

[ADMINISTRATIVE ORDER NO. 179, March 20, 1995]

IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE OF ASSISTANT PROVINCIAL PROSECUTOR JESUS D. AGPAWA OF PAMPANGA

This refers to the Administrative complaint against Assistant Provincial Prosecutor Jesus D. Agpawa of Pampanga for gross neglect of duty, gross incompetence and inefficiency, violation of Department of Justice Circular Nos. 35 and 49, series of 1991 and 1993, respectively, gross insubordination, and professional absenteeism.

Records disclose that by virtue of administrative complaints filed before his office by Leonila Castro and Mario Palad sometime in March 1994, Provincial Prosecutor Andres F. Pangilinan issued a memorandum directing Prosecutor Agpawa to explain why no administrative action should be filed against him for his failure to resolve I.S. No. 93-765 (Leonila Castro vs. Engracia Palo, et al., for estafa) and I.S. No. 93-364 (Mario Palad vs. Rustico Manalo, et al.,) within a period of sixty (60) days as prescribed under Department (of Justice) Circular No. 49 dated July 14, 1993. I.S. No. 93-364 and I.S. No. 93-765 were assigned to respondent prosecutor on June 16, 1993 and October 12, 1993, respectively. When Prosecutor Agpawa ignored Prosecutor Pangilinan's directive, and continued to refuse and fail to resolve the subject cases, the latter issued another memorandum directing him to return the said cases for reassignment to another prosecutor. Thereafter, he was charged administratively with the Department of Justice. Respondent prosecutor ignored this Department's directive for him to answer the present complaints.

During the formal investigation, Prosecutor Agpawa neither filed any controverting evidence nor appeared before the investigating prosecutor despite due notice. However, it was therein disclosed by Prosecutor Pangilinan that there were sixty (60) cases assigned to respondent prosecutor for preliminary investigation that remain unresolved, out of which one (1) was assigned to him as early as July 8, 1992. Respondent prosecutor never made any formal or official request for extension of time within which to resolve the cases assigned to him. Worst, he even stubbornly failed and refused to comply with the several memoranda issued to him requiring him to resolve the pending cases. It was, likewise, revealed that respondent was a professional absentee who reported to the office only to collect his pay envelope although he had never filed any application for an official leave of absence. Respondent was also facing several contempt charges before the Regional Trial Court in Pampanga, Branch 55, where he was assigned as public prosecutor, for his repeated tardiness and frequent unexplained absences during court sessions.

After formal investigation, the Department of Justice found Prosecutor Agpawa administratively liable for gross neglect of duty and, thus, recommended that he be dismissed from the service with forfeiture of his accrued leave credits and retirement benefits.