

**[ ADMINISTRATIVE ORDER NO. 173, December 20, 1994 ]**

**IMPOSING THE PENALTY OF DISMISSAL FROM THE SERVICE WITH FORFEITURE OF ALL THE BENEFITS UNDER THE LAW OF ASSISTANT CITY PROSECUTOR EDUARDO D. RESURRECCION OF QUEZON CITY**

This refers to the administrative complaint against Assistant City Prosecutor Eduardo D. Resurreccion of Quezon City for gross neglect of duty.

The records disclose the following:

In a letter-complaint dated 14 June 1994 of City Prosecutor Candido V. Rivera of Quezon City, herein respondent prosecutor, Eduardo D. Resurreccion, was formally charged and investigated for his failure to resolve eighty-seven (87) criminal cases assigned to and received by him for preliminary investigation within the prescribed sixty (60) days from date of assignment under Department Circular No. 49 series of 1993 which amended Department Circular No. 35, dated September 17, 1991. His pending and unresolved cases as of June 14, 1994 dated back as early as March 22, 1993 to April 14, 1994. The same are listed in a document denominated as "Report of Cases Which Have Remained Pending Beyond the 60-Day Period From The Date of Receipt By The Investigating Prosecutor", prepared and submitted to the Quezon City Prosecutor by Second Assistant City Prosecutor Ismael P. Casabar who is the Chief of the Prosecution Division of the Quezon City Prosecutor's Office.

Simultaneous with the issuance of the formal charge in the instant administrative case, respondent prosecutor was placed under preventive suspension for ninety (90) days without pay, pursuant to the provisions of Section 51, Chapter 7, Subtitle A, Title 1, Book V, of the Administrative Code.

Despite numerous opportunities accorded him to file his comment or answer to the administrative charge against him, Prosecutor Resurreccion failed to do so. During the formal investigation held on August 23, 1994, he offered no objection as to the existence and authenticity of complainant's pieces of evidence. Consequently, the case was submitted for resolution without controverting evidence from respondent prosecutor.

After due formal investigation, the Secretary of Justice found the following:

*"Without doubt, Prosecutor Resurreccion has greatly neglected his duty to resolve the eighty-seven (87) criminal cases assigned to him for preliminary investigation. His failure to act on these cases beyond the prescribed period under Department Circular No. 35, series of 1991, as amended by Department Circular No. 49, series of 1993, betrays his inefficiency and unfitness to discharge the duty of a public prosecutor. The number of his pending cases is highly irregular and bespeaks of the seriousness of his omission which resultantly affects the administration of*