

[ADMINISTRATIVE ORDER NO. 403, June 08, 1998]

**IMPOSING THE PENALTY OF ONE (1) MONTH SUSPENSION
WITHOUT PAY ON ASSISTANT CITY PROSECUTOR PROSPERO B.
SEMANA OF QUEZON CITY**

This refers to the administrative complaint filed against Assistant City Prosecutor Prospero B. Semana of the Office of the City Prosecutor, Quezon City, for neglect of duty and inefficiency.

Records show that complainants Abdulmajid Godoy and others, filed on September 24, 1993 before the Office of the City Prosecutor of Quezon City a criminal complaint for grave threats, grave coercion and trespass to dwelling (I.S. No. 93-13449) against the security guards of Progressive Development Corporation, Araneta Center, Cubao, Quezon City. The preliminary investigation was handled by Prosecutor Semana who resolved the said complaint only on December 14, 1994 or after a period of more than one (1) year from the date the same was assigned to him. The resolution was approved by the City Prosecutor on December 15, 1994 and a copy of which was received by the complainants only on February 1, 1995.

Respondent Prosecutor Semana avers that the delay was not entirely his fault because he gave complainants sufficient time to submit additional evidence to substantiate their charges but due to the influx of cases, he inadvertently lost track of the case. Its dismissal was based on his honest appreciation of the facts and the evidence presented to him and his resolution therein was concurred in and approved by the City Prosecutor.

State Prosecutor Philip A. Aguinaldo of the Department of Justice was directed to conduct a formal investigation of the instant administrative complaint. After formal hearing, State Prosecutor Aguinaldo found Prosecutor Semana administratively liable for neglect of duty and inefficiency and recommended the penalty of one (1) month suspension without pay.

After a careful evaluation of the records of the case, the Secretary of Justice found Prosecutor Semana administratively liable for simple neglect of duty and recommends the latter's suspension for one (1) month without pay.

Indeed, the failure of Prosecutor Semana to resolve I.S. No. 93-13449 within the reglementary period as prescribed under DOJ Circular No. 35 as amended by DOJ Circular No. 49, dated July 14, 1993, constitutes neglect of duty and inefficiency. The long delay of more than one (1) year in the resolution of the criminal complaint greatly undermines the people's confidence in the prosecution service and ultimately in the administration of justice.

Finally, considering that Prosecutor Semana had previously been admonished by the Secretary of Justice for a similar infraction in an earlier administrative complaint, we agree with the Secretary of Justice that suspension is in order.