

[ADMINISTRATIVE ORDER NO. 240, December 23, 1953]

DISMISSING THE CHARGES AGAINST ASSISTANT CITY ATTORNEY CECILIA MUÑOZ-PALMA OF QUEZON CITY, WITH ADMONITION

This is an administrative case against Mrs. Cecilia Munoz-Palma, Assistant City Attorney of Quezon City, who stands charged with dereliction of duty, partiality and abuse of discretion.

The dereliction of duty imputed to the respondent arose out of her failure to file with the proper court a complaint for light threats within the statutory period, the complaint having been filed four days after said offense had prescribed.

The charge of partiality arose of the dropping by the respondent of two cases for slander mutually filed by the complainant and the accused against each other after finding that both were equally guilty and that the alleged defamatory words were uttered by them during a wordy street brawl. It also appears that the respondent filed the slander cases in court by means of an information instead of a complaint signed by the offended party, thus resulting in the dismissal of said cases.

The charge of abuse of discretion is based on the respondent's act of dropping a case for grave slander on the ground that the identity of the offended party was not established. Upon reinvestigation by the City Attorney, the case was returned to the respondent with instructions to file it in court. The respondent, however, refused to do so and the case was assigned to another prosecutor.

The Integrity Board with which the charges were filed required the respondent to submit a written answer thereto and the respondent submitted her explanations in due time. Finding her explanations satisfactory, said body recommends dismissal of the charges for lack of merit.

After carefully going over the record, one undeniable facts stands out—that the information for threats filed by the respondent was dismissed by the court on the ground of prescription and those for slander were likewise dismissed on the ground that the complaints were not signed by the offended party but by the respondent in her capacity as Assistant City Attorney of Quezon City.

Although the respondent's opinion as to the laws applicable to the said cases as not correct, as shown by the adverse action of the court, I am convinced that she acted in good faith. However, the dismissal of said cases, as well as any suspicion of misfeasance on her part, could have been altogether avoided had the respondent used her better judgment and discretion in the premises.

Wherefore, the charges against respondent Cecilia Muñoz-Palma, Assistant City