

[ADMINISTRATIVE ORDER NO. 66, March 17, 2003]

IMPOSING THE PENALTY OF SIX (6) MONTHS SUSPENSION ON ASSISTANT CITY PROSECUTOR MANUEL V. GARCIA, OFFICE OF THE CITY PROSECUTOR OF LUCENA CITY

This refers to the administrative complaint against Assistant City Prosecutor Manuel V. Garcia, Office of the City Prosecutor of Lucena City for alleged Gross Neglect of Duty and Inefficiency.

The complaint stemmed from respondent Garcia's alleged inaction to resolve the criminal case filed by MK. Development Corporation against Ruben Panlillo, Former Vice-Mayor of Lucena City, Susan Buhay Tan and several other John Does alleged trespassing and/or violation of City Ordinance No. 1609, series of 1995. The criminal case was docketed as I.S. No. 96-1611 and assigned to respondent Garcia for preliminary investigation. On January 20, 1997, the criminal case was deemed submitted for resolution.

Five months later, or on June 26, 1997, complainant filed a motion for the early resolution of the criminal case. With no action was forthcoming, complainant filed a letter-complaint with the Office of the Secretary of Justice against respondent for the latter's alleged deliberate failure and refusal to resolve the criminal case. Complainant averred that respondent's inaction to resolve the criminal complaint resulted to its damage and prejudice.

On May 10, 1999, a formal charge was instituted against respondent for Gross Neglect of Duty and Inefficiency and he was required to submit his answer thereto.

Respondent neither offered any reason nor raised any defense. Nothing was heard from him except when he filed his "Motion for Extension of Time to Submit Answer". Still, no resolution was rendered by respondent even after the filing of the instant administrative complaint.

After due investigation, the Secretary of Justice found respondent liable only for Simple Neglect of Duty and recommended that the latter be suspended for a period of six (6) months. The Secretary of Justice noted that the evidence on record is bereft of any showing that the said criminal complaint was ever resolved. As such, the Secretary of Justice concluded that respondent Garcia neglected his official duty for failing to resolve the criminal complaint assigned to him for preliminary investigation within the sixty (60) days reglementary period prescribed under Department Circular No. 49 dated July 14, 1993.

We are in full accord with the findings and recommendation of the Secretary of Justice. Respondent Garcia had been remiss in the performance of his duty. He failed to resolve the criminal complaint assigned to him for preliminary investigation