

[ADMINISTRATIVE ORDER NO. 168, March 05, 1969]

**SUSPENDING MR. RICARDO P. ESCUETA FROM OFFICE AS
ASSISTANT CITY FISCAL OF QUEZON CITY**

This is an administrative proceeding instituted by Atty. Eduardo M. Albano against Assistant Fiscal Ricardo P. Escueta of Quezon City for gross incompetence and ignorance of the law. The case was formally investigated by State Prosecutor Joel P. Tiangco.

It appears that on May 27, 1967, a complaint for slander by deed was filed before the Quezon City Fiscal's Office by Araceli Pascua, a housemaid, against Patrolman Elpidio Albano (brother of complainant in this administrative proceeding) for having allegedly slapped her face several times the day previous, that is, on May 26, 1967. The case, docketed as I.S. No. 5878, was assigned to the herein respondent fiscal for preliminary investigation. On November 16, 1967, after Araceli Pascua had rested her case, counsel for Patrolman Albano moved to dismiss it on the ground that the crime of slight slander, which had been proven, had already prescribed, two months having elapsed, since its commission. Respondent denied the motion. On November 20, 1967, Albano filed a motion for reconsideration, which was also denied.

In the morning of November 24, 1967, counsel for Patrolman Albano filed a motion to dismiss the case, contending that the crime of grave slander by deed had already prescribed with more than six (6) months having elapsed since its commission on May 26, 1967. Without resolving the motion, respondent filed an information with the Quezon City Court in the afternoon of November 24, 1967, charging Elpidio Albano with grave slander by deed and the same was docketed as Criminal Case No. I-132192.

The information, however, had not been approved by the City Fiscal as require by paragraph 3, Section 1 of Republic Act No. 5180 which provides that "no assistant fiscal or state attorney may file an information except with the prior authority or approval of the city or provincial fiscal or state attorney and only in a case in which he himself conducted the preliminary investigation."

It further appears that Patrolman Albano moved to quash Criminal Case No. I-132192 on the ground (1) that the crime had already prescribed and (2) that no prior approval by the City Fiscal was secured before the information was filed. The motion bore the conformity of Assistant Fiscal Primo Wisco, trial fiscal in Branch I, Quezon City Court, to whom the case had been assigned for trial. Notwithstanding that he had no official standing to intervene in the prosecution of the case, respondent filed an opposition thereto. After due hearing, the City Judge dismissed the information on January 13, 1968. Despite all the foregoing, respondent on January 24, 1968, again issued a subpoena under I.S. No. 5878 requiring Elpidio