

## **[ ADMINISTRATIVE ORDER NO. 176, July 15, 1969 ]**

### **SUSPENDING MR. JUAN SALAZAR FROM OFFICE AS PROVINCIAL FISCAL OF THE PROVINCE OF LAGUNA**

This is an administrative case against Provincial Fiscal Juan Salazar of Laguna who, together with then Third Assistant Provincial Fiscal Eliezer Tengco, was charged with dishonesty, misconduct in office and neglect of duty. The charges were investigated by a special panel created by the Secretary of Justice and composed of the City Fiscals of Baguio and Cabanatuan and the Provincial Fiscal of Bukidnon. Fiscal Tengco having been ordered removed from office in Administrative Order. No. 26 dated November 11, 1966, this decision shall be limited to the case against Provincial Fiscal Salazar, who shall be referred to hereafter as the respondent.

The following facts appear duly established:

On February 23, 1964, at Famy, Lacuna, untaxed "Union" cigarettes were confiscated by the Philippine Constabulary. An inventory on the same data, with Tengco as one of the witnesses, was taken wherein it was certified that the catch comprised of 192 cases of genuine blue seal cigarettes (Exh. A). The following day Tengco, having finished the preliminary investigation, filed the criminal information (Exh.T). The cigarettes were then transferred to the BIR Regional Office at San Pablo City, with the BIR administrative officer issuing a receipt therefor stating that the items were genuine blue seal cigarettes (Exh. C).

Upon request of respondent, the BIR on March 25, 1964, transferred the goods to the office of the provincial fiscal of Sta. Cruz, Laguna, ostensibly for the purpose of presenting the same as evidence in the reinvestigation of the case. Reynaldo Cambel, administrative officer of the Provincial Fiscal Office, was authorized by respondent to take possession of the same. On the way to Sta Cruz, at Magdalena, Cambel, upon prior instigation of the alleged smuggler, Luis Barcelona, together with 18 other persons including members of the police force of San-Pablo City, effected a switch, wherein 142 cases of the genuine cigarettes were changed with similar cases containing rice bran or chaff (Exh. II, sworn statement of Cambel). About midnight of April 12, 1964, Cambel effected a second swap in the courthouse at Sta. Cruz where he got 34 cases. This incident was witnessed by the guards and reported to the deputy clerk of court. On the same day, Cambel approached Tengco and confessed the whole affair. Gambol and Tengco then proceeded to Manila to report the matter to respondent.

The reinvestigation of the case against the possessors of the cigarettes by Tengco, although postponed for several times, finally took place on May 5, 1964, and when a second. inventory of the cigarettes was taken, it was found out that of the original 9,600 cartons contained in 192 cases only 2,000 cartons distributed among 192 cases were left. The resolution and the amended information (reducing the quantity