IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON MANILA ASSISTANT CITY PROSECUTOR ROMEO C. SAMPAGA

ADMINISTRATIVE ORDER NO. 48, November 25, 2002

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This refers to the administrative complaint for violation of Section 7(d) of Republic Act (R. A.) No. 6713 and Section 22 (j), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order (E.O.) No. 292 (Administrative Code of 1987) filed against Assistant City Prosecutor Romeo C. Sampaga of the Prosecutor's Office of Manila for contracting a loan of money from a complaining witness in a case he handled as a prosecutor.

The record shows that on November 7, 1997, respondent Prosecutor Sampaga, who was then assigned as a public prosecutor at Branch 7 of the Metropolitan Trial Court of Manila, contracted a loan of five thousand pesos (P5,000.00) from Anna Leonicia V. Morales, a complaining witness in a slander by deed case pending before the said court. When respondent prosecutor failed to pay the said loan, complainant Anna Leonicia Morales filed the instant administrative complaint against the former in the Department of Justice.

During the hearing of the administrative complaint in the Department of Justice, respondent prosecutor failed to rebut complainant's evidence despite sufficient period of time given to him to present his defense. Consequently, the Secretary of Justice found respondent prosecutor guilty of contracting a loan of money from a person with whom he had business relations in violation of Section 7 (d) R.A. No. 6713 and Section 22 (j), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987). The penalty of dismissal from the service was recommended by the Secretary of Justice.

The findings and recommendation of the Secretary of Justice appear in order.

Indeed, contracting a loan of money from any person in the course of one's official duties or with whom the office of the public official concerned has business relations is an unlawful and prohibited act under Section 7 (d) of R.A. No. 6713, Section 46 (b) (23) of Book V of Executive Order (E. O.) No. 292 (Administrative Code of 1987) and Section 22 (j) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292. The said laws consider this illegal act as a grave offense that is punishable by dismissal from office even if the same was committed by the respondent as a first offense. The rationale for this is that it is the policy of the State to promote a high standard of ethics in the public service wherein public officials and employees should at all times be accountable to the people and should discharge their duties with utmost responsibility, integrity and competence (Section 2, R.A. No. 6713). Respondent prosecutor clearly breached this State policy.

WHEREFORE, premises considered, and as recommended by the Department of Justice, respondent Assistant City Prosecutor Romeo C. Sampaga is hereby dismissed from the service with forfeiture of leave credits and retirement benefits, and disqualification for re-employment in the government service effective from receipt of this order.

Adopted: 25 Nov. 2002

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BY THE PRESIDENT:

(SGD.) ALBERTO G. ROMULO
Executive Secretary

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