

**[ ADMINISTRATIVE ORDER NO. 67, July 21, 1993 ]**

**IMPOSING THE PENALTY OF SUSPENSION FOR ONE (1) MONTH WITHOUT PAY ON 2ND ASSISTANT PROVINCIAL PROSECUTOR ARMANDO V. CORTES OF DIGOS, DAVAO DEL SUR**

This refers to the administrative complaint filed by Ponciano Layug against 2nd Assistant Provincial Prosecutor Armando V. Cortes of Digos, Davao del Sur.

The complaint stemmed from a perjury case (TBP No. 86-02241) filed by the complainant, Ponciano Layug, before the Tanodbayan on September 29, 1986.

Initially, the preliminary investigation of the aforesaid cases was handled by Prosecutor Joel Hipe but was later re-assigned to Prosecutor Romeo Albarracin. After the parties submitted their memorandum the case was re-assigned to respondent-prosecutor.

Complainant alleged that: a) respondent-prosecutor dismissed his complaint for perjury (TBP No. 86-02241) without the benefit of a proper investigation and pursued the case for estafa thru falsification (TBP No. 86-01001) against him: b) it took respondent-prosecutor one (1) year to resolve the perjury case and two (2) years to dispose of the estafa thru falsification case; and c) TBP No. 87-03017 which was filed in November, 1987 is still pending with the respondent-prosecutor.

In answer to the charges, respondent-prosecutor claims that when the perjury case was assigned to him, the records were already complete, and believing that no other matter required clarification, he evaluated the same and eventually resolved the case. He admits the delay in the resolution of the cases but attributes it to the fact that he is not only an investigating fiscal but also a trial fiscal. He alleges that TBP No. 87-03017 had already been resolved on June 14, 1989. He insists that the instant administrative complaint is spawned by ill-will and resentment, and instituted to harass him.

The recommendation of the Secretary of Justice in imposing the penalty of suspension for one (1) month on respondent-prosecutor is based on his findings which reads:

"We noted, however, of the unreasonable delay in the disposition of the cases filed by the complainant. Records reveal that the perjury case (TBP No. 86-02241) filed by complainant was re-assigned to the respondent-prosecutor on November 16, 1987, per order of the same date, and was resolved by him on June 15, 1988, a period covering seven months or a delay of three months beyond the reglementary period. Furthermore, in TBP Case No. 87-03017 for falsification of official/public documents, it appears that the case was filed before respondent-prosecutor in November 1987 but was only resolved on June 14, 1989, per certification dated April 16, 1990, submitted by the respondent-prosecutor. The delay