

**[ADMINISTRATIVE ORDER NO. 314, November
29, 1971]**

**REMOVING MR. SALVADOR M. GAA FROM OFFICE AS ASSISTANT
CITY FISCAL OF MANILA.**

This is an administrative case against Assistant City Fiscal Salvador M. Gaa of Manila filed by Angel Alora for grave misconduct and/or conduct prejudicial to the best interest of the service. The case was formally investigated by State Prosecutor Jesus R. de Vega of the Department of Justice.

The case was the offshoot of criminal complaint I.S. No. 69-18444 for slight physical injuries filed by herein complainant against Valentin Samonte before the City Fiscal's Office of Manila on August 12, 1969. On August 22, 1969, respondent set the case for investigation, which was later postponed to September 9, 1969. However, on September 5, 1969, respondent dismissed the case for lack of merit and insufficiency of evidence even before he had terminated the preliminary investigation thereof. On October 2, 1969, complainant filed with the City Fiscal's Office a motion for reconsideration, which was denied by First Assistant City Fiscal Carlos C. Gonzales who concurred in the finding and recommendation of respondent. Fiscal Gonzales' finding and recommendation was likewise concurred in by Second Assistant City Fiscal Roberto D. Cabrera and thereafter approved by City Fiscal Jose L. Gamboa.

Not satisfied with the decision, complainant appealed personally to this Office on October 14, 1969, seeking assistance in the reinvestigation of the case, which was accordingly referred for appropriate action to the City Fiscal of Manila. On the same day, complainant filed a letter-complaint with the Secretary of Justice assailing the legality and/or regularity of the dismissal of the case because of respondent's apparent bias in the disposition thereof.

On November 3, 1969, the Department of Justice required respondent to submit his comment on said complaint. In his letter-answer dated November 19, 1969, respondent denied the charge and claimed that he dismissed the case for insufficiency of evidence because (a) the complaint did not conform to the regulations of the City Fiscal's Office that the complaint be subscribed before the investigating fiscal, as it was subscribed and sworn to before a notary public; (b) the medical certificate was not formally offered in evidence; and (c) the affidavit of the accused, Valentin Samonte, clearly showed that the injury sustained by complainant was due to his own fault.

A preliminary inquiry into the records of the case was made by State Prosecutor Jesus R. de Vega who found respondent's explanation unsatisfactory and lacking in merit, as there was an evident pattern indicating that he acted with questionable bias and partiality in his investigation and resolution of the case. In view thereof, he recommended that respondent be formally investigated and charged with grave