

[ADMINISTRATIVE ORDER NO. 477, January 30, 1984]

IMPOSING ON ASSISTANT CITY FISCAL RICARDO P. ESCUETA OF QUEZON CITY A FINE EQUIVALENT TO FOUR (4) MONTHS' PAY

This is an administrative complaint initiated by Vidal Amojelar against Assistant City Fiscal Ricardo P. Escueta of Quezon City for alleged notorious and disgraceful conduct in connection with the preliminary investigation of I.S. Nos. 14108-70 and 484-71, which were then pending before the latter.

Complainant alleged that respondent, in conducting said preliminary investigation committed the following: (1) respondent had set a date for preliminary investigation with notice to both parties, but conducted the same ahead of the scheduled date of hearing; (2) respondent falsified a public document by representing that both parties failed to appear on the scheduled date of investigation when in truth the scheduled date was moved ahead without notifying both parties; (3) complainant was not furnished a copy of respondent's resolution; (4) respondent indiscriminately granted postponements at the instances of the adverse party despite the vigorous objections of the complainant; (5) respondent filed an information for acts of lasciviousness against complainant without conducting a preliminary investigation; (6) respondent incited the adverse party to file a complaint for acts of lasciviousness against complainant; (7) respondent was partial to the adverse party and had interest in railroading the case against complainant; and (8) respondent exercised his discretion in an abusive and vindictive manner.

After the formal investigation of the complaint, respondent was found guilty of serious violation of Circular No. 61 of the Department of Justice, dated September 9, 1970, for having failed to furnish the complainant or his counsel copies of his resolution in connection with the preliminary investigation conducted by him on the criminal case filed by the parties against each other. He was also found guilty of having (1) failed to resolve a motion to dismiss filed by Amojelar's counsel seeking the dismissal of the charges of trespass to dwelling and attempted rape, (2) dropped the trespass to dwelling charge without making any resolution and (3) dropped the attempted rape charge and filed instead a complaint for acts of lasciviousness without resolution.

When the instant case was being reviewed by this office, it received: (1) an affidavit dated November 26, 1974, of respondent's clerk-secretary, Antonio C. Mendoza, declaring, among other things, that "all the cases assigned to Fiscal Escueta are covered by and accompanied with resolution as it is a routine procedure in the Fiscal's Office of Quezon City without which the information will be returned to the fiscal concerned for the execution of the necessary resolution"; (2) a certification dated November 27, 1974, of then Quezon City Fiscal Justiniano P. Cortez to the effect that "pursuant to Circular No. 61 dated September 9, 1970, of the Department of Justice, reiterated in a circular of Chief State Prosecutor Rodolfo A.