

**[ ADMINISTRATIVE ORDER NO. 71, June 17, 1999 ]**

**DISMISSING FROM THE SERVICE ASSISTANT PROVINCIAL  
PROSECUTOR ILDEFONSO C. TARIO OF BATAAN FOR  
INSUBORDINATION AND GROSS NEGLIGENCE OF DUTY**

This refers to the administrative complaint filed by Concordia Valencia against Assistant Provincial Prosecutor Ildefonso C. Tario of Bataan for Insubordination and Gross Neglect of Duty. The charges were investigated by the Office of the Regional Prosecutor, Region III and the Office of the State Prosecutor, Department of Justice.

The case stemmed from the criminal complaint for Estafa Through Falsification of Public Document (I.S. No. 96-369) filed sometime in April 1996 by herein complainant Concordia Valencia against Violeta Ganzon, et al. before the Office of the Provincial Prosecutor of Bataan. After the case was assigned to respondent Tario, complainant filed a motion to set case for preliminary investigation, reiterated in a subsequent motion of July 9, 1996.

Owing to respondent's inaction, complainant filed with the Department of Justice on September 5, 1996, a letter-complaint charging the former with failure to finish the preliminary investigation of the case as soon as possible." which was endorsed by Assistant Chief Prosecutor (ACSP) Nilo C. Mariano to respondent for comment/appropriate action and submission of report on the action on the estafa case. An urgent motion for early resolution of the case having been filed by complainant on October 17, 1996, ACSP Francisco L. Santos referred the same for appropriate action to Regional State Prosecutor (RSP) Carlos de Leon of Region III who, in turn, relayed it to respondent Tario, with a directive for him to submit within two (2) days from receipt thereof, his comment/explanation for the undue delay in the resolution of the estafa case. On January 16, 1997, RSP, De Leon again ordered respondent to submit his comment/explanation but, as in the case of the previous directives, he ignored the same.

On March 17, 1997, complainant filed the instant complaint with the Justice Department, which was endorsed to RSP De Leon for appropriate action. On the following day, the complaint was transmitted to respondent to be answered in writing within five (5) days from receipt thereof.

In his defense, respondent averred that he had the resolution prepared as early as June 1996, but before it could be approved by Provincial Prosecutor Erasto D. Tanciongco, he was asked by complainant to schedule the case for clarificatory questioning, which he set to July 16, 1996 but complainant and her counsel did not appear. Respondent further alleged that he was requested by complainant's son to reschedule the clarificatory questioning to July 22, 1996, but then again complainant and her counsel failed to appear. Finally, respondent stated that Mayor Carlos Valencia of Abucay, Bataan, offered to mediate between the litigants and said