

[ADMINISTRATIVE ORDER NO. 47, November 25, 2002]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON ASSISTANT CITY PROSECUTOR ZENAIDA C. ISIDRO OF THE OFFICE OF THE CITY PROSECUTOR OF TACLOBAN CITY, FOR DISHONESTY AND GROSS NEGLIGENCE OF DUTY

This refers to the administrative complaint, docketed as DOJ Administrative Case No. 99-0032-FS, initiated by Ruperto B. Golong, Jr, Chief City Prosecutor (CCP) of Tacloban City, charging Assistant City Prosecutor (ACP), Zenaida C. Isidro, of the City Prosecutor's Office of Tacloban City detailed at the City Prosecutor's Office of Calbayog City, for dishonesty. The charge sheet reads as:

"That you had consistently reported in your Monthly Accomplishment Report for 1996, 1997 and from January to June 1998 that you had either one (1) or two (2) or no (0) pending case for resolution and in your Monthly Certificate of Service for the same period; that you had no pending case for resolution beyond 60-day period. However, when an inventory of your cases was made x x x it was found out that you had fifty-six (56) cases unresolved for 1996, sixty-six (66) unresolved cases for 1997 and twenty-six (26) unresolved cases for 1998 or a total of one hundred forty-four (144) cases (unresolved) for the said years"

In support of the charges, CCP Golong submitted Isidro's monthly accomplishment report where she made it appear that she had a 100% total disposition rate of cases for the period covering 1996-1998, and Isidro's Certificates of Service for the same period stating that she had no pending case for preliminary investigation/reinvestigation/or review that was more than sixty (60) days from the time a case was assigned to her.

In her defense, Isidro denies that she was dishonest when she certified in her accomplishment report that she had no pending cases for the periods 1996, 1997 and from January to June, 1998. She admits, however, that in 1996 to 1997 she suffered recurrent ailment that affected her efficiency. She further explains that the bulk of these cases were for violations of B.P. 22, which basically are collection cases where the complainant was less interested in prosecuting the respondents; that a number of these cases did not reach the courts because of complainants' desistance, while others did not end in conviction because of settlement. Thus, she explains, to rush the filing of these cases in court would only clog court dockets and entail additional expenses on the part of the government. Under the circumstances, she reasons, it would be more judicious if the rules are relaxed than to adhere strictly to the time limit imposed by the rules. To substantiate her allegations, Isidro submitted her medical certificate and leave application filed on May 29 1997.

Isidro likewise cites other factors, such as the lack of mimeograph forms of the Information for BP 22, which she claims contributed to the delay in the resolution of