

[ADMINISTRATIVE ORDER NO. 51, May 12, 1993]

**IMPOSING THE PENALTY OF SUSPENSION FOR ONE MONTH
WITHOUT PAY ON ASSISTANT CITY PROSECUTOR MACMOD B.
SANGCA, CITY PROSECUTION OFFICE, MANILA**

This refers to the administrative complaint filed by Atty. Jose V. Navarra against Assistant City Prosecutor Macmod B. Sangca, City Prosecution Office, Manila, for Negligence.

Records show that, on July 11, 1989, Atty. Jose V. Navarra filed a criminal complaint against Aurora Franco for Grave Threats with the City Prosecution Office, Manila, which was docketed under I.S. No. 89-28188.

The case was assigned to the respondent for preliminary investigation. After several hearings, the case was submitted for resolution on September 11, 1989.

Complainant alleged that, as respondent failed to resolve the preliminary investigation after the lapse of (4) months from the time the case was submitted for resolution, he sent reminder letters on January 17 and March 8, 1990. On May 28, 1990, he filed a complaint against respondent, but the City Prosecutor gave no attention thereto. Hence, on February 6, 1991, he filed this administrative complaint with the Department of Justice (DOJ).

Since respondent did not elect a formal investigation of the complaint, the same was resolved based on the complaint filed and answer/comment submitted, including attached documentary evidence.

Respondent admitted that the criminal complaint of Atty. Jose V. Navarra against Aurora Franco was indeed submitted for resolution on September 11, 1989. On January 22, 1990, he prepared the draft resolution finding the existence of the probable cause against respondent Aurora Franco for light threats. However, the typing of the resolution and information was concluded only on April 2, 1990, and was submitted to Reviewing Prosecutor on the same day, for approval.

The resolution was returned to the respondent on May 3, 1990, by Reviewing Prosecutor Amado N. Cantor, with the comment that respondent Aurora Franco acted in her capacity as Barangay Chairman in the commission of the crime; hence, the case is an Ombudsman Case necessitating clearance before the City Prosecutor of Manila could take cognizance of the case.

Respondent further claimed that he complied with the directive of the Reviewing Prosecutor, but before he could secure a clearance from the Office of the Ombudsman, Chief State Prosecutor Fernando P. de Leon issued Memorandum Circular No. 2, dated April 6, 1990, dispensing with the requirement of prior clearance from the Ombudsman. Hence, he reverted to his former resolution of the