[ADMINISTRATIVE ORDER NO. 105, January 18, 2000]

IMPOSING THE PENALTY OF ONE (1) YEAR SUSPENSION WITHOUT PAY ON ASSISTANT PROVINCIAL PROSECUTOR ABRAHAM F. DATLAG OF THE PROVINCIAL PROSECUTION OFFICE OF LA UNION FOR CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE

This refers to the administrative complaint filed against Assistant Provincial Prosecutor Abraham F. Datlag of the Office of the Provincial Prosecutor of La Union by Ricardo Aveno and Beatriz Ladia.

The complaint arose from the alleged bias of respondent prosecutor against the complainants' daughter, Perla Ladia, the private complainant in Criminal Cases Nos. 3573–3577 for rape (four [4] counts) and violation of Republic Act No. 7610 (one [1] count), which she earlier filed against a certain David Garcia with the Provincial Prosecutor of La Union. In their joint *Sinumpaang Salaysay* dated April 13, 1998, complainants Aveno and Ladia alleged, among other things, that during the investigation of Criminal Cases No. 3573–3577, respondent prosecutor uttered the words "Masyadong mabigat ang inihain na kaso ngunit ang salaysay ng bata ay mahina. Mahirap lamang kayo, nangangailangan ang kaso ng malaking pambayad sa abugado." They further alleged that respondent prosecutor had prejudged the cases in favor of Garcia by advising their daughter as follows: "Walang nangyaring panggagahasa. Kung kayo ay alukin ng P30,000.00 hanggang P50,000.00 ay tanggapin na ninyo. Makakatulong na sa inyo iyan at kayo ay nasa mahirap na kalagayan."

Respondent prosecutor denied the accusation, alleging that the complaint is a plain harassment suit that was prompted by his dismissal of Perla Ladia's rape charges.

On January 7, 1999, the Department of Justice instituted a formal charge for conduct prejudicial to the best interest of the service against respondent prosecutor. Shortly thereafter, hearings were conducted during which time Perla Ladia testified that respondent prosecutor indeed showed bias against her by uttering during the investigation of Criminal Cases No. 3573–3577 the words adverted to earlier. The complainants, for their part, affirmed their *Sinumpaang Salaysay* and corroborated their daughter's testimony.

After the requisite formal administrative investigation, the Secretary of Justice found respondent prosecutor guilty of conduct prejudicial to the best interest of the service for having uttered the words complained of and for having showed bias against Perla Ladia during the investigation of Criminal Cases No. 3573–3577.

We concur in the findings of the Secretary of Justice.

Perla Ladia positively testified that respondent prosecutor indeed showed bias against her and virtually prejudged Criminal Cases No. 3573–3577 by uttering the