

[ADMINISTRATIVE ORDER NO. 148, December 13, 1989]

REMOVING MR. DOMINGO CABALI, JR., FROM OFFICE AS ASSISTANT CITY FISCAL OF OLONGAPO CITY.

Third Assistant City Fiscal Domingo Cabali, Jr., of Olongapo City is charged by his superior, Chief State Prosecutor Fernando P. De Leon, with insubordination, inefficiency and gross neglect of duty.

Records show that, as far back as 1980, when he was still an Acting 4th Assistant City Fiscal of Olongapo City, Fiscal Cabali had been reminded by his superior of his repeated tardiness in reporting for work. In a memorandum of July 22, 1985, the OIC, Olongapo City Fiscal's Office, again called Fiscal Cabali's attention to his irregularity in observing office hours, with the statement that, "[i]f you feel it is impossible for you to break this habit, you are advised to seek another employment where you can come at any time you want." This was followed by another memorandum, dated November 21, 1985, directing Fiscal Cabali "to explain why you have always been late in reporting for work" and reminding him of previous oral and written admonitions about his punctuality. Still, in another memorandum, dated July 15, 1987, Olongapo City Fiscal Lino M. Mayo, again called Fiscal Cabali's attention to his tardiness and directed him to submit his resolution in I.S. No. 37-384 entitled "Alma del Rosario vs. Gregorio Sarne" after failing to take any action thereon despite non-submission by respondent Sarne of any counter-affidavit.

Informed of Cabali's tardiness and his failure to act on I.S. No. 37-384, the Chief State Prosecutor no less, in a 2nd indorsement of August 11, 1987, similarly reminded Fiscal Cabali that "frequent unauthorized absences and tardiness, unreasonable delay in the disposition of cases and insubordination are grounds for disciplinary action."

On April 17, 1989, another memorandum was addressed by the new City Fiscal Vivencio S. Baclig to Fiscal Cabali, this time directing the latter to resolve fourteen (14) cases assigned to him which have been pending for more than two (2) years, at least five (5) of which were pending with him as far back as 1985. In the same Memorandum, copy of which was furnished the Chief State Prosecutor, City Fiscal Baclig invited Fiscal Cabali's attention to Department (of Justice) Circular No. 31, series of 1988, with a warning that his failure to resolve said 14 cases on or before May 5, 1989, shall constrain the City Fiscal "to recommend that administrative sanctions be imposed upon you (Fiscal Cabali) for gross neglect of duty and/or inefficiency in the performance of your functions."

On May 9, 1989, Fiscal Baclig again addressed another memorandum to Fiscal Cabali, requiring him to resolve on or before May 31, 1989, seventeen (17) cases therein enumerated "which have been pending with you for preliminary investigation for more than one (1) year already." As before, the City Fiscal warned Fiscal Cabali