DISMISSING ASSISTANT CITY PROSECUTOR SALVADOR M. QUIAMBAO OF THE CITY PROSECUTION OFFICE OF MANILA FROM THE SERVICE

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This refers to the administrative complaints separately filed by Virgie Terakita and Dante Edangal against Assistant City Prosecutor Salvador M. Quiambao of the City Prosecution Office of Manila for gross neglect of duty, inefficiency and/or grave misconduct in office.

It appears that on February 22, 1993, Virgie Terakita filed a criminal complaint for grave threats against Dante Edangal, docketed as I.S. No. 93-B-06463. It was only on October 28, 1994, or seventeen (17) months from the time the said criminal case was assigned to respondent prosecutor for preliminary investigation that the same was resolved, hence, this administrative charge.

In his answer, respondent explained that he could not have resolved the subject criminal case earlier because "there was no proof that the other respondents in the said case had been duly served with notice of the subpoena pursuant to Circular No. 215 of the DOJ." He likewise averred that he does not only attend to court duties three (3) times a week, but he also conducts night inquests and night court hearings. Moreover, he claimed that he acts as "trouble shooter" for absent trial prosecutors. Furthermore, he lamented the lack of clerical staff, stating that he shares the services of one stenographic reporter with two (2) other prosecutors. Finally he disclosed that he is already sixty (60) years old.

As did the Secretary of Justice, I find respondent's explanation to be unsatisfactory. The reasons he invoked could not justify his long delay in resolving I.S. No. 93-B-06463, a simple case of grave threats. Had the respondent prosecutor found complex issue/s in the subject criminal case, the appropriate course to take was to request for an extension of time within which to resolve the same from the chief of office, which he failed to do.

Members of the prosecution service are enjoined to act with promptitude and dispatch in the discharge of their functions. Narrowing the gap between the number of cases filed for preliminary investigation and those which have been resolved/disposed of, is the primary concern of the prosecution service. Indeed, the full realization of this ideal hinges on the industry and dedication of every prosecutor such that he cannot afford to be sluggish in the resolution of cases filed for preliminary investigation before him.

It cannot be over-emphasized that it is the sworn duty of each member of the prosecution service to administer justice without undue delay. There obtains a Department of Justice (DOJ) Circular, i.e. Circular No. 49, series of 1993, requiring every prosecutor to resolve a case within sixty (60) days after the same shall have been assigned to him for preliminary investigation.

I cannot countenance the 15-month delay incurred by the respondent in resolving I.S. No. 93-B-06463. Notably, the subject matter of the complaint simply involved an issue of grave threats, which respondent prosecutor could have resolved even without conducting the preliminary investigation pursuant to the Rules on Criminal Procedure, the case being cognizable by the Metropolitan Trial Courts, where a preliminary investigation is not a matter of right. Accordingly, it was unreasonable, inexcusable and a manifest gross inefficiency on respondent prosecutor

to have resolved the same in seventeen (17) months. His inefficiency had indeed hindered the efforts of the Department of Justice to minimize if not eradicate undue delay in the resolution of cases.

WHEREFORE, as recommended by the Secretary of Justice, Assistant City Prosecutor Salvador M. Quiambao of the City Prosecution Office, Manila, is hereby dismissed from the service, effective upon his receipt hereof.

Adopted: 28 Aug. 1999

BY THE PRESIDENT:

(SGD.) RONALDO B. ZAMORA
Executive secretary

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