

[OP ADMINISTRATIVE ORDER NO. 14, August 27, 1998]

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE ON
SENIOR STATE PROSECUTOR FERDINAND R. ABESAMIS,
DEPARTMENT OF JUSTICE**

This refer to the administrative complaint instituted by then Secretary Teofisto Guingona Jr. of the Department of Justice (DOJ) against Senior State Prosecutor Ferdinand R. Abesamis for conduct prejudicial to the best interest of the service, committed, as stated in the Formal Charge, as follows:

"That on or about August 14, 1996, October 17, 1996, November 21, 1996 and January 23, 1997, [respondent] contracted loans in the amounts of thirty thousand pesos (P 30,000.00), twenty thousand pesos (P 20,000.00), ten thousand pesos (P 10,000.00) and fifteen thousand pesos (P 15,000.00), respectively, from Cesar del Rosario, complainant in I.S. No. 96-563 where (respondent was) the investigating prosecutor, and from his counsel, Oscar Sahagun."

Pursuant to separate DOJ department orders, State Prosecutor Lagrimas T. Agaran was designated as prosecuting officer, while a panel of three (3) investigators was constituted for the purpose of the formal investigation of the case, docketed as Adm. Case No. 97-0005 FS.

In his answer to complaint dated June 2, 1997, respondent Abesamis denied securing loans from either Del Rosario, or Sahagun, in his capacity as Del Rosario's counsel.

Issues having been joined, hearings where set and conducted. Thereafter, the panel of investigators submitted its report dated February 6, 1998, to the Secretary of Justice with the following findings:

"State Prosecutor Lagrimas T. Agaran presented as its sole witness, Atty. Oscar C. Sahagun, who testified that he is a practicing lawyer and had known respondent Abesamis since 1991 x x x. In 1996, he presented complainant Cesar del Rosario, Sr. in I.S. No. 96-563 against Amelia Ternida, et al., for falsification, which case is being investigated by herein respondent. Sometime in August 13 or 14, 1996, late in the afternoon, respondent phoned him at his office asking for financial assistance. The latter told the former that he would consult first the matter with his client, Mr. Del Rosario, Sr. who agreed to give respondent P 30,000.00 in check (Exhibit "B") which was borrowed from Leticia Guerrero with Atty. Sahagun as the guarantor. Thereafter, on October 17, 1996 Atty. Sahagun received from respondent a handwritten letter (Exhibit "D"), which reads:

Dear Pareng Oca,

I have sought the help of other people but to no avail. You are the last person on my mind but I have no other recourse. I am in a very tight financial distress, pare. I have to return P 200,000.00 to someone who asked for help regarding a case handled by another prosecutor. My colleague double crossed me.

I am now the target of a complaint filed by someone. I don't want this to go out of hand hence I talked to him and he is only after the return of the P 200,000.00. I have already come up with P 150,000.00. All I need now is P 50,000.00 to complete the amount. I have to settle it not later than tomorrow otherwise the case will move.

Hindi na sana kita gagambalain pero wala akong magawa. Pasensiya ka na. Kung wala pare kahit ano na lang na pampuno.

I am leaving you a check, pare. My loan would come out first week of November. You will be the first I'll settle.

Thanks.

Pareng Ferdie"

Again, Atty. Sahagun consulted Mr. Del Rosario, Sr. who agreed once again to give respondent Abesamis, through Mr. De Leon, another check amounting to P 20,000.00 (Exhibit "C") under the same set-up as Exhibit "B". In November, 1996, respondent again wrote Atty. Sahagun the following handwritten letter (Exhibit "G"):

"Pare,

I'm sorry, I have to bother you again. Times now are very difficult for me.

Again, my appreciation.

Pareng Ferdie"

Conformably thereto and as has been the practice of Messrs. Sahagun and del Rosario, Sr. a check amounting to P 10,000.00 (Exhibit "F") was prepared in favor of respondent. According to Atty. Sahagun, these checks although not received personally by respondent but through an emissary, were all encashed either by respondent's secretary, Divina Gracia Taduran or by respondent himself as can be gleaned from their signatures appearing at the dorsal portion thereof (Exhibits "B-1", "C-1" & "F-1"). Atty. Sahagun further testified that aside from checks, they also gave cash to respondent which happened on January 23, 1997, when respondent phoned him (Atty. Sahagun) informing that he (respondent) already prepared the resolution and information in I.S. No. 96-563 but Mr. del Rosario, Sr. needs to dole out P 15,000.00 cash to ACSP Francisco Santos whom respondent approached for the approval of his resolution, instead of ACSP Nilo Mariano who may not approve it because of pressure from the Office of the Vice-President. Despite sufficient lapse of time, respondent failed to resolve the subject case which was eventually assigned to State Prosecutor Virginia Ruiz who resolved to dismiss I.S. No. 96-563.