

[ADMINISTRATIVE ORDER NO. 495, April 24, 1985]

DISMISSING FROM THE SERVICE ACTING SECOND ASSISTANT CITY FISCAL LAURO G. SORIANO, JR., OF QUEZON CITY WITH FORFEITURE OF ALL BENEFITS DUE HIM

On 21 March 1983, Lauro G. Soriano, Jr., Acting 2nd Assistant Fiscal of Quezon City, while investigating the case of Marianne Z. Lacambara v. Thomas N. Tan (I.S. No. 82-2964) for theft, demanded from Tan P4,000.00 as consideration for dismissing the case.

Tan reported the matter to the National Bureau of Investigation (NBI) for assistance. Since Tan had difficulty in raising the amount demanded, the NBI marked only P2,000.00 to represent one-half thereof. The authorities caught Soriano flagrante delicto, receiving from Tan said P2,000.00. An information was filed against Soriano before the Sandiganbayan (Crim. Case No. 7393) and, after trial, he was found guilty as charged.

Soriano filed a petition for review with the Supreme Court. However, in its decision (G.R. No. 65952, dated 31 July 1984), the Supreme Court found him guilty of bribery as defined and penalized under Article 210 of the Revised Penal Code.

Sinco Soriano was appointed to his present position in an acting capacity, he may be removed immediately therefrom, even without cause and without previous notice or trial before his peers. See: Castro v. Solidum, 97 Phil. 278, 280-81 (1955); Cuadra v. Cordova, 103 Phil. 391, 394 (1958); Pinullar v. President of the Senate, 104 Phil. 131, 134-35 (1958); Roque v. President of the Senate, 104 Phil. 1047, 1048 (1958); Villanose v. Alera, 101 Phil. 1230 (1957); Quitquit v. Villacorta, 107 Phil. 1060, 1064 (1960); Cuñado v. Gamus, 8 SCRA 77, 84 (1963); Jimenea v. Guanzon, 22 SCRA 224, 229 (1968); Santos v. Chico, 25 SCRA 343, 345-46 (1968); Barañgan v. Hernando, 27 SCRA 239, 242-43 (1969); Esquillo v. Subido, 29 SCRA 31, 33-34 (1969); Mendiola v. Tancinco, 52 SCRA 66, 71 (1973).

The Minister of Justice recommends Soriano's dismissal.

A fiscal occupies a position that is one of the most crucial in the public service. Directly facing victims as well as perpetrators of crimes, he, by the nature of his office, personifies the sovereign powers of the state and becomes a custodian of justice and compassion. When he breaks the public trust reposed upon him, the adverse impact of his perversity on the effectiveness of government and on the people's confidence in it is beyond the capacity of any language to fully express.

WHEREFORE, premises considered, and as recommended by the Minister of Justice, Second Assistant Fiscal Lauro G. Soriano, Jr., of Quezon City is hereby DISMISSED from the service with forfeiture of all benefits, effective upon his receipt of a copy this Administrative Order.