

IMPOSING THE SUSPENSION FOR THIRTY (30) DAYS WITHOUT PAY FOR THE DELAY IN RESOLVING I.S. CASE NO. 90-461 IN VIOLATION OF JUSTICE DEPARTMENT CIRCULAR NO. 35 DATED SEPTEMBER 17, 1...

ADMINISTRATIVE ORDER NO. 114, February 13, 1994

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This refers to the administrative complaint filed by Trinitario Yap against 4th Asst. Provincial Prosecutor Demosthenes B. Tinagan, Negros Oriental, for delay in resolving the complaint against P/Lt. Cesar Dalderas, et al., for malversation of public funds and property docketed as I.S. No. 90-461.

Records disclose that the aforesaid criminal complaint against P/Lt. Cesar Dalderas, et al. was filed by Trinitario Yap on October 3, 1990 and the same was assigned to respondent prosecutor. After the requisite investigation the case was submitted for resolution on July 9, 1991. The ninety (90) day reglementary period, within which to resolve complaints on preliminary investigation, as required by Department Circular No. 35 dated September 17, 1991 notwithstanding, respondent prosecutor resolved the case only on December 18, 1992.

We view respondent prosecutor's failure to resolve I.S. No. 90-461 within the reglementary period as gross neglect of duty and inefficiency. This long delay in the resolution of the criminal complaint greatly affects the administration of justice and depreciates the peoples confidence in our justice system. Respondent prosecutor's defiance of Department Circular No. 35 dated September 17, 1991 cannot go unpunished.

WHEREFORE, premises considered, 4th Asst. Provincial Prosecutor Demosthenes B. Tinagan is hereby found liable as charged and is meted the penalty of suspension of thirty (30) days without pay with a warning that a commission of a similar offense in the future would be dealt with more severely.

DONE in the City of Manila, this 13[th] day of February in the year of Our Lord, nineteen hundred and ninety-four.

(Sgd.) FIDEL V. RAMOS
President of the Philippines

By the President:
(Sgd.) TEOFISTO T. GUINGONA, JR.
Executive Secretary

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