

[ADMINISTRATIVE ORDER NO. 40, August 12, 1947]

REPRIMANDING PROVINCIAL FISCAL LORENZO COLOSO OF LANAO

This is an administrative case against Provincial Fiscal Lorenzo Coloso of Lanao who stands charged with inefficiency in the performance of official duties. In support of the charge, many criminal cases which were handled by the respondent and dismissed by the Court of First Instance of Lanao are cited.

The respondent denies the charge, but instead of explaining the dismissal of said cases, he merely submitted as part of his comment copies of the orders of dismissal.

From these orders of dismissal, it appears that Criminal Cases Nos. 2 (People vs. Legaspi for estafa), 37 (People vs. Wabe et al., for illegal use of dynamite), 38 (People vs. Atwood for illegal use of dynamite), and 89 (People vs. Kailing for theft) were dismissed because when they were called for trial, the respondent was not ready for the reason that he "had not yet conferred with the witnesses for the prosecution". His unpreparedness to enter into trial for the reason stated by him cannot be justified, as the Office of the Fiscal is always furnished in advance with a copy of the court calendar. Of course, it may happen that, due to unavoidable circumstances, witnesses in a case may arrive in court on the very day or hour set for hearing. In such eventuality, the party concerned cannot entirely be blamed for his inability to enter into trial as scheduled. Nevertheless, assuming that this was what had happened in the cases under consideration, still the respondent should have asked the court for a reasonable time within which to confer with the witnesses for the government. Moreover, the orders of dismissal fail to show that the respondent had exerted efforts to oppose the dismissal of said cases upon motion of the defense which took advantage of his unpreparedness.

It also appears that Criminal Case No. 80 (People vs. Sayri for attempted robbery) and Criminal Case No. 83 (People vs. Magoromba et al., for robbery) were dismissed upon motion of the respondent on the ground that the accused had escaped from jail and that their apprehension was uncertain. The respondent's action was improper because with the dismissal of the cases against them, the offenders can no longer be arrested even if subsequently located.

It is clear from the foregoing that the respondent has not show due diligence and zeal in the performance of his official duties. Wherefore, he is hereby reprimanded and warned that similar conduct in the future will be dealt with more severely.

Done at the City of Manila, this 12th day of August, in the year of Our Lord, nineteen hundred and forty-seven, and of the Independence of the Philippines, the second.