MALACAÑANG
Manila

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 493

SUSPENDING FOR ONE MONTH WITHOUT PAY FOURTH ASSISTANT PROVINCIAL FISCAL PABLITO D. PACHECO OF NUEVA ECIJA.

This refers to the sworn administrative complaint by Ernesto and Gloria Lahom, through counsel, against 4th Assistant Provincial Fiscal Pablito D. Pacheco of Nueva Ecija, for dereliction of duty, bias and interest.

Sometime in June 1982, Ernesto Lahom filed with the Office of the Provincial Fiscal of Nueva Ecija a criminal complaint for robbery against Mariano Francisco et al. (SD-46-82); while his wife, Gloria, filed in the same office, in October 1983, a criminal complaint for estafa/illegal recruitment against Engr. Alexander Ramos et al. (SD-30-83).

After preliminary investigations of the two complaints, respondent fiscal, on 3 November 1983, resolved to dismiss the charge of estafa/illegal recruitment, but was able to resolve the charge of robbery only on 1 December 1983, though the same had been submitted for resolution as early as October 1982.

We cannot accept respondent's excuse that the pressure of his work as Prosecuting Fiscal in the Regional Trial Court, Branch XXXVII, of Baloc, Sto. Domingo, Nueva Ecija, and as Trial Fiscal in the Municipal Trial Courts of Muñoz, Talavera and Sto. Domingo, all in Nueva Ecija, contributed to the delay in resolving the robbery case (SD-46-82). There is no showing that he was really present and actively participated in all the corresponding proceedings in these various courts, from June 1982 until the robbery case was finally resolved on 1 December 1983. Nor is there clear proof that there were many cases assigned to him for investigation to suggest that he was indeed flooded with work.

Respondent's excuse in this regard consists merely of general averments, devoid of evidentiary support. Hence, it is just a conclusion of fact, which has no probative force (Wasmer v. Velez, 13 SCRA 279, 280-81 (1965)). See also: Estrella v. Zamora, 5 Phil. 415, 417 (1905); Cortes v. Co Bun Kim, 90 Phil. 167, 170 (1951); Vaswani v. X. Tarachand Bros., 110 Phil. 521, 527 (1960).

Moreover, complainants' repeated entreaties on him, to act on the case, should have stirred him to do so immediately.

Section 1 (d) of Republic Act No. 5180, as amended, requires respondent to resolve it in ten days after the preliminary investigation is terminated. His failure to act for more than one year following the submission of the robbery case for resolution in October 1982 is indefensible and violative of the maxim to minister justice expeditiously.

On the other hand, no clear proof of ill motive or improper consideration has been presented, which could have tempted respondent to be unfair to Gloria Lahom, regarding her complaint for estafa/illegal recruitment (SD-30-83). Respondent's resolution thereon, as approved by the Provincial Fiscal, analyzes somewhat reasonably the evidences of the parties and there is nothing therein which can be taken as basis for the accusation of bias and interest.

The Minister of Justice recommends the suspension of respondent for thirty days, without pay.

WHEREFORE, premises considered, and as recommended by the Minister of Justice, 4th Assistant Provincial Fiscal Pablito D. Pacheco of Nueva Ecija is hereby SUSPENDED for thirty (30) days without pay, for dereliction of duty, with the warning that the commission of the same or similar offense will be dealt with more severely.

DONE in the City of Manila, this 24th day of April in the year of Our Lord, nineteen hundred eighty-five.

By:

President of the Philippines

By the President:

MANUEL M. LAZARO
Presidential Assistant for Legal Affairs

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