

[ADMINISTRATIVE ORDER NO. 137, July 13, 1994]

IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) MONTH WITHOUT PAY ON ASSISTANT CITY PROSECUTOR SEVERINA A. ACUNA, CITY PROSECUTION OFFICE, KALOOKAN.

This refers to the administrative complaint filed against Asst. City Prosecutor Severina A. Acuna of Kalookan for grave misconduct and dishonesty.

Record shows that a complaint was filed with the Supreme Court against respondent prosecutor's husband, Victorio Acuna, who is a Deputy Sheriff, for absence without official leave, insubordination and conduct prejudicial to the best interest of the service. Also included in the complaint were Ana Lacaden and Virgincita Villalobos, who are also personnel of the Municipal Circuit Trial Court of San Juan. The cases were docketed as A.M. Nos. P-90-452 and P-92-667. The thrust of the complaint was the filing by Victorio Acuna of a sick leave application on October 13, 1988 on the ground that he was seriously ill when in truth and in fact he was not sick but actually had left for abroad and joined the husband of Ms. Ana Lacaden who was working at Saipan, U.S.A., and the collection and encashment by Ana Lacaden and Virgincita Villalobos of his pay checks up to November 30, 1988 despite knowledge of the fact that Acuna's leave credits had been exhausted already.

The Supreme Court in a decision dated April 7, 1993 dismissed from the service Victorio Acuna, Ana Lacaden and Virgincita Villalobos and requested the Department of Justice to conduct an inquiry and to take appropriate action against herein respondent prosecutor Severina Acuna. The Supreme Court said:

"We are disturbed by the high-handed manner in which Assistant Prosecutor Severina A. Acuna conducted herself during the investigation of the case. She represented all three respondents in the said investigation but would refuse to participate in the proceedings when she was asked questions that will yield answers which were not favorable to her case, and was insistent in participating when she wanted to protect her own interests and that of her husband and the other respondents. We also could not fail but notice her warped and scheming legal mind when a pattern was woven outlining her participation in the highly anomalous and reprehensible transaction subject of this case. If it is proven that she was the one who orchestrated respondent Acuna's leaving for abroad without the necessary procedures having been followed, his application for a sick leave to conceal his absence and respondents Villalobos and Lacaden's receiving respondent Acuna's salary when he was no longer entitled to it, then, Assistant Prosecutor Acuna's dismissal from the service, and suspension from the practice of law, is in order." (p. 7 Dec. *ibid*)