

**[ ADMINISTRATIVE ORDER NO. 68, October 14, 1954 ]**

**SUSPENDING MR. ANTONIO G. ISIP FROM OFFICE AS ASSISTANT FISCAL OF MANILA.**

This is an administrative case against Mr. Antonio G. Isip, assistant fiscal of Manila, who is charged with (1) prejudicial negligence, (2) discourtesy, (3) lack of interest in the performance of official duty and (4) partiality. After going over the record, I am satisfied that the last charge has not been sufficiently established.

Regarding the first charge, it appears that on January 18, 1954, at 2 P.M., Adriano D. Merida and his wife, Carmen Candaza, the accused in I.S. No. 336, for grave slander, filed by Ester Landicho, appeared before Fiscal Isip in obedience to a subpoena issued by the latter, dated January 11, 1954, requiring their appearance that afternoon. After the couple had waited for more than half an hour and the complainant had not shown up, the respondent fiscal told them to go home, assuring them that he would drop the case for non-appearance of the complainant. However, at 11 A.M. the following day, January 19, 1954, Carmen Candaza was arrested by virtue of a warrant of arrest issued in Criminal Case No. 25272, for grave slander filed against her by the respondent fiscal before the Court of First Instance of Manila on January 13, 1954, which was the very case he promised to drop the previous day. Unable to file a bond, Carmen Candaza was detained in jail where she stayed up to the morning of January 21, 1954, with her six-month-old child who was ill.

The above facts are not disputed by the respondent. In fact he admits having promised to drop the case against Carmen Candaza in the erroneous belief that it had not yet been filed in court. He explains, however, that a mistake was made by his stenographer, Mariano Andrada, as the one he (respondent) intended to summon was the complainant for the latter to sign the complaint, and that he was confused because he did not make a record of the status of the case, attributing his oversight to pressure of work.

Respondent's explanation is not satisfactory. He could not have intended to summon the complainant to sign her complaint because she already signed and swore to it on January 11, 1954, which enabled him to file the complaint on January 13, 1954. Had he been attentive to his work, he could have discovered the alleged mistake of his stenographer because it is hard to believe that he did not know that the complainant signed and swore to her complaint on January 11, 1954, the very day the subpoena to Carmen Candaza was also prepared.

While no malicious motive on the part of the respondent has been shown, I am convinced that he was negligent in the performance of his duty, resulting in the detention of Carmen Candaza in jail which she had not in the least anticipated in view of his previous assurances that the case would be dropped.