

[ADMINISTRATIVE ORDER NO. 63, July 10, 1993]

**IMPOSING THE PENALTY OF SUSPENSION FOR ONE YEAR
WITHOUT PAY ON 2ND ASSISTANT PROVINCIAL PROSECUTOR
RODOLFO S. YANSON OF MAGUINDANAO**

This refers to Administrative Case No. 91-0069 which the DOJ filed motu proprio against 2nd Assistant Provincial Prosecutor Rodolfo S. Yanson of Maguindanao (formerly connected with the City Prosecution office of Cotabato City) for graft and corruption.

The case stemmed from the Investigation Report dated November 26, 1990 of the NBI which found that respondent-prosecutor 1) misappropriated for his own personal use and benefit the amount of P2,000.00 representing the cash bail bond posted by Floresto Balofinos, a respondent in Criminal Case No. 391 for violation of Batas Pambansa Bilang 22 of which Yanson was the public prosecutor; 2) received various amounts on different dates from Balofinos allegedly as partial settlement of the case, which amounts were also misappropriated by Yanson; 3) misappropriated the evidence money of P47,070.00 in I.S. No. 89-10-32 (People vs. Elpedio Carmelotes, et al.) for violation of PD 1602; and 4) had not turned-over the amount of P40,000.00, a part of the loot in the robbery-holdup case of the AMANAH BANK in Cotabato City, to the City Prosecutor's Office when he transferred to the Office of the Provincial Prosecutor of Maguindanao.

On June 26, 1991, the Chief of the Legal and Evaluation Division of the NBI recommended that respondent-prosecutor be charged for 1) Estafa thru False Pretense; 2) Theft; and 3) Violation of paragraph 9, Sec. 3 of R. A. 3019, as amended.

On August 29, 1991, the entire records of OMB-ADM-3-91-0344 entitled Siao Ching Ho versus Maminting Malli and Rodolfo Yanson was referred to the DOJ for administrative adjudication.

Pursuant to DOJ Department Order No. 315, a formal investigation of the administrative case was conducted.

In traversing the accusation, respondent-prosecutor categorically denied having received the cash bail bond in the amount of P2,000.00 for the reason that the same was directly filed with the Clerk of Court. He claims that if at all he received the total amount of P21,000.00 from Balofinos as partial settlement of the case, it was upon authority of complaining witness Siao Ching Ho and with the imprimatur of City Prosecutor Ortillano Tan. The said amount was returned on March 29, 1990. He further claims that the evidence money in I.S. No. 89-10-32 in the amount of P47,070.00 was returned on June 30, 1990.

The Secretary of Justice found respondent-prosecutor liable for gross misconduct in office and recommended that the penalty of suspension for one (1) year be