

[ADMINISTRATIVE ORDER NO. 139, September 20, 1989]

SUSPENDING ASSISTANT CITY FISCAL NORMA B. SIAO OF ILAGAN CITY FOR ONE MONTH AND ONE DAY.

This is an administrative case against Assistant City Fiscal Norma B. Siao of Iligan City for neglect of duty, grave misconduct, discourtesy in the course of official duties, inefficiency and incompetence in the performance of officials functions, and conduct prejudicial to the best interest of the service.

The case was the offshoot of a sworn complaint-affidavit dated October 23, 1987, filed by herein complainant Jose L. Salinas against City Fiscal Ulysses V. Lagcao and Assistant City Fiscal Norma B. Siao of Iligan City, in connection with the charges/counter-charges filed by and between complainant and his spouse Virginia Salinas.

Records show that, on March 2, 1987, Virginia Salinas filed a criminal complaint for attempted parricide (I.S. No. 87-238) against her husband, Jose Salinas, before Iligan City Fiscal Ulysses Lagcao. After due investigation, on March 5, 1987, an information for attempted parricide was filed in court by Fiscal Lagcao.

On April 24, 1987, complainant filed a counter-charge for the same felony against his wife, which case was assigned to Fiscal Norma B. Siao. On October 15, 1987, or more than seven (7) months from the commission of the crime, Fiscal Siao recommended the filing of an information for slight physical injuries only, which was approved by the City Fiscal. However, in an order of October 19, 1987, the Municipal Trial Court of Iligan City dismissed the case for having already prescribed. Inquest Fiscal Norma B. Siao moved to reconsider said order, but the same was denied by the court in its subsequent order of November 24, 1987.

Likewise, in a resolution, dated August 21, 1987, Fiscal Siao recommended the dismissal of I.S. No. 87-743 filed by complainant against his wife for uttering statements derogatory to his person, on the ground that the evidence on hand was insufficient to establish a prima facie case. Moreover, I.S. No. 87-713, also filed by complainant against his wife for theft and false reporting was similarly recommended to be dismissed by Fiscal Siao.

Resolving the complaint of Salinas against Fiscal Siao, the Secretary of Justice, after appropriate proceedings, found respondent fiscal guilty of inefficiency. For insufficiency of evidence, however, the other charges against respondent were ordered dismissed. As observed by the Justice Secretary:

“While there is basically nothing irregular when Fiscal Siao granted postponements on valid grounds or exerted efforts to reconcile the parties as the circumstances may warrant, such should not be made as