

[ADMINISTRATIVE ORDER NO. 54, January 29, 1988]

**IMPOSING THE PENALTY OF SUSPENSION FROM OFFICE ON
FAUSTINO H. PARAGUYA, FIRST ASSISTANT PROVINCIAL
FISCAL OF SURIGAO DEL NORTE FOR A PERIOD OF ONE (1)
MONTH**

This refers to the administrative case filed by Quintin E.L. Paredes, Provincial Fiscal of Surigao del Norte, against Assistant Provincial Fiscal Faustino Paraguya for reckless negligence, short of infidelity in the custody of documents.

The complaint, dated April 15, 1987, which arose from the loss of documentary evidence/exhibits in connection with Criminal Case No. 601, known as the SIARELCO case, was filed with the Ministry (now Department) of Justice on May 8, 1987. Subsequently, respondent Fiscal Paraguya was directed to file his answer to the complaint. In compliance therewith, respondent fiscal submitted his answer contained in a 2nd indorsement, dated June 17, 1987, alleging inter alia that:

"With all honesty, I beg to say that I wanted to help prosecute this case to the fullest to prove to Fiscal Paredes who was very instrumental in making me the 1st Assistant Provincial Fiscal and to the Department of Justice my efficiency and high performance. x x x

"Presently, I am in the midst of reconstituting those lost evidences. Spending time, efforts and money of my own just to reconstruct said evidences. I am actually doing this because I know and understand the consequences of losing this case. This is a celebrated case."

The Secretary of Justice, in his letter dated November 11, 1987, recommended that the penalty of suspension from the service for a period of one (1) month be meted out on respondent. The recommendation was premised on the following:

"Fiscal Paraguya admitted having taken the records of the case in order to study it thoroughly. He claimed he returned the records to the Acting Records Officer and discovered that the exhibits were missing only on March 6, 1987 when the case was called for the continuation of the trial.

"In deciding the recommended penalty, I took into consideration his candour in accepting the blame; his plea for clemency and understanding; and his promise to exert efforts towards the reconstruction of the lost exhibits."

After a careful review of the case, I agree with and adopt the findings and recommendation of the Secretary of Justice, supported, as they are, by the evidence on record.