

MALACAÑANG

Manila

ADMINISTRATIVE ORDER NO. 23

IMPOSING ON ACTING ASSISTANT CITY FISCAL PRISCILO B. INTING OF DAVAO CITY A FINE EQUIVALENT TO THIRTY DAYS' SALARY.

This is an administrative complaint filed by Atty. Casimiro Arkoncel, Jr., against City Fiscal Emmanuel Galicia and Acting Assistant City Fiscal Priscilo B. Inting, both of Davao City, for grave misconduct, dereliction of duty and acts tantamount to violation of the Anti-Graft Law, in connection with the delay in resolving complaints for estafa filed by laborers against their lawyer and labor leaders.

It appears that 97 complaints for estafa filed by laborers, through Atty. Arkoncel, against their lawyer and their labor leaders in October 1981 through July 1982, were pending resolution before Acting Assistant City Fiscal Priscilo B. Inting despite the lapse of a considerable length of time since the preliminary investigation had been conducted and after complainants had filed their last pleading on August 10, 1983. The cases not having been resolved, Atty. Arkoncel filed the instant administrative complaint on May 8, 1984. It was only on July 3, 1984, when Acting Assistant Fiscal Inting finally submitted the resolution of the case.

Complainant alleged that City Fiscal Galicia and Acting Assistant Fiscal Inting, in connivance with each other and with the respondents of the said cases, "deliberately, maliciously and feloniously sat down" on the above-mentioned cases.

Respondent Acting Fiscal Inting denied conniving with the respondents in the said criminal complaints and attributed the delay upon the following causes:

"a. As an assistant fiscal, he prosecutes criminal cases in the morning and conducts preliminary investigation in the afternoon;

"b. Davao City is one of the most populous centers in the country, and their office records reflect a big volume of cases received and attended to by the office; hence, at times they suffer a backlog in the disposition of the same."

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For his part, City Fiscal Galicia, in his comment of June 21, 1984, stated that the subject cases were "assigned to Assistant City Fiscal Priscilo B. Inting for preliminary investigation" and that when he learned of the pendency of the resolution of these cases, he made oral and written follow-ups with Fiscal Inting who "made assurances that his resolution would be forthcoming."

Upon the foregoing, the Ministry (now Department) of Justice considered respondent Acting Assistant Fiscal Inting's "explanation unsatisfactory to justify the delay" and recommended that he (Inting) be fined the equivalent of thirty (30) days' salary.

On the charge of connivance between City Fiscal Galicia and Acting Assistant Fiscal Inting, the then Minister of Justice found the records "bereft of any evidence in support thereof."

Upon referral for an updated comment and recommendation, the Ministry (now Department) of Justice, in a letter of December 8, 1986, reiterated its "previous findings and/or evaluation of evidence" on the case.

After going over the records of the case, I agree with the finding of the then Minister (now Secretary) of Justice that the delay of Acting Assistant Fiscal Inting in the resolution of the subject criminal cases is not justified. I also concur with the Justice Minister's finding that there is no evidence on record to support the charge of connivance between City Fiscal Galicia and Acting Assistant Fiscal Inting.

Section 1 (d) of Presidential Decree No. 911 requires respondent Fiscal Inting to act within ten (10) days from the termination of the preliminary investigation or, in the subject cases, from August 10, 1983. However, the records clearly show that more than ten (10) months had elapsed since the last pleading in the criminal cases was filed before the resolution was submitted by Acting Assistant Fiscal Inting on July 3, 1984, despite reminders from City Fiscal Galicia. Such actuation of respondent Acting Assistant Fiscal Inting is repugnant to the expeditious administration of justice, specially in cases involving laborers, which I cannot tolerate, much less condone.

In view of the foregoing, Acting Assistant Fiscal Priscilo B. Inting of Davao City is hereby fined in an amount equivalent to thirty


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days' salary, effective upon receipt of a copy of this Order. He is also warned that a repetition of the same or similar offense in the future will be dealt with more severely.

Done in the City of Manila, Philippines, this 15th day of
May , in the year of Our Lord, nineteen hundred
eighty-seven.

Prayon B. Aquino

By the President:


CATALINO MACARAIG, JR.
Deputy Executive Secretary