

IMPOSING THE PENALTY OF SUSPENSION OF PROSECUTOR CRISPULO R. TRUYA FOR ONE YEAR WITHOUT PAY AND THE FORFEITURE OF HIS SALARIES/BENEFITS DURING SAID PERIOD.

ADMINISTRATIVE ORDER NO. 128, May 02, 1994

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This refers to the administrative complaint filed *motu proprio* by the Department of Justice against Assistant Provincial Prosecutor Crispulo Truya of Cebu for grave misconduct.

Records disclose that sometime during the last week of September 1993, an informal investigation was conducted by Cebu Provincial Prosecutor Oliveros E. Kintanar on the report that Prosecutor Truya extorted from Marilyn Benting the amount of P300.00 to be used as grease money for Provincial Prosecutor Kintanar, and another P200.00 to be given to Prosecutor Truya's clerk ostensibly to expedite the release of Mrs. Benting's son from detention. When confronted, Prosecutor Truya reportedly admitted the accusation, and as a consequence thereof, he was reassigned to prosecute cases in Branch 29, Toledo City and Bantayan Islands and the Municipality of Camotes Islands. He was likewise directed to desist from handling the reinvestigation of any case and his reimbursement for travel was limited to those incurred when attending to cases in the Municipal Trial Courts.

In exculpation, Prosecutor Truya denied the claim that he admitted before Provincial Prosecutor Kintanar and in the presence of other people the accusation of Mrs. Benjamin. He proffers the view that the occasion during which these people witnessed a confrontation between him and Prosecutor's Kintanar was in connection with his late submission of his performance report and not about the complaint of Mrs. Benting whom he called a perjurer a "double dealing" woman of dubious character. Prosecutor Truya further maintains that his acceptance of the penalty imposed by Provincial Prosecutor Kintanar cannot be deemed as an admission of guilt but should be construed as a gesture of obedience to a superior's order to buy peace and avoid insubordination.

The recommendation of the Secretary of Justice in imposing the penalty of one year and the forfeiture of all salaries/benefits is based on his findings which reads:

"Respondent's act of extortion is the kind of gross and flaunting misconduct, no matter how nominal the amount involved, that so quickly and surely corrodes the respect for law without which government cannot continue and that tears apart the very bonds of our policy. The prosecutor should be the last person to be perceived as a corrupt bureaucrat out to take money at every turn.

All told, respondent prosecutor's mere denials cannot prevail over the positive assertion of Mrs. Benting and Prosecutor Kintanar as corroborated from different vantage points, by the testimonies of Prosecutor Mamerta Paradiang, Candelaria Gadrinab, Rosario Trocio, Lydio Tanato and Ben Ocampo.

On this point, respondent has failed to show any ill-motive on the part of Mrs. Benting and Prosecutor Kintanar to falsely accuse him. On the contrary, Mrs. Benting bears no animosity towards respondent prosecutor as evidenced by the fact that she even pleaded for his forgiveness. The same is true with Provincial Prosecutor Kintanar who has shown understanding and magnanimity, judging by the light punitive action inflicted upon respondent prosecutor for the serious offense he committed.

Anent the affidavit of desistance filed by Mrs. Benting, she must realize that this administrative proceeding was commenced against respondent prosecutor motu proprio by the Department. Mrs. Benting is but a witness against respondent prosecutor and her subsequent stand for or against him is not material to his chastisement”.

I concur with the findings of the Secretary of Justice which I find to be in accord with law and the evidence.

WHEREFORE, premises considered, Prosecutor Crispulo R. Truya is hereby found liable for gross misconduct. Accordingly, the penalty of suspension for one year and the forfeiture of his salaries and benefits during his period of suspension is hereby imposed.

Done in the City of Manila, this 2nd day of May, 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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