

[ADMINISTRATIVE ORDER NO. 461, December 29, 1982]

IMPOSING A FINE OF ONE (1) MONTH'S SALARY ON HORATHIO O. RAÑOLA AND RICARDO S. SUMAWAY, ASSISTANT PROVINCIAL FISCALS OF RIZAL

This is an administrative case filed by Lydia Vicente against Horathorio O. Rañola and Ricardo S. Sumaway, both Assistant Provincial Fiscals of Rizal. The complainant herein charged Fiscal Rañola with grave misconduct in office, and charged Fiscal Sumaway with gross ignorance of the law. In addition, the complainant charged both Fiscals with conspiracy to delay the resolution of I.S. No. 75-780 of the Office of the Provincial Fiscal of Rizal.

As borne by the records, on January 16, 1975, Lydia Vicente filed in the Office of the Provincial Fiscal of Rizal a criminal complaint for grave oral defamation against a certain Felicisima Javier. The complainant alleged that tin crime was committed on September 7, 1974 or thereabouts. The case was docketed as I. S. No. 75-780, and assigned to Fiscal Rañola for preliminary investigation.

On February 21, 1975, or more than one month after the filing of the complaint, the opposing parties and counsels finally appeared before Fiscal Rañola, and submitted their respective affidavits and counter-affidavits. The case was then submitted for resolution.

On the following day, or February 22, 1975, Fiscal Rañola filed with the Rizal Provincial Fiscal a motion to inhibit himself from further handling I.S. No. 75-780, Fiscal Rañola explained that he was prosecuting another criminal ease for oral defamation, docketed as Criminal Case No. 143-74, in the Municipal Court of Montalban, Rizal, wherein the accused is Lydia Vicente and the complaining witness is one Remedios Javier, the sister of the respondent in I. S. No. 75-780.

Fiscal Rañola's motion was approved by lire Rizal Provincial Fiscal, and 1. S. No. 75-730 was re-assigned to fiscal Sumaway, On March 7, 1975, Fiscal Sumaway conducted another hearing of the case for clarificatory question, after which the ease was submitted for resolution.

On May 31, 1975, Fiscal Sumaway filed in the Municipal Court of Montalban, Rizal, an information for grave oral defamation docketed as Criminal Case No. 65-75. However, on June 26, 1975, the Court issued an Order dismissing the case on the ground that the crime. if any, had prescribed.

On account of the foregoing facts, on July 30, 1975, Lydia Vicente filed the present administrative case against Fiscals Rañola and Sumaway. A formal investigation was conducted by a State Prosecutor designated by then Secretary (now Minister) of Justice, and the respondent Fiscals presented evidence in their defense.