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ADMINISTRATIVE ORDER NO. 128

IMPOSING THE FINE OF SUSPENSION OF PROSECUTOR CRISPULO R. TRUYA FOR ONE YEAR WITHOUT PAY AND THE FORFEITURE OF HIS SALARIES/BENEFITS DURING SAID PERIOD.

This refers to the administrative complaint filed motu proprio by the Department of Justice against Assistant Provincial Prosecutor Crispulo Truya of Cebu for grave misconduct.

Records disclose that sometime during the last week of September 1993, an informal investigation was conducted by Cebu Provincial Prosecutor Oliveros E. Kintanar on the report that Prosecutor Truya extorted from Marilyn Benting the amount of P300.00 to be used as grease money for Provincial Prosecutor Kintanar, and another P200.00 to be given to Prosecutor Truya's clerk ostensibly to expedite the release of Mrs. Benting's son from detention. When confronted, Prosecutor Truya reportedly admitted the accusation, and as a consequence thereof, he was reassigned to prosecute cases in Branch 29, Toledo City and the Bantayan Islands and the Municipality of Camotes Islands. He was likewise directed to desist from handling the reinvestigation of any case and his reimbursement for travel was limited to those incurred when attending to cases in the Municipal Trial Courts.

In exculpation, Prosecutor Truya denied the claim that he admitted before Provincial Prosecutor Kintanar and in the presence of other people the accusation of Mrs. Benjamin. He proffers the view that the occasion during which these people witnessed a confrontation between him and Prosecutor Kintanar was in connection with his late submission of his performance report and not about the complaint of Mrs. Benting whom he called a perjurer a "double dealing" woman of dubious character. Prosecutor Truya further maintains that his acceptance of the penalty imposed by Provincial Prosecutor Kintanar cannot be deemed as an admission of guilt but should be construed as a gesture of obedience to a superior's order to buy peace and avoid insubordination.



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the Department. Mrs. Benting is but a witness against respondent prosecutor and her subsequent stand for or against him is not material to his chastisement".

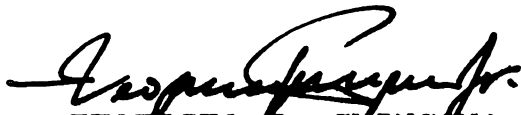
I concur with the findings of the Secretary of Justice which I find to be in accord with law and the evidence.

WHEREFORE, premises considered, Prosecutor Crispulo R. Truya is hereby found liable for gross misconduct. Accordingly, the penalty of suspension for one year and the forfeiture of his salaries and benefits during his period of suspension is hereby imposed.

Done in the City of Manila, this 2d day of May in the year of Our Lord, Nineteen Hundred and Ninety Four.



By the President :



TEOFISTO T. GUINGONA, JR.
Executive Secretary