

[ADMINISTRATIVE ORDER NO. 91, October 14, 1999]

**IMPOSING THE PENALTY OF THIRTY (30) DAYS SUSPENSION
WITHOUT PAY ON ASSISTANT PROVINCIAL PROSECUTOR
ARTURO A. LLOBRERA, PROVINCIAL PROSECUTION OFFICE,
TARLAC, TARLAC.**

This refers to the administrative complaint filed by Marciano Doctor, Romeo Carbonell, Ernesto Delos Santos and Eufrocino Balmores against Assistant Provincial Prosecutor Arturo A. Llobrera of Tarlac for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights.

The records show that on July 1, 1987, complainants Doctor, et al., filed a criminal complaint against Ramon Ping Ting before the Office of the Provincial Prosecutor of Tarlac, docketed as I.S. No. 87-280. Later, on August 25, 1987, complainant Balmores filed before the same office a separate criminal complaint against Ting, the complaint docketed as I.S. No. 87-362. Both cases were assigned to respondent Prosecutor Llobrera. However, despite the lapse of almost three (3) years, Prosecutor Llobrera did not act upon the said complaints. Dismayed by the long delay, Balmores brought such dereliction of duty to the attention of the Chief State Prosecutor, who, in separate directives dated April 25, 1990 and May 21, 1990, ordered the Provincial Prosecutor of Tarlac to make a report on the charges of neglect of duty filed against Llobrera. When asked to comment on the said charges filed against him, Llobrera did not reply thereto nor act upon the criminal complaints filed by the complainants.

On the basis of the foregoing, complainants filed before the Office of the Ombudsman an administrative complaint for neglect of duty, conduct unbecoming of a prosecution officer and suppression of rights against respondent prosecutor. The case was docketed as OMB-ADM-1-96-0541 entitled "*Marciano Doctor, et al., versus Arturo A. Llobrera, et al.,*". Despite directives from the Office of the Ombudsman, Llobrera did not file his counter-affidavit nor submit any controverting evidence to refute the charges against him. On the basis of the uncontroverted evidence of the complainants, the Office of the Ombudsman, in an order dated September 4, 1997, found Llobrera guilty of simple neglect of duty. The Office of the Ombudsman, noting that this is Llobrera's first offense, merely recommend that he be suspended from office without pay for a period of thirty (30) days.

The Secretary of Justice forwarded the above order to this Office for implementation of the suspension from office of Llobrera, the latter being a presidential appointee.

With the foregoing findings of the Ombudsman as guide and after evaluating the records of this case, no other conclusion can be drawn other than that Llobrera had been remiss in the performance of his duties. Glaringly unjustifiable delay in resolving the criminal complaints aforementioned, not even to determine whether or not there existed a probable cause to criminally charge Ramon Ping Ting in court,