

[ADMINISTRATIVE ORDER NO. 83, August 28, 1999]

IMPOSING THE PENALTY OF SUSPENSION FOR THREE (3) MONTHS WITHOUT PAY ON ASSISTANT PROSECUTOR AURELIO H. CASTILLO OF THE PROVINCIAL PROSECUTION OFFICE OF RIZAL, LAS PIÑAS SUB-OFFICE

This is an administrative case against Assistant Provincial Prosecutor Aurelio H. Castillo, Office of the Provincial Prosecutor of Rizal, Las Piñas Sub-Office, for inefficiency and incompetence in the performance of official duty.

The formal charge arose from respondent Castillo's taking cognizance of a complaint lodged against spouses Danilo and Milan Rose Bajador for falsification of public document and thereafter causing the filing of two (2) separate informations, one in the Regional Trial Court (RTC) and, the other, in the Metropolitan Trial Court (MTC), both of Las Piñas, Metro Manila. Claiming to have been prejudiced by respondent Castillo's actuations, Mrs. Bajador instituted the instant administrative complaint.

On May 14, 1998, respondent, as required by the Secretary of Justice, submitted his answer to complaint, therein stating that he was waiving his right to a formal investigation.

From the complaint and the answer and their respective annexes, I gather the following facts:

On April 19, 1996, a criminal complaint for estafa thru falsification of public document was filed against the Bajador spouses by Milagros D. Mandras, docketed as I.S. No. LP 96-531. In support of her complaint, Ms. Mandras adduced in evidence two (2) deeds of donation dated June 14, 1995 and June 20, 1995.

After the preliminary investigation, respondent Castillo, as prosecuting officer, rendered a resolution dated July 10, 1996, dismissing the charge of estafa, it being his finding that the deed of donation dated June 14, 1995 was genuine. He, however, found a probable cause to indict spouses Bajador for falsification of public document with respect to the deed of donation dated June 20, 1995, which on its face was executed and notarized in the City of Manila. On August 7, 1996, respondent filed the corresponding information with the RTC of Las Piñas, Metro Manila, Branch 225, where the case was docketed as Criminal Case No. 96-0340. Subsequently, he filed a "Motion to Withdraw Information", therein stating that, considering the nature of, and the imposable penalty for, the offense charged, the case falls within the jurisdiction of the MTC of Las Piñas. Without awaiting, however, the RTC's resolution on his motion to withdraw, respondent, on September 3, 1996, filed with the MTC of Las Piñas an information for falsification of public document, docketed thereat as Crim. Case No. 29055.