* at 1-4.

³ *Spouses Chua v. Tan-Sollano*, 810 Phil. 365, 367 (2017).

⁴ In *Spouses Chua v. Tan-Sollano* (*id.* at 367-368), the Court stated that: ‘Here, considering that x x x failed to present substantial proof to show the prosecutors’ culpability, the Court cannot rule out the possibility that the instant administrative case was ill-motivated being retaliatory in nature and aimed at striking back at them for having participated in the dismissal of x x x, either as investigating prosecutor or approving officer. In the absence of contrary evidence, what will prevail is the presumption that the prosecutors involved herein have regularly performed their official duties.’ See also *Yagong v. Magno* (820 Phil. 291, 292 [2017]) where the Court had occasion to rule that a prosecutor merely determines the existence of probable cause, and to file the corresponding information if he finds it to be so. In the exercise of their powers and in the discharge of their functions and responsibilities, prosecutors enjoy the presumption of regularity. This presumption of regularity includes the public officer’s official actuations in all the phases of his work.

EMMANUEL F. SALON (reg)
Complainant
(deceased)

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*PROVINCIAL PROSECUTOR ANTONINO G. RUIZ (reg)
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*with copy of DOJ Findings dated 20 October 2009.
Please notify the Court of any change in your address.
AC7926. 3/15/2021A(160)URES *14/19*