

[ADMINISTRATIVE ORDER NO. 25, December 28, 1992]

DISMISSING FROM THE SERVICE FIRST ASSISTANT PROVINCIAL PROSECUTOR DIOSDADO S. IBAÑEZ OF THE PROVINCIAL PROSECUTION OFFICE OF TARLAC

This refers to the administrative complaint filed by Mrs. Norma L. Baldoz against First Assistant Provincial Prosecutor Diosdado S. Ibañez of the Provincial Prosecution Office of Tarlac, for Extortion, Dishonesty and Gross Misconduct.

The relevant antecedent facts are stated in the Memorandum for the President, dated November 4, 1992, of the Secretary of Justice, to wit:

"Complainant alleges that she is the widow of PNP Senior Inspector Macario Baldoz, whose killing was the subject of a preliminary investigation, docketed as Criminal Case No. 4719 entitled 'People vs. Caesario Millo, et al.', before the Municipal Circuit Trial Court (MCTC) of Gerona, Tarlac. The court found a prima facie case for double murder against the accused. The case was elevated to the Office of the Provincial Prosecutor of Tarlac for action. Respondent prosecutor was assigned to review the resolution of the MCTC. It was during his review of the case that respondent prosecutor demanded P10,000.00 in consideration of his affirmance of the resolution of the MCTC. Complainant was only able to pay over P1,000.00 to respondent prosecutor. Consequently, in a resolution dated 6 March 1992, respondent prosecutor found prima facie cases for double homicide only against two (2) of the respondents while dismissing the case against the other respondents for insufficient evidence.

"In a 1st Indorsement dated 28 April 1992, the Office of the Regional State Prosecutor, Region III, was directed to conduct a formal investigation of the complaint.

"As an initial step in the investigation, the Regional State Prosecutor wrote complainant to appear and verify her complaint which complainant complied with.

"Thereafter, the complaint was transmitted to respondent prosecutor on 26 May 1992 for his comment and/or answer and the formal investigation was scheduled for 20 and 30 July 1992. Respondent prosecutor submitted his comment and/or answer dated 17 July 1992 sometime on 25 July 1992. Likewise, the notices for hearing were shown to have been received by him. Despite receipt, respondent prosecutor failed to appear at the formal investigation.

"In his written comment, respondent prosecutor denies the charge against him and avers that complainant, together with her half-brother,