

[ADMINISTRATIVE ORDER NO. 212, August 23, 1995]

IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE OF ASSISTANT CITY PROSECUTOR MACMOD SANGCA OF MANILA FOR NEGLIGENCE OF DUTY

This refers to the administrative complaint against Assistant City Prosecutor Macmod Sangca of Manila for gross neglect of duty.

Records show that on July 7, 1989, a certain Epitacia J. Gutierrez filed a criminal complaint with the Office of the City Prosecutor of Manila against Constancio Simangan, et al. for estafa through falsification of public documents. The complaint was docketed in the said officer as I.S. No. 89-48955 and assigned to Assistant City Prosecutor Macmod Sangca for preliminary investigation on December 19, 1989. When the instant complaint was filed by Gutierrez on February 13, 1992, the case was still unresolved despite the three (3) previous motions to resolve filed by complainant's counsel, Atty. Mauricio C. Ulep.

In a 1st Indorsement dated March 4, 1992, respondent prosecutor was required by the Department of Justice to answer or comment on the complaint against him. Thereafter, he was twice directed to submit his evidence but still, he failed to do so. Consequently, the said Department formally charged him with the administrative offense of gross neglect of duty on August 16, 1994. Respondent was still unable to file his answer to the complaint despite several opportunities accorded him during the formal investigation.

Based on the uncontroverted evidence of the complainant on record, it is crystal clear that Prosecutor Sangca failed to resolve I.S. No. 89-48955 within and way beyond the period of sixty (60) days from date of assignment as prescribed by then Ministry (of Justice) Circular No. 1 dated January 8, 1985, as amended. Since the case was assigned to him for preliminary investigation on December 19, 1989, the same remained unresolved for almost five (5) years as of September, 1994 when the instant complaint was being formally investigated. Such omission, aggravated by his similar failure to explain it, constitutes a neglect of duty. The same greatly affects the administration of justice and depreciates the people's confidence in our justice system. His unexplained omission in resolving the case assigned to him cannot so unpunished.

Wherefore, premises considered, respondent prosecutor Macmod Sangca is hereby found liable for neglect of duty and is meted the penalty of suspension from office for one hundred twenty (120) days without pay with a warning that a commission of a similar offense in the future will be dealt with more severely.

DONE in the City of Manila, this 23rd day of August, in the year of Our Lord, Nineteen Hundred and Ninety-Five.