

IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) MONTH WITHOUT PAY ON ASSISTANT CITY PROSECUTOR SEVERINA A. ACUNA, CITY PROSECUTION OFFICE, KALOOKAN.

ADMINISTRATIVE ORDER NO. 137, July 13, 1994

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This refers to the administrative complaint filed against Asst. City Prosecutor Severina A. Acuna of Kalookan for grave misconduct and dishonesty.

Record shows that a complaint was filed with the Supreme Court against respondent prosecutor's husband, Victorio Acuna, who is a Deputy Sheriff, for absence without official leave, insubordination and conduct prejudicial to the best interest of the service. Also included in the complaint were Ana Lacaden and Virgincita Villalobos, who are also personnel of the Municipal Circuit Trial Court of San Juan. The cases were docketed as A.M. Nos. P-90-452 and P-92-667. The thrust of the complaint was the filing by Victorio Acuna of a sick leave application on October 13, 1988 on the ground that he was seriously ill when in truth and in fact he was not sick but actually had left for abroad and joined the husband of Ms. Ana Lacaden who was working at Saipan, U.S.A., and the collection and encashment by Ana Lacaden and Virgincita Villalobos of his pay checks up to November 30, 1988 despite knowledge of the fact that Acuna's leave credits had been exhausted already.

The Supreme Court in a decision dated April 7, 1993 dismissed from the service Victorio Acuna, Ana Lacaden and Virgincita Villalobos and requested the Department of Justice to conduct an inquiry and to take appropriate action against herein respondent prosecutor Severina Acuna. The Supreme Court said:

"We are disturbed by the high-handed manner in which Assistant Prosecutor Severina A. Acuna conducted herself during the investigation of the case. She represented all three respondents in the said investigation but would refuse to participate in the proceedings when she was asked questions that will yield answers which were not favorable to her case, and was insistent in participating when she wanted to protect her own interests and that of her husband and the other respondents. We also could not fail but notice her warped and scheming legal mind when a pattern was woven outlining her participation in the highly anomalous and reprehensible transaction subject of this case. If it is proven that she was the one who orchestrated respondent Acuna's leaving for abroad without the necessary procedures having been followed, his application for a sick leave to conceal his absence and respondents Villalobos and Lacaden's receiving respondent Acuna's salary when he was no longer entitled to it, then, Assistant Prosecutor Acuna's dismissal from the service, and suspension from the practice of law, is in order." (p. 7 Dec. *ibid*)

In the formal investigation of this administrative complaint, respondent prosecutor denies the charges of grave misconduct and dishonesty against her. She claims that her husband complied with the requirements for the filing of his sick leave application and treatment abroad. Nothing was concealed in the application thereof. Neither was there any misinformation nor any falsification committed in connection therewith. Her husband worked abroad to earn money for the treatment of his illness. She could not allow herself to be involved in any anomaly which would destroy her career as well as her present position. She denies having represented her husband and his co-respondents during the investigation of the administrative cases conducted by then Executive Judge Milagros Caguioa of Pasig, Metro Manila.

After the formal investigation, the Department of Justice recommended the dismissal of the charge for dishonesty but found respondent prosecutor administratively liable for acts unbecoming of a public prosecutor and recommended that respondent prosecutor be meted the penalty of one (1) month suspension with the stern warning to be more circumspect in her actuations in the future.

I concur in the findings of the Secretary of Justice.

Indeed respondent prosecutor exhibited arrogance and indifference to and even disdain for due process and the rule of law. By her acts, she displayed disrespect in the administrative investigation then being conducted. Considering the high office which a public prosecutor holds, her behavior is impermissible. Thus, for failure to observe the proper decorum, prudence and circumspection which the law requires of a public servant, respondent prosecutor is found administratively liable therefore. The bare denial of respondent prosecutor that she never represented her husband and his co-respondents during the aforesaid investigation is unacceptable.

WHEREFORE, premises considered, respondent Severina A. Acuna, Asst. City Prosecutor of Kalookan, is hereby found liable for MISCONDUCT. Consequently, thereto, her suspension for one (1) month without pay is hereby imposed.

Done in the City of Manila this 13[th] day of July, 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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