

[ADMINISTRATIVE ORDER NO. 118, March 06, 1989]

ADMINISTRATIVE CASE AGAINST CITY FISCAL JESUS TADEO OF GENERAL SANTOS CITY

This refers to the administrative complaint filed by Leon Llido, Sr., and Rodolfo Llido against then City Fiscal Jesus Tadeo of General Santos City (now deceased) for attempted extortion and abuse of authority as investigating and prosecuting fiscal.

Records show that, at the time of the filing of the complaint, complainant Rodolfo (Ditdit) Llido was a detention prisoner for the December 1969 killing of Adan delas Marias in General Santos City, while complainant Leon Llido, Sr., was being sought to be included as co-accused in the De las Marias case.

The complaint alleged that, on several occasions, respondent Tadeo attempted to extort from the Llidos the amount of P500,000.00 or a piece of residential lot for and in consideration of dropping the case against Rodolfo Llido by making him a state witness and excluding Leon Llido, Sr., as accused; that respondent, through Ramy Llido, attempted to extort P30,000.00 from them; and that respondent abused his power as investigating and prosecuting fiscal when he gave due course to the May 7, 1972 motion for reinvestigation to include Leon Llido, Sr., as accused.

After due investigation, the Secretary of Justice exonerated respondent from the charges of extortion and abuse of authority but found him guilty of gross misconduct for actively participating and exhibiting unusual interest to compromise the criminal case against the Llidos by attending several conferences with them at the Merchants Hotel in Manila and at respondent's residence, despite the established rule that a criminal case cannot be compromised even when the private offended party has agreed, the reason being that the State is the real offended party and the private offended party is only a witness for the State. Accordingly, the Secretary of Justice recommended that respondent's resignation be accepted. He further commented that respondent fiscal does not deserve to continue holding his position which calls for irreproachable honesty and integrity.

On May 17, 1975, respondent died. Although such death, like resignation, now precludes us from dismissing the deceased respondent from the service (see: *People vs. Valenzuela*, L-63950, April 19, 1985; 135 SCRA 712, 718) as such death had separated him from the service (*Hermosa vs. Paraiso*, Adm. Case No. P-189, February 14, 1975; 62 SCRA 361, 362), we shall nonetheless resolve this case to determine whether respondent's heirs may receive retirement gratuity and other accrued benefits (*Hermosa vs. Paraiso*, *supra*) which are to be forfeited if his guilt is duly established (*Idem*) .

I concur in the findings and recommendation of the Secretary of Justice that the deceased respondent was not guilty of extortion and abuse of authority, but guilty of