

[ADMINISTRATIVE ORDER NO. 64, July 10, 1993]

**SUSPENDING FOURTH ASSISTANT PROVINCIAL PROSECUTOR
PATERNO S. SOYANGCO OF RIZAL FROM OFFICE**

This pertains to the administrative complaint filed by Rodolfo Tagle against Fourth Assistant Provincial Prosecutor Paterno S. Soyangco of the Provincial Prosecution Office of Rizal, for Ignorance of the Law, Blatant Disregard of the Law on Preliminary Investigation, and Conduct Unbecoming of a Public Officer.

The antecedent facts are stated in the letter of the Secretary of Justice to the President, dated January 16, 1993, to wit:

"It appears that on August 17, 1990, complainant Rodolfo Tagle filed a criminal case for robbery against Pedro dela Rosa and Andres dela Rosa docketed as I.S. No. 90-6386. The case was assigned to respondent prosecutor for preliminary investigation, after which he issued a resolution, dated May 23, 1991, recommending the dismissal of the case.

"Complainant now claims that:

1. Despite the strong evidence, consisting of the admissions of the respondents, of Pfc. Antonio de Lumen and of some barangay officials that they destroyed the door and window of the store, without a court order, nonetheless, respondent prosecutor recommended the dismissal of the case.

2. The complaint was filed on August 17, 1990 and submitted for resolution on November 5, 1990. However, respondent prosecutor resolved the case only on May 23, 1991 or almost eight (8) months from its inception and more than six (6) months from the date it was submitted for resolution.

3. Everytime complainant would follow up the case, respondent prosecutor would tell them to settle the case for half the price of the things lost, at the same time, boasting that he is 'Fiscal Areglo'; that while he talked, he would reek of liquor; that respondent prosecutor would drink liquor with respondents in Taytay and that he could no longer identify complainant, who has been waiting for him for hours in his office, because he would then already be drunk.

"In his answer, respondent prosecutor alleges that his resolution recommending the dismissal of the case was based on the evidence on record, thoroughly reviewed by the reviewing prosecutor and ultimately approved by the Provincial Prosecutor. Thus, said resolution is an office resolution and not his resolution alone.