

**[ ADMINISTRATIVE ORDER NO. 128, May 02, 1994 ]**

**IMPOSING THE PENALTY 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 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's 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.

The recommendation of the Secretary of Justice in imposing the penalty of one year and the forfeiture of all salaries/benefits is based on his findings which reads:

"Respondent's act of extortion is the kind of gross and flaunting misconduct, no matter how nominal the amount involved, that so quickly and surely corrodes the respect for law without which government cannot continue and that tears apart the very bonds of our policy. The prosecutor should be the last person to be perceived as a corrupt bureaucrat out to take money at every turn.

All told, respondent prosecutor's mere denials cannot prevail over the positive assertion of Mrs. Benting and Prosecutor Kintanar as