

**[ ADMINISTRATIVE ORDER NO. 43, March 03, 1993 ]**

**SUSPENDING PROSECUTOR II PERPETUO L.B. ALONZO OF QUEZON CITY FOR A PERIOD OF ONE (1) MONTH WITHOUT PAY**

This refers to the administrative complaint filed against Prosecutor II Perpetuo L.B. Alonzo of Quezon City for the unreasonable delay incurred in the transmittal to the Department of Justice of the records in I.S. No. 89-1300, entitled "Tessie Marcelino versus Shirley Pascual and Lenida Herrera" for Estafa and Violation of BP Blg. 22, and in I.S. No. 89-2901, entitled "Shirley Pascual and Lenida Herrera versus Tessie Marcelino" for Violation of the National Internal Revenue Code; thereby resulting in the long delay in the resolution of the appeal filed therein.

In his Memorandum of April 25, 1991, the Secretary of Justice stated that:

"The records show that in the letter-explanations submitted by the clerical staff thru the City Prosecutor, namely Mesdames Marilou Escolin, Ambrocia Fortuno and Armida Bayquen, to whom the records of the aforesaid cases passed through, they attributed the cause of the delay in the transmittal of the records to respondent prosecutor, stating therein that the matter on the elevation of the records was referred to him and that he was being reminded from time to time about it.

"On the other hand, in his letter-explanation, respondent prosecutor vehemently denied the accusation against him. He alleges, among others, that Escolin was assigned as his secretary and, together with Prosecutor Reas, shared her secretarial services; that she was frequently absent from office especially during periods of peak workload; that she was very inefficient and recreant in her duties; thus prompting respondent prosecutor and Prosecutor Reas to seek for her replacement; that even when Escolin was relieved as respondent prosecutor's secretary, he was not informed of the said directive relative to the elevation of records and it only came to his knowledge at a much later date when his new secretary, Armida Bayquen, informed him about it; that by then, he was no longer assigned as trial prosecutor at Branch 84 of the RTC, Q.C.; that, thereupon, he instructed his new secretary to turn over the said records to the newly-assigned prosecutor at Branch 84, but his new secretary informed him that as a matter of routine the records would be returned to the Records Division; that he could not explain how said records could have been mislaid for some time as he regularly followed-up the work of his secretary and that he acted on all matters requiring his attention with diligence and dispatch; that he did not have any intention to delay the elevation of the records to the Department for review; and that finally, the circumstances in this case show that the long delay was due to factors beyond his control;